



Substitute Senate Bill No. 324

Public Act No. 24-97

AN ACT CONCERNING PROBATE COURT OPERATIONS AND ADMINISTRATION.

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

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 Subsection (i) of section 3-95b of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

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

Substitute Senate Bill No. 324

any such acknowledgment in connection with any of the acts described in this subsection shall be ineffective for any purpose and shall constitute a violation of section 51-88.

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 Section 45a-112 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

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

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 Section 46b-116d of the 2024 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2024*):

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

Substitute Senate Bill No. 324

provide the requisite notice to the parent or Indian custodian and the tribe.

(b) In any involuntary proceeding in a Probate Court in which a party is seeking adoption or termination of parental rights where the party knows or has reason to know that an Indian child is involved, the court shall notify the parent in accordance with the provisions of section 45a-716 of the pending proceedings, which shall include notice of the right of intervention by the Indian custodian and the Indian child's tribe. The court shall notify the Indian custodian and the Indian child's tribe by registered or certified mail with return receipt requested. If the identity or location of the Indian custodian and the tribe cannot be determined, such notice shall be given, in like manner, to the Secretary or Bureau of Indian Affairs Regional Director in the case of an Indian child of a federally recognized Indian tribe, or the Commissioner of Children and Families in the case of an Indian child of an Indian tribe recognized by the state of Connecticut, who shall have fifteen days after receipt of such notice to provide the requisite notice to the Indian custodian and the tribe.

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

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

(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

Substitute Senate Bill No. 324

[following: The] respondent and the respondent's spouse, if any, if the spouse is not the applicant. [, except that] 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.