



Substitute Senate Bill No. 272

Public Act No. 24-104

**AN ACT CONCERNING ADOPTION OF THE CONNECTICUT
UNIFORM TRUST DECANTING ACT.**

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

Section 1. (NEW) (*Effective January 1, 2025*) The provisions of this section and sections 2 to 29, inclusive, of this act may be cited as the "Connecticut Uniform Trust Decanting Act".

Sec. 2. (NEW) (*Effective January 1, 2025*) As used in this section and sections 3 to 29, inclusive, of this act:

(1) "Appointive property" means the property or property interest subject to a power of appointment.

(2) "Ascertainable standard" has the same meaning as provided in section 45a-499c of the general statutes.

(3) "Authorized fiduciary" means: (A) A trustee or other fiduciary, other than a settlor or a beneficiary, that has discretion to distribute or direct a trustee to distribute part or all of the principal of the first trust to one or more current beneficiaries; (B) a special fiduciary appointed under section 9 of this act; or (C) a special-needs fiduciary described under section 13 of this act.

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(4) "Beneficiary" means a person that: (A) Is a "beneficiary" as defined in section 45a-499c of the general statutes; or (B) is an identified charitable organization that will or may receive distributions under the terms of the trust.

(5) "Charitable interest" means an interest in a trust that: (A) Is held by an identified charitable organization and makes the organization a qualified beneficiary; (B) benefits only charitable organizations and, if the interest were held by an identified charitable organization, would make the organization a qualified beneficiary; or (C) is held solely for charitable purposes and, if the interest were held by an identified charitable organization, would make the organization a qualified beneficiary.

(6) "Charitable organization" means: (A) A person, other than an individual, organized and operated exclusively for charitable purposes; or (B) a government or governmental subdivision, agency or instrumentality, to the extent it holds funds exclusively for a charitable purpose.

(7) "Charitable purpose" means the relief of poverty, the advancement of education or religion, the promotion of health, a municipal or other governmental purpose or another purpose the achievement of which is beneficial to the community and consistent with the provisions of sections 45a-499z, 45a-514 and 47-2 of the general statutes.

(8) "Court" has the same meaning as provided in section 45a-499c of the general statutes.

(9) "Current beneficiary" has the same meaning as provided in section 45a-499c of the general statutes. "Current beneficiary" includes the holder of a presently exercisable general power of appointment but does not include a person that is a beneficiary only because the person holds

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any other power of appointment.

(10) "Decanting power" means the power of an authorized fiduciary under this section and sections 3 to 29, inclusive, of this act, to distribute property of a first trust to one or more second trusts or to modify the terms of the first trust.

(11) "Expanded distributive discretion" means a discretionary power of distribution that is not limited to an ascertainable standard or a reasonably definite standard.

(12) "First trust" means a trust over which an authorized fiduciary may exercise the decanting power.

(13) "First-trust instrument" means the trust instrument for a first trust.

(14) "General power of appointment" means a power of appointment exercisable in favor of a powerholder, the powerholder's estate, a creditor of the powerholder or a creditor of the powerholder's estate.

(15) "Jurisdiction" has the same meaning as provided in section 45a-499c of the general statutes.

(16) "Noncontingent right" means a right that is not subject to the exercise of discretion or the occurrence of a specified event that is not certain to occur. "Noncontingent right" does not include a right held by a beneficiary if any person has discretion to distribute property subject to the right to any person other than the beneficiary or the beneficiary's estate.

(17) "Person" has the same meaning as provided in section 45a-499c of the general statutes.

(18) "Power of appointment" means a power that enables a powerholder acting in a nonfiduciary capacity to designate a recipient

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of an ownership interest in or another power of appointment over the appointive property. "Power of appointment" does not include a power of attorney.

(19) "Powerholder" means a person in which a donor creates a power of appointment.

(20) "Presently exercisable power of appointment" means a power of appointment exercisable by the powerholder at the relevant time. "Presently exercisable power of appointment": (A) Includes a power of appointment exercisable only after the occurrence of a specified event, the satisfaction of an ascertainable standard or the passage of a specified time only after the: (i) Occurrence of the specified event; (ii) satisfaction of the ascertainable standard; or (iii) passage of the specified time; and (B) does not include a power exercisable only at the powerholder's death.

(21) "Qualified beneficiary" has the same meaning as provided in section 45a-499c of the general statutes.

(22) "Presumptive remainder beneficiary" means a qualified beneficiary other than a current beneficiary.

(23) "Reasonably definite standard" means a clearly measurable standard under which a holder of a power of distribution is legally accountable within the meaning of Section 674(b)(5)(A) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder.

(24) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in a perceivable form.

(25) "Second trust" means: (A) A first trust after modification under

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this section and sections 3 to 29, inclusive, of this act; or (B) a trust to which a distribution of property from a first trust is or may be made under this section and sections 3 to 29, inclusive, of this act.

(26) "Second-trust instrument" means the trust instrument for a second trust.

(27) "Settlor" has the same meaning as provided in section 45a-499c of the general statutes, except as otherwise provided in section 25 of this act.

(28) "Sign" means, with present intent to authenticate or adopt a record: (A) To execute or adopt a tangible symbol; or (B) to attach to or logically associate with the record an electronic symbol, sound or process.

(29) "State" has the same meaning as provided in section 45a-499c of the general statutes.

(30) "Successor beneficiary" means a beneficiary that is not a qualified beneficiary on the date the beneficiary's qualification is determined. "Successor beneficiary" does not include a person that is a beneficiary only because the person holds a nongeneral power of appointment.

(31) "Terms of the trust" has the same meaning as provided in section 45a-499c of the general statutes.

(32) "Testamentary trust" has the same meaning as provided in section 45a- 499c of the general statutes.

(33) "Trust director" has the same meaning as provided in section 45a-499c of the general statutes.

(34) "Trust instrument" means a record executed by the settlor to create a trust or by any person to create a second trust that contains some or all of the terms of the trust, including any amendments.

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(35) "Vested interest" means a: (A) Right to a mandatory distribution that is a noncontingent right as of the date of the exercise of the decanting power; (B) current and noncontingent right, annually or more frequently, to a mandatory distribution of income, a specified dollar amount or a percentage of value of some or all of the trust property; (C) current and noncontingent right, annually or more frequently, to withdraw income, a specified dollar amount or a percentage of value of some or all of the trust property; (D) presently exercisable general power of appointment; or (E) right to receive an ascertainable part of the trust property on the trust's termination that is not subject to the exercise of discretion or to the occurrence of a specified event that is not certain to occur.

Sec. 3. (NEW) (*Effective January 1, 2025*) (a) Except as provided in subsections (b) to (e), inclusive, of this section, sections 1 to 29, inclusive, of this act apply to an express trust that is irrevocable, whether testamentary or inter vivos, or revocable by the settlor only with the consent of the trustee or a person holding an adverse interest.

(b) Sections 1 to 29, inclusive, of this act do not apply to a trust held solely for charitable purposes.

(c) Sections 1 to 29, inclusive, of this act do not apply to statutory trusts created pursuant to chapter 615 of the general statutes.

(d) Subject to the provisions of section 15 of this act, a trust instrument may restrict or prohibit exercise of the decanting power.

(e) No provision of sections 1 to 29, inclusive, of this act, as such provision may be applied to a trust established pursuant to and in compliance with 42 USC 1396p(d)(4), as amended from time to time, shall be interpreted in a manner that is inconsistent with, or that contravenes, the provisions of federal law, nor shall any court having jurisdiction over any such trust issue an order, judgment, decree or

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ruling, that is inconsistent with, or that contravenes, the provisions of federal law.

(f) Sections 1 to 29, inclusive, of this act do not limit the power of a trustee, powerholder or other person to distribute or appoint property in further trust or to modify a trust under the trust instrument, law of this state other than sections 1 to 29, inclusive, of this act, common law, a court order or a nonjudicial settlement agreement under section 45a-499k of the general statutes.

(g) Sections 1 to 29, inclusive, of this act do not affect the ability of a settlor to provide in a trust instrument for the distribution of the trust property or appointment in further trust of the trust property or for modification of the trust instrument.

Sec. 4. (NEW) (*Effective January 1, 2025*) (a) In exercising the decanting power, an authorized fiduciary shall act in accordance with its fiduciary duties, including the duty to act in accordance with the purposes of the first trust.

(b) Sections 1 to 29, inclusive, of this act do not create or imply a duty to exercise the decanting power or to inform beneficiaries about the applicability of the provisions of the Connecticut Uniform Trust Decanting Act.

(c) Except as provided in a first-trust instrument, for purposes of sections 1 to 29, inclusive, of this act and section 45a-499aaa of the general statutes and subsection (a) of section 45a-499bbb of the general statutes, the terms of the first trust are deemed to include the decanting power.

Sec. 5. (NEW) (*Effective January 1, 2025*) Sections 1 to 29, inclusive, of this act apply to any trust whether established before, on or after January 1, 2025, that: (1) Has its principal place of administration in this state, including a trust whose principal place of administration has been

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changed to this state; or (2) provides by its trust instrument that it is governed by the law of this state or is governed by the law of this state for the purpose of: (A) Administration, including administration of a trust whose governing law for purposes of administration has been changed to the law of this state; (B) construction of terms of the trust; or (C) determining the meaning or effect of terms of the trust.

Sec. 6. (NEW) (*Effective January 1, 2025*) A trustee or other person that reasonably relies on the validity of a distribution of part or all of the property of a trust to another trust, or a modification of a trust, under sections 1 to 29, inclusive, of this act, law of this state other than sections 1 to 29, inclusive, of this act or the law of another jurisdiction is not liable to any person for any action or failure to act as a result of the reliance.

Sec. 7. (NEW) (*Effective January 1, 2025*) (a) Except as provided in sections 1 to 29, inclusive, of this act, an authorized fiduciary may exercise the decanting power without the consent of any person and without court approval.

(b) Except as provided in subsection (d) of this section, an authorized fiduciary shall give notice in a record of the intended exercise of the decanting power not later than sixty days before the exercise to: (1) Each settlor of the first trust, if living or then in existence; (2) each qualified beneficiary of the first trust; (3) each holder of a presently exercisable power of appointment over any part or all of the first trust; (4) each person that currently has the right to remove or replace the authorized fiduciary; (5) each other fiduciary of the first trust; (6) each fiduciary of the second trust; (7) the Attorney General, if a first trust contains a determinable charitable interest, as defined in section 14 of this act; and (8) the Attorney General and the Department of Social Services if a first trust is a trust established pursuant to and in compliance with 42 USC 1396p(d)(4)(A) or (C).

(c) A notice under subsection (b) of this section shall: (1) Specify the

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manner in which the authorized fiduciary intends to exercise the decanting power; (2) specify the proposed effective date for exercise of the power; (3) include a copy of the first-trust instrument; and (4) include a copy of all second-trust instruments.

(d) The decanting power may be exercised before the expiration of the period of sixty days from the giving of notice under subsection (b) of this section if all persons entitled to receive notice waive the period in a signed record.

(e) The receipt of notice, waiver of the notice period or expiration of the notice period does not affect the right of a person to file a petition under section 9 of this act asserting that: (1) An attempted exercise of the decanting power is ineffective because it did not comply with sections 1 to 29, inclusive, of this act or was an abuse of discretion or breach of fiduciary duty; or (2) section 22 of this act applies to the exercise of the decanting power.

(f) An exercise of the decanting power shall not be ineffective because of the failure to give notice to one or more persons under subsection (b) of this section if the authorized fiduciary provided notice in accordance with section 45a-499i of the general statutes, as amended by this act. Notwithstanding the provisions of this subsection, in the case of provision of notice to the Attorney General under subdivision (7) or (8) of subsection (b) of this section, the exercise of decanting power shall not be effective unless the authorized fiduciary has a confirmed electronic mail delivery notification or certified mail receipt indicating that delivery was made to the Attorney General.

Sec. 8. (NEW) (*Effective January 1, 2025*) (a) Notice to a person with authority to represent and bind another person under a first-trust instrument or the Connecticut Uniform Trust Code has the same effect as notice given directly to the person represented.

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(b) Consent of or waiver by a person with authority to represent and bind another person under a first-trust instrument or the Connecticut Uniform Trust Code is binding on the person represented unless the person represented objects to the representation before the consent or waiver otherwise would become effective.

(c) A person with authority to represent and bind another person under a first-trust instrument or the Connecticut Uniform Trust Code may file a petition under section 9 of this act on behalf of the person represented.

(d) A settlor may not represent or bind a beneficiary under sections 1 to 29, inclusive, of this act.

Sec. 9. (NEW) (*Effective January 1, 2025*) (a) Upon a petition by an authorized fiduciary, a person entitled to notice under subsection (b) of section 7 of this act, a beneficiary or, with respect to a charitable interest the Attorney General or other person that has standing to enforce the charitable interest, the court may: (1) Provide instructions to the authorized fiduciary regarding whether a proposed exercise of the decanting power is permitted under sections 1 to 29, inclusive, of this act and consistent with the fiduciary duties of the authorized fiduciary; (2) appoint a special fiduciary and authorize the special fiduciary to determine whether the decanting power should be exercised under sections 1 to 29, inclusive, of this act and to exercise the decanting power; (3) approve an exercise of the decanting power; (4) determine that a proposed or attempted exercise of the decanting power is ineffective because: (A) After applying section 22 of this act, the proposed or attempted exercise does not or did not comply with sections 1 to 29, inclusive, of this act; or (B) the proposed or attempted exercise would be or was an abuse of the fiduciary's discretion or a breach of fiduciary duty; (5) determine the extent to which section 22 of this act applies to a prior exercise of the decanting power; (6) provide instructions to the trustee regarding the application of section 22 of this

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act to a prior exercise of the decanting power; or (7) order other relief to carry out the purposes of sections 1 to 29, inclusive, of this act.

(b) Upon a petition by an authorized fiduciary, the court may approve: (1) An increase in the fiduciary's compensation under section 16 of this act; or (2) a modification under section 18 of this act of a provision granting a person the right to remove or replace the fiduciary.

(c) With respect to a testamentary trust, to be effective, an exercise of the decanting power shall be approved in advance by the Probate Court upon petition by an authorized fiduciary.

(d) If the first trust in a proposed exercise of the decanting power contains a determinable charitable interest, as defined in section 14 of this act, an authorized fiduciary shall be barred from exercising the decanting power during the pendency of a petition under subsection (a) of this section, unless otherwise ordered by the court.

Sec. 10. (NEW) (*Effective January 1, 2025*) An exercise of the decanting power shall be made in a record signed by an authorized fiduciary. The signed record shall, directly or by reference to the notice required by section 7 of this act, identify the first trust and the second trust or trusts and state the property of the first trust being distributed to each second trust and the property, if any, that remains in the first trust.

Sec. 11. (NEW) (*Effective January 1, 2025*) (a) Subject to subsection (b) of this section and section 14 of this act, an authorized fiduciary that has expanded distributive discretion over the principal of a first trust for the benefit of one or more current beneficiaries may exercise the decanting power over the principal of the first trust.

(b) Subject to section 13 of this act, in an exercise of the decanting power under this section, a second trust may not: (1) Include as a current beneficiary a person who is not a current beneficiary of the first trust, except as provided in subsection (d) of this section; (2) include as a

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presumptive remainder beneficiary or successor beneficiary a person who is not a current beneficiary, presumptive remainder beneficiary or successor beneficiary of the first trust, except as provided in subsection (c) of this section; or (3) reduce or eliminate a vested interest.

(c) Subject to subdivision (3) of subsection (b) of this section and section 14 of this act, in an exercise of the decanting power under this section, a second trust may be a trust created or administered under the law of any jurisdiction and may: (1) Reduce or eliminate the interest of any current beneficiary, presumptive remainder beneficiary or successor beneficiary in the first trust, other than a vested interest; (2) retain a power of appointment granted in the first trust; (3) omit a power of appointment granted in the first trust, other than a presently exercisable general power of appointment; (4) create or modify a power of appointment if the powerholder is a current beneficiary of the first trust and the authorized fiduciary has expanded distributive discretion to distribute principal to the beneficiary; and (5) create or modify a power of appointment if the powerholder is a presumptive remainder beneficiary or successor beneficiary of the first trust, but the exercise of the power may take effect only after the powerholder becomes, or would have become if then living, a current beneficiary.

(d) A power of appointment described in subdivisions (2) to (5), inclusive, of subsection (c) of this section, may be general or nongeneral. The class of permissible appointees in favor of which the power may be exercised may be broader than or different from the beneficiaries of the first trust.

(e) If an authorized fiduciary has expanded distributive discretion over part but not all of the principal of a first trust, the fiduciary may exercise the decanting power under this section over that part of the principal over which the authorized fiduciary has expanded distributive discretion.

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Sec. 12. (NEW) (*Effective January 1, 2025*) (a) As used in this section, "limited distributive discretion" means a discretionary power of distribution that is limited to an ascertainable standard or a reasonably definite standard.

(b) An authorized fiduciary that has limited distributive discretion over the principal of the first trust for the benefit of one or more current beneficiaries may exercise the decanting power over the principal of the first trust.

(c) In an exercise of the decanting power under this section, a second trust may not: (1) Have different current beneficiaries, presumptive remainder beneficiaries or successor beneficiaries from the first trust; (2) modify the limited distributive discretion standard from the first trust, except as provided in subsection (d) of this section; (3) modify a power of appointment granted in the first trust; or (4) reduce or eliminate a vested interest.

(d) Subject to subdivision (4) of subsection (c) of this section and section 14 of this act, in an exercise of the decanting power under this section, a second trust may be a trust created or administered under the law of any jurisdiction and if the second trust extends the term of the first trust in accordance with section 20 of this act, the second trust may, with respect to any period after the first trust would have otherwise terminated under the provisions of the first trust, modify the limited distributive discretion standard in the first trust including to expanded distributive discretion standard.

(e) If an authorized fiduciary has limited distributive discretion over part but not all of the principal of a first trust, the fiduciary may exercise the decanting power under this section over that part of the principal over which the authorized fiduciary has limited distributive discretion.

Sec. 13. (NEW) (*Effective January 1, 2025*) (a) As used in this section:

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(1) "Beneficiary with a disability" means a beneficiary of a first trust who the special-needs fiduciary believes may qualify for governmental benefits based on disability, whether or not the beneficiary currently receives such benefits or is an individual who has been adjudicated incapable.

(2) "Governmental benefits" means financial aid or services from a state, federal or other public agency.

(3) "Special-needs fiduciary" means, with respect to a trust that has a beneficiary with a disability: (A) A trustee or other fiduciary, other than a settlor, who has discretion to distribute part or all of the principal of a first trust to one or more current beneficiaries; (B) if no trustee or fiduciary has discretion under subparagraph (A) of this subdivision, a trustee or other fiduciary, other than a settlor, who has discretion to distribute part or all of the income of the first trust to one or more current beneficiaries; or (C) if no trustee or fiduciary has discretion under subparagraphs (A) and (B) of this subdivision, a trustee or other fiduciary, other than a settlor, who is required to distribute part or all of the income or principal of the first trust to one or more current beneficiaries.

(4) "Special-needs trust" means a trust the trustee believes would not be considered a resource for purposes of determining whether a beneficiary with a disability is eligible for governmental benefits.

(b) A special-needs fiduciary may exercise the decanting power under section 11 of this act over the principal of a first trust as if the fiduciary had authority to distribute principal to a beneficiary with a disability subject to expanded distributive discretion if: (1) A second trust is a special-needs trust that benefits the beneficiary with a disability; and (2) the special-needs fiduciary determines that exercise of the decanting power will further the purposes of the first trust.

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(c) In an exercise of the decanting power under this section, the following rules apply:

(1) Notwithstanding subdivision (2) of subsection (b) of section 11 of this act, the interest in the second trust of a beneficiary with a disability may: (A) Be a pooled trust as defined by Medicaid law for the benefit of the beneficiary with a disability under 42 USC 1396p(d)(4)(C), as amended from time to time; or (B) contain payback provisions complying with reimbursement requirements of Medicaid law under 42 USC 1396p(d)(4)(A), as amended from time to time.

(2) Subdivision (3) of subsection (b) of section 11 of this act shall not apply to the interests of the beneficiary with a disability.

(3) Except as affected by any change to the interests of the beneficiary with a disability, the second trust, or if there are two or more second trusts, the second trusts in the aggregate, shall grant each other beneficiary of the first trust beneficial interests in the second trusts in accordance with section 11 or 12 of this act, as the case may be.

(4) A special-needs fiduciary shall not exercise the decanting power with respect to a trust established pursuant to and in compliance with 42 USC 1396p(d)(4)(A) or (C) in a manner that would impair the state's claim on the death of the beneficiary for (A) medical assistance provided, and (B) any claims for which this state would have valid claims against the estate of the deceased beneficiary not previously paid or reimbursed.

Sec. 14. (NEW) (*Effective January 1, 2025*) (a) As used in this section:

(1) "Determinable charitable interest" means a charitable interest that is a right to a mandatory distribution currently, periodically, on the occurrence of a specified event, or after the passage of a specified time and that is unconditional or will be held solely for charitable purposes.

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(2) "Unconditional" means not subject to the occurrence of a specified event that is not certain to occur, other than a requirement in a trust instrument that a charitable organization be in existence or qualify under a particular provision of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder, on the date of the distribution, if the charitable organization meets the requirement on the date of determination.

(b) If a first trust contains a determinable charitable interest, the Attorney General has the rights of a qualified beneficiary and may represent the public interest in charitable gifts in accordance with the authority granted to the Attorney General under section 3-125 of the general statutes.

(c) If a first trust contains a charitable interest, the second trust or trusts may not: (1) Diminish the charitable interest; (2) diminish the interest of an identified charitable organization that holds the charitable interest; (3) alter any charitable purpose stated in the first-trust instrument; or (4) alter any condition or restriction related to the charitable interest.

(d) If there are two or more second trusts, the second trusts shall be treated as one trust for purposes of determining whether the exercise of the decanting power diminishes the charitable interest or diminishes the interest of an identified charitable organization for purposes of subsection (c) of this section.

(e) If a first trust contains a determinable charitable interest, the second trust or trusts that include a charitable interest pursuant to subsection (c) of this section shall be administered under the law of this state unless: (1) The Attorney General, after receiving notice under section 7 of this act, fails to object in a signed record delivered to the authorized fiduciary within the notice period; (2) the Attorney General

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consents in a signed record to the second trust or trusts being administered under the law of another jurisdiction; or (3) the exercise of the decanting power was approved by the court in accordance with section 9 of this act.

(f) Sections 1 to 29, inclusive, of this act do not limit the powers and duties of the Attorney General under the law of this state.

Sec. 15. (NEW) (*Effective January 1, 2025*) (a) An authorized fiduciary may not exercise the decanting power to the extent the first-trust instrument expressly prohibits exercise of: (1) The decanting power; or (2) a power granted by state law to the fiduciary to distribute part or all of the principal of the trust to another trust or to modify the trust.

(b) Exercise of the decanting power is subject to any restriction in the first-trust instrument that expressly applies to exercise of: (1) The decanting power; or (2) a power granted by state law to a fiduciary to distribute part or all of the principal of the trust to another trust or to modify the trust.

(c) A general prohibition of the amendment or revocation of a first trust, a spendthrift clause or a clause restraining the voluntary or involuntary transfer of a beneficiary's interest does not preclude exercise of the decanting power.

(d) Subject to subsections (a) and (b) of this section, an authorized fiduciary may exercise the decanting power under sections 1 to 29, inclusive, of this act even if the first-trust instrument permits the authorized fiduciary or another person to modify the first-trust instrument or to distribute part or all of the principal of the first trust to another trust.

(e) If a first-trust instrument contains an express prohibition described in subsection (a) of this section or an express restriction described in subsection (b) of this section, the provision shall be

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included in the second-trust instrument.

Sec. 16. (NEW) (*Effective January 1, 2025*) (a) If a first-trust instrument specifies an authorized fiduciary's compensation, the fiduciary may not exercise the decanting power to increase the fiduciary's compensation above the specified compensation unless: (1) All qualified beneficiaries of the second trust consent to the increase in a signed record; or (2) the increase is approved by the court.

(b) If a first-trust instrument does not specify an authorized fiduciary's compensation, the fiduciary may not exercise the decanting power to increase the fiduciary's compensation above the compensation permitted by subsection (a) of section 45a-499yy of the general statutes.

(c) A change in an authorized fiduciary's compensation that is incidental to other changes made by the exercise of the decanting power is not an increase in the fiduciary's compensation for purposes of subsections (a) and (b) of this section.

Sec. 17. (NEW) (*Effective January 1, 2025*) (a) Except as provided in this section, a second-trust instrument may not relieve an authorized fiduciary from liability for breach of trust to a greater extent than the first-trust instrument.

(b) A second-trust instrument may provide for indemnification of an authorized fiduciary of the first trust or another person acting in a fiduciary capacity under the first trust for any liability or claim that would have been payable from the first trust if the decanting power had not been exercised.

(c) A second-trust instrument may not reduce fiduciary liability in the aggregate.

(d) Subject to subsection (c) of this section, a second-trust instrument may divide and reallocate fiduciary powers among fiduciaries,

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including one or more trustees or trust directors, and relieve a fiduciary from liability for an act or failure to act of another fiduciary as permitted by the law of this state, other than sections 1 to 29, inclusive, of this act.

Sec. 18. (NEW) (*Effective January 1, 2025*) An authorized fiduciary may not exercise the decanting power to modify a provision in a first-trust instrument granting another person power to remove or replace the fiduciary unless: (1) The person holding the power consents to the modification in a signed record and the modification applies only to the person; (2) the person holding the power and the qualified beneficiaries of the second trust consent to the modification in a signed record and the modification grants a substantially similar power to another person; or (3) the court approves the modification and the modification grants a substantially similar power to another person.

Sec. 19. (NEW) (*Effective January 1, 2025*) (a) As used in this section:

(1) "Grantor trust" means a trust as to which a settlor of a first trust is considered the owner under Sections 671 to 677, inclusive, and Section 679 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder.

(2) "Nongrantor trust" means a trust that is not a grantor trust.

(3) "Qualified benefits property" means property subject to the minimum distribution requirements of Section 401(a)(9) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder, or to any similar requirements that refer to said Section 401(a)(9) or such regulations.

(b) An exercise of the decanting power is subject to the following limitations:

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(1) If a first trust contains property that qualified, or would have qualified but for the provisions of sections 1 to 29, inclusive, of this act other than this section, for a marital deduction for purposes of the gift or estate tax under the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder or a state gift, estate or inheritance tax, the second-trust instrument shall not include or omit any term that, if included in or omitted from the trust instrument for the trust to which the property was transferred, would have prevented the transfer from qualifying for the deduction, or would have reduced the amount of the deduction, under the same provisions of said internal revenue code or state law under which the transfer qualified.

(2) If the first trust contains property that qualified, or would have qualified but for the provisions of sections 1 to 29, inclusive, of this act other than this section, for a charitable deduction for purposes of the income, gift or estate tax under the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder or a state income, gift, estate or inheritance tax, the second-trust instrument shall not include or omit any term that, if included in or omitted from the trust instrument for the trust to which the property was transferred, would have prevented the transfer from qualifying for the deduction, or would have reduced the amount of the deduction, under the same provisions of said internal revenue code or state law under which the transfer qualified.

(3) If the first trust contains property that qualified, or would have qualified but for the provisions of sections 1 to 29, inclusive, of this act other than this section, for the exclusion from the gift tax described in Section 2503(b) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended

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from time to time, and the regulations thereunder, the second-trust instrument shall not include or omit a term that, if included in or omitted from the trust instrument for the trust to which the property was transferred, would have prevented the transfer from qualifying under Section 2503(b) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder. If the first trust contains property that qualified, or would have qualified but for the provisions of sections 1 to 29, inclusive, of this act other than this section, for the exclusion from the gift tax described in Section 2503(b) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder by application of Section 2503(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder, the second-trust instrument shall not include or omit a term that, if included or omitted from the trust instrument for the trust to which the property was transferred, would have prevented the transfer from qualifying under said Section 2503(c).

(4) If the property of the first trust includes shares of stock in an S corporation, as defined in Section 1361 of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder and the first trust is, or but for the provisions of sections 1 to 29, inclusive, of this act other than this section would be, a permitted shareholder under any provision of said Section 1361, an authorized fiduciary may exercise the power with respect to part or all of the S corporation stock only if any second trust receiving the stock is a permitted shareholder under Section 1361(c)(2) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder. If the property of the first trust includes shares of stock in

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an S corporation and the first trust is, or but for the provisions of sections 1 to 29, inclusive, of this act other than this section would be, a qualified subchapter-S trust within the meaning of Section 1361(d) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder, the second-trust instrument shall not include or omit a term that prevents the second trust from qualifying as a qualified subchapter-S trust.

(5) If the first trust contains property that qualified, or would have qualified but for the provisions of sections 1 to 29, inclusive, of this act other than this section, for a zero inclusion ratio for purposes of the generation-skipping transfer tax under Section 2642(c) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder, the second-trust instrument shall not include or omit a term that, if included in or omitted from the first-trust instrument, would have prevented the transfer to the first trust from qualifying for a zero inclusion ratio under said Section 2642(c).

(6) If the first trust is directly or indirectly the beneficiary of qualified benefits property, the second-trust instrument may not include or omit any term that, if included in or omitted from the first-trust instrument, would have increased the minimum distributions required with respect to the qualified benefits property under Section 401(a)(9) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder and any applicable regulations, or any similar requirements that refer to said Section 401(a)(9) or the regulations thereunder. If an attempted exercise of the decanting power violates the provisions of this subdivision, the trustee is deemed to have held the qualified benefits property and any reinvested distributions of the property as a separate share from the date of the exercise of the

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power and section 22 of this act applies to the separate share.

(7) If the first trust qualifies as a grantor trust because of the application of Section 672(f)(2)(A) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, and the regulations thereunder, the second trust may not include or omit a term that, if included in or omitted from the first-trust instrument, would have prevented the first trust from qualifying under said Section 672(f)(2)(A).

(8) As used in this subdivision, "tax benefit" means a federal or state tax deduction, exemption, exclusion or other benefit not otherwise listed in this section, except for a benefit arising from being a grantor trust. Subject to subdivision (9) of this subsection, a second-trust instrument may not include or omit a term that, if included in or omitted from the first-trust instrument, would have prevented qualification for a tax benefit if: (A) The first-trust instrument expressly indicates an intent to qualify for the benefit or the first-trust instrument clearly is designed to enable the first trust to qualify for the benefit; and (B) the transfer of property held by the first trust or the first trust qualified or, but for the provisions of sections 1 to 29, inclusive, of this act other than this section, would have qualified for the tax benefit.

(9) Subject to subdivision (4) of this subsection: (A) Except as provided in subdivision (7) of this subsection, the second trust may be a nongrantor trust, even if the first trust is a grantor trust; and (B) except as provided in subdivision (10) of this subsection, the second trust may be a grantor trust, even if the first trust is a nongrantor trust.

(10) An authorized fiduciary may not exercise the decanting power if a settlor objects in a signed record delivered to the fiduciary within the notice period and: (A) The first trust and a second trust are both grantor trusts, in whole or in part, the first trust grants the settlor or another person the power to cause the first trust to cease to be a grantor trust,

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and the second trust does not grant an equivalent power to the settlor or other person; or (B) the first trust is a nongrantor trust and a second trust is a grantor trust, in whole or in part, with respect to the settlor, unless: (i) The settlor has the power at all times to cause the second trust to cease to be a grantor trust; or (ii) the first-trust instrument contains a provision granting the settlor or another person a power that would cause the first trust to cease to be a grantor trust and the second-trust instrument contains the same provision.

Sec. 20. (NEW) (*Effective January 1, 2025*) (a) Subject to subsection (b) of this section and section 14 of this act, a second trust may have a duration that is the same as or different from the duration of the first trust.

(b) To the extent that property of a second trust is attributable to property of the first trust, the property of the second trust is subject to any rules governing maximum perpetuity, accumulation or suspension of the power of alienation which apply to property of the first trust.

Sec. 21. (NEW) (*Effective January 1, 2025*) An authorized fiduciary may exercise the decanting power whether or not under the first trust's discretionary distribution standard the fiduciary would have made, or could have been compelled to make, a discretionary distribution of principal at the time of the exercise.

Sec. 22. (NEW) (*Effective January 1, 2025*) (a) If exercise of the decanting power would be effective under sections 1 to 29, inclusive, of this act except that the second-trust instrument in part does not comply with sections 1 to 29, inclusive, of this act, the exercise of the power is effective and the following rules apply with respect to the principal of the second trust attributable to the exercise of the power:

(1) A provision in the second-trust instrument that is not permitted under sections 1 to 29, inclusive, of this act is void to the extent necessary

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to comply with sections 1 to 29, inclusive, of this act.

(2) A provision required by sections 1 to 29, inclusive, of this act to be in the second-trust instrument that is not contained in the instrument is deemed to be included in the instrument to the extent necessary to comply with sections 1 to 29, inclusive, of this act.

(b) If a trustee or other fiduciary of a second trust determines that subsection (a) of this section applies to a prior exercise of the decanting power, the fiduciary shall take corrective action consistent with the fiduciary's duties.

Sec. 23. (NEW) (*Effective January 1, 2025*) (a) As used in this section:

(1) "Animal trust" means a trust or an interest in a trust created to provide for the care of one or more animals.

(2) "Protector" means a person appointed in an animal trust to enforce the trust on behalf of the animal or, if no such person is appointed in the trust, a person appointed by the court for that purpose.

(b) The decanting power may be exercised over an animal trust that has a protector to the extent the trust could be decanted under sections 1 to 29, inclusive, of this act, if each animal that benefits from the trust were an individual, if the protector consents in a signed record to the exercise of the power.

(c) A protector for an animal has the rights under sections 1 to 29, inclusive, of this act of a qualified beneficiary.

(d) Notwithstanding the provisions of sections 1 to 29, inclusive, of this act, if a first trust is an animal trust, in an exercise of the decanting power, the second trust shall provide that trust property may be applied only to its intended purpose for the period the first trust benefitted the animal.

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Sec. 24. (NEW) (*Effective January 1, 2025*) Any reference in the Connecticut Uniform Trust Code to a trust instrument or terms of the trust includes a second-trust instrument and the terms of the second trust.

Sec. 25. (NEW) (*Effective January 1, 2025*) (a) For purposes of the law of this state other than sections 1 to 29, inclusive, of this act and subject to subsection (b) of this section, a settlor of a first trust is deemed to be the settlor of the second trust with respect to the portion of the principal of the first trust subject to the exercise of the decanting power.

(b) In determining settlor intent with respect to a second trust, the intent of a settlor of the first trust, a settlor of the second trust and the authorized fiduciary may be considered.

Sec. 26. (NEW) (*Effective January 1, 2025*) (a) Except as provided in subsection (c) of this section, if exercise of the decanting power was intended to distribute all the principal of the first trust to one or more second trusts, later-discovered property belonging to the first trust and property paid to or acquired by the first trust after the exercise of the power is part of the trust estate of the second trust or trusts.

(b) Except as provided in subsection (c) of this section, if exercise of the decanting power was intended to distribute less than all the principal of the first trust to one or more second trusts, later-discovered property belonging to the first trust or property paid to or acquired by the first trust after exercise of the power remains part of the trust estate of the first trust.

(c) An authorized fiduciary may provide in an exercise of the decanting power, or by the terms of a second trust, for disposition of later-discovered property belonging to the first trust or property paid to or acquired by the first trust after exercise of the power.

Sec. 27. (NEW) (*Effective January 1, 2025*) A debt, liability or other

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obligation enforceable against property of a first trust is enforceable to the same extent against the property when held by the second trust after exercise of the decanting power.

Sec. 28. (NEW) (*Effective January 1, 2025*) In applying and construing the provisions of the Connecticut Uniform Trust Decanting Act, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

Sec. 29. (NEW) (*Effective January 1, 2025*) Sections 1 to 29, inclusive, of this act modify, limit and supersede the Electronic Signatures in Global and National Commerce Act, 15 USC 7001 et seq., but do not modify, limit or supersede Section 101(c) of said act, 15 USC 7001(c), or authorize electronic delivery of any of the notices described in Section 103(b) of said act, 15 USC 7003(b).

Sec. 30. Section 45a-499i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2025*):

(a) Notice to a person under sections 45a-487j to 45a-487t, inclusive, [and] 45a-499a to 45a-500s, inclusive, and sections 1 to 29, inclusive, of this act, or the sending of a document to a person under sections 45a-487j to 45a-487t, inclusive, [and] 45a-499a to 45a-500s, inclusive, and sections 1 to 29, inclusive, of this act, shall be accomplished in a manner reasonably suitable under the circumstances and likely to result in receipt of the notice or document. Permissible methods of notice or for sending a document include first-class mail, personal delivery, delivery to the person's last known place of residence or place of business, or, if the person has consented in advance to receive notices or documents by electronic message, a properly directed electronic message.

(b) Notice otherwise required under sections 45a-487j to 45a-487t, inclusive, [and] 45a-499a to 45a-500s, inclusive, and sections 1 to 29, inclusive, of this act, or a document otherwise required to be sent under

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sections 45a-487j to 45a-487t, inclusive, [and] 45a-499a to 45a-500s, inclusive, and sections 1 to 29, inclusive, of this act, need not be provided to a person whose identity or location is unknown to and not reasonably ascertainable by the trustee.

(c) Notice under sections 45a-487j to 45a-487t, inclusive, and 45a-499a to 45a-500s, inclusive, or the sending of a document under sections 45a-487j to 45a-487t, inclusive, and 45a-499a to 45a-500s, inclusive, may be waived by the person to be notified or to be sent the document.

(d) Notice of a judicial proceeding shall be given as provided in the applicable rules of court.

Sec. 31. Section 45a-499o of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2025*):

(a) Except as provided in subsection (b) of this section, the Probate Courts have sole original jurisdiction relating to testamentary trusts to:

(1) Determine the validity of the will establishing the trust pursuant to subdivision (2) of subsection (a) of section 45a-98;

(2) Compel a trustee to account pursuant to subdivision (6) of subsection (a) of section 45a-98;

(3) Approve a trustee's account pursuant to sections 45a-175 to 45a-179, inclusive, or proposed final distribution pursuant to section 45a-481;

(4) With respect to an action that could be reported in a subsequent account pursuant to sections 45a-175 to 45a-179, inclusive, hear and decide the petition of (A) a trustee to approve a proposed action, ratify a previously taken action or provide instructions to address a specific situation, or (B) a beneficiary to compel or prohibit action by a trustee;

(5) Approve the settlement of a disputed claim pursuant to section

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45a-151;

(6) Approve the sale of personal property pursuant to section 45a-163;

(7) Approve the sale or mortgage of real property pursuant to section 45a-164;

(8) Remove or accept the resignation of a trustee pursuant to section 45a-499vv or subsection (b) of section 45a-499ww;

(9) Appoint a successor trustee in the event of a vacancy or anticipated vacancy pursuant to section 45a-499uu;

(10) Order a trustee to furnish a probate bond pursuant to section 45a-499ss;

(11) Assume jurisdiction of a trust pursuant to section 45a-477;

(12) Order distribution of a decedent's estate or testamentary trust to the beneficiaries of an inoperative trust pursuant to section 45a-482;

(13) Authorize a trustee to disclaim an interest pursuant to section 45a-579;

(14) Authorize a trustee to combine two or more trusts or divide a trust into two or more separate trusts pursuant to section 45a-499ll; [and]

(15) Terminate a charitable trust pursuant to section 45a-520; and

(16) Hear and decide a petition related to the exercise of a decanting power pursuant to section 9 of this act.

(b) The Superior Court and the Probate Courts have concurrent original jurisdiction relating to testamentary trusts to:

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(1) Determine title or rights of possession and use in and to any real, tangible or intangible property that constitutes or may constitute property of a trust, including the rights and obligations of a beneficiary of the trust pursuant to subdivision (3) of subsection (a) of section 45a-98;

(2) Determine the validity and construe the meaning and effect of a trust pursuant to subdivision (4) of subsection (a) of section 45a-98;

(3) Apply the doctrine of cy pres or approximation pursuant to subdivision (5) of subsection (a) of section 45a-98;

(4) Recover on a probate bond for breach of fiduciary duty pursuant to sections 45a-144 and 45a-145;

(5) Reform a trust to qualify for the marital deduction pursuant to section 45a-485;

(6) Reform a trust to qualify for the charitable deduction pursuant to section 45a-519;

(7) Reform a charitable remainder unitrust pursuant to section 45a-521;

(8) Authorize transfer of the principal place of administration of a trust to another jurisdiction pursuant to section 45a-499h;

(9) Modify or terminate a noncharitable trust pursuant to sections 45a-499ee, 45a-499ff, 45a-499ii, 45a-499jj and 45a-499kk; and

(10) Hear and decide a petition for instruction pursuant to subsection (d) of section 45a-500i.

(c) Notwithstanding subsection (a) of this section, the Superior Court has original jurisdiction relating to testamentary trusts with respect to:

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(1) A proceeding relating to a testamentary trust that the court consolidates with another proceeding involving the same trust over which the Superior Court has original jurisdiction; and

(2) Any matter over which the Superior Court has statutory or common law jurisdiction or has powers or remedies that are not available to the Probate Courts.

(d) The Superior Court has original jurisdiction over all matters relating to inter vivos trusts. The Probate Courts have concurrent original jurisdiction with the Superior Court relating to inter vivos trusts to:

(1) Compel a trustee to account pursuant to subdivision (6) of subsection (a) of section 45a-98;

(2) Approve a trustee's account pursuant to section 45a-175;

(3) With respect to an action that could be reported in a subsequent account pursuant to section 45a-175, hear and decide the petition of a trustee to approve a proposed action, ratify a previously taken action or provide instruction to address a specific situation or the petition of a beneficiary to compel or prohibit an action by a trustee;

(4) Remove a trustee pursuant to subsection (b) of section 45a-499ww;

(5) Appoint a successor trustee in the event of a vacancy or anticipated vacancy pursuant to section 45a-487m or 45a-499uu and subsection (g) of section 45a-487p;

(6) Recover on a probate bond for breach of fiduciary duty pursuant to sections 45a-144 and 45a-145;

(7) Authorize a trustee to disclaim an interest pursuant to section 45a-579;

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(8) Authorize a trustee to combine two or more trusts or divide a trust into two or more separate trusts pursuant to section 45a-499ll;

(9) Terminate a charitable trust pursuant to section 45a-520;

(10) Determine title or rights of possession and use in and to any real, tangible or intangible property that constitutes or may constitute property of a trust, including the rights and obligations of any beneficiary of the trust pursuant to subdivision (3) of subsection (a) of section 45a-98;

(11) Determine the validity and construe the meaning and effect of a trust pursuant to subdivision (4) of subsection (a) of section 45a-98;

(12) Apply the doctrine of cy pres or approximation pursuant to subdivision (5) of subsection (a) of section 45a-98;

(13) Reform a trust to achieve the settlor's tax objectives pursuant to section 45a-499kk;

(14) Authorize transfer of the principal place of administration of a trust to another jurisdiction pursuant to section 45a-499h;

(15) Modify or terminate a noncharitable trust pursuant to sections 45a-499ee, 45a-499ff, 45a-499ii, 45a-499jj and 45a-499kk; [and]

(16) Hear and decide a petition for instruction pursuant to subsection (d) of section 45a-500i; and

(17) Hear and decide a petition related to the exercise of a decanting power pursuant to section 9 of this act.

(e) With respect to a matter over which the court has jurisdiction, the court may hear and decide a trustee's request for instructions or for approval of action or a party's request to compel or prohibit an action by a trustee.

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Sec. 32. Section 45a-106a of the 2024 supplement to the general statutes, as amended by section 4 of public act 23-161, is repealed and the following is substituted in lieu thereof (*Effective January 1, 2025*):

(a) The fees set forth in this section apply to each filing made in a Probate Court in any matter other than a decedent's estate.

(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) 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 parentage;

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(3) Validate a genetic surrogacy agreement;

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

(5) 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;

(6) Approve an adult adoption;

(7) 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 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;

(8) 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;

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

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guardian;

(10) With respect to an elderly person, as defined in section 17b-450, or an eligible adult, as defined in section 36b-14: (A) Enjoin an individual from interfering with the provision of protective services to such elderly person, (B) authorize the Commissioner of Social Services to enter the premises of such elderly person to determine whether such elderly person needs protective services, and (C) release a financial hold or a hold by a broker-dealer or investment advisor pursuant to section 45a-664;

(11) 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;

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

(13) 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;

(14) With respect to tuberculosis: (A) Commit an individual for

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treatment, (B) issue a warrant to enforce an examination order, and (C) terminate an involuntary confinement;

(15) 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;

(16) 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, (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;

(17) Authorize a fiduciary to establish a trust;

(18) Appoint a trustee for a missing person;

(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;

(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)

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give 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; and

(27) Permit an attorney who has not been admitted as an attorney under the provisions of section 51-80 to appear pro hac vice in a matter in the Probate Court.

(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.

(d) The fee for a fiduciary to request the release of funds from a restricted account in a Probate Court is one hundred fifty dollars, except that the court shall waive the fee if the court approves the request without notice and hearing in accordance with the rules of procedure adopted by the Supreme Court under section 45a-78.

(e) The fee to register a conservator of the person or conservator of the estate order from another state under section 45a-667r or 45a-667s, or to register both types of orders for the same person at the same time, is one hundred fifty dollars.

(f) The fee for mediation conducted by a member of the panel established by the Probate Court Administrator is three hundred fifty dollars per day or part thereof.

(g) The fee to request a continuance in a Probate Court is fifty dollars, plus the actual expenses of rescheduling the hearing that are payable

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under section 45a-109, except that the court, for cause shown, may waive either the fifty-dollar fee or the actual expenses of rescheduling the hearing, or both. The fee shall be payable by the party who requests the continuance of a scheduled hearing or whose failure to appear necessitates the continuance.

(h) The fee to file a [motion to permit an attorney who has not been admitted as an attorney under the provisions of section 51-80 to appear pro hac vice in a matter in the Probate Court is two hundred fifty dollars] petition to exercise the decanting power under section 9 of this act is three hundred dollars.

(i) The fee to file an affidavit concerning the possessions and personal effects of a deceased occupant under section 47a-11d is one hundred fifty dollars.

(j) The fee for the issuance of a foreign subpoena pursuant to section 52-657 is one hundred dollars.

(k) Except as provided in subsection (d) of section 45a-111, fees imposed under this section shall be paid at the time of filing.

(l) If a statute or rule of procedure approved by the Supreme Court under section 45a-78 specifies filings that may be combined into a single motion, petition or application, the fee under this section for the combined filing is the amount equal to the largest of the individual filing fees applicable to the underlying motions, petitions or applications.

(m) No fee shall be charged under this section if exempted or waived under section 45a-111 or any other provision of the general statutes.