



General Assembly

February Session, 2020

**Raised Bill No. 375**

LCO No. 2296



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING STATE AGENCY COMPLIANCE WITH  
PROBATE COURT ORDERS.**

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

1 Section 1. (NEW) (*Effective October 1, 2020*) (a) Each state agency that  
2 is a party to a Probate Court proceeding shall recognize, apply and  
3 enforce any order, denial or decree of a Probate Court that is applicable  
4 to any determination made by the state agency in a contested case. Any  
5 party aggrieved by an order, denial or decree of a Probate Court that is  
6 applicable to such a determination may appeal therefrom to the  
7 Superior Court in accordance with section 45a-186 of the general  
8 statutes, as amended by this act.

9 (b) For the purposes of this section, "state agency" means an agency,  
10 as defined in section 4-166 of the general statutes, and "contested case"  
11 has the same meaning as provided in section 4-166 of the general  
12 statutes.

13 Sec. 2. Section 45a-186 of the 2020 supplement to the general statutes  
14 is repealed and the following is substituted in lieu thereof (*Effective*  
15 *October 1, 2020*):

16 (a) As used in this section and section 45a-187, "electronic service" has  
17 the same meaning as provided in section 45a-136f.

18 (b) Any person aggrieved by an order, denial or decree of a Probate  
19 Court may appeal therefrom to the Superior Court. An appeal from a  
20 matter heard under any provision of section 45a-593, 45a-594, 45a-595  
21 or 45a-597, sections 45a-644 to 45a-677, inclusive, or sections 45a-690 to  
22 [45a-705] 45a-705a, inclusive, shall be filed not later than forty-five days  
23 after the date on which the Probate Court sent the order, denial or  
24 decree. Except as provided in sections 45a-187 and 45a-188, an appeal  
25 from an order, denial or decree in any other matter shall be filed on or  
26 before the thirtieth day after the date on which the Probate Court sent  
27 the order, denial or decree. The appeal period shall be calculated from  
28 the date on which the court sent the order, denial or decree by mail or  
29 the date on which the court transmitted the order, denial or decree by  
30 electronic service, whichever is later.

31 (c) An appeal shall be commenced by filing a complaint in the  
32 Superior Court in the judicial district in which such Probate Court is  
33 located, or, if the Probate Court is located in a probate district that is in  
34 more than one judicial district, by filing a complaint in a superior court  
35 that is located in a judicial district in which any portion of the probate  
36 district is located, except that (1) an appeal under subsection (b) of  
37 section 12-359, subsection (b) of section 12-367, [or] subsection (b) of  
38 section 12-395 or section 1 of this act shall be filed in the judicial district  
39 of Hartford, and (2) an appeal in a matter concerning removal of a  
40 parent as guardian, termination of parental rights or adoption shall be  
41 filed in any superior court for juvenile matters having jurisdiction over  
42 matters arising in any town within such probate district. The complaint  
43 shall state the reasons for the appeal. A copy of the order, denial or  
44 decree appealed from shall be attached to the complaint.

45 (d) An appeal from a decision rendered in any case after a recording  
46 of the proceedings is made under section 17a-498, 17a-543, 17a-543a or  
47 17a-685, sections 45a-644 to 45a-667v, inclusive, or section 51-72 or 51-  
48 73, shall be on the record and shall not be a trial de novo.

49 (e) Each person who files an appeal pursuant to this section shall  
50 serve a copy of the complaint on each interested party. The failure of  
51 any person to make such service shall not deprive the Superior Court of  
52 jurisdiction over the appeal. Notwithstanding the provisions of section  
53 52-50, service of the copy of the complaint shall be by state marshal,  
54 constable or an indifferent person. Service shall be in hand or by leaving  
55 a copy at the place of residence of the interested party being served or  
56 at the address for the interested party on file with the Probate Court,  
57 except that service on a respondent or conserved person in an appeal  
58 from an action under part IV of chapter 802h shall be in hand by a state  
59 marshal, constable or an indifferent person.

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

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

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

77 (i) A hearing in an appeal from probate proceedings under section  
78 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685, 45a-  
79 650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-699, 45a-  
80 703, [or] 45a-717 or section 1 of this act shall commence, unless a stay

81 has been issued pursuant to subsection (j) of this section, not later than  
82 ninety days after the appeal has been filed.

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

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

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

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

104 (3) The following matters shall not be referred to a special assignment  
105 probate judge pursuant to this subsection: Appeals (A) under sections  
106 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to 17a-528,  
107 inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688, inclusive, and  
108 section 1 of this act, (B) of children's matters as defined in subsection (a)  
109 of section 45a-8a, (C) under sections 45a-644 to 45a-663, inclusive, [45a-  
110 668] 45a-669 to 45a-683, inclusive, and 45a-690 to 45a-700, inclusive, and  
111 (D) of any matter in a Probate Court heard on the record in accordance  
112 with sections 51-72 and 51-73.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</i>	New section
Sec. 2	<i>October 1, 2020</i>	45a-186

**Statement of Purpose:**

To require each state agency to follow any order, denial or decree of a Probate Court that is applicable to a determination made by the state agency, and clarify that a state agency has standing to appeal any such order, denial or decree to the Superior Court with respect to such order's applicability to the state agency's determination.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*