

Judiciary Committee JOINT FAVORABLE REPORT

Bill No.: SB-940

AN ACT CONCERNING STATE AGENCY COMPLIANCE WITH PROBATE

Title: COURT ORDERS.

Vote Date: 4/8/2021

Vote Action: Joint Favorable

PH Date: 3/15/2021

File No.: 610

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SPONSORS OF BILL:

The Judiciary Committee

Rep. Craig C. Fishbein, 90th Dist.,

Sen. Kevin C. Kelly, 21st Dist.

REASONS FOR BILL:

This bill requires that any order, denial or decree from the Probate Court must be complied with by the affected state agency. However, such state agency would retain the right to appeal any order, denial or decree to the Superior Court. This legislation retains and clarifies the full force, authority and jurisdiction of the Probate & Superior Courts and authority of each court and their respective decisions on state agencies.

RESPONSE FROM ADMINISTRATION/AGENCY:

Connecticut Department of Developmental Services, Commissioner, Jordan Scheff, does not explicitly express support nor opposition but raises concerns in Sec. 1 that would enable the Probate Courts to require any state agency to follow a Probate Court's order or decree applicable to state agencies. It is stated that the Probate Courts already have the authority to enforce orders by convening a contempt "show cause" hearing if it is alleged that an agency has not complied with an order. It is also stated that in the court case *Bellonio v. Richardson*, 2 Conn. Rpter 789, 1990 WL 274581 (1990), the Superior Court ruled that the alleged failure of a state agency (DMR) to comply with an order within the limited jurisdiction of the Probate Court should be left to the Probate Courts' contempt authority for enforcement.

Office of the Probate Court Administrator, Probate Court Administrator, Beverly Streit-Kefalas; supports this bill stating that this will confirm existing law by stating that state agency is bound by the court's decision. The provisions of the bill are consistent with the decision of the Supreme Court in *Valliere v. Commissioner of Social Services, 328 Conn. 294 (2018)* where the Supreme Court rejected an appeal case and upheld the Probate Court decision.

NATURE AND SOURCES OF SUPPORT:

Connecticut General Assembly, State Senator, Kevin Kelly; supports this bill stating that it would make Probate Court orders binding on state agencies when the Probate Court has statutory jurisdiction over the subject matter. It is stated that this bill does not give authority to courts to make Medicaid eligibility determinations nor does it give DSS the authority to issue court decrees. It is also stated that this bill is designed to clarify the statutory authority of the courts and DSS and to give full force and authority of the respective decisions.

NATURE AND SOURCES OF OPPOSITION:

None Stated.

Reported by: Edward Jacome

Date: 4/16/2021