



General Assembly

Substitute Bill No. 324

February Session, 2024



AN ACT CONCERNING PROBATE COURT OPERATIONS AND ADMINISTRATION.

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

1 Section 1. Subsection (i) of section 3-95b of the 2024 supplement to the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2024*):

4 (i) No record shall be acknowledged remotely pursuant to subsection
5 (b) of this section in (1) the making and execution of a will, codicil, trust
6 or trust instrument, (2) the execution of health care instructions
7 pursuant to section 19a-575a, (3) the execution of a designation of a
8 standby guardian pursuant to section 45a-624, (4) the execution of a
9 designation of a person for decision-making and certain rights and
10 obligations pursuant to section 1-56r, (5) the execution of a living will,
11 as defined in section 19a-570, (6) the execution of a power of attorney,
12 as defined in section 1-350a, (7) the execution of a self-proving affidavit
13 for an appointment of health care representative or for a living will
14 under sections 1-56r and 19a-578, (8) the execution of a mutual
15 distribution agreement under section 45a-433, (9) the execution of an
16 agreement as to the division of an estate under section 45a-434, (10) the
17 execution of a disclaimer under section 45a-479 or 45a-583, or [(10)] (11)
18 a real estate closing, as defined in section 51-88a. The performance of
19 any such acknowledgment in connection with any of the acts described

20 in this subsection shall be ineffective for any purpose and shall
21 constitute a violation of section 51-88.

22 Sec. 2. Section 45a-112 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective October 1, 2024*):

24 When the state or any of its agencies or the United States Department
25 of Veterans Affairs Connecticut Healthcare System is an applicant,
26 petitioner or moving party commencing a matter in a Probate Court, or
27 is otherwise liable for the fees or expenses under sections 45a-106a to
28 45a-112, inclusive, as amended by this act, the court shall accept such
29 matter without the filing fee accompanying the filing thereof, and shall
30 bill the filing fee or other fee or expense to the appropriate agency for
31 subsequent payment, which payment shall be due and payable upon
32 receipt of such bill.

33 Sec. 3. Section 46b-116d of the 2024 supplement to the general statutes
34 is repealed and the following is substituted in lieu thereof (*Effective*
35 *October 1, 2024*):

36 (a) In any involuntary proceeding in [a state court] the Superior
37 Court, where the court knows or has reason to know that an Indian child
38 is involved, the party seeking the foster care placement of, or
39 termination of parental rights to, an Indian child shall notify the parent
40 or Indian custodian and the Indian child's tribe, by registered or certified
41 mail with return receipt requested, of the pending proceedings and of
42 their right of intervention. If the identity or location of the parent or
43 Indian custodian and the tribe cannot be determined, such notice shall
44 be given, in like manner, to the Secretary or Bureau of Indian Affairs
45 Regional Director in the case of an Indian child of a federally recognized
46 Indian tribe, or the Commissioner of Children and Families in the case
47 of an Indian child of an Indian tribe recognized by the state of
48 Connecticut, who shall have fifteen days after receipt of such notice to
49 provide the requisite notice to the parent or Indian custodian and the
50 tribe.

51 (b) In any involuntary proceeding in a Probate Court in which a party

52 is seeking adoption or termination of parental rights where the party
53 knows or has reason to know that an Indian child is involved, the court
54 shall notify the parent in accordance with the provisions of section 45a-
55 716 of the pending proceedings, which shall include notice of the right
56 of intervention by the Indian custodian and the Indian child's tribe. The
57 court shall notify the Indian custodian and the Indian child's tribe by
58 registered or certified mail with return receipt requested. If the identity
59 or location of the Indian custodian and the tribe cannot be determined,
60 such notice shall be given, in like manner, to the Secretary or Bureau of
61 Indian Affairs Regional Director in the case of an Indian child of a
62 federally recognized Indian tribe, or the Commissioner of Children and
63 Families in the case of an Indian child of an Indian tribe recognized by
64 the state of Connecticut, who shall have fifteen days after receipt of such
65 notice to provide the requisite notice to the Indian custodian and the
66 tribe.

67 [(b)] (c) No foster care placement or termination of parental rights
68 proceeding shall be held until at least ten days after receipt of the notice
69 by the parent or Indian custodian and the tribe, the Secretary, the Bureau
70 of Indian Affairs Regional Director or the Commissioner of Children
71 and Families, provided the parent, Indian custodian or the tribe shall,
72 upon request, be granted up to twenty additional days to prepare for
73 such proceeding.

74 Sec. 4. Subdivision (2) of subsection (a) of section 45a-649 of the
75 general statutes is repealed and the following is substituted in lieu
76 thereof (*Effective October 1, 2024*):

77 (2) (A) The court shall direct that personal service of the citation be
78 made, by a state marshal, constable or an indifferent person, upon the
79 [following: The] respondent and the respondent's spouse, if any, if the
80 spouse is not the applicant. [, except that] Notwithstanding the
81 provisions of this subparagraph, in cases where the application is for
82 involuntary representation pursuant to section 17b-456, and there is no
83 spouse or the whereabouts of the spouse is unknown, the court shall
84 order notice by certified mail to the children of the respondent and if

85 none, the parents of the respondent and if none, the brothers and sisters
86 of the respondent or their representatives, and if none, the next of kin of
87 such respondent. (B) Except for the respondent, if the address of any
88 other person entitled to personal service is unknown, or if personal
89 service or service at the person's usual place of abode cannot be
90 reasonably effected within the state, or if the person is out of the state,
91 the judge or the clerk of the court shall order notice be given by
92 registered or certified mail, return receipt requested, or by publication
93 not less than ten days before the date of the hearing. Any such
94 publication shall be in a newspaper of general circulation in the place of
95 the last known address of the person to be notified, whether within or
96 without this state, or if no such address is known, in the place where the
97 petition has been filed.

98 Sec. 5. Subsections (b) to (e), inclusive, of section 45a-715 of the
99 general statutes are repealed and the following is substituted in lieu
100 thereof (*Effective October 1, 2024*):

101 (b) A petition for termination of parental rights shall be entitled "In
102 the interest of (Name of child), a person under the age of eighteen
103 years", and shall set forth with specificity: (1) The name, sex, date and
104 place of birth, and present address of the child; (2) the name and address
105 of the petitioner, and the nature of the relationship between the
106 petitioner and the child; (3) the names, dates of birth and addresses of
107 the parents of the child, if known, including the name of any [putative
108 father] alleged genetic parent named by the [mother] birth parent, and
109 the tribe and reservation of an American Indian parent; (4) if the parent
110 of the child is a minor, the names and addresses of the parents or
111 guardian of the person of such minor; (5) the names and addresses of:
112 (A) The guardian of the person of the child; (B) any guardians ad litem
113 appointed in a prior proceeding; (C) the tribe and reservation of an
114 American Indian child; and (D) the child-placing agency which placed
115 the child in his current placement; (6) the facts upon which termination
116 is sought, the legal grounds authorizing termination, the effects of a
117 termination decree and the basis for the jurisdiction of the court; (7) the
118 name of the persons or agencies which have agreed to accept custody or

119 guardianship of the child's person upon disposition.

120 (c) If the information required under subdivisions (2) and (6) of
121 subsection (b) of this section is not stated, the petition shall be dismissed.
122 If any other facts required under subdivision (1), (3), (4), (5) or (7) of
123 subsection (b) of this section are not known or cannot be ascertained by
124 the petitioner, he shall so state in the petition. If the whereabouts of
125 either parent or the [putative father] alleged genetic parent named
126 under subdivision (3) of subsection (b) of this section are unknown, the
127 petitioner shall diligently search for any such parent or [putative father]
128 the alleged genetic parent. The petitioner shall file an affidavit with the
129 petition indicating the efforts used to locate the parent or [putative
130 father] the alleged genetic parent.

131 (d) If a petition indicates that either or both parents consent to the
132 termination of their parental rights, or if at any time following the filing
133 of a petition and before the entry of a decree a parent consents to the
134 termination of [his] their parental rights, each consenting parent shall
135 acknowledge such consent on a form promulgated by the Office of the
136 Chief Court Administrator evidencing to the satisfaction of the court
137 that the parent has voluntarily and knowingly consented to the
138 termination of [his] their parental rights. No consent to termination by
139 a [mother] birth parent shall be executed within forty-eight hours
140 immediately after the birth of [her] the child. A parent who is a minor
141 shall have the right to consent to termination of parental rights and such
142 consent shall not be voidable by reason of such minority. A guardian ad
143 litem shall be appointed by the court to assure that such minor parent is
144 giving an informed and voluntary consent.

145 (e) A petition under this section shall be filed in the Probate Court for
146 the district in which (1) the petitioner resides, (2) the child resides, is
147 domiciled or is located at the time of the filing of the petition, or (3) in
148 the case of a minor who is under the guardianship of any child care
149 facility or child-placing agency, in the Probate Court for the district in
150 which any office of the agency is located. If the petition is filed with
151 respect to a child born [out of wedlock] to a birth parent unmarried to

152 the alleged genetic parent, the petition shall state whether there is [a
153 putative father] an alleged genetic parent to whom notice shall be given
154 under subdivision (3) of subsection (b) of section 45a-716.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2024</i>	3-95b(i)
Sec. 2	<i>October 1, 2024</i>	45a-112
Sec. 3	<i>October 1, 2024</i>	46b-116d
Sec. 4	<i>October 1, 2024</i>	45a-649(a)(2)
Sec. 5	<i>October 1, 2024</i>	45a-715(b) to (e)

JUD *Joint Favorable Subst.*