



Senate Bill No. 959

Public Act No. 21-100

AN ACT CONCERNING PROBATE COURT OPERATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Subsection (b) of section 45a-106a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(b) The fee to file each of the following motions, petitions or applications in a Probate Court is two hundred fifty dollars:

(1) With respect to a minor child: (A) Appoint a temporary guardian, temporary custodian, guardian, coguardian, permanent guardian or statutory parent, (B) remove a guardian, including the appointment of another guardian, (C) reinstate a parent as guardian, (D) terminate parental rights, including the appointment of a guardian or statutory parent, (E) grant visitation, (F) make findings regarding special immigrant juvenile status, (G) approve placement of a child for adoption outside this state, (H) approve an adoption, (I) validate a foreign adoption, (J) review, modify or enforce a cooperative postadoption agreement, (K) review an order concerning contact between an adopted child and his or her siblings, (L) resolve a dispute concerning a standby guardian, (M) approve a plan for voluntary services provided by the Department of Children and Families, (N)

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determine whether the termination of voluntary services provided by the Department of Children and Families is in accordance with applicable regulations, (O) conduct an in-court review to modify an order, (P) grant emancipation, (Q) grant approval to marry, (R) transfer funds to a custodian under sections 45a-557 to 45a-560b, inclusive, (S) appoint a successor custodian under section 45a-559c, (T) resolve a dispute concerning custodianship under sections 45a-557 to 45a-560b, inclusive, and (U) grant authority to purchase real estate;

(2) Determine paternity;

(3) Determine the age and date of birth of an adopted person born outside the United States;

(4) With respect to adoption records: (A) Appoint a guardian ad litem for a biological relative who cannot be located or appears to be incompetent, (B) appeal the refusal of an agency to release information, (C) release medical information when required for treatment, and (D) grant access to an original birth certificate;

(5) Approve an adult adoption;

(6) With respect to a conservatorship: (A) Appoint a temporary conservator, conservator or special limited conservator, (B) change residence, terminate a tenancy or lease, sell or dispose household furnishings, or place in a long-term care facility, (C) determine competency to vote, (D) approve a support allowance for a spouse, (E) grant authority to elect the spousal share, (F) grant authority to purchase real estate, (G) give instructions regarding administration of a joint asset or liability, (H) distribute gifts, (I) grant authority to consent to involuntary medication, (J) determine whether informed consent has been given for voluntary admission to a hospital for psychiatric disabilities, (K) determine life-sustaining medical treatment, (L) transfer to or from another state, (M) modify the conservatorship in connection

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with a periodic review, (N) excuse accounts under rules of procedure approved by the Supreme Court under section 45a-78, (O) terminate the conservatorship, and (P) grant a writ of habeas corpus;

(7) With respect to a power of attorney: (A) Compel an account by an agent, (B) review the conduct of an agent, (C) construe the power of attorney, and (D) mandate acceptance of the power of attorney;

(8) Resolve a dispute concerning advance directives or life-sustaining medical treatment when the individual does not have a conservator or guardian;

(9) With respect to an elderly person, as defined in section 17b-450: (A) Enjoin an individual from interfering with the provision of protective services to such elderly person, and (B) authorize the Commissioner of Social Services to enter the premises of such elderly person to determine whether such elderly person needs protective services;

(10) With respect to an adult with intellectual disability: (A) Appoint a temporary limited guardian, guardian or standby guardian, (B) grant visitation, (C) determine competency to vote, (D) modify the guardianship in connection with a periodic review, (E) determine life-sustaining medical treatment, (F) approve an involuntary placement, (G) review an involuntary placement, (H) authorize a guardian to manage the finances of such adult, and (I) grant a writ of habeas corpus;

(11) With respect to psychiatric disability: (A) Commit an individual for treatment, (B) issue a warrant for examination of an individual at a general hospital, (C) determine whether there is probable cause to continue an involuntary confinement, (D) review an involuntary confinement for possible release, (E) authorize shock therapy, (F) authorize medication for treatment of psychiatric disability, (G) review the status of an individual under the age of sixteen as a voluntary

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patient, and (H) recommit an individual under the age of sixteen for further treatment;

(12) With respect to drug or alcohol dependency: (A) Commit an individual for treatment, (B) recommit an individual for further treatment, and (C) terminate an involuntary confinement;

(13) With respect to tuberculosis: (A) Commit an individual for treatment, (B) issue a warrant to enforce an examination order, and (C) terminate an involuntary confinement;

(14) Compel an account by the trustee of an inter vivos trust, custodian under sections 45a-557 to 45a-560b, inclusive, or treasurer of an ecclesiastical society or cemetery association;

(15) With respect to a testamentary or inter vivos trust: (A) Construe, validate, divide, combine, reform, modify or terminate the trust, (B) enforce the provisions of a pet trust, [and] (C) excuse a final account under rules of procedure approved by the Supreme Court under section 45a-78, and (D) assume jurisdiction of an out-of-state trust;

(16) Authorize a fiduciary to establish a trust;

(17) Appoint a trustee for a missing person;

(18) Change a person's name;

(19) Issue an order to amend the birth certificate of an individual born in another state to reflect a gender change;

(20) Require the Department of Public Health to issue a delayed birth certificate;

(21) Compel the board of a cemetery association to disclose the minutes of the annual meeting;

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(22) Issue an order to protect a grave marker;

(23) Restore rights to purchase, possess and transport firearms;

(24) Issue an order permitting sterilization of an individual;

(25) Approve the transfer of structured settlement payment rights;
and

(26) With respect to any case in a Probate Court other than a decedent's estate: (A) Compel or approve an action by the fiduciary, (B) give [advice or] instruction to the fiduciary, (C) authorize a fiduciary to compromise a claim, (D) list, sell or mortgage real property, (E) determine title to property, (F) resolve a dispute between cofiduciaries or among fiduciaries, (G) remove a fiduciary, (H) appoint a successor fiduciary or fill a vacancy in the office of fiduciary, (I) approve fiduciary or attorney's fees, (J) apply the doctrine of cy pres or approximation, (K) reconsider, modify or revoke an order, and (L) decide an action on a probate bond.

Sec. 2. Subsection (c) of section 45a-106a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(c) The fee to file a petition for custody of the remains of a deceased person in a Probate Court is one hundred fifty dollars, except that the court shall waive the fee if the state is obligated to pay funeral and burial expenses under section 17b-84 or 17b-131.

Sec. 3. Subdivision (4) of subsection (b) of section 45a-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(4) In any matter in which the Commissioner of Administrative Services is the legal representative of the estate pursuant to section 4a-

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16, the fee shall be the lesser of (A) the amount calculated under subdivisions (1) and (2) of this subsection, or (B) the amount collected by the Commissioner of Administrative Services after paying the expense of funeral and burial in accordance with section 17b-84 or 17b-131.

Sec. 4. Subdivision (4) of subsection (c) of section 45a-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(4) In any matter in which the Commissioner of Administrative Services is the legal representative of the estate pursuant to section 4a-16, the fee shall be the lesser of (A) the amount calculated under subdivisions (1) and (2) of this subsection, or (B) the amount collected by the Commissioner of Administrative Services after paying the expense of funeral and burial in accordance with section 17b-84 or 17b-131.

Sec. 5. Section 45a-111 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) No fee or expense shall be charged for any proceedings in the settlement of the estate of any member of the armed forces who died while in service in time of war as defined in section 27-103.

(b) No fees or expenses shall be charged under sections [45a-107] 45a-106a to 45a-112, inclusive, as amended by this act, or under section 45a-727 for adoption proceedings involving special needs children.

(c) If a petitioner or applicant to a Probate Court claims that unless his or her obligation to pay the fees and the necessary expenses of the action, including the expense of service of process, is waived, such petitioner or applicant will be deprived by reason of his or her indigency of his or her right to bring a petition or application to such court or that he or she is otherwise unable to pay the fees and necessary expenses of

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the action, he or she may file with the clerk of such Probate Court an application for waiver of payment of such fees and necessary expenses. Such application shall be signed under penalty of false statement, shall state the applicant's financial circumstances, and shall identify the fees and expenses sought to be waived and the approximate amount of each. If the court finds that the applicant is unable to pay such fees and expenses, it shall order such fees and expenses waived. If such expenses include the expense of service of process, the court, in its order, shall indicate the method of service authorized and the expense of such service shall be paid from funds appropriated to the Judicial Department, except that, if funds have not been included in the budget of the Judicial Department for such expenses, such expenses shall be paid from the Probate Court Administration Fund.

(d) The court may, in its discretion, postpone payment of any [entry] filing fee or other fee or expense due under sections [45a-107] 45a-106a to 45a-112, inclusive, as amended by this act, and enter any matter if it appears to the court that to require such [entry] filing fee or other fee or expense to accompany submission of the matter would cause undue delay or hardship, but in such case the applicant, petitioner or moving party shall be liable for the [entry] filing fee and all other fees and expenses upon receipt of an invoice therefor from the court.

(e) Any fee or expense charged under the provisions of sections [45a-107] 45a-106a to 45a-112, inclusive, as amended by this act, shall not be subject to the tax imposed under chapter 219.

Sec. 6. Section 45a-112 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

When the state or any of its agencies is an applicant, petitioner or moving party commencing a matter in a Probate Court, or is otherwise liable for the fees or expenses under sections [45a-107] 45a-106a to 45a-112, inclusive, as amended by this act, the court shall accept such matter

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without the [entry] filing fee accompanying the filing thereof, and shall bill the [entry] filing fee or other fee or expense to the appropriate agency for subsequent payment, which payment shall be due and payable upon receipt of such bill.

Sec. 7. Section 45a-113a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

Whenever a Probate Court determines that a refund is due an applicant, petitioner, moving party or other person for any overpayment of costs, fees, charges or expenses incurred under the provisions of sections [45a-107] 45a-106a to 45a-112, inclusive, as amended by this act, the Probate Court Administrator shall, upon receipt of certification of such overpayment by the Probate Court that issued the invoice for such costs, fees, charges or expenses, cause a refund of such overpayment to be issued from the Probate Court Administration Fund.

Sec. 8. Section 45a-113b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

Each court of probate may allow the payment of any fees charged by such court by means of a credit card, charge card, [or] debit card or an electronic funds transfer and may charge the person making such payment a service fee for any such payment made by any such card or electronic funds transfer. The fee shall not exceed any charge by the card issuer or processing fee for electronic funds transfer, including any discount rate.

Sec. 9. Subsections (d) to (l), inclusive, of section 45a-186 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(d) An appeal from a decision rendered in any case after a recording of the proceedings is made under section 17a-498, 17a-543, 17a-543a, [or]

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17a-685, or 19a-131b, sections 45a-644 to 45a-667v, inclusive, or section 51-72 or 51-73, shall be on the record and shall not be a trial de novo.

(e) Each person who files an appeal pursuant to this section shall serve a copy of the complaint on each interested party. The failure of any person to make such service shall not deprive the Superior Court of jurisdiction over the appeal. Notwithstanding the provisions of section 52-50, service of the copy of the complaint shall be by state marshal, constable or an indifferent person. Service shall be in hand or by leaving a copy at the place of residence of the interested party being served or at the address for the interested party on file with the Probate Court, except that service on a respondent or conserved person in an appeal from an action under part IV of chapter 802h shall be in hand by a state marshal, constable or an indifferent person.

(f) In addition to the notice given under subsection (e) of this section, each person who files an appeal pursuant to this section shall mail a copy of the complaint to the Probate Court that rendered the order, denial or decree appealed from. The Probate Court and the probate judge that rendered the order, denial or decree appealed from shall not be made parties to the appeal and shall not be named in the complaint as parties.

(g) Not later than fifteen days after a person files an appeal under this section, the person who filed the appeal shall file or cause to be filed with the clerk of the Superior Court a document containing (1) the name, address and signature of the person making service, and (2) a statement of the date and manner in which a copy of the complaint was served on each interested party and mailed to the Probate Court that rendered the order, denial or decree appealed from.

(h) If service has not been made on an interested party, the Superior Court, on motion, shall make such orders of notice of the appeal as are reasonably calculated to notify any necessary party not yet served.

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(i) A hearing in an appeal from probate proceedings under section 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685, 19a-131b, 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-699, 45a-703 or 45a-717 shall commence, unless a stay has been issued pursuant to subsection (j) of this section, not later than ninety days after the appeal has been filed.

(j) The filing of an appeal under this section shall not, of itself, stay enforcement of the order, denial or decree from which the appeal is taken. A motion for a stay may be made to the Probate Court or the Superior Court. The filing of a motion with the Probate Court shall not preclude action by the Superior Court.

(k) Nothing in this section shall prevent any person aggrieved by any order, denial or decree of a Probate Court in any matter, unless otherwise specially provided by law, from filing a petition for a writ of habeas corpus, a petition for termination of involuntary representation or a petition for any other available remedy.

(l) (1) Except for matters described in subdivision (3) of this subsection, in any appeal filed under this section, the appeal may be referred by the Superior Court to a special assignment probate judge appointed in accordance with section 45a-79b, who is assigned by the Probate Court Administrator for the purposes of such appeal, except that such appeal shall be heard by the Superior Court if any party files a demand for such hearing in writing with the Superior Court not later than twenty days after service of the appeal.

(2) An appeal referred to a special assignment probate judge pursuant to this subsection shall proceed in accordance with the rules for references set forth in the rules of the judges of the Superior Court.

(3) The following matters shall not be referred to a special assignment probate judge pursuant to this subsection: Appeals under sections 17a-

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75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688, inclusive, 19a-131b, children's matters as defined in subsection (a) of section 45a-8a, sections 45a-644 to 45a-663, inclusive, 45a-668 to 45a-683, inclusive, and 45a-690 to 45a-700, inclusive, and any matter in a Probate Court heard on the record in accordance with sections 51-72 and 51-73.

Sec. 10. Section 45a-186a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) In an appeal from an order, denial or decree of a Probate Court made after a hearing that is on the record under section 17a-498, 17a-543, 17a-543a, [or] 17a-685 or 19a-131b, sections 45a-644 to 45a-667v, inclusive, or section 51-72 or 51-73, not later than thirty days after service is made of such appeal under section 45a-186, or within such further time as may be allowed by the Superior Court, the Probate Court shall transcribe any portion of the recording of the proceedings that has not been transcribed. The expense for such transcript shall be charged against the person who filed the appeal, except that if the person who filed the appeal is unable to pay such expense and files an affidavit with the court demonstrating the inability to pay, the expense of the transcript shall be paid by the Probate Court Administrator and paid from the Probate Court Administration Fund.

(b) The Probate Court shall transmit to the Superior Court the original or a certified copy of the entire record of the proceeding from which the appeal was taken. The record shall include, but not be limited to, the findings of fact and conclusions of law, separately stated, of the Probate Court.

(c) An appeal from an order, denial or decree made after a hearing on the record under section 17a-498, 17a-543, 17a-543a, [or] 17a-685 or 19a-131b, sections 45a-644 to 45a-667v, inclusive, or section 51-72 or 51-73, shall be heard by the Superior Court without a jury, and may be referred

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to a state referee appointed under section 51-50*l*. The appeal shall be confined to the record. If alleged irregularities in procedure before the Probate Court are not shown in the record or if facts necessary to establish such alleged irregularities in procedure are not shown in the record, proof limited to such alleged irregularities may be taken in the Superior Court. The Superior Court, on request of any party, shall hear oral argument and receive written briefs.

Sec. 11. Section 45a-186b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

In an appeal taken under section 45a-186 from a matter heard on the record in the Probate Court under section 17a-498, 17a-543, 17a-543a, [or] 17a-685, or 19a-131b, sections 45a-644 to 45a-667v, inclusive, or section 51-72 or 51-73, the Superior Court shall not substitute its judgment for that of the Probate Court as to the weight of the evidence on questions of fact. The Superior Court shall affirm the decision of the Probate Court unless the Superior Court finds that substantial rights of the person appealing have been prejudiced because the findings, inferences, conclusions or decisions are: (1) In violation of the federal or state constitution or the general statutes, (2) in excess of the statutory authority of the Probate Court, (3) made on unlawful procedure, (4) affected by other error of law, (5) clearly erroneous in view of the reliable, probative and substantial evidence on the whole record, or (6) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion. If the Superior Court finds such prejudice, the Superior Court shall sustain the appeal and, if appropriate, may render a judgment that modifies the Probate Court's order, denial or decree or remand the case to the Probate Court for further proceedings. For the purposes of this section, a remand is a final judgment.

Sec. 12. Section 45a-597 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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(a) Upon the death of a [minor] person with respect to whose estate a guardian or conservator has been duly appointed by a [court of probate] Probate Court, has qualified and is acting as such, [and upon the death of a person with respect to whose estate a conservator has been duly appointed, has qualified and is acting as such,] if (1) the estate consists entirely of personalty, and (2) the estate remaining in the hands of the guardian or conservator at the time of the death of the [protected] person is not more than sufficient to pay expenses incurred during the lifetime of the [protected] person and not paid as of the date of death, administration expenses necessary to the settlement of the fiduciary's final account and the funeral expenses, including the cost of a suitable monument and cemetery plot, then such guardian or conservator may pay such expenses and take credit therefor on his final account. The payments shall be subject to the limitations set forth in sections 17b-95 and 17b-300.

(b) If the estate is less than sufficient to pay all such expenses in full, the provisions of section 45a-365 as to order of payment shall govern.

Sec. 13. Subsection (c) of section 46b-172a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(c) The child shall be made a party to the action. [and] If the child is a minor at the time of the proceedings, the minor child shall be represented by a guardian ad litem appointed by the court in accordance with section 45a-708. Payment for the guardian ad litem shall be made in accordance with such section from funds appropriated to the Judicial Department, except that, if funds have not been included in the budget of the Judicial Department for such purposes, such payment shall be made from the Probate Court Administration Fund.

Sec. 14. Subsection (k) of section 17a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1,*

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2021):

(k) Upon motion of any interested party in a Probate Court proceeding under this section, the Probate Court of record may transfer the file for cause shown to a Probate Court for a district other than the district in which the initial or permanency hearing was held. [The file shall be transferred by the Probate Court of record making copies of all recorded documents in the court file, certifying each of them, and delivering the certified copies to the Probate Court to which the matter is transferred.] Upon issuance of an order to transfer a file under this subsection, the transferring court shall transmit a digital image of each document in the court file to the transferee court using the document management system maintained by the Office of the Probate Court Administrator. The transferee court shall thereupon assume jurisdiction over the voluntary admission in accordance with the provisions of this section.

Sec. 15. Subsection (b) of section 17a-274 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(b) A petition to the Probate Court for placement under this section may be filed by any interested party. The petition and all records of Probate Court proceedings held as a result of the filing of such petition shall be confidential and shall not be open to public inspection by or disclosed to any person, except that (1) such records shall be available to (A) the parties in any such case and their counsel, (B) the Department of Developmental Services, and (C) the [office] Office of the Probate Court Administrator; (2) if the court appoints a legal representative, the names of the legal representative and the protected person shall be public; and (3) the court may, after hearing with notice to the respondent, the respondent's counsel, the legal representative and the Department of Developmental Services, permit records to be disclosed for cause shown. The petition shall allege that the respondent is a person

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with intellectual disability and (A) is unable to provide for himself or herself at least one of the following: Education, habilitation, care for personal health and mental health needs, meals, clothing, safe shelter or protection from harm; (B) has no family or legal representative or other person to care for the respondent or the respondent's family or the legal representative or other person can no longer provide adequate care for the respondent; (C) is unable to obtain adequate, appropriate services which would enable the respondent to receive care, treatment and education or habilitation without placement by a Probate Court; and (D) is not willing to be placed under the custody and control of the Department of Developmental Services or its agents or voluntary admission has been sought by the legal representative of the respondent and such voluntary admission has been opposed by the protected person or the protected person's next of kin.

Sec. 16. Section 45a-9a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

Any person seeking on-line access to any data processing system operated by the [office] Office of the Probate Court Administrator, or seeking, in any other medium, information stored in such data processing system, may be required to pay to the [office] Office of the Probate Court Administrator an amount, as established in a fee schedule determined by the Probate Court Administrator, for deposit in the Probate Court Administration Fund established in section 45a-82. Such fee schedule may include reasonable charges for personal services, fringe benefits, supplies and any other expenses related to maintaining, improving and providing such data processing services including, but not limited to, program modifications, training expenses, central processor user time and the rental and maintenance of equipment.

Sec. 17. Subsection (c) of section 45a-27 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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(c) The curriculum for the courses required by subsection (b) of this section shall be established by the Probate Court Administrator and shall be designed to establish a minimum level of proficiency by judges of probate. The courses shall be given by qualified instructors approved by the Probate Court Administrator. The Probate Court Administrator may waive completion of a course required by subdivision (2) of subsection (b) on demonstration by a probate judge of proficiency in the subject matter. The Probate Court Administrator may, for good cause, allow a probate judge to satisfy a requirement of subsection (b) of this section by auditing, at the [office] Office of the Probate Court Administrator or at such other place as the Probate Court Administrator may designate, instructional tapes approved by the Probate Court Administrator. The Probate Court Administrator shall adopt appropriate time requirements for training of a probate judge elected in a special election and may modify other requirements of this section as circumstances may require.

Sec. 18. Subsection (e) of section 45a-65 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(e) Except as provided in subsections (g) and (h) of section 45a-63, all decisions of the council shall be public record and shall be available for inspection at the [office] Office of the Probate Court Administrator.

Sec. 19. Subsection (d) of section 45a-68 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(d) The financial statement and disclosure, except as otherwise provided in this section, shall be open to inspection at the [office] Office of the Probate Court Administrator.

Sec. 20. Section 45a-76 of the general statutes is repealed and the

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following is substituted in lieu thereof (*Effective July 1, 2021*):

The Probate Court Administrator shall file with the Chief Court Administrator, on or before the first day of April of each even-numbered year, a report of the business of the [office] Office of the Probate Court Administrator during the biennium ending on the preceding June thirtieth, together with any information that the Chief Court Administrator may request.

Sec. 21. Subsection (a) of section 45a-80 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) The Commissioner of Administrative Services shall provide such office space for the conduct of the duties of the [office] Office of the Probate Court Administrator as the Probate Court Administrator approves. The expenses of the office space shall be paid from the fund established under section 45a-82.

Sec. 22. Subdivision (1) of subsection (a) of section 45a-84 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) (1) On or before April first of each year, the Probate Court Administrator shall prepare a proposed budget for the next succeeding fiscal year beginning July first, for the appropriate expenditures of funds from the Probate Court Administration Fund to carry out the statutory duties of the Probate Court Administrator. The proposed budget shall reflect all costs related to the [office] Office of the Probate Court Administrator and the operation of the [courts of probate] Probate Courts, including, but not limited to, compensation, group hospitalization and medical and surgical insurance plans and retirement benefits for probate judges and employees. Expenditures in the proposed budget shall not exceed anticipated available funds.

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Sec. 23. Subsection (e) of section 45a-649a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(e) If the respondent or conserved person is indigent, an attorney appointed under this section shall be paid a reasonable rate of compensation. Rates of compensation for such appointed attorneys shall be established by the [office] Office of the Probate Court Administrator. Such compensation shall be paid from funds appropriated to the Judicial Department. If funds have not been included in the budget of the Judicial Department for such purposes, such compensation shall be paid from the Probate Court Administration Fund.

Sec. 24. Subsection (c) of section 45a-670 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(c) All records of cases related to guardianship under sections 45a-669 to 45a-683, inclusive, shall be confidential and shall not be open to public inspection by or disclosed to any person, except that (1) such records shall be available to (A) the parties in any such case and their counsel, (B) the Department of Developmental Services, and (C) the [office] Office of the Probate Court Administrator; (2) if the court appoints a guardian, the names of the guardian and the protected person shall be public; and (3) the court may, after hearing with notice to the respondent, the respondent's counsel, the guardian and the Department of Developmental Services, permit records to be disclosed for cause shown.

Sec. 25. Subsection (a) of section 45a-674 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

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(a) At any hearing for appointment of a plenary guardian or limited guardian, the court shall receive evidence as to the condition of the respondent, including a written report or testimony by a Department of Developmental Services assessment team appointed by the Commissioner of Developmental Services or his or her designee, no member of which is related by blood, marriage or adoption to either the petitioner or the respondent and each member of which has personally observed or examined the respondent within forty-five days next preceding such hearing. The assessment team shall be comprised of at least two representatives from among appropriate disciplines having expertise in the evaluation of persons alleged to have intellectual disability. The assessment team members shall make their report on a form provided for that purpose by the [office] Office of the Probate Court Administrator and shall answer questions on such form as fully and completely as possible. The report shall contain specific information regarding the severity of the intellectual disability of the respondent and those specific areas, if any, in which the respondent needs the supervision and protection of a guardian, and shall state upon the form the reasons for such opinions. The petitioner, respondent or the respondent's counsel shall have the right to present evidence and cross-examine witnesses who testify at any hearing on the petition. If the respondent or the respondent's counsel notifies the court not less than three days before the hearing that he or she wishes to cross-examine the witnesses, the court shall order such witnesses to appear. The fees for such assessment team shall be paid from funds appropriated to the Department of Developmental Services.

Sec. 26. Subsection (g) of section 45a-677 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(g) Such reports shall be submitted on a form provided by the [office] Office of the Probate Court Administrator and shall contain the

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following information: (1) Significant changes in the capacity of the protected person to meet the essential requirements for the protected person's physical health or safety; (2) the services being provided to the protected person and the relationship of those services to the individual guardianship plan; (3) the significant actions taken by the limited guardian or plenary guardian during the reporting period; (4) any significant problems relating to the guardianship which have arisen during the reporting period; and (5) whether such guardianship, in the opinion of the guardian, should continue, be modified, or be terminated, and the reasons therefor.

Sec. 27. Subsection (a) of section 45a-754 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2021*):

(a) All records of cases related to termination of parental rights, removal of a parent as guardian, appointment of a statutory parent, adoption matters, temporary guardianship and emancipation of a minor shall be confidential and shall not be open to inspection by or disclosed to any third party, except that (1) such records shall be available to (A) the parties in any such case and their counsel; (B) the Department of Children and Families; (C) any licensed child-placing agency involved in any such case; (D) any judge or employee of a court of this state who, in the performance of his or her duties, requires access to such records; (E) the [office] Office of the Probate Court Administrator; and (F) courts of other states under the provisions of sections 46b-115a to 46b-115gg, inclusive; and (2) access to and disclosure of adoption records shall be in accordance with subsection (b) of this section.

Approved June 28, 2021