

OFFICE OF FISCAL ANALYSIS

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SB-940

AN ACT CONCERNING STATE AGENCY COMPLIANCE WITH
PROBATE COURT ORDERS.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Social Services, Dept.; Attorney General; Children & Families, Dept.; Department of Developmental Services	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill requires state agencies to recognize, apply, and enforce any probate court orders, denials or decrees and may result in a cost to the state to represent agency interests in Probate Court proceedings. To the extent that agencies are not currently complying with such orders, this bill may also result in a cost to the agencies to comply.

In addition, to the extent that the Probate Court order potentially violates federal law or jeopardizes federal funding, it is likely the affected agency, represented by the Office of the Attorney General, would appeal the decision. In accordance with federal law (42 USC 1396a(a)(5)), the Department of Social Services has been identified as the single state agency to determine Medicaid eligibility and therefore eligibility determination is outside the scope of the Probate Court and assumed unchanged by the bill.

The Out Years

Primary Analyst: PR
Contributing Analyst(s): LD, CG, ES
Reviewer: ME

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The annualized ongoing fiscal impact identified above would continue into the future.