



Senate Bill No. 1501

Public Act No. 25-48

AN ACT CONCERNING PROBATE COURT OPERATIONS.

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

Section 1. Subsection (c) of section 7-48 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) (1) When a birth occurs outside an institution, the certificate shall be prepared and filed by the physician or midwife in attendance at or immediately after the birth or, in the absence of such a person, by the parent of the child, pursuant to the provisions of section 19a-41-1 of the regulations of Connecticut state agencies.

(2) If the parent is unable to provide the information required to prepare and file the certificate pursuant to the provisions of section 19a-41-1 of the regulations of Connecticut state agencies, such parent or the legal guardian of the child may, prior to the child's first birthday, petition the [court of probate] Probate Court for the district where the birth is alleged to have occurred for an order requiring the registrar of vital statistics for the town where the birth occurred to create and file the certificate. The petitioner shall include with the petition the affidavits and other documentary evidence submitted to the registrar pursuant to the provisions of section 19a-41-1 of the regulations of

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Connecticut state agencies. Such court shall schedule a hearing and cause notice of the hearing to be given to the following persons: (A) The petitioner; (B) the parent or legal guardian of the child, if the parent or legal guardian are not the petitioner; (C) the registrar; and (D) any other person as the court may determine has an interest in the hearing. The registrar or the registrar's authorized representative may appear and testify at such hearing. The petitioner shall have the burden of proving the parentage of the child and that the birth occurred on the date and at the place alleged by the petitioner. If the court finds by a preponderance of the evidence the parentage of the child and that the birth occurred on the date and at the place alleged by the petitioner, the court shall issue an order directing the registrar to prepare, register and file the certificate.

(3) In any proceeding under subdivision (2) of this subsection, the court, on the motion of any party or on the court's own motion, may order genetic testing, as provided in sections 46b-495 to 46b-500, inclusive, to determine parentage. The petitioner shall be responsible for the cost of any such genetic test required by the court, except the department shall pay such cost for any petitioner who is found by the court to be indigent. If the results of such test indicate a ninety-nine per cent or greater probability that a person is the parent of the child for whom a registration of birth is sought, the results shall constitute a rebuttable presumption that the person is, in fact, the parent of the child for whom a registration of birth is sought.

Sec. 2. Subsection (h) of section 45a-63 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(h) The council shall, not later than [seven] fifteen business days after the termination of such investigation, notify the complainant and the respondent that the investigation has been terminated and whether probable cause has been found that misconduct under subsection (a), (b)

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or (c) of this section has been committed. If the council finds that the respondent has not committed misconduct under subsection (a), (b) or (c) of this section, but the respondent has acted in a manner which gives the appearance of impropriety or constitutes an unfavorable judicial practice, the council may issue a private admonishment to the respondent recommending a change in judicial conduct or practice.

Sec. 3. Section 45a-128 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in subsection (e) of this section, any order or decree made by a [court of probate] Probate Court ex parte may, in the discretion of the court, be reconsidered and modified or revoked by the court. Reconsideration may be made on the court's own motion or, for cause shown satisfactory to the court, on the written application of any interested person. Such motion or application shall be made or filed before any appeal has been [allowed] filed or after withdrawal of all appeals which have been [allowed] filed. For the purposes of this section, an ex parte order or decree is an order or decree entered in a proceeding of which no notice is required to be given to any party and no notice is given.

(b) Except as provided in subsections (a) and (e) of this section, any order or decree other than a decree authorizing the sale of real estate made by a [court of probate] Probate Court may, in the discretion of the court, be reconsidered and modified or revoked by the court, on the court's own motion or on the written application of any interested person. Such application shall be made or filed within one hundred twenty days after the date of such order or decree and before any appeal is [allowed] filed or after withdrawal of all appeals. The court may reconsider and modify or revoke any such order or decree for any of the following reasons: (1) For any reason, if all parties in interest consent to reconsideration, modification or revocation, or (2) for failure to provide legal notice to a party entitled to notice under law, or (3) to correct a

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scrivener's or clerical error, or (4) upon discovery or identification of parties in interest unknown to the court at the time of the order or decree.

(c) Upon any modification or revocation there shall be the same right of and time for appeal as in the case of any other order or decree.

(d) A hearing may be held in the discretion of the court on any motion or application for reconsideration, modification or revocation, and notice of the time and place of such hearing shall be given, in such manner as the court shall order, to all persons to whom notice of the order or decree to be reconsidered or notice of the hearings concerning such order or decree, was given, and to all persons by whom any such notice was waived, and to such other persons as the court may determine.

(e) Except as provided in section 45a-295, a decree or order made in reference to any estate may not be modified or revoked by a [court of probate] Probate Court as to assets lawfully transferred or distributed prior to the date of issuance of notice of hearing on a motion or application for reconsideration of such decree or order, or, if the court determines not to hold any such hearing, prior to the date of the court's order of revocation or modification.

Sec. 4. Subsection (a) of section 45a-186a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(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, 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] a copy of the complaint is received by the Probate Court under subsection (f) of section 45a-186, or

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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.

Sec. 5. Subdivision (2) of subsection (a) of section 45a-649 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(2) (A) The court shall direct that personal service of the citation be made, by a state marshal, constable or an indifferent person, upon the respondent and the respondent's spouse, if any, if the spouse is not the applicant. [Notwithstanding the provisions of this subparagraph, in cases where the application is for involuntary representation pursuant to section 17b-456, and there is no spouse or the whereabouts of the spouse is unknown, the court shall order notice by certified mail to the children of the respondent and if none, the parents of the respondent and if none, the brothers and sisters of the respondent or their representatives, and if none, the next of kin of such respondent.] (B) Except for the respondent, if the address of any other person entitled to personal service is unknown, or if personal service or service at the person's usual place of abode cannot be reasonably effected within the state, or if the person is out of the state, the judge or the clerk of the court shall order notice be given by registered or certified mail, return receipt requested, or by publication not less than ten days before the date of the hearing. Any such publication shall be in a newspaper of general circulation in the place of the last known address of the person to be notified, whether within or without this state, or if no such address is known, in the place where the petition has been filed. (C)

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Notwithstanding the provisions of subparagraph (A) of this subdivision, in cases where the application is for involuntary representation pursuant to section 17b-456 or in cases where notice is provided pursuant to subparagraph (B) of this subdivision, the court shall further order notice by certified mail to the children of the respondent and if none, the parents of the respondent and if none the brothers and sisters of the respondent or their representatives, and if none, the next of kin of such respondent.

Sec. 6. Section 45a-727 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) Except as provided in section 46b-129b, each adoption matter shall be instituted by filing an application in a [Court of Probate] Probate Court, together with the written agreement of adoption, [in duplicate. One of the duplicates shall be sent immediately to the Commissioner of Children and Families.]

(2) The application shall incorporate a declaration that to the best of the knowledge and belief of the declarant there is no other proceeding pending or contemplated in any other court affecting the custody of the child to be adopted, or if there is such a proceeding, a statement in detail of the nature of the proceeding and affirming that the proposed adoption would not conflict with or interfere with the other proceeding. The court shall not proceed on any application which does not contain such a declaration. For the purposes of this declaration, visitation rights granted by any court shall not be considered as affecting the custody of the child.

(3) An application for the adoption of a minor child not related to the adoptive parents shall not be accepted by the [Court of Probate] Probate Court unless (A) the child sought to be adopted has been placed for adoption by the Commissioner of Children and Families or a child-placing agency, and the placement for adoption has been

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approved by the commissioner or a child-placing agency; (B) the placement requirements of this section have been waived by the Adoption Review Board as provided in section 45a-764; (C) the application is for adoption of a minor child by a stepparent as provided in section 45a-733; or (D) the application is for adoption of a child by another person who shares parental responsibility for the child with the parent as provided in subdivision (3) of subsection (a) of section 45a-724. The commissioner or a child-placing agency may place a child in adoption who has been identified or located by a prospective parent, provided any such placement shall be made in accordance with regulations promulgated by the commissioner pursuant to section 45a-728. If any such placement is not made in accordance with such regulations, the adoption application shall not be approved by the [Court of Probate] Probate Court.

(4) The application and the agreement of adoption shall be filed in the [Court of Probate] Probate Court for the district where the adoptive parent resides or in the district where the main office or any local office of the statutory parent is located.

(5) The provisions of section 17a-152, regarding placement of a child from another state, and section 17a-175, regarding the interstate compact on the placement of children, shall apply to adoption placements.

(b) (1) The [Court of Probate] Probate Court shall request the commissioner or a child-placing agency to make an investigation and written report to it [, in duplicate,] within sixty days from the receipt of such request. [A duplicate of the report shall be sent immediately to the Commissioner of Children and Families.]

(2) The report shall be filed with the [Court of Probate] Probate Court within the sixty-day period. The report shall indicate the physical and mental status of the child and shall also contain such facts as may be

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relevant to determine whether the proposed adoption will be in the best interests of the child, including the physical, mental, genetic and educational history of the child and the physical, mental, social and financial condition of the parties to the agreement and the biological parents of the child, if known, and whether the best interests of the child would be served in accordance with the criteria set forth in section 45a-727a. The report shall include a history of physical, sexual or emotional abuse suffered by the child, if any. The report may set forth conclusions as to whether or not the proposed adoption will be in the best interests of the child.

(3) The physical, mental and genetic history of the child shall include information about: (A) The child's health status at the time of placement; (B) the child's birth, neonatal, and other medical, psychological, psychiatric, and dental history information; (C) a record of immunizations for the child; and (D) the available results of medical, psychological, psychiatric and dental examinations of the child. The report shall include information, to the extent known, about past and existing relationships between the child and the child's siblings, biological parents, extended family, and other persons who have had physical possession of or legal access to the child. The educational history of the child shall include, to the extent known, information about the enrollment and performance of the child in educational institutions, results of educational testing and standardized tests for the child, and special educational needs, if any, of the child.

(4) The adoptive parents are entitled to receive copies of the records and other information relating to the history of the child maintained by the commissioner or child-placing agency. The adoptive parents are entitled to receive copies of the records, provided if required by law, the copies have been edited to protect the identity of the biological parents and any other person whose identity is confidential and other identifying information relating to the history of the child. It is the duty

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of the person placing the child for adoption to edit, to the extent required by law, the records and information to protect the identity of the biological parents and any other person whose identity is confidential.

(5) The report shall be admissible in evidence subject to the right of any interested party to require that the person making it appear as a witness, if available, and such person shall be subject to examination.

(6) For any report under this section the [Court of Probate] Probate Court may assess against the adoptive parent or parents a reasonable fee covering the cost and expenses of making the investigation. The fee shall be paid to the state or to the child-placing agency making the investigation and report, provided the report shall be made within the sixty-day period or other time set by the court.

(c) (1) Upon the expiration of the sixty-day period or upon the receipt of such report, whichever is first, the [Court of Probate] Probate Court shall set a day for a hearing upon the agreement and shall give reasonable notice of the hearing to the parties to the agreement, the child-placing agency if such agency is involved in the adoption, the Commissioner of Children and Families and the child, if over twelve years of age.

(2) At the hearing the court may deny the application, enter a final decree approving the adoption if it is satisfied that the adoption is in the best interests of the child or order a further investigation and written report to be filed [, in duplicate,] within whatever period of time it directs. [A duplicate of such report shall be sent to the commissioner.] The court may adjourn the hearing to a day after that fixed for filing the report. If such report has not been filed with the court within the specified time, the court may thereupon deny the application or enter a final decree in the manner provided in this section.

(3) The [Court of Probate] Probate Court shall not disapprove any

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adoption under this section solely because of an adoptive parent's marital status or because of a difference in race, color or religion between a prospective adoptive parent and the child to be adopted or because the adoption may be subsidized in accordance with the provisions of section 17a-117.

(4) The [Court of Probate] Probate Court shall ascertain as far as possible the date and the place of birth of the child and shall incorporate such facts in the final decree, a copy of which shall be sent to the Commissioner of Children and Families.

Sec. 7. (*Effective July 1, 2025*) The Probate Court Administrator shall convene a working group consisting of Probate Court judges, the Commissioner of Social Services, or the commissioner's designee, representatives of nursing homes, as defined in section 19a-563 of the general statutes, and attorneys having expertise serving as conservators, to study and provide recommendations on the issues facing conservators in the Probate Court system, including, but not limited to, delay of payments, fee waiver requirements and compensation levels. Not later than January 15, 2026, the Probate Court Administrator shall report on the results of the study in accordance with the provisions of section 11-4a of the general statutes to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary. Such report may include legislative recommendations relating to Probate Court procedures and the topics that were included in the study.

Sec. 8. (NEW) (*Effective October 1, 2025*) Notwithstanding the requirements of chapter 802b of the general statutes, a claim in tort, to the extent that it is within existing insurance coverage for such tort, brought in Superior Court against an estate, shall not be dismissed for lack of subject matter jurisdiction. Nothing in this section shall allow for recovery beyond the insurance limits for such tort against the estate, nor allow for recovery from the fiduciary, the estate of the decedent or any

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creditor or beneficiary of the estate and recovery shall be limited to the insurance policy in effect at the time of the tort unless the creditor has otherwise complied with making a claim under chapter 802b of the general statutes.