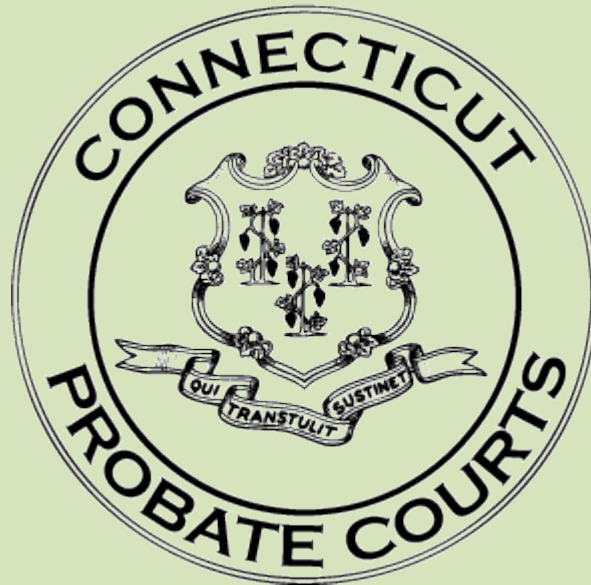


PROBATE CLERK'S MANUAL



2015

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OFFICE OF THE
PROBATE COURT ADMINISTRATOR
STATE OF CONNECTICUT

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A Brief History of the *Probate Clerk's Manual*

The first edition of the *Probate Clerk's Manual* was published in 1979. The introduction to that volume, which appears below, was written by then-Probate Court Administrator Glenn E. Knierim. It explains how the *Manual* was developed and pays tribute to the committee that produced this essential reference work.

In an article in The Hartford Courant magazine section, "Sunday," on October 22, 1978, it is stated "Connecticut Probate Court is the oldest court in the nation. This year marks its 300th anniversary." It seems incredible that the manual presented to you in these pages is the first Clerk's Manual ever published for our probate court personnel. It is well known among people who use the various courts that the clerk is the backbone of any court, and so it is with our courts of probate. We have rendered an invaluable service to the people of our State for these 300 years, due in large part to the dedication and ingenuity of our clerks. Now, it is time to give them an assist with a comprehensive manual to cover the variety of tasks they perform.

The truth is that if it were not for our clerks, we would not be introducing this manual to you at this time. Their hard work, experience and dedication produced this manual. The following are members of the Probate Court Clerk's Manual Committee: Judge Florence Marrone of the Killingworth Probate District; Judge Deborah Nolin of the Essex Probate District; Attorney Linda Dow of the Probate Court Administrator's Office; Attorney Frances Dillon, Assistant Clerk of the Hartford Probate District; Dorothy McPhee of the Hartford Probate District; Anna Maria Fornino, Clerk of the Newington Probate District; Allene Scaglia, Clerk of the Glastonbury Probate District; and Karen Getek, former Administrative Assistant to the Probate Court Administrator.

These dedicated people worked on a volunteer basis from January through September at weekly meetings and then put in additional hours at home and at their respective offices. The fruits of their labor will benefit all of us, and I wouldn't be surprised to see a judge sneaking a look at the manual now and then! We are indebted to them for their outstanding efforts on this manual.

The manual is presented in loose-leaf form so that pages can be kept current with ease. We hope that you will find this manual useful, and that you will let us have your comments in connection with any of its contents. The manual is designed to be for use within the probate courts only, and we are not making it available for the public, attorneys, banks or others. However, it should be considered as public record, and inspection should be permitted by anyone who may wish to refer to its pages.

A special note of thanks to Attorney Linda A. Dow without whose perseverance, dedication, ideas, and just plain hard work this manual would not have been possible. Also a special note of thanks to Allison Marrone, daughter of Judge Florence Marrone, who did the outstanding art work on the manual.

GLENN E. KNIERIM
Probate Court Administrator
1979

The manual has been updated numerous times since it was first introduced and is currently in its eleventh edition.

REPORT of the COMMITTEE to STUDY the ROLE of the CLERKS of PROBATE

At the request of then-Probate Court Administrator Glenn E. Knierim, the committee was appointed by the President-Judge of the Connecticut Probate Assembly in late 1986. The committee consisted of the following: Judges Deborah Holcomb (now Judge Deborah Pearl), Edward Januszewski, Arleen Keegan, Jeffrey Reinen, and Kathleen Sawyer, Clerk Mary Lou Verrengia, and Attorney Linda A. Dow. On January 26, 1988, the Executive Committee approved the recommendations of the Committee to Study the Role of the Clerks of Probate.

The committee recognized that the clerks of our probate courts have traditionally assumed a major role in serving the public. Frequently, they are the sole liaison between the court system and the public we serve. Their compassion and dedication have been a significant factor in the success of the probate court system. The purpose of these guidelines is in no way to diminish that valuable role, but rather to define some practical limits as our laws become more complex, and the public becomes more knowledgeable.

It should be underscored that the committee recognized the diversity among the courts at the outset of the project. The committee further determined that the recommendations should be "guidelines" to the Judges of Probate. Obviously, the clerks should be informed as to how these guidelines apply to them so that they can properly carry out their work.

Section 1:18 of Wilhelm and Folsom's *Connecticut Estates Practice, Jurisdiction and Procedure* (annotations omitted) details the role of the clerk:

It is provided by statute that the judge of probate must appoint a clerk and may appoint one or more assistant clerks, each of whom must be sworn to a faithful performance of their duties. Clerks must, when required, give such bond as the judge deems necessary. Notwithstanding the apparently mandatory language of this statute [C.G.S. §45a-18(d)], some judges in the past have administered court affairs without a clerk, serving as clerk themselves, and this practice has been sanctioned by the Supreme Court.

It has been held that the clerk is the clerk of the court, and not of the particular judge by whom appointed. Thus, the death or the resignation of the appointing judge, impeachment, mandatory retirement, removal of judge from the district, or the expiration of the judge's term of office does not terminate the term of the office of the clerk. The clerk may resign, be removed, or be superseded.

The clerk of the court has no judicial power. The clerk is confined to ministerial functions, such as recording the activities of the court, receiving and filing papers, having custody of the court files and records, keeping the court's seal, certifying the records and files of the court, and using and affixing the court seal. The clerk may, when directed by the court, make up, amend, and complete any imperfect or unfinished record of the court in such manner as the court may direct.

Each clerk of the court may store the inactive records of the court in any place of safe-keeping designated by the Chief Court Administrator, or may place such records in the direct custody of a public officer or other designee of the Chief Court Administrator. Such officer or designee is then charged with the safekeeping of the records, and upon request, may certify copies of them. The records of mortgage foreclosures may be stored in the office of the clerk of the court for the county or judicial district in which the land is located.

... Clerks of Probate Courts have certain incidental powers. They may adjourn the court from time to time in the absence of the judge. They may make any orders of notice of a hearing where such notice is required by law to be given to interested persons. They may, as may clerks of courts generally, administer oaths and take depositions.

The powers of assistant clerks are, by and large, the same as those of clerks. This is expressly provided as regards receiving wills, certifying records and affixing the seal of the court, recording certificates of election of registrars of vital statistics, adjourning the court, and making orders of notice.

The committee discussed at length the importance of the judge supervising the work of the clerk. The key appears to be one of the judge having "direct supervision" over the work of the clerk.

Webster's Third International dictionary defines *supervision* as follows: "... to direct and inspect continuously and at first hand the accomplishments of..."

The committee relied in part on sections of the Connecticut Code of Professional Responsibility, especially Section 6 of the "Ethical Considerations." This material is now contained in Rule 5.3 of the Rules of Professional Conduct, which is found in the *Connecticut Practice Book*. It states in part:

... (2) A lawyer having direct supervisory authority over the non-lawyer shall make reasonable efforts to ensure that the person's conduct is compatible with the professional obligations of the lawyer. . . .;

COMMENTARY: Lawyers generally employ assistants in their practice, including secretaries, investigators, law student interns and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer's professional services. A lawyer should give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client and should be responsible for their work product. The measures employed in supervising nonlawyers should take account of the fact that they do not have legal training and are not subject to professional discipline.

The committee recognized that the canons apply to attorneys admitted to practice in the State of Connecticut. However, the committee further recognized the analogous situation between a lawyer and a paralegal and a judge and a clerk.

The position of the clerk is that of the judge's assistant. Judges must be independent and impartial, and so too must the clerk. The clerk serves at the pleasure of the judge (C.G.S. §45a-21). Because the clerk is a clerk of the court, the clerk must show impartiality in assisting the public. **The clerk is not an advocate for the petitioner, nor does the clerk represent the petitioner.** The clerk may not give legal advice. The Rules of Professional Conduct prohibit the unauthorized practice of law.

The Committee stressed the importance of the Court being a fact finder and a decision-making body. Therefore, giving legal advice to those who may come before the Court is inappropriate. This issue often arises in tax return matters where the Court may have to ultimately decide the issue.

In addition to the Rules of Professional Conduct, Connecticut Statutes make it a crime to practice law without being admitted to the Bar (C.G.S. §51-88). Although clerks may not give legal advice, they may provide assistance to a **limited** degree. For example, clerks may provide the proper forms to be completed and explain the process. However, the petitioner must complete the forms.

The Responsibilities of the Judge

The judge must assume responsibility for the conduct of the clerk(s) if the judge orders the conduct, ratifies it, or, as a supervisor, knows of the conduct in time to prevent any adverse consequences.

Canon 3, Section C(2) of the *Connecticut Probate Practice Book* mandates that "[a] judge shall require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties."

Supervisor

The judge should properly supervise the clerk(s) to whom he or she has delegated responsibility. Proper supervision entails adequate instruction about how delegated work should be performed, appropriate monitoring of the work, and appropriate review of the work product. Care should be taken to delegate work to persons capable of performing it. The permissible scope of delegation and needed degree and manner of supervision will vary depending on the abilities, knowledge, training, and experience of the persons to whom work is assigned.

Advice

Judges shall not permit clerks to give legal advice. Clerks may, however, be authorized to communicate the judge's advice without expanding or interpreting that advice.

C.G.S. §51-88

(a) A person who has not been admitted as an attorney under the provisions of section 51-80 shall not: (1) Practice law or appear as an attorney-at-law for another, in any court of record in this state, (2) make it a business to practice law, or appear as an attorney-at-law for another in any such court, (3) make it a business to solicit employment for an attorney-at-law, (4) hold himself out to the public as being entitled to practice law, (5) assume to be an attorney-at-law, (6) assume, use, or advertise the title of lawyer, attorney and counselor-at-law, attorney, counselor, attorney and counselor, or an equivalent term, in such manner as to convey the impression that he is a legal practitioner of law, or (7) advertise that he, either alone or with others, owns, conducts or maintains a law office, or office or place of business of any kind for the practice of law.

(b) Any person who violates any provision of this section shall be fined not more than two hundred and fifty dollars or imprisoned not more than two months or both . . .

(c) Any person who violates any provision of this section shall be deemed in contempt of court, and the superior court shall have jurisdiction in equity upon the petition of any member of the bar of this state in good standing or upon its own motion to restrain such violation.

(d) The provisions of this section shall not be construed as prohibiting: (1) a town clerk from preparing or drawing deeds, mortgages, releases, certificates of change of name and trade name certificates which are to be recorded or filed in the town clerk's office in the town in which the town clerk holds office; (2) any person from practicing law or pleading at the bar of any court of this state in his own cause; or (3) any person from acting as agent or representative for a party in an international arbitration as defined in subsection (3) of section 50a-101.

The committee included these questions in the guidelines:

Inventory

(1) Should a clerk place values on an inventory or give advice regarding such values? **No, not under any circumstances.**

Tax Return

(2) Should a clerk complete or assist in completing a tax return? **No. The clerk should not do this under any circumstances. However, the clerk may answer questions regarding the procedure for filing returns and give general advice as to what is expected in the returns.**

Tax Return

(3) If a fiduciary misrepresents the status of joint ownership bank accounts on a return, should this be brought to the attention of the fiduciary? **Yes.**

Decedent's Estates

(4) If a petitioner requests assistance in designating heirs or next of kin and beneficiaries, should the clerk provide assistance? **The clerk may call attention to the appropriate statutes and discuss in general terms the process of designating heirs etc., but should not comment on individual situations.**

Forms

(5) May a clerk assist a petitioner in selecting the proper forms? **Yes, providing he or she is not giving specific advice about the appropriate proceeding for a particular legal problem.**

Children's Matters

(6) Should a clerk explain the difference between a removal and a TPR? **Yes, in general terms.**

(7) Should a clerk advise the petitioner about which application to bring? **No, except that if the petition is clearly inappropriate, the petitioner should be informed (if, for example, an application for removal is presented, and the clerk is informed that adoption is contemplated).**

General Matters

(8) Should the clerk type an application for the petitioner? **No, except in cases where a hardship would be created.**

(9) May a clerk assist a person in completing a court petition? **Yes. The clerk may render assistance in such procedural matters, but the clerk should never supply the answers to any questions nor supply any information on the form. Form requirements may be explained.**

(10) Should the clerk explain the statute to the petitioner? **No, never. The statute may be referred to in general terms, but never interpreted.**

(11) Should the clerk provide a copy of the statute to a petitioner? **Only if the petitioner requests a copy.**

(12) May a clerk advise a person that legal counsel is not necessary? **No. When asked such a question, clerks should reply that some people handle such proceedings without a lawyer, but it is an individual choice. Counsel should definitely be obtained if difficulties are anticipated (tax advice, contested matters, etc.).**

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12/2014 – **NOTE:** All forms listed here are in the CMS program, except CM-57 and CM-58. Forms were removed from the following sections that were completely revised due to changes required by legislation that took effect on October 1 or administrative updates: Commitments, Conservatorships, Guardianship, Guardianship of Persons with Intellectual Disability, Miscellaneous and Terminations & Adoptions. Therefore, there are no page number references for these forms in this table of contents.

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CM-15	Decree/Report Following Termination.....	
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CM-24	Petition for Award of Custody of the Remains of a Decedent (Application by Official Designated by Statute).....	
CM-25	Decree Awarding Custody of the Remains of a Decedent (Application by a Relative or Designated Person)	
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CM-27	Nomination of Standby Guardian.....	
CM-28	Statement Initiating Standby Guardianship	
CM-29	Petition for Appointment of Conservator for Non-Domiciliary (Application by Out-of-State Representative)	
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CM-31	Notice of Pending Application for Appointment of Conservator	
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CM-33	Certificate of Devise, Descent, or Distribution of Mobile Manufactured Home	DE/T-47
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CM-36	Decree After Hearing to Confirm, Revoke, or Modify Ex Parte Appointment of Temporary Conservator.....	
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CM-42A	Application for App't of a Special Limited Conservator and For Authority Re: Consent to Psychiatric Medication Treatment for Patient with Psychiatric Disabilities C.G.S. §54-56d	
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CM-45	Decree/Application for An Order Authorizing Shock Therapy for Patient with Psychiatric Disabilities C.G.S.§17a-543(e).....	CONS-59 NOW PC-865
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CM-61	Decree/Authorization for Release of Original Birth Certificate.....	
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CM-64	Application Re: Voting Competency/Conservatorship	
CM-65	Decree Re: Voting Competency/Conservatorship	
CM-66	Application Re: Voting Competency/Guardianship of Person w/Intellectual Disability	
CM-67	Decree Re: Voting Competency/Guardianship of Person w/Intellectual Disability.....	
CM-68	Appeal from Order in Response to Public Health Emergency: Isolation/Quarantine/ Vaccination.....	
CM-69	Order of Notice/Public Health Emergency Under C.G.S. §§19a-131b or 19a-221 (Isolation or Quarantine).....	
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CM-70A	Decree/Isolation or Quarantine/Public Health Emergency Declared by the Governor/C.G.S. §19a-131, et. seq.	
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CM-72	Transfer of File in a Children's Matter (For Use by Regional Children's Probate Courts)	N/A
CM-73	Order Re: Disclosure of Protected Health Information	
CM-74	Application to Determine Age and Date of Birth of An Adopted Person Born Outside the Country	

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CM-76	Citation and Return/Application/Paternity Claim	NOW PC-931
CM-77	Order Re: Adjudication of Application for Appointment of Conservator	
CM-78	Application/Reinstatement of Parent as Guardian of Minor.....	GDN-80 NOW PC-506
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CM-80	Microfilm Certification: Non-Confidential Media Set.....	DUTIES-12
CM-81	Microfilm Certification: Non-Confidential Media Set.....	DUTIES-13

State Offices

Attorney General's Office
55 Elm Street
Hartford, CT 06106
860-808-5318 (Main Number)

NOTE: For certified mail notice in termination of parental rights matters, emancipation matters, and paternity matters (C.G.S. §§45a-716, 46b-150, and 45b-172a, as amended), use the address below.

Office of the Attorney General
Department Head
Collections/Child Support Department
55 Elm St.
Hartford, CT 06016

Dept. of Administrative Services/Collections – Recovery
165 Capitol Ave.
Fifth Floor North
Hartford, CT 06106
860-713-5405

1. Dept. of Children & Families

Office of Foster Care & Adoptive Services

505 Hudson Street
Hartford, CT 06106
Adoption Records: Marisol Ayala – 860-550-6452
Interstate Compact: 860-550-6469 (Main Number)

2. Dept. of Children & Families

ATTN: Search Program Unit

505 Hudson St.
Hartford, CT 06106
860-550-6582

3. Dept. of Children & Families/Fiscal Services

505 Hudson St.
Hartford, CT 06106 (Re: Payment of CO-17 invoices)
860-550-6617

Dept. of Mental Health & Addiction Services

410 Capitol Avenue, PO Box 341431
Hartford, CT 06134
860-418-7000
1-800-446-7348

Dept. of Developmental Services

460 Capitol Avenue
Hartford, CT 06106
860-418-6000 or 1-866-737-0330

Office of the Chief State's Attorney

Leonard C. Boyle, Deputy Chief State's Attorney
600 Corporate Drive
Rocky Hill, CT 06067

Note: For referring possible criminal conduct to law enforcement, such as mishandling of estate assets by a fiduciary.

Office of Protection & Advocacy

60B Weston Street
Hartford, CT 06120-1551
860-297-4300



Office of the Probate Court Administrator

186 Newington Road
West Hartford, CT 06110
860-231-2442
FAX: 860-231-1055

Office of the Secretary of State

30 Trinity Street
Hartford, CT 06106
860-509-6200

Dept. of Public Health

Vital Records Section
410 Capitol Ave
P.O. Box 340308
MS #11VRS
Hartford, CT 06134-0308
Vital Records - 860-509-7897
Adoptions - 860-509-7956
Parentage - 860-509-7958
State Registrar - 860-509-7895
FAX: 860-509-7964

Dept. of Rehabilitation Services: Interpreting Unit

Mailing Address: P.O. Box 330730 W. Hartford, CT 06133
Physical Address: 67 Prospect Ave., W. Hartford, CT 06106
860-231-1690 (TTY/Voice)
800-708-6796 (Toll-Free)
FAX: 860-237-8746

Dept. of Revenue Services

Inheritance Division
25 Sigourney St.
Hartford, CT 06106
860-297-5737

Direct law-related questions re the estate tax to:

Louis Bucari, 1 st Ass't Comm. & Gen. Counsel Office of the Commissioner 25 Sigourney St. – 19 th Floor Floor Hartford, CT 06016 860-297-5798 Fax: 860-297-5684 Louis.Bucari@po.state.ct.us Marilee.Clark@po.state.ct.us	Marilee Clark, Tax Attorney Office of the General Counsel 25 Sigourney St. – 19 th Floor Hartford, CT 06106 860-297-5634 Fax: 860-297-5684
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Direct questions re the status of an estate tax return to:

L. Michael Romeo, Tax Div. Chief Compliance Division Excise and Public Services Subdivision 25 Sigourney St. – 17 th Floor Hartford, CT 06106 860-541-4567 Fax: 860-541-4255 L.Michael.Romeo@po.state.ct.us Barbara.Collins@po.state.ct.us	Barbara Collins Rev. Services Tax Supervisor Compliance Division Excise & Public Svcs. Subdiv. 25 Sigourney St. – 17 th Floor 860-541-3239 Fax: 860-541-7698
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Note: This contact information may be given to attorneys and to taxpayers with questions about estate tax returns.

Dept. of Social Services
 ATTN: Adult Services, 10th Floor
 55 Farmington Ave.
 Hartford, CT 06105-3724
 860-424-5250

Veterans Home/Hospital
 287 West Street
 Rocky Hill, CT 06067
 860-616-3600 (Main Number)
 860-616-3644 (Direct line for Elizabeth Syska re PC-200s)
 860-616-3537 (Fax number)



Note updated
 information.

Federal Offices

1) Connecticut Passport Agency

850 Canal St., Second Floor
 Stamford, CT 06902
 Toll Free: 1-877-487-2778 – For use by public to make appointments. The TDD/TTY number is 1-888-874-7793.

The telephone number for use by courts that serve as acceptance agents is 203-905-6868. The fax number is 203-905-6870.

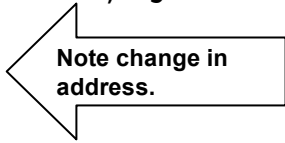
NOTE: These telephone numbers are not for use by the public.

Passport information on the Internet: www.travel.state.gov

2) U. S. Department of State – For questions about treaties between the United States and other countries, the publication Treaties in Force is found on the website for the U.S. State Department. Go to www.state.gov and enter “Treaties in Force” in the search box.

3) Veterans Benefits Administration, Regional Office

Department of Veterans Affairs
 Eastern Area Fiduciary Hub
 P.O. Box 441480
 Indianapolis, IN 46244



Note change in
 address.

NOTE: Use this address in cases where veterans have received payments under any account from the federal VA.

4) Veterans Health Administration, Connecticut Healthcare System

Newington Division
 555 Willard Avenue
 Newington, CT 06111
 860-666-6951
 FAX: 860-667-6764

Veterans Health Administration, Connecticut Healthcare System

West Haven Division
 950 Campbell Ave.
 West Haven, CT 06516
 203-932-5711
 FAX: 203-937-3868

Probate Districts: List of Addresses and Telephone Numbers

ANDOVER – See Greater Manchester Probate District.

ANSONIA – See Derby Probate District.

ASHFORD – See Northeast Probate District.

AVON – See Simsbury Regional Probate District.

BARKHAMSTED – See Torrington Area Probate District.

BEACON FALLS – See Naugatuck Probate District.

BERLIN Probate District (PD-08)

Hon. Walter A. Clebowicz

One Liberty Square,

P.O. Box 400

New Britain, CT 06050-0400

Tel. (860) 826-2696

Fax (860) 826-2695

BETHANY – See Hamden-Bethany Probate District.

BETHEL – See Northern Fairfield County Probate District.

BETHLEHEM – See Region # 22 Probate District.

BLOOMFIELD – See Tobacco Valley Probate District.

BOLTON – See Greater Manchester Probate District.

BOZRAH – See Norwich Probate District.

BRANFORD-NORTH BRANFORD

Probate District (PD-35)

Hon. Frank J. Forgione

1019 Main Street, P.O. Box 150

Branford, CT 06405-0150

Tel. (203) 488-0318

Fax (203) 315-4715

BRIDGEPORT

Probate District

Hon. Paul J. Ganim

City Hall Annex

999 Broad St., 1st Floor

Bridgeport, CT 06604

Tel. (203) 576-3945

Fax (203) 576-7898

BRIDGEWATER – See Housatonic Probate District.

BRISTOL – See Region #19 Probate District.

BROOKFIELD – See Housatonic Probate District.

BROOKLYN – See Northeast Regional Probate District.

BURLINGTON – See Farmington-Burlington Probate District.

CANAAN – See Litchfield Hills Probate District.

CANTERBURY – See Plainfield-Killingly Probate District.

CANTON – See Simsbury Regional Probate District.

CENTRAL CONNECTICUT REGIONAL CHILDREN'S
PROBATE COURT (PD-56)

Hon. Philip A. Wright, Jr., Adm. Judge

1501 East Main Street, S203

Meriden, CT 06450

Tel. (203) 235-1014

Fax (203) 235-1075

CHAPLIN – See Windham-Colchester Probate District.

CHESHIRE-SOUTHINGTON Probate District (PD-18)

Hon. Matthew J. Jalowiec

84 South Main Street

Cheshire, CT 06410

Tel. (203) 271-6608

Fax (203) 271-3735

CHESTER – See Saybrook Probate District.

CLINTON – See Saybrook Probate District.

COLCHESTER – See Windham-Colchester Probate District.

COLEBROOK – See Winchester Probate District.

COLUMBIA – See Greater Manchester Probate District.

CORNWALL – See Litchfield Hills Probate District.

COVENTRY – See Tolland-Mansfield Probate District.

CROMWELL – See Middletown Probate District.

DANBURY Probate District (PD-43)

Hon. Dianne E. Yamin
 City Hall Building
 155 Deer Hill Ave.
 Danbury, CT 06810
 Tel. (203) 797-4521
 Fax (203) 796-1563

DARIEN - NEW CANAAN

Probate District (PD-52)
 Hon. William P. Osterndorf (1/2015)
 Town Hall, 2 Renshaw Road
 Darien, CT 06820
 Tel. (203) 656-7342
 Fax (203) 656-0774

DEEP RIVER – See Saybrook Probate District.

DERBY Probate District (PD-41)

Hon. Clifford P. Hoyle (1/2015)
 City Hall, 253 Main Street, 2nd Fl.
 Ansonia, CT 06401
 Tel. (203) 734-1277
 Fax (203) 736-1434

DURHAM – See Middletown Probate District.

EASTFORD – See Northeast Probate District.

EAST GRANBY – See Tobacco Valley Probate District.

EAST HADDAM – See Region #14 Probate District.

EAST HAMPTON – See Region #14 Probate District.

EAST HARTFORD Probate District (PD-05)

Hon. Scott R. Chadwick
 Town Hall, 740 Main St.
 East Hartford, CT 06108
 Tel. (860) 291-7278
 Fax (860) 291-7211

EAST HAVEN-NORTH HAVEN

Probate District (PD-36)
 Hon. Michael R. Brandt
 Town Hall, 250 Main St.
 East Haven, CT 06512
 Tel. (203) 468-3895
 Fax (203) 468-5155

EAST LYME – See Niantic Probate District.

EASTON – See Trumbull Probate District.

EAST WINDSOR – See Greater Windsor Probate District.

ELLINGTON Probate District (PD-12)

Hon. O. James Purnell, III
 14 Park Place
 P.O. Box 268
 Vernon, CT 06066
 Tel. (860) 872-0519
 Fax (860) 870-5140

ENFIELD – See North Central Connecticut Probate District.

ESSEX – See Saybrook Probate District.

FAIRFIELD Probate District (PD-49)

Hon. Daniel F. Caruso
 Sullivan Independence Hall
 725 Old Post Road
 Fairfield, CT 06824
 Tel. (203) 256-3041
 Fax (203) 256-3044

FARMINGTON-BURLINGTON

Probate District (PD-10)
 Hon. Evelyn M. Daly
 One Monteith Drive
 Farmington, CT 06032
 Tel. (860) 675-2360
 Fax (860) 673-8262

FRANKLIN – See Norwich Probate District.

GLASTONBURY-HEBRON

Probate District (PD-06)
 Hon. Sean M. Peoples (1/2015)
 2155 Main St., P.O. Box 6523
 Glastonbury, CT 06033-6523
 Tel. (860) 652-7629
 Fax (860) 368-2520

GOSHEN – See Torrington Area Probate District.

GRANBY – See Simsbury Regional Probate District.

GREATER MANCHESTER Probate District (PD-13)

Hon. Michael M. Darby
 66 Center St.
 Manchester, CT 06040
 Tel. (860) 647-3227
 Fax (860) 647-3236

GREATER WINDSOR Probate District (PD-04)

Hon. Marianne Lassman Fisher
Town Hall
1540 Sullivan Avenue
South Windsor, CT 06074
Tel. (860) 644-2511 Ext. 371
Fax (860) 648-5047

GREENWICH Probate District (PD-54)

Hon. David W. Hopper
Town Hall, 101 Field Point Rd.,
P.O. Box 2540
Greenwich, CT 06836-2540
Tel. (203) 622-7879
Fax (203) 622-6451

GRISWOLD – See Norwich Probate District.

GROTON – See Southeastern Conn. Regional Probate District.

GUILFORD – See Madison-Guilford Probate District.

HADDAM – See Saybrook Probate District.

HAMDEN-BETHANY Probate District (PD-37)

Hon. Edward "Ned" Burt, Jr.
Gov't Center
2750 Dixwell Avenue
Hamden, CT 06518
Tel. (203) 287-7082
Fax (203) 287-7087

HAMPTON – See Windham-Colchester Probate District.

HARTFORD Probate District (PD-01)

Hon. Robert K. Killian, Jr.
250 Constitution Plaza, 3rd FL.
Hartford, CT 06103
Tel. (860) 757-9150
Fax (860) 724-1503

HARTFORD REGIONAL CHILDREN'S PROBATE COURT

Hon. Steven M. Zelman, Adm. Judge
250 Constitution Plaza, 3rd FL.
Hartford, CT 06103
Tel. (860) 757-9190
Fax (860) 724-1503

HARTLAND – See Torrington Area Probate District.

HARWINTON – See Litchfield Hills Probate District.

HEBRON – See Glastonbury – Hebron Probate District.

HOUSATONIC Probate District (PD-44)

Hon. Martin F. Landgrebe
Town Hall, 10 Main St.
New Milford, CT 06776
Tel. (860) 355-6029
Fax (860) 355-6024

KENT – See Litchfield Hills Probate District.

KILLINGLY – See Plainfield-Killingly Probate District.

KILLINGWORTH – See Saybrook Probate District.

LEBANON – See Colchester Probate District.

LEDYARD – See Southeastern Conn. Regional Probate District.

LISBON – See Norwich Probate District.

LITCHFIELD HILLS Probate District (PD-24)

Hon. Diane Blick
74 West Street
P.O. Box 505
Litchfield, CT 06759
Tel. (860) 567-8065
Fax (860) 567-2538

<p>Satellite Office: 100 Pease St. P.O. Box 849 Canaan, CT 06018 Tel. (860) 824-7012 Fax (860) 824-7428</p>
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LYME – See Saybrook Probate District.

MADISON-GUILFORD Probate District (PD-34)

Hon. Peter C. Barrett (1/2015)
8 Meetinghouse Lane
Madison, CT 06443
Tel. (203) 245-5661
Fax (203) 245-5653

MANCHESTER – See Greater Manchester Probate District.

MANSFIELD – See Tolland-Mansfield Probate District.

MARLBOROUGH – See Region #14 Probate District.

MERIDEN Probate District (PD-16)

Hon. Brian T. Mahon
City Hall, Rm. 113, 142 E. Main St.
Meriden, CT 06450
Tel. (203) 630-4150
Fax (203) 630-4043

MIDDLEBURY – See Naugatuck Probate District.

MIDDLEFIELD – See Middletown Probate District.

MIDDLETOWN Probate District (PD-15)

Hon. Joseph D. Marino
94 Court St.
Middletown, CT 06457
Tel. (860) 347-7424 Ext.1
Fax (860) 346-1520

MILFORD-ORANGE Probate District (PD-40)

Hon. Beverly Streit-Kefalas
Parsons Gov't. Center
70 West River Street
P.O. Box 414
Milford, CT 06460-0414
Tel. (203) 783-3205
Fax (203) 783-3364

MONROE – See Trumbull Probate District.

MONTVILLE – See Niantic Probate District.

MORRIS – See Litchfield Hills Probate District.

NAUGATUCK Probate District (PD-21)

Hon. Peter E. Mariano
Town Hall, 229 Church St.
Naugatuck, CT 06770
Tel. (203) 720-7046
Fax (203) 720-5476

NEW BRITAIN – See Berlin Probate District.

NEW CANAAN – See Darien-New Canaan Probate District.

NEW FAIRFIELD – See Housatonic Probate District.

NEW HARTFORD – See Torrington Probate District.

NEW HAVEN Probate District (PD-38)

Hon. John A. Keyes
200 Orange St., 1st Flr.
P.O. Box 905
New Haven, CT 06504-0905
Tel. (203) 946-4880
Fax (203) 946-5962

NEW HAVEN REGIONAL
CHILDREN'S PROBATE COURT (PD-55)

Hon. John A. Keyes, Adm. Judge
873 State St.
New Haven, CT 06511-3923
Tel. (203) 773-9556
Fax (203) 773-9685

NEW LONDON Probate District (PD-31)

Hon. Mathew H. Greene
181 State Street, Rm. 2
P.O. Box 148
New London, CT 06320
Tel. (860) 443-7121
Fax (860) 437-8155

NEW LONDON REGIONAL (PD-57)
CHILDREN'S PROBATE COURT

Hon. Jeffrey A. McNamara, Adm. Judge
One Union Plaza
New London, CT 06320
Tel. (860) 437-6253
Fax (860) 437-6259

NEW MILFORD – See Housatonic Probate District.

NEWINGTON Probate District (PD-07)

Hon. Robert Randich
66 Cedar Street, Rear
Newington, CT 06111
Tel. (860) 665-1285
Fax: (860) 665-1331

NEWTOWN – See Northern Fairfield County Probate District.

NIANTIC REGIONAL
Probate District (PD-32)

Hon. Jeffrey A. McNamara
118 Pennsylvania Ave.
P.O. Box 519
Niantic, CT 06357
Tel. (860) 739-6052
Fax (860) 739-6738

NORFOLK – See Litchfield Hills Probate District.

NORTH BRANFORD – See Branford-North Branford Probate District.

NORTH CANAAN – See Litchfield Hills Probate District.

NORTH CENTRAL CONNECTICUT
Probate District (PD-11)

Hon. Timothy R. Keeney
820 Enfield St.
Enfield, CT 06082
Tel. (860) 253-6305
Fax (860) 253-6388

NORTHEAST Probate District (PD-26)

Hon. Leah P. Schad
508 Pomfret St.
Putnam, CT 06260
Tel. (860) 928-4844
Fax (860) 928-4766

NORTHEAST REGIONAL CHILDREN'S
PROBATE COURT (PD-59)

Hon. Leah P. Schad, Adm. Judge
90 South Park Street
Willimantic, CT 06226
Tel. (860) 450-2653
Fax (860) 450-2657

NERCPC- Putnam

508 Pomfret St.
Putnam, CT 06260
Tel. (860) 928-4833
Fax (860) 928-4766

NORTHERN FAIRFIELD COUNTY Probate District (PD-45)

Hon. Joseph A. Egan, Jr.
1 School Street
P.O. Box 144
Bethel, CT 06801
Tel. (203) 794-8508
Fax (203) 778-7517

NORTH HAVEN – See East Haven-North Haven Probate
District.NORTH STONINGTON – See Southeastern Conn. Regional
Probate District.

NORWALK- WILTON Probate District (PD-51)

Hon. Anthony J. DePanfilis
125 East Avenue
P.O. Box 2009
Norwalk, CT 06852-2009
Tel. (203) 854-7737
Fax (203) 854-7825

NORWICH Probate District (PD-29)

Hon. Charles K. Norris
100 Broadway, Rm. 122
P.O. Box 38
Norwich, CT 06360-0038
Tel. (860) 887-2160
Fax (860) 887-2401

OLD LYME – See Niantic Regional Probate District.

OLD SAYBROOK – See Saybrook Probate District.

ORANGE – See Milford-Orange Probate District.

OXFORD – See Region #22 Probate District.

PLAINFIELD-KILLINGLY REGIONAL

Probate District (PD-27)
Hon. Andrea L. Truppa (1/2015)
Town Hall, 8 Community Ave.
Plainfield, CT 06374
Tel. (860) 230-3031
Fax (860) 564-0126

PLAINVILLE – See Region #19 Probate District.

PLYMOUTH – See Region #19 Probate District.

POMFRET – See Northeast Probate District.

PORTLAND – See Region #14 Probate District.

PRESTON – See Norwich Probate District.

PROSPECT – See Naugatuck Probate District.

PUTNAM – See Northeast Probate District.

REDDING – See Northern Fairfield County Probate District.

REGION #14 Probate District (PD-14)

Hon. Jennifer L. Berkenstock
9 Austin Drive, S211
Marlborough, CT 06447
Tel. (860) 295-6239
Fax (860) 295-6122

REGION #19 Probate District (PD-19)

Hon. Andre D. Dorval
City Hall, 111 N. Main St., 3rd Fl.
Bristol, CT 06010
Tel. (860) 584-6230
Fax (860) 584-3818

REGION #22 Probate District (PD-22)

Hon. Domenick Calabrese
501 Main St., South
P.O. Box 720
Southbury, CT 06488
Tel. (203) 262-0641
Fax (203) 264-9310

RIDGEFIELD – See Northern Fairfield County Probate District.

ROCKY HILL – See Newington Probate District.

ROXBURY – See Region #22 Probate District.

SALEM – See Niantic Regional Probate District.

SALISBURY – See Litchfield Hills Probate District.

SAYBROOK Probate District (PD-33)

Hon. Terrance Lomme
302 Main Street, 2nd Fl.
Old Saybrook, CT 06475
Tel. (860) 510-5028
Fax (860) 388-3734

SCOTLAND – See Windham-Colchester Probate District.

SEYMOUR – See Derby Probate District.

SHARON – See Litchfield Hills Probate District.

SHELTON Probate District (PD-42)

Hon. Fred J. Anthony
40 White Street
P.O. Box 127
Shelton, CT 06484
Tel. (203) 924-8462
Fax (203) 924-8943

SHERMAN – See Housatonic Probate District.

SIMSBURY REGIONAL Probate District (PD-09)

Hon. Cynthia C. Becker
933 Hopmeadow St.
P.O. Box 495
Simsbury, CT 06070-0495
Tel. (860) 658-3277
Fax (860) 658-3204

SOMERS – See North Central Conn. Probate District.

SOUTHBURY – See Region #22 Probate District.

SOUTHEASTERN CT REGIONAL Probate District (PD-30)

Hon. Nicholas Kepple
Town Hall, 45 Fort Hill Rd.
Groton, CT 06340
Tel. (860) 441-6655
Fax (860) 441-6657

SOUTHINGTON – See Cheshire-Southington Probate District.

SOUTH WINDSOR – See Greater Windsor Probate District.

SPRAGUE – See Norwich Probate District.

STAFFORD – See North Central Conn. Probate District.

STAMFORD Probate District (PD-53)

Hon. Gerald M. Fox, III (1/2015)
Stamford Gov't Center, 8th Floor
888 Washington Blvd., P.O. Box 10152
Stamford, CT 06904-2152
Tel. (203) 323-2149
Fax (203) 964-1830

STERLING – See Plainfield-Killingly Probate District.

STONINGTON – See Southeastern Conn. Regional Probate District.

STRATFORD Probate District (PD-47)

Hon. Kurt M. Ahlberg (1/2015)
468 Birdseye Street, 2nd FL.
Stratford, CT 06615
Tel. (203) 385-4023
Fax (203) 375-6253

SUFFIELD – See Tobacco Valley Probate District.

THOMASTON – See Litchfield Hills Probate District.

THOMPSON – See Northeast Probate District.

TOBACCO VALLEY Probate District (PD-03)

Hon. Steven M. Zelman
50 Church St.
Windsor Locks, CT 06096
Tel. (860) 627-1450
Fax (860) 654-8919

TOLLAND-MANSFIELD

Probate District (PD-25)
Hon. Barbara Gardner Riordan
21 Tolland Green
Tolland, CT 06084
Tel. (860) 871-3640
Fax (860) 871-3641

TORRINGTON AREA

Probate District (PD-23)
Hon. Michael F. Magistrali
Municipal Bldg.
140 Main Street
Torrington, CT 06790
Tel. (860) 489-2215
Fax (860) 496-5910

TRUMBULL Probate District (PD-46)

Hon. T.R. Rowe
Town Hall, 5866 Main St.
Trumbull, CT 06611-5416
Tel. (203) 452-5068
Fax (203) 452-5092

UNION – See North Central Connecticut Probate District.

VERNON – See Ellington Probate District.

VOLUNTOWN – See Norwich Probate District.

WALLINGFORD Probate District (PD-17)

Hon. Philip A. Wright, Jr.
Town Hall, 45 S. Main St. Rm. 114
Wallingford, CT 06492
Tel. (203) 294-2100
Fax (203) 294-2109

WARREN – See Litchfield Hills Probate District.

WASHINGTON – See Litchfield Hills Probate District.

WATERBURY Probate District (PD-20)

Hon. Thomas P. Brunnock
49 Leavenworth Street
Waterbury, CT 06702
Tel. (203) 755-1127
Fax (203) 597-0824

WATERBURY REGIONAL CHILDREN'S
PROBATE COURT (PD-58)

Hon. Thomas P. Brunnock, Adm. Judge
65 Center Street
Waterbury, CT 06702
Tel. (203) 573-5080
Fax (203) 573-5088

WATERFORD – See New London Probate District.

WATERTOWN – See Region # 22 Probate District.

WESTBROOK – See Saybrook Probate District.

WEST HARTFORD Probate District (PD-02)

Hon. Sydney W. Elkin
50 South Main St., Rm. 318
West Hartford, CT 06107
Tel. (860) 561-7940
Fax (860) 561-7591

WEST HAVEN (PD-39)

Hon. Mark J. DeGennaro
West Haven Probate District
355 Main St., P.O. Box 127
West Haven, CT 06516
Tel. (203) 937-3552
Fax (203) 937-3556

WESTON – See Westport Probate District.

WESTPORT Probate District (PD-50)

Hon. Lisa K. Wexler
Town Hall, Room 100
110 Myrtle Ave.
Westport, CT 06880
Tel. (203) 341-1100
Fax (203) 341-1102

WETHERSFIELD – See Newington Probate District.

WILLINGTON – See Tolland-Mansfield Probate District.

WILTON – See Westport Probate District.

WINCHESTER – See Torrington Area Probate District.

WINDHAM-COLCHESTER
Probate District (PD-28)

Hon. John J. McGrath
979 Main St., P.O. Box 34
Willimantic, CT 06226
Tel. (860) 465-3049
Fax (860) 465-2162

<p>Satellite Office: Town Hall 127 Norwich Ave. Colchester, CT 06415 Tel. (860) 537-7290 Fax (860) 537-7298</p>
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WINDSOR – See Greater Windsor Probate District.

WINDSOR LOCKS – See Tobacco Valley Probate District.

WINSTED – See Torrington Area Probate District.

WOLCOTT – See Waterbury Probate District.

WOODBIDGE – See Derby Probate District.

WOODBURY – See Region #22 Probate District.

WOODSTOCK – See Northeast Probate District.

Region One – Offices in Bridgeport and Norwalk

Bridgeport Office:

100 Fairfield Ave., Bridgeport, CT 06604

203-384-5300

Administrative Fax: 203-384-5307

Investigations Fax: 203-384-5306

Serving the towns of: **Bridgeport, Easton, Fairfield, Monroe, Stratford, and Trumbull**

Norwalk Office (Combined with former Stamford Office)

761 Main Ave.

I-Park Complex, Norwalk, CT 06851

203-899-1400

Administrative Fax: 203-853-4112

Investigations Fax: 203-853-3821

Serving the towns of: **Darien, Greenwich, New Canaan, Norwalk, Stamford, Weston, Westport and Wilton**

Region Two – Offices in Milford and New Haven

Milford Office:

38 Wellington Road

Milford, CT 06461

203-306-5300

Administrative Fax: 203-777-4358

Investigations Fax: 203-306-5606

Serving the towns of: **Ansonia, Bethany, Branford, Derby, East Haven, Hamden, Milford, North Branford, Northford, North Haven, Orange, Seymour, Shelton, West Haven, and Woodbridge**

New Haven Office

One Long Wharf Drive, New Haven, CT 06511

203-786-0500

Administrative Fax: 203-786-7457

Investigations Fax: 203-786-0660

Serving the city of New Haven.

Region Three – Offices in Middletown, Norwich and Willimantic

Middletown Office:

2081 South Main St., Middletown, CT 06457

860-638-2100

Administrative Fax: 860-346-2585

Investigations Fax: 860-346-0098

Serving the towns of: **Chester, Clinton, Cromwell, Deep River, Durham, East Haddam, East Hampton, Essex, Guilford, Haddam, Killingworth, Lyme, Madison, Middlefield, Middletown, Old Lyme, Old Saybrook, Portland, and Westbrook**

Norwich Office:

2 Courthouse Square, Norwich, CT 06360

860-886-2641

Administrative Fax: 860-885-1300

Investigations Fax: 860-887-3683

Serving the towns of: **Borzah, Colchester, East Lyme, Franklin, Griswold, Groton, Lebanon, Ledyard, Lisbon, Montville, New London, North Stonington, Norwich, Preston, Salem, Sprague, Stonington, Voluntown, and Waterford**

Willimantic Office:

322 Main St., Willimantic, CT 06226

860-450-2000

Administrative Fax: 860-423-5034

Investigations Fax: 860-450-1051

Serving the towns of: **Ashford, Brooklyn, Canterbury, Chaplin, Columbia, Coventry, Eastford, Hampton, Killingly, Mansfield, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, Union, Willington, Windham, and Woodstock**

Region Four – Offices in Hartford and Manchester**Hartford Office:**

250 Hamilton St., Hartford, CT 06106

860-418-8000

Administrative Fax: 860-418-8327 or 860-418-8267

Investigations Fax: 860-418-8328

Serving the towns of: **Bloomfield, Hartford, West Hartford, and Windsor**

Manchester Office:

364 West Middle Tpke., Manchester, CT 06040

860-533-3600

Administrative Fax: 860-533-3750

Investigations Fax: 860-533-3734 or 860-533-3797

Serving the towns of: **Andover, Bolton, East Granby, East Hartford, East Windsor, Ellington, Enfield, Glastonbury, Granby, Hebron, Manchester, Marlborough, Somers, South Windsor, Stafford, Suffield, Tolland, Vernon, and Windsor Locks**

Region Five – Offices in Danbury, Torrington and Waterbury**Danbury Office:**

131 West St., Danbury, CT 06810

203-207-5100

Administrative and Investigations Fax: 203-207-5169 (For investigations, mark "Attn: Investigations")

Serving the towns of: **Bethel, Bridgewater, Brookfield, Danbury, New Fairfield, New Milford, Newtown, Redding, Ridgefield, and Sherman**

Torrington Office:

62 Commercial Blvd., Torrington, CT 06790

860-496-5700

Administrative Fax: 860-496-5746

Investigations Fax: 860-496-5834

Serving the towns of: **Barkhamsted, Bethlehem, Canaan, Colebrook, Cornwall, Goshen, Hartland, Harwinton, Kent, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Roxbury, Salisbury, Sharon, Thomaston, Torrington, Warren, Washington, Watertown, and Winchester**

Waterbury Office

395 West Main St., Waterbury, CT 06702

203-759-7000

Administrative Fax: 203-759-7296

Investigations Fax: 203-759-7295

Serving the towns of: **Beacon Falls, Cheshire, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Waterbury, Wolcott, and Woodbury**

Region Six – Offices in Meriden and New Britain

Meriden Office:

West Main St., Meriden, CT 06451

203-238-8400

Administrative Fax: 203-238-6287

Investigations Fax: 203-238-6425

Serving the towns of: **Meriden and Wallingford**

New Britain Office:

1 Grove St., 4th Floor, New Britain, CT 06053

860-832-5200

Administrative Fax: 860-832-5318

Investigations Fax: 860-832-5491

Serving the towns of: **Avon, Berlin, Bristol, Burlington, Canton, Farmington, New Britain, Newington, Plainville, Plymouth/Terryville, Rocky Hill, Simsbury, Southington, and Wethersfield**

Child Abuse and Neglect Hotline (24 hours) — 1-800-842-2288

Consular Offices

For those countries that have several consular offices in the United States, notice will be sent to the regional consular office. If a country does not have consular offices within the United States, send notice to the embassy in Washington, D.C. To obtain information for a country that is not listed below, the site www.embassypages.com lists foreign consulates and embassies in the United States. Of course, you may also contact the administrator's office or your local library for assistance.

ARGENTINA

Consul-General of Argentina
12 West 56th St.
New York, New York 10019
212-603-0400 FAX: 212-541-7746

AUSTRALIA

Consul-General of Australia
150 E. 42nd St., 34th Floor
New York, New York 10017
212-351-6500 FAX: 212-351-6501

AUSTRIA

Consul-General of Austria
31 E. 69th St.
New York, New York 10021
212-737-6400 FAX: 212-772-8926

BOSNIA HERZEGOVINA

886 U.N. Plaza
Suite 580
New York, New York 10017
212-751-9018 FAX: 212-751-9135

BRAZIL (For CT)

Consul-General of Brazil
One Constitution Plaza
Hartford, CT 06103
860-760-3100 FAX: 860-760-3139

CANADA

Consul-General of Canada
1251 Avenue of the Americas
New York, New York 10020
212-596-1628 FAX: 212-596-1790

CHINA

Consul-General of China
520 12th Avenue
New York, New York 10036
212-279-4275 or 212-244-9456 FAX: 212-502-0258

CROATIA

Consul-General of Croatia
369 Lexington Avenue, 11th Floor
New York, New York 10017
212-599-3066 FAX: 212-599-3106

CZECH REPUBLIC

Consul-General of the Czech Rep.
321 East 73rd St.
New York, New York 10021
646-422-3344 FAX: 646-422-3311

FINLAND

Consul-General of Finland
866 United Nations Plaza, Suite 250
New York, New York 10017
212-750-4400 FAX: 212-750-4418

FRANCE

Consul-General of France
934 Fifth Avenue, 17th Floor
New York, New York 10021
212-606-3600 FAX: 212-606-3620

GERMANY

Consul-General of the Fed. Republic of Germany
871 UN Plaza, UN 12th Floor
New York, New York 10017
212-610-9700 FAX: 212-940-0402

HUNGARY

Consul-General of the Republic of Hungary
223 E. 52nd Street
New York, New York 10022
212-752-0669 FAX: 212-755-5986

INDIA

Consul-General of India
3 E. 64th St.
New York, New York 10065
212-774-0600 FAX: 212-861-3788

IRELAND

Consul-General of Ireland
345 Park Ave., 17th Floor
New York, New York 10154-0037
212-319-2555 FAX: 202-980-9475

ISRAEL

Consul-General of Israel
800 Second Avenue, 13th Floor
New York, New York 10017
212-499-5000 FAX: 212-449-5465

ITALY

Consul-General of Italy
690 Park Avenue
New York, New York 10021
212-737-9100 FAX: 212-249-4945

JAMAICA, WEST INDIES

Consul-General of Jamaica
767 Third Avenue, 2nd and 3rd Floors
New York, New York 10017
212-935-9000 FAX: 212-935-7507

JAPAN

Consul-General of Japan
299 Park Avenue, 18th Floor
New York, New York 10171
212-371-8222 FAX 212-3139-6357

REPUBLIC OF KOREA

Consul General of Korea
460 Park Ave., 9th Floor
New York, New York 10022
646-674-6000 or 212-692-9120

MACEDONIA

Consul-General of the Republic of Macedonia
866 United Nations Plaza, Suite 522
New York, NY 10017
646-524-5750 FAX: 646-524-5754

MEXICO

Consul-General of Mexico
27 E. 39th Street
New York, New York 10016
212-217-6400 FAX: 212-217-6493

NETHERLANDS

Consul-General of the Netherlands
666 Third Ave., 19th Floor
New York, New York 10017
877-388-2443 FAX: 212-246-9769

NEW ZEALAND

Consul-General of New Zealand
295 Madison Ave., 41st Floor
New York, New York 10017-6702
212-832-4038 FAX: 212-832-7602

NORWAY

Consul-General of Norway
825 Third Avenue, 38th Floor
New York, New York 10022
646-430-7500 FAX: 646-430-7599

POLAND

Consul-General of the Republic of Poland
233 Madison Avenue
New York, New York 10016
646-237-2100 FAX: 1-646-237-2105

PORTUGAL

Consul-General of Portugal
590 Fifth Avenue, 3rd Floor
New York, New York 10111
212-221-3165 FAX: 212-221-3462/ 212-459-0190

ROMANIA

Consul-General of Romania
200 E. 38th Street, 3rd Floor
New York, New York 10016
212-688-7102 FAX: 212-682-9123 FAX: 212-972-8463

RUSSIA

Consul-General of Russia
9 E. 91st Street
New York, New York 10128
212-348-0926 FAX: 212-831-9162

SPAIN

Consul-General of Spain
150 E. 58th St., Floor 30
New York, New York, 10555
212-355-4080 FAX: 212-644-3751

SWEDEN

Consul-General of Sweden
445 Park Ave., 21st Floor
New York, New York 10022
212-888-3000 FAX: 212-888-3125

SWITZERLAND

Consul-General of Switzerland
633 Third Avenue, 30th Floor
New York, New York 10017-6706
212-599-5700 FAX: 212-599-4266

UKRAINE

Consul-General of the Republic of Ukraine
240 E. 49th Street
New York, New York 10017
212-371-6965 FAX: 212-371-5547

UNITED KINGDOM (ENGLAND, SCOTLAND, WALES)

For Fairfield County matters:
British Consul-General
845 Third Avenue, 9th and 10th Floors
New York, New York 10022
212-745-0200

All other matters:

British Consul-General
One Broadway
Cambridge, MA 02142
617-245-4500

Department of Social Services – Regional Offices

Contacts Re Conservatorships: 1) State Aid or Care (C.G.S. §45a-649), 2) Spousal Support Applications (C.G.S. §17b-261b* , and 3) DSS as Conservator of the Person (COP) – Names of Social Work Supervisors (C.G.S. § 45a- 651)

NORTHERN REGION – Hartford Office

3580 Main Street
Hartford, CT 06120-1187

Georgette Brown-King, Resources Supervisor

(860) 723-1157

Serving: Avon, Bloomfield, Canton, East Granby, Farmington, Granby, Hartford, Newington, Rocky Hill, Simsbury, Suffield, West Hartford, Wethersfield, Windsor, Windsor Locks

Christine MacGillis or Luisa Guerra, Social Work Supervisors re COP – 860-723-1016 or 860-723-1030

New Britain Sub-Office

30 Christian Lane
New Britain, CT 06051-4152

Cathy Shires, Resources Supervisor
(860) 612-3456

Serving: Berlin, Bristol, Burlington, New Britain, Plainville, Plymouth, Southington
Mary Moran or Lisa Scott, Social Work Supervisors re COP – 860-612-3565 or 860-612-3492

Manchester Sub-Office

699 E. Middle Tpke.
Manchester, CT 06040-3744

Georgette Brown- King, Resources Supervisor

(860) 647-5868

Serving: Andover, Bolton, East Hartford, East Windsor, Ellington, Enfield, Glastonbury, Hebron, Manchester, Marlborough, Somers, South Windsor, Stafford, Tolland, Vernon

Walter Altamirano, Social Work Supervisor re COP – 860-647-5906

Willimantic Sub-Office

676 Main St.
Willimantic, CT 06226

Serving: Ashford, Brooklyn, Canterbury, Chaplin, Columbia, Coventry, Eastford, Hampton, Killingly, Mansfield, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, Union, Willington, Windham, Woodstock

Georgette Brown-King, Resources Sup., Tolland County – 860-647-5868
Cathy Shires, Resources Sup., Windham County – 860-612-3456

Marilyn Fox, Social Work Supervisor re COP – 860-465-3549

SOUTHERN REGION – New Haven Office

50 Humphrey Street
New Haven, CT 06513

John Anderson, Resources Supervisor
(203) 974-8214

Serving: Ansonia, Bethany, Branford, Derby, East Haven, Hamden, Milford, New Haven, North Branford, North Haven, Orange, Seymour, Shelton, Wallingford, West Haven, Woodbridge

Glennie Harris-Roberts or Ruth Erazo-Martinez, Social Work Supervisors re COP – 203-974-8038 or 203-974-8217

Middletown Sub-Office

117 Main Street Ext.
Middletown, CT 06457-3843

John Anderson, Resources Supervisor
(203) 974-8214 **NOTE: Send notices for all matters that do not involve social work to the New Haven office.**

Serving: Chester, Clinton, Cromwell, Deep River, Durham, East Haddam, Haddam, East Hampton, Essex, Guilford, Haddam, Killingworth, Lyme, Madison, Meriden, Middlefield, Middletown, Old Lyme, Old Saybrook, Portland, Westbrook

David Parsons, Social Work Supervisor re COP – 860-704-3040

Norwich Sub-Office

401 West Thames Street, Unit 102
Norwich, CT 06360

Cathy Shires, Res. Supervisor
(860) 823-5001

Serving: Bozrah, Colchester, East Lyme, Franklin, Griswold, Groton, Lebanon, Ledyard, Lisbon, Montville, New London, North Stonington, Norwich, Preston, Salem, Sprague, Stonington, Voluntown, Waterford
Susan Quarti, Social Work Supervisor re COP matters – 860-823-3363

WESTERN REGION – Bridgeport Office

925 Housatonic Avenue
Bridgeport, CT 06606-5700

Aimee Yuskas, Resources Supervisor
(203) 551-2907

Serving: Bridgeport, Easton, Fairfield, Monroe, Norwalk, Stratford, Trumbull, Weston, Westport

James Dwyer, Social Work Supervisor re COP – 203-551-2752

Stamford Sub-Office

1642 Bedford Street
Stamford, CT 06905-4731

Aimee Yuskas, Res. Supervisor
(203) 551-2907

Serving: Darien, Greenwich, New Canaan, Stamford, Wilton

Gayle Paquin, Social Work Supervisor re COP – 203-251-9418

Waterbury Sub-Office

249 Thomaston Ave.
Waterbury, CT 06702 1397

Brian McGuiness, Resources Supervisor

(203) 597-4123

Serving: Beacon Falls, Cheshire, Middlebury, Naugatuck, Oxford, Prospect, Southbury, Waterbury, Watertown, Wolcott
Juan Torres, Social Work Supervisor re COP – 203-597-4145

Danbury Sub-Office

342 Main Street
Danbury, CT 06810-5833

Aimee Yuskas, Resources Supervisor
(203) 551-2907

Serving: Bethel, Bridgewater, Brookfield, Danbury, New Fairfield, New Milford, Newtown, Redding, Ridgefield, Sherman

Valerie O'Rourke, Social Work Supervisor re COP – 203-207-8955

Torrington Sub-Office

62 Commercial Boulevard, Suite 1
Torrington, CT 06790-9983

Brian McGuiness, Res. Supervisor
(203) 597-4123

Towns Served: Barkhamsted, Bethlehem, Canaan, Colebrook, Cornwall, Goshen, Hartland, Harwinton, Kent, Litchfield, Morris, New Hartford, Norfolk, North Canaan, Roxbury, Salisbury, Sharon, Thomaston, Torrington, Warren, Washington, Winchester, Woodbury
Rosaline Brown, Social Work Supervisor re COP – 860- 496-6950

*See "Conservator" section for mailing instructions re notices for DSS.

State Contractors Providing Translation and Interpretation Services

See "Language Interpreting Services" heading in the "Miscellaneous" section of this manual for information.

Accuworld, LLC.
361 Park Road, Suite 1
West Hartford, CT 06119
860/561.3388
860/561.7247 (fax)
www.accuworld.com
E-mail: service@accuworld.com
Contact: Susan E. Joyce

Andreas F. Werner dba The Language Link of CT
354 Main Street, Suite 8
Newington, CT 06111
860/561.5438
425/988.7688 (fax)
www.aptranslation.com
Email: languagelink@cox.net
Contact: Andy Werner

Feng Zhou dba Chinese Interpreters and Translators
93 Vista Way
Bloomfield, CT 06002
860/614.1428 (cell)
www.chineseinterpreterstranslators.com
Email: feng@chineseinterpreterstranslators.com
Contact: Feng Zhou

Interpreters and Translators, Inc.
263 Main Street
Manchester, CT 06042-3538
860/647.0686
860/646.3590 (fax)
www.ititranslates.com
Email: epagano@ititranslates.com
Contact: Elba R. Pagano

Language Bank, Inc.
159 West 25th Street, 6th Floor
New York, NY 10001
212/213.3336
www.aLanguageBank.com
Email: info@alanguagebank.com
Contact: Maxwell Davidson/Christopher Carter

Language Learning Enterprises, Inc.
1627 K St. NW
888/464.8553
202/785.5584 (fax)
info@lle-inc.com
Contact: Kathleen Diamond

Maria-Jose Pastor
13 Winding Trail
Middlebury, CT 06762
203/758.1836
203/758.1837 (fax)
Email: m.pastor@att.net
Contact: Maria-Jose Pastor

Masterword Services, Inc.
303 Stafford Street
Houston, TX 77079
281/589.0810 or 866/716/4999
281/589.1104 (fax)
www.masterword.com
Email: masterword@masterword.com
Contact: Leticia Sifuentes

Northwest Interpreters, Inc.
203 SE Park Plaza Drive, Suite 190
Vancouver, WA 98684
866/468.7769
360/566.0453 (fax)
www.nwiservices.com
vic@nwiservices.com
Contact: Vic Marcus

Office Systems of CT, Inc. dba ABC Language Services
1880 Silas Deane Hwy, #202
Rocky Hill, CT 06067
860/883.0102 or 860-635-8585
860/656.6197 (fax)
www.abc-ls.com
Email: officesys@abc-ls.com
Contact: P.J. Kamani

State Contractors Providing Translation and Interpretation Services

See "Language Interpreting Services" heading in the "Miscellaneous" section of this manual for information.

RDP Agency, LLC
80 Boulanger Avenue
West Hartford, CT 06110
860/881.8181
860/331.8535 (fax)
www.rdptranslation.com
Email: rpacheco@rdptranslation.com
mail@rdptranslation.com
Contact: Raquel A. Pacheco

Saul Sibirsky Interpretation and Translation Services
72 Heritage Hill Road, Apt. B
New Canaan, CT 06840
203/216.2680
203/594.7641 (fax)
www.saulsibirskyITS.org
Email: saulsibirsky@optonline.net
Contact: Saul Sibirsky, Ph.D

TransFluenci
71 Spruceland Road
Enfield, CT 06082
413/737.1888
413/737.0188 (fax)
www.transfluenci.com
Email: Barbara@transfluenci.com
Jessica@transfluenci.com
Contact: Barbara J. Rodriguez or Jessica Ridley



Duties and Responsibilities of the Clerk

For a detailed discussion of the clerk's responsibilities, see Locke & Kohn, *Connecticut Probate Practice*, Volume 1, pages 19-23, and Wilhelm, *Connecticut Estates Practice, Jurisdictional Procedure*, Chapter I. For the most part, the powers and responsibilities of the assistant clerk are the same as those of the clerk.

1. The clerk is the clerk of the court and not of the judge by whom he or she was appointed. The clerk may resign, be removed or be superseded. He or she continues in office until one of those events occurs.

C.G.S. §45a-18. Election of judges. Terms of office. Clerks. (a) There shall be a court of probate in each probate district held by one judge elected by the electors residing in such district at the state election in 1974, and every four years thereafter. (b) Each judge of probate shall hold office for four years beginning on the Wednesday after the first Monday in January next following his or her election. (c) Each judge, before entering upon his or her duties, shall be sworn and shall record his or her certificate of election upon the records of his court. (d) He or she shall appoint a clerk and may appoint one or more assistant clerks, each of whom shall be sworn to a faithful performance of his or her duties and shall, when required, give whatever bond the judge deems necessary. Each such clerk shall continue in office until he or she resigns, is removed, or is superseded.

Oath of Office. The oath is found in C.G.S. §1-25. The person who swears the judge or clerk into office should complete the form below. Strike out either "elected" or "appointed," as applicable. The form for the judge should then be recorded in the records of the court, along with the certificate of election. The clerk's form should also be recorded in the court records.

State of Connecticut,
County of _____

Date _____

Personally appeared _____

of _____, duly elected/appointed to the office of _____

and took the oath provided by Section 1 of the Article Eleventh of the Constitution to be administered to all executive and judicial officers, before me.

Seal

Official Capacity

2. The clerk has no judicial power, but has the responsibility for such functions as recording the doings of the court, receiving and filing papers, giving notice of hearings, having custody of the court files and records, keeping the court's seal, certifying

the records and files of the court and using and affixing the court's seal.

The *PCA Policy Manual* contains information about staffing levels and position classifications for the chief clerk, court staff attorney, deputy chief clerk, clerk, assistant clerk, court assistant, probate court officer (regional children's probate courts), security officer (regional children's probate courts), and temporary staff.

C.G.S. §45a-11. Certification of Records and Files. The records and files of any court of probate may be certified by the judge, clerk or assistant clerk of the court, any one of whom is authorized to use and affix the seal of the court. All such certified copies of records and files, with or without the seal of the court, shall be legal evidence.

(See also C.G.S. §§1-17, 1-19, 7-54.)

C.G.S. §45a-9. Indexes. A general index shall be kept in each probate court of the records of all estates which have been or are pending, in which shall be entered the name of each such estate and the date and character of each proceeding in the court.

3. The clerk may make orders of notice of hearing when the law requires such notice.

C.G.S. §45a-124. Giving of Orders of Notice. Any order of notice of a hearing OR notice of the right to request a hearing in any proceeding in, or matter pending before a court of probate, which is required by law to be given to interested persons, may be made by the judge, the clerk or the assistant clerk of such court of probate. **NOTE:** See the information about the Address Confidentiality Program on p. Duties – 14.

4. **Clerks to Give Notice of Court Orders and Decrees to Interested Parties** (a) Because the time limited by law for commencing appellate proceedings on the decision, order, decree, denial or ruling shall date from the time when notice of the order or decree was mailed (C.G.S. § 45a-186), notice of every order or decree must be mailed to all parties and counsel.

(b) Note the date that the decree was sent to all parties in the file and in CMS.

5. The clerk may request that the Probate Court Administrator cite a judge from another district to serve as acting judge when the elected judge in a district is absent, disqualified, or when the office of judge is vacant. For forms to use, see pp. "DUTIES" 10 and 11.

C.G.S. §45a-120. Citation of another judge. If any judge of probate declines to act or is disqualified from acting as judge of probate, or is absent or unable to discharge his duties, or if the office of judge of probate in any district becomes vacant, the probate court administrator shall cite any judge of probate to act as judge of probate in the district to which he has been cited during such inability, absence or vacancy or in the matters in which the judge declines to act or is disqualified.

C.G.S. § 45a-79b. Special Assignment Probate Judges. [Regulation 25.3 (a) (2)]. If the office of a judge of probate becomes vacant, the Probate Court Administrator may assign a special assignment probate judge to act as judge of probate in the district during the vacancy and shall make such assignment by citation in accordance with C.G.S. § 45a-120. The special assignment probate judge shall have the authority specified in the citation. The list of special assignment judges appears in CM Appendix 11-1 at the back of this volume.

6. The clerk may adjourn a hearing if the judge (for cause shown) is not present at the assigned time.

C.G.S. §45a-133. Adjournment of court in absence of judge. Whenever a court of probate assigns a time for a hearing on any matter, and the judge of the court, for any cause is not present at the time assigned, the clerk or assistant clerk of the court may adjourn the court as necessary.

7. The clerk may administer oaths and take acknowledgments. (**NOTE:** Although the taking of depositions is provided for in C.G.S. §52-148c, clerks do not do this in probate courts.)

C.G.S. §1-24. Who may administer oaths. The following officers may administer oaths: (1) The clerks of the senate, the clerks of the house of representatives and the chairs of committees of the general assembly or of either branch thereof, during its session; (2) state officers as defined in subsection 9-1, judges and clerks of any court, justices of the peace, commissioners of the superior court, notaries public, commissioners appointed by the governor to take acknowledgment of deeds, town clerks and assistant town clerks, in all cases where an oath may be administered, except in a case where the law otherwise requires. The form of oath is found in C.G.S. §1-25.

C.G.S. §1-29 Acknowledgment within the state. The acknowledgment of any instrument may be made in this state before: (1) A judge of a court of record; (2) a clerk or deputy clerk of a court having a seal; (3) a commissioner of deeds or town clerk; (4) a notary public; (5) a justice of the peace; or (6) an attorney admitted to the bar of this state.

8. Court personnel may not issue probate bonds (C.G.S. §45a-140) and may not be appointed commissioners on insolvent estates.
9. **C.G.S. § 45a- 175. Jurisdiction of accounts of fiduciaries. Appointment of auditors to examine accounts, when.** There is a “Revised List of Auditors for Fiduciary Accountings” in the appendix (CM Appendix 11-2).

The Clerk’s Administrative Responsibilities

Instructions for Opening a File

● Use a legal-size file folder. Open folder. Using a two-hole punch, punch the upper right side of folder for documents to be recorded. Punch the left of the folder for correspondence, the record of hearing, notes re: phone calls, e-mails pertaining to the file, tax returns, etc. Use two fasteners to secure papers in the file.

Color Coding of Files

If a court wishes to color code files, we suggest blue for decedents' estates, orange for conservatorships, green for guardians of persons with mental retardation, red for trusts, yellow for adoptions and children’s matters, blue for commitments, and black for miscellaneous matters, such as name changes.

Daily Responsibilities

●Open Mail:

- 1) Date-stamp all documents and correspondence received.
- 2) If the mail contains an ex parte communication, respond using the appropriate template concerning ex parte communication. (See CM Appendix 11- 3 or forms listed in CMS program.)
- 3) Check to be sure: a) all signatures are properly witnessed and/or acknowledged, if required; b) the forms, if any, are properly completed; and c) all enclosures listed in the cover letter are enclosed.

If any signatures are missing or improperly witnessed or acknowledged, the documents should be returned to the attorney or fiduciary for completion.

If any documents required to be filed in connection with any application, inventory, return, etc., (i.e. Schedules A & B for an Application to Sell Real Property, Death Certificates for Succession Tax Return, etc.) have not been attached to the probate form, call the attorney or fiduciary filing the documents for the additional attachments. **NOTE:** Additional attachments must be signed under oath or penalty of false statement, if required for the original document.

- 4) Log any estate tax returns immediately, and **send bills within five (5) business days of receipt.**

- Check e-mail. (E-mail delegates will check e-mail for the judge.) If an e-mail message pertains to a particular file, make a copy and file on left-hand side of file.

- Clip legal notices from newspaper and file them in the appropriate files.

NOTE: It may also be helpful to clip obituaries. Many times the heirs-at-law are not listed on the application. For example, in the case of a husband and wife with no children, the parents of the deceased are heirs. If the parents of the decedent are also deceased, the deceased's brothers and sisters are heirs.

- Pull files for insertion of mail received and take appropriate action:
 - 1) Set aside those that have to be scheduled for hearings in CMS.
 - 2) Set aside those that must be discussed with the judge.
 - 3) Enter new estates and files in CMS.

- Mail the passport transmittal letter to the passport agency. (**NOTE:** The probate court's authority to act as a passport agent is found in the Code of Federal Regulations at 22CFR § 51.22(b).)

Weekly/Monthly/Daily

Depending on the size of the court, the following may be done either weekly or monthly:

- **PC-200.** Send ALL copies to the Department of Administrative Services – Financial Services Center, Suite 5 North—Recovery, 165 Capitol Ave., Hartford, CT 06106. (C.G.S. §45a-355 – **Certified mail notice to DAS is required if PC-200 indicates that decedent, or spouse or children of decedent, received state aid or care.**

- **PC-212.** Send ALL copies to the Department of Administrative Services – Financial Services Center at the address listed above. If the **decedent received state aid or care, send the forms by certified mail.**

- Financial records/Banking (Daily/Weekly): Enter all receipts into CMS daily upon receipt, along with fees/costs. Run accounts receivable reports monthly. See the relevant sections in the *PCA Policy Manual* for more information about accounts receivable. The policy manual also explains the cash receipts banking process.

- **Forms Supply:**

Probate Administration — A variety of forms and publications, including DRS estate tax forms, are available in CMS with the exception of pamphlets, the VS-51 adoption form, the adoption certificate, and paternity form VR-2L.

Passport Office — Passport Forms

Department of Mental Health and Addiction Services — Certain commitment forms.

Inheritance Tax Division (Website) — Tax forms

- Order office supplies and postage stamps. (Note: You may wish to purchase rubber stamps for frequently used addresses.)

- Utilize the CMS tickler. Notices (i.e., delinquent notices, filing of periodic accounts) or telephone calls are often necessary to keep the paperwork moving in a matter. The expeditious handling of probate matters is the policy of the state of Connecticut, and all probate matters should receive appropriate attention.

- Read the materials sent out by the Probate Court Administrator to keep informed about the statutory changes and recommended procedures in various probate proceedings.

Recording Probate Documents (Probate Court Regulations, Section 10)

After July 1, 1976 and before January 5, 2011, probate courts created a microfilm record or a digital record of original probate documents. If a microfilm record was made, the microfilm was reproduced in a record book or retained on microfilm.

Beginning January 5, 2011, each probate court was required to create a digital record of original documents. Courts must scan original documents no later than 30 days after the completion of proceedings in a matter. In ongoing matters, courts must scan documents at the completion of a significant stage in the proceeding. The date the document was scanned must be indicated on the original document.

IMPORTANT: 1) Do not distribute birth and death certificates. Direct parties to the issuing authority instead. 2) Do not record birth and death certificates except in the case of matters that will be recorded in confidential files.

Each court shall designate one or more staff members to ensure that the digital records are complete, accurate, and legible.

Documents to be Scanned and Microfilmed – See Regulation 10.3

The following documents should also be recorded: the certificate of election issued by the Secretary of State, the judge's oath of office, the certificate of appointment of the clerk/assistant clerk.

Confidential Records – See Regulation 10.4

Preparation of an Estate File for Scanning

If the estate is a testate estate, the original documents should be scanned in the following order:

- | | | |
|--|--|--|
| 1) application for probate of will; | will to probate; | cree/affidavit of closing; |
| 2) last will and testament & codicils; | 12) family allowance documents; | 19) certificate of devise, descent or distribution; tax certificate for land records; applications for certificates releasing tax liens; certificates releasing tax liens; |
| 3) proof of will; | 13) inventory; | 20) tax computation or certificate of no tax due or opinion of no tax due. |
| 4) application for safe deposit box; | 14) claims documents; | 21) NOTE: Since the probate court has the only copy, CT 706 NT forms must be recorded in confidential files. |
| 5) order/return of notice or waiver; | 15) inventory/supplemental inventory; | |
| 6) bond; | 16) compromise of claim, order and return, bond, decree; | |
| 7) appointment of guardian ad litem or attorney; | 17) sale of real property, order/or return, bond, decree; | |
| 8) appearance of attorney; | 18) return and list of claims, final account or statement in lieu of account, waivers, order and return, de- | |
| 9) agent for service; | | |
| 10) decree admitting will to probate; | | |
| 11) notice of decree admitting the | | |

Microfilm of Original Record

A microfilm backup of the digital record must be created. The CD or DVD containing a burned copy of the digital record must be sent to the court's microfilm vendor upon receipt **from the Probate Court Administrator's office.** A certification (**form CM-80** for non-confidential media sets and **CM-81** for confidential media sets) completed by the staff member designated to ensure the accuracy of the digital record must accompany the CD or DVD.

Each court must obtain a certification from the microfilm vendor (bottom portion of CM-80 (p. Duties-12 or CM-81, p. Duties-13) stating that the microfilm is complete, accurate, and legible. No original document may be destroyed in accordance with Regulation 10 until a certification signed by the microfilm vendor has been returned to the court.

The most commonly used microfilming companies are:

Adkins Printing Company
40 South Street
New Britain, CT 06050
Tel: 860-229-1673
ATTN: Bryan Sylvan

Affiliated Computer Services
P.O. Box 4889
Syracuse, NY 13221
Tel. 1-800-800-0323
Thomas McGivney, Sales Representative

Records Storage

Section 10 of the Probate Court Regulations requires that the Probate Court Administrator obtain facilities for storage of probate records. The Probate Court Administrator and the Public Records Administrator have approved Iron Mountain Storage (1100 Kennedy Road, Windsor CT 06095) for this purpose. Only the following documents may be sent to Iron Mountain: 1) original wills and 2) confidential matters prior to 1976 that have been recorded but not microfilmed. Any court that wishes to have appropriate records stored in a central facility with 24-hour security may take advantage of this service at no cost to the court.

Courts wishing to send documents to Iron Mountain must obtain approval from the Probate Court Administrator's office (PCA). The cost of storing and retrieving probate records will be paid by the Probate Court Administration Fund. PCA will notify courts of any retrieval costs. The party requesting the retrieval of a file should be billed at \$10.00 or the actual cost of retrieval, whichever is greater [C.G.S. § 45a-109(6)]. If the record is needed promptly, probate court personnel can travel to Windsor and immediately obtain any record stored there upon payment of an extra fee.

Transfer/Retrieval of Records at Iron Mountain

Transfer: The following documents may be sent to Iron Mountain: 1) Original Wills and Codicils 2) Confidential original documents filed before July 1, 1976 that have been recorded but not microfilmed.

Procedure for transferring documents to Iron Mountain:

1) Order storage box(es) and transmittal forms from Iron Mountain's customer service department. Courts cannot order any storage supplies other than items listed below. The recommended box item number and transmittal form numbers are:

Item # 2000 (storage box) – 10bx sets/bundle (1set = top bottom) Item # Trans-3PRT (transmittal form) – 25 form/pk

2) Complete the following fields on the transmittal form:

- CUSTOMER ID -this number is C141 or C057. **NOTE 1:** C141 is a climate-controlled storage vault – most often used to store CD's or historical documents. Use of this Customer ID should be limited. C057 is a general records storage area.
- CUSTOMER NAME – enter Probate Court Administration
- DEPARTMENT ID. **NOTE 2:** The Department ID is the probate court district number with the added digit "11." Example: Berlin PC Department ID should be identified as 8-11, and Branford-North Branford is identified as 35-11
- FROM DATE • ALPHA THRU • DESTROY DATE (if applicable)
- TO DATE • MAJOR DESCRIPTION • CUSTOMER BOX NUMBER
- ALPHA FROM • MINOR DESCRIPTION • CUSTOMER ID
- The barcode label number (SKP Box Number) should be entered into the CUSTOMER BOX NUMBER field.

3) After boxing files, prepare a comprehensive inventory list of box contents in Microsoft Excel. This list will help identify files sent to Iron Mountain for storage. The index should list the file name and identify the confidential case type or document (Will) and year filed.

4) E-mail a copy of the transmittal form(s) and inventory list to Willette Frank at Probate Court Administration for approval: WFrank@ctprobate.gov. All e-mail request(s) for approval must accompany an inventory list of the box contents as an attached file. The courts are responsible for maintenance and retention of the inventory list.

5) PCA will review the inventory list and transmittal form and notify the court by e-mail of approval for storage.

6) Call Iron Mountain to schedule pickup of box(es) for storage.

7) Place the pink copy of the Transmittal Form inside the carton; retain the yellow copy for your records; and give the white copy to the driver. Affix the peel-off barcode label from the Transmittal Form onto the front of the carton. Verify that the physical carton count matches the quantity of white Transmittal Forms.

Retrieval of Records: Call or fax Iron Mountain's customer service and provide:

- CUSTOMER ID (C141 or C057)
- DEPARTMENT ID See "**NOTE 2**" above. To retrieve records stored prior to January 2011, reference the former probate court district number in the Department ID.
- Box/Reference number

Iron Mountain Customer Service Information: Ordering Center # 800/934-3453 (800/FAST-FILE) – Order Fax # 800/934-5348
Contact Willette Frank at PCA with any questions about the Iron Mountain transfer process.

Reference Works — (NOTE: There is also a listing of reference works in the manual for new judges.)

Code of Probate Judicial Conduct

Booklet published by the Probate Court Administrator

Connecticut Estates Practice, Gayle Wilhelm (and Ralph H. Folsom for Vol. 3, 4, and 5)

- Volume 1 — Settlement of Estates
- Volume 2 — Death Taxes
- Volume 3 — Incapacity and Adoption
- Volume 4 — Jurisdiction and Procedure
- Volume 5 — Wills
- Volume 6 — Probate Litigation
- Volume 7 — Trusts

Connecticut General Statutes

Volumes I through XVI – furnished to the courts free of charge by the Secretary of State.

Connecticut Law Journal

Contains Supreme Court and Superior Court decisions – published weekly and distributed free of charge by the Commission on Official Legal Publications.

Connecticut Practice Book

Furnished free of charge by the Commission on Official Legal Publications.

Connecticut Probate Practice, William Locke and P. Corbin Kohn. **NOTE:** The last printing of this set was in 1948, and much of the material is outdated. However, there are some useful selections and forms for specialized situations.

- Volume 1 — *The Probate Court*
- Volume 2 — *Settlement of Decedents' Estates, Commitment, Conservatorship, Guardianship, Adoption*
- Volume 3 — *Death Taxes*

Connecticut Reports

Contains Connecticut Supreme Court decisions

Connecticut Appellate Reports

Contains Connecticut Appellate Report Decisions

Connecticut Supplement

Contains Superior Court and Common Pleas Court Decisions

Probate Court Regulations

Issued and supplied by the Probate Court Administrator. Published in the PCA website. **NOTE:** The Probate Court Administrator maintains a panel of attorneys for various matters pursuant to Regulation 13. This panel appears in the appendix of this manual (CM Appendix 11-4).

Probate Court Rules of Procedure (Eff. 7/2013)

Contains rules for proceedings in the probate courts. Furnished to the courts free of charge by the Probate Court Administrator.

Connecticut Register and Manual

Published yearly and supplied free of charge by the Secretary of State.

See CMS Tools for PC-186, Certified Copy of Record.

See CMS Tools for PC-187, Certified Copy of Record.

See CMS Tools for PC-32, Request for Citation

CITATION
PC-33 REV. 10/08

**STATE OF CONNECTICUT
OFFICE OF THE
PROBATE COURT ADMINISTRATOR**

CITATION
(C.G.S. §45a-120)

TO ACT AS SUBSTITUTE JUDGE OF PROBATE

TO: The Honorable _____, Judge of Probate

WHEREAS: The Honorable _____, Judge of Probate, _____ District

Will be absent or unable to discharge the duties of said office .

Has declined or is disqualified to act in matters concerning .

NOW THEREFORE, you are hereby cited to execute the office of judge of probate for said district:

From the beginning of said period and continuing until the said judge of probate for said district shall resume said duties.

Concerning said matters for the period of such declination or disqualification.

On said date(s).

DATED:

HON. PAUL J. KNIERIM
PROBATE COURT ADMINISTRATOR

TO THE JUDGE OF PROBATE TO WHOM THIS CITATION IS ADDRESSED:

PLEASE SIGN THE ACKNOWLEDGMENT OF SERVICE IN DUPLICATE, AND FORWARD ONE COPY TO THIS OFFICE AND ONE COPY TO THE CLERK OF THE COURT OF PROBATE IN WHICH YOU HAVE BEEN CITED TO SERVE.

ACKNOWLEDGEMENT OF SERVICE

DUE SERVICE OF THE FOREGOING CITATION IS ACCEPTED, AND I HEREBY AGREE TO SERVE DURING THE PERIOD OF SAID JUDGE'S DISABILITY, DISQUALIFICATION, ABSENCE, OR DECLINATION.

JUDGE OF PROBATE

**State of Connecticut
Court of Probate**

**Microfilm Certification:
Non-Confidential Media Set
CM-80 New 1/11**

Court Certification

TO: _____ (Microfilm Vendor)

FROM: COURT OF PROBATE, _____ District No. _____

I, the undersigned, do certify that each document contained in Non-Confidential Media Set# _____ dated _____, consisting of _____ (Number) images, is complete, accurate, and legible.

Signature Name (Type or print) Date
Chief Clerk/Clerk/Ass't Clerk

Microfilm Vendor Certification

TO: COURT OF PROBATE, _____ District No. _____

I, the undersigned, do certify that each document contained in Non-Confidential Media Set # _____ dated _____, consisting of _____ (Number) images, has been microfilmed and that each microfilmed image is complete, accurate, and legible. The media set is contained on _____ (Number) rolls.

I further certify that this microfilm and our microfilming operation meets all requirements established by the Office of the Public Records Administrator, Connecticut State Library, as specified in General Letter 96-2 (rev.), *Required Minimum Microfilming Standards for Public Records*.

Signature of Authorized Representative Date

Name and Title of Authorized Representative (Type or print)

Name of Microfilm Vendor (Type or print)

Address of Microfilm Vendor (Type or print)

**Microfilm Certification:
Non-Confidential Media Set
CM-80**

**State of Connecticut
Court of Probate**

**Microfilm Certification:
Confidential Media Set
CM-81 New 1/11**

Court Certification

TO: _____ (Microfilm Vendor)

FROM: COURT OF PROBATE, _____ District No. _____

I, the undersigned, do certify that each document contained in Confidential Media Set# _____ dated _____, consisting of _____ (Number) images, is complete, accurate, and legible.

Signature Name (Type or print) Date
Chief Clerk/Clerk/Ass't Clerk

Microfilm Vendor Certification

TO: COURT OF PROBATE, _____ District No. _____

I, the undersigned, do certify that each document contained in Confidential Media Set # _____ dated _____, consisting of _____ (Number) images, has been microfilmed and that each microfilmed image is complete, accurate, and legible. The media set is contained on _____ (Number) rolls.

I further certify that this microfilm and our microfilming operation meets all requirements established by the Office of the Public Records Administrator, Connecticut State Library, as specified in General Letter 96-2 (rev.), *Required Minimum Microfilming Standards for Public Records*.

Signature of Authorized Representative Date

Name and Title of Authorized Representative (Type or print)

Name of Microfilm Vendor (Type or print)

Address of Microfilm Vendor (Type or print)

**Microfilm Certification:
Confidential Media Set
CM-81**

What is the Address Confidentiality Program (ACP)?

The Address Confidentiality Program (General Statutes § 54-240) provides substitute address services to all residents of Connecticut who, as a result of family violence, injury or risk of injury to a minor, sexual assault or stalking, want to keep their whereabouts confidential.

The program offers two services with the intention of keeping victim locations secret. First, the program provides a **substitute mailing address** so each program participant may keep his or her residential, work or school address, or telephone number(s) confidential. Second, the program prevents public access to **governmental records**, such as marriage records and voter registry lists, which may contain a participant's actual address. An ACP participant may request that an agency use the ACP substitute address as the participant's residential, work or school address for all purposes for which the agency requires or requests such residential, work or school address.

The ACP Substitute Address

The ACP substitute address is a post office box and street address in Hartford. Program participants all use the same address. Mail sent to the participant at the substitute address must include a certification code found on the participant's Certification Card. The post office box is opened by the Secretary of the State each day, except weekends and state holidays. All first class mail addressed to a program participant is placed, unopened, into an envelope addressed to the participant at his or her confidential address and mailed on the same day via 1st class mail from the post office.

The Secretary of the State also serves as each participant's agent for service of process. In this capacity, the Secretary of the State receives legal process on behalf of the participant and forwards a copy of such process to the participant's confidential address. The Secretary of the State notifies the State Marshal Commission of the names of program participants and the commission keeps a list of participants for use by state marshals.

Service of process is achieved by leaving two true and attested copies of any summons, writ, notice, demand or process at the office of the Secretary of the State or mailing the same by registered or certified mail, postage prepaid, addressed to the Secretary of the State's office and marked "Address confidentiality Program". Such service is effective as of the date and hour received by the Secretary of the State as shown on the records of the Secretary of the State.

Application for Program Participation

Any adult person, guardian of a person with intellectual disabilities or conservator of the person, or a parent or guardian acting on behalf of a minor, may apply to the Secretary of the State for participation in the ACP. Applicants are required to complete the ACP application with assistance from an application assistant. The Secretary of the State maintains a list of domestic violence or sexual assault crisis programs that employ application assistants. This list is found at www.sots.ct.gov.

If approved, the applicant is assigned an ACP substitute address and certification code and will receive an ACP Certification Card. Certification expires four years from the date of issuance of the certification card but is renewable.

Is the ACP Applicable to Probate Courts?

The general statutes relevant to the ACP do not appear to apply to the judicial functions of the probate courts. It is our recommendation, however, that the ACP should be interpreted broadly to provide protection and support to any party to a probate matter who is a participant in the ACP. When presented with a Certification Card, the Clerk should make a copy for the court record. The substitute address should be used for all purposes as the address of the party to the matter.

We do not believe that the ACP will affect one's ability to access the courts because it provides a substitute address and the means to get mail to and service of process on a participant. If there is a concern that a party to a matter has been a victim of family violence, injury or risk of injury to a minor, sexual assault or stalking and safety is an issue, and may benefit from the ACP, that person may be referred to the Secretary of the State's website for information about the ACP.

Probate Court Jurisdiction

In any probate matter in which the **jurisdiction** of the court is based on the residence of an ACP Participant or the parent or guardian of an ACP participant, the court shall verify that the confidential residential address upon which jurisdiction is based is in the probate district. This may be accomplished by the submission of an affidavit stating that the confidential residential address is in a town or city in the probate district or by the presentation of a photo id such as a driver's license or Department of Motor Vehicles issued photo id card.

Sample Certification Card

Front

State of Connecticut Office of the Secretary of the State - Address Confidentiality Program		
Name of Participant		Expires
Certification No.		08/11/2013
0123		
Is authorized to participate in the CT Address Confidentiality Program (PA 03-200) and to use the following address:		
Name of Participant P.O. Box 150469 0123 30 Trinity Street Hartford, CT 06115-0469		

Back

_____ <i>Signature of participant or parent/guardian</i>	
Certification code, name, address and zip code shall be used on all correspondence to this participant.	
Administrator:	_____ <i>Signature of ACP Administrator</i>

Interpreting Services for Deaf or Hard of Hearing Individuals

PCA has an agreement with the Connecticut Department of Rehabilitation Services to provide sign language interpreting services for deaf or hard of hearing individuals who attend probate hearings. All interpreters are certified by the National Association of the Deaf or the National Registry of Interpreters for the Deaf.

How to request interpreting services

Requests should be made at least ten (10) business days prior to the probate hearing. The department cannot guarantee that an interpreter will be available for requests made with less than 10 days' advance notice. Requests may be made by:

1. Telephone: 860-231-1690
2. Fax: 860-231-8746
3. E-mail to CDHInterpreting@ct.gov.

Information needed for each request for interpreting services:

1. The name, address, telephone number and e-mail address of the Probate Court
2. The name of the probate staff person making the request
3. The name(s) of the deaf or hard of hearing individual(s)
4. The date(s) of service (Are multiple hearing dates expected?)
5. The start and end times of the requested services
6. The length of time that the services will be needed (Indicate whether there will be a break during the period of service.)
7. A brief description of the purpose of the interpreting services (e.g., the services are requested for a witness intending to testify at a hearing or the services are requested for a party to the matter)
8. The address and telephone number of the location where the services will be needed (e.g., Probate Court, hospital, nursing facility, personal residence, etc.) and
9. The name, telephone number and e-mail address of an on-site location (e.g., the social worker or case manager at the nursing facility).

Emergency interpreting services

The Department will assign a high priority status to emergency requests for interpreting services based on the urgency of the matter and the risk to the health, safety and welfare of the deaf or hearing impaired individual. The charges for emergency interpreting services are the same as for non-emergency requests. Emergency requests may be made by:

1. Telephone at 860-231-1690 during regular business hours and
2. Telephone at 860-231-7623 after hours or on weekends and holidays.

Cancellation of interpreting services

Cancellations must be made to the Department of Rehabilitation Services during business hours (8:30 a.m. to 5:00 p.m., Monday through Friday). A cancellation not made at least 48 hours in advance of the requested services will be billed at the minimum interpreting rate of two (2) hours or \$100. Contact information is the same as that for requesting services (See above.)

Cost for interpreting services, including emergency requests

The charge for the interpreting services is \$50.00 per hour, subject to a minimum charge of two (2) hours. Included in the charge is travel time to and from the location of the hearing. The cost of the interpreting services is always paid from the Probate Court Administration Fund, regardless of need. As noted above, the charges for emergency interpreting services are the same as for non-emergency requests.

Process

The Department will submit a detailed invoice to the Probate Court that requested the interpreting service. The Probate Court is required to review the invoice within 10 calendar days of receipt. If the invoice is correct, the Probate Court must submit the invoice with a Certification of CO-17 Invoice to Probate Court Administration for processing and payment.



Reporting Requirements

Forms to be Filed with the Probate Court Administrator's Office

REQUEST FOR CITATION, PC-32

Forward this form to the Administrator's office when the judge needs another judge cited in, either for a particular period of time or for a particular matter in which the judge declines to act or disqualifies himself or herself.

MINIMUM STANDARDS OF CONTINUING EDUCATION (COMPLIANCE REPORT)

This form must be filed before January 31 of each year for the preceding year.

STATEMENT OF FINANCIAL INTEREST, PC-40

Forward this form to the Council on Probate Judicial Conduct, c/o Office of the Probate Court Administrator, 186 Newington Road, West Hartford, CT 06110. It must be submitted by April 15.

STATEMENT OF FEES/HONORARIUMS, PC-43

File this form with the Council on Probate Judicial Conduct, c/o Office of the Probate Court Administrator, 186 Newington Road, West Hartford, Connecticut 06110, within 30 days of receipt of the fee or honorarium.

ANNUAL MEDIATION REPORT TO PROBATE COURT ADMINISTRATOR

File this form no later than February 1 if the Court handled any cases involving mediation. (See Section 22 of Regulations.)

Probate Court Administrator's Office

Non-Financial Matters

PCA POLICY MANUAL, GENERAL MEMORANDA, AND THE ADMINISTRATOR'S NEWSLETTER (*The SignPost*)

It is very important **ALL** court personnel read the material sent by the Probate Court Administrator's office (PCA).

- Please notify PCA of **any** change of address, telephone number, or court hours.

PCA Policy Manual

The PCA Policy Manual replaced the two-volume set of "TR" (Transmittal Memoranda) Binders provided by the Probate Court Administrator's office. Many of the TRs became obsolete with the advent of the new financial structure and centralized financial operations. Please note that a number of the former TRs are incorporated into the *Probate Clerk's Manual*, either in the text or in the appendix. These TRs include the attorneys' panel, lists of various professionals who assist the probate courts, and information about state agencies.

The PCA Policy Manual contains sections concerning compensation and benefits, staffing levels, payroll administration, financial operations, and information technology.

General Memoranda

General memoranda, which inform the courts of upcoming meetings, new forms, enrollment in the health insurance program, etc., are also sent out periodically, but they are not numbered. This material does not have to be retained.

SignPost

The *SignPost* is an informal newsletter. Each issue contains news of meetings, administrative updates, and articles of general interest to the courts. Copies of newsletter articles that are of interest to the judge and court personnel should be copied and placed in the appropriate files. Information about court personnel and other contributions to the newsletter are welcome.

FORMS AND USER GUIDES

Probate Court ("PC") forms are available in the CMS program. A list of Probate Court or "PC" forms appears in CM Appendix 11-5. Please note that courts should supply Probate Court or "PC" forms to attorneys, banks, and individuals upon request.

Judges and clerks may order administrative forms and pamphlets by sending a Requisition for Administrative Forms/Booklets, PC-30A, to the Administrator's office. (This form is available in the CMS program.)

REQUEST FOR CITATION, PC-32

C.G.S. section 45a-120. When a judge is either absent from the court for **48 hours or more** or must disqualify herself in a certain matter, the judge or clerk may ask the Probate Court Administrator to cite in another judge to act in her stead. A Request for Citation, PC-32, (see "DUTIES" section) is to be sent to the Probate Court Administrator's office setting forth either the vacation period or the matter on which the judge is disqualifying herself. If the judge is disqualifying herself, she may **not** select a judge to be cited in. If a judge is going on vacation, he or she may suggest a substitute judge as the suggested judge on the form. A written citation is prepared by the Administrator's office, and copies are sent to both the citing judge and the cited judge.

CONTINUING JUDICIAL EDUCATION: MINIMUM STANDARDS FOR JUDGES AND COURT STAFF

By regulation, all judges of probate shall annually complete a minimum of fifteen (15) credit hours of approved continuing judicial education instruction, except those judges who are granted an exemption from this requirement as provided by the regulations. The requirement for clerks or other court staff members who work in one or more probate courts for at least 10 hours per week is six (6) credit hours of approved instruction. Please note:

- All of the required credit hours (15 for judges and 6 for clerks/court staff as discussed above) must be earned by **personal attendance** at courses of approved continuing education instruction.
- For judges, at least eight of the required 15 hours must be earned by personal attendance at programs offered by the Probate Court Administrator and/or the Probate Assembly.
- It shall be the responsibility of each judge to insure that clerks and other staff members meet the requirements.

The Judicial Education Standards Committee may approve credit for programs sponsored by other organizations. The committee consists of the chair of the Probate Assembly's Continuing Education Committee, the executive secretary of the Probate Assembly, the Probate Court Administrator or his designee, and the first vice president of the Probate Assembly, who chairs the committee.

An instructional hour must contain at least fifty (50) minutes, with no credit given for introduction of the speaker, meal breaks, or business meetings. Judges who are presenters will also receive preparation credit equal to the time of their presentations.

In December, the Probate Court Administrator sends each judge a compliance report, which must be returned to the Administrator's office by January 31. In addition to reporting on his or her own compliance with the educational requirements, each judge must verify that all eligible members of the court staff are in compliance. Each compliance report will be placed on file and is a public record. In the case of judges who do not meet the minimum standards, their reports will be referred to the Ethics Committee of the Connecticut Probate Assembly for whatever action is deemed appropriate, including but not limited to, reference to the Council on Probate Judicial Conduct and/or for appropriate enforcement action by the Probate Court Administrator.

HEALTH INSURANCE

Coverage is provided by the Probate Court Administrator's office. For enrollment information/applications/participant changes, contact **Jane Obert**, Office of the Probate Court Administrator, TEL. 860-231-2442, extension 320.

Medical Insurance:

Point of Service (POS) Plans:

Anthem State Preferred POS
Anthem State BlueCare POS
Oxford Health POS

Point of Enrollment (POE) Plans:

Anthem State BlueCare POE
Oxford Health POE

Point of Enrollment-Gatekeeper (POE-G) Plans:

Anthem State BlueCare POE Plus
Oxford Health POE Plus

Prescriptions:

Caremark

Dental:

CIGNA Dental – Basic Plan
CIGNA Dental – Enhanced Plan
CIGNA Dental – DHMO

Customer Service:

Anthem Blue Cross & Blue Shield
(State Dedicated Unit) – (800) 922-2232
Oxford Health – (800) 385-9055
CareMark – (800) 777-1023 Cigna
Dental – (800) 244-6224



Commitments

C.G.S. sections 17a-75, et seq., (children) 17a-495 through 17a-528 (adults) 17a-684 – 686 (drug and alcohol proceedings) 17a-543 (shock therapy); Probate Court Rules of Procedure, Rules 44 – 46; Folsom and Wilhelm, Incapacity, Powers of Attorney & Adoption in CT 3rd. **See CMS Tools for the forms listed, except as noted for certain DHMAS forms.**

Confidentiality of Hearings – Probate Court Rules of Procedure, Sections 44.1, Rule 45 and Rule 46

Persons who are not parties or attorneys for parties shall be excluded from attending or participating in hearings on probable cause or commitment of adults and children, shock therapy and the commitment, recommitment, termination, and discharge of alcohol and drug-dependent persons. There are several exceptions whereby the court will allow parties to participate in hearings:

- 1) Probable cause & commitment of children. The parent of a respondent who is under age 16 may participate in the hearing.
- 2) Probable Cause & Commitment of adults.
 - (a) The court may permit a person to participate at the respondent's request.
 - (b) After considering any objections by the respondent, the court may permit participation by a relative or friend who is interested in the respondent's welfare.
 - (c) The court may permit a witness to attend any part of the hearing.
- 3) Shock therapy. See exceptions in number 2 above.
- 4) Commitment for drug and alcohol dependency. See exceptions in number 2 above.

In dealing with the files concerning the above-referenced matters, do not leave papers in any area where members of the public might view them. As explained in C.G.S. section 45a-754, there is a criminal penalty for disclosing such information.

NOTE: Guidelines for Mental Health Commitments to Connecticut Valley Hospital

Connecticut Valley Hospital is the only public inpatient psychiatric facility run by the Department of Mental Health in the entire state, and space is extremely limited. We ask your cooperation in adhering to the following guidelines, as suggested by CVH staff. This will insure that the most appropriate and least restrictive setting will be chosen from the beginning.

Connecticut Valley Hospital has three different divisions: the addictions services division, the forensic division, and the division of general psychiatry. Patients with psychiatric disabilities who appear to require a longer length of stay should first be referred for screening by the Local Mental Health Authority (LMHA) within the patient's catchment area of origin. They will assess the patient, with input from the referring facility, to determine the most appropriate level of care and the optimal location for that care. If it is determined that the patient requires continued hospitalization on a probate commitment, they will facilitate arrangements for admission at one of the DMHAS acute inpatient facilities (Greater Bridgeport Community Mental Health Center, Capitol Region Mental Health Center, or Connecticut Mental Health Center). The respective local mental health authorities act as gatekeepers for the DMHAS acute care facilities. **Please see CM Appendix 11-6 for important information about DMHAS inpatient facilities.**

If the court plans to enter an order to commit to Connecticut Valley Hospital, please make contact with the CVH Director of Social Work as soon as possible. The director and staff are willing to provide any and all assistance to the Probate Courts in this regard. Ideally, it would be helpful if the facility filing for probate commitment contacted the director of social work to assist in determining the most appropriate level of care and location of care for the patient. While contact by either a facility or the Probate Court is not a statutory requirement, it may alleviate problems faced in arranging for the most appropriate form of inpatient care for patients.

If you have questions about access to the system of inpatient psychiatric care provided by DMHAS, please contact the director of social work at CVH at the address listed below. Otherwise, you may contact our office.

Director of Social Work
Connecticut Valley Hospital
1000 Silver Street
Middletown, CT 06457
860-262-5496

Forms for Commitment of Adults (Please see the separate section for commitment of alcohol and drug-dependent persons.)

- PC-801**, Petition for Involuntary Commitment of Person with Psychiatric Disabilities [C.G.S. section 17a-497(a)]
- PC-802**, Probable Cause Hearing Request
- PC-805**, Petition/Order Authorizing Shock Therapy for Patient with Psychiatric Disabilities
- PC-806**, Petition for Release from Confinement
- PC-807**, Request/Annual Review Hearing Involuntary Commitment of Person with Psychiatric Disabilities
- PC-821**, Order of Notice/Petition for Involuntary Commitment of Person with Psychiatric Disabilities
- PC-831**, Citation and Return/App. for Involuntary Commitment of Person with Psychiatric Disabilities (Non-Institutionalized Persons)
- PC-832A**, Notice of Hearing Re: Petition for Release from Hospital
- PC-850**, Physicians' Certificate Involuntary Commitment/Annual Review/Person with Psychiatric Disabilities
- PC-861**, Decree/Involuntary Commitment of Person with Psychiatric Disabilities [C.G.S. section 17a-498(c)].
- PC-862**, Probable Cause Order [C.G.S. section 17a-502(d)].
- PC-882**, Examination Proceedings Person with Psychiatric Disabilities/Examination by court [C.G.S. section 17a-503(b)]. (Warrant)
This form is used in cases where a respondent named in a petition (PC-801) is not in the hospital and must be picked up by the police and brought to court for examination. The judge will determine whether or not probable cause exists to have the respondent brought to a general hospital for examination. If not, the respondent will be released from custody.
- PC-883A**, App't of Counsel/Invol. Commitment of Person w/Psychiatric Disabilities/Annual Review Hearing [C.G.S. section 17a-498].
- PC-883B**, App't of Physicians/Invol. Commitment of Person w/Psychiatric Disabilities/Annual Review Hearing [C.G.S. section 17a-498].
-

MHCC forms are provided by the Department of Mental Health and Addiction Services, 410 Capitol Ave., P.O. Box 341431, Hartford, Connecticut 06134 (telephone 418-7000). The most common forms are:

- MHCC-1**, Police Emergency Examination Request [C.G.S. section 17a-503 (a)]
- MHCC-1A**, Psychologist Emergency Examination Request [C.G.S. section 17a-503 (c)]
- MHCC-1B**, Advanced Practice Registered Nurse/Licensed Clinical Social Worker Emergency Transportation Certificate and Evaluation in a Hospital for Psychiatric Disabilities CG.S section 17a-503 (d)]
- MHCC-2**, Voluntary Admission Petition [C.G.S. section 17a-506] (Not in CMS Tools.)
- MHCC-3**, Physician's Emergency Certificate [C.G.S. section 17a-502(a)]
- MHCC-7**, Three-Judge Panel Appointment [C.G.S. section 17a-497(b)] (Not in CMS Tools.)
- MHCC-10**, Request for Termination of Voluntary Admission [C.G.S. section 17a-506(a)] (Not in CMS Tools.)
- MHCC-11**, Appointment of Counsel Request [C.G.S. section 17a-498(b)] (Not in CMS Tools.)
- MHCC-13**, Examination Proceedings Person with Psychiatric Disabilities [C.G.S. section 17a-498(d)]. (Warrant) This form is used when a patient has refused to be examined by physicians appointed by the court.
- MHCC-15**, Transportation Authorization/Certification [C.G.S. section 17a-528] (Not in CMS Tools.)

Criteria for Commitment/Payment Provisions/Appointment of Counsel/ Jurisdiction and Venue/Three-Judge Court

Criteria for Commitment. The court must find that a person has psychiatric disabilities and is either dangerous to himself/herself or dangerous to others or gravely disabled (C.G.S. section 17a-498). There are four different types of commitments that result in a person receiving treatment in a hospital for psychiatric disabilities:

1. Involuntary Admission [C.G.S. section 17a-498(c)]

"Involuntary admission" refers to any patient admitted to a hospital pursuant to an order of a judge of the Probate Court after an appropriate hearing OR any patient hospitalized for emergency diagnosis, observation or treatment upon certification of a qualified physician, respectively [C.G.S. section 17a-498(c) or C.G.S. section 17a-502(a)].

Also see C.G.S. section 17a-503 and C.G.S. section 17a-498(d):

- **C.G.S. section 17a-503(a)** allows police officers to take persons who apparently have psychiatric disabilities and who are dangerous or gravely disabled into custody and bring them to a general hospital for examination.
- **C.G.S. section 17a-503(b)** provides that Probate Courts can order such persons to a general hospital for examination.

- **C.G.S. section 17a-503 (c)** allows a psychologist to issue an emergency certificate in writing if he has reason to believe that a person has psychiatric disabilities and is dangerous to himself or herself or others or gravely disabled and is in need of immediate care and treatment. The emergency certificate (form MHCC-1A) will authorize and direct that such person be taken to a general hospital for a medical examination. The person must be examined within 24 hours and shall not be held for more than 72 hours, unless he or she is committed under C.G.S. section 17a-502.
- **C.G.S. section 17a-503 (d)** contains a similar provision allowing an emergency certificate (form MHCC-1B) to be issued by a clinical social worker/advanced practice registered nurse for examination at a general hospital.
- **C.G.S. section 17a-489(d)** states that if a respondent refuses to be examined by the court-appointed physicians in connection with a petition for commitment, the court may issue a warrant to have the police deliver the respondent to a general hospital where two physicians will conduct an examination.

2. Voluntary Admission [C.G.S. section 17a-506 (a)]. “Voluntary admission” refers to any patient 16 years of age or older who applies in writing to, and is admitted to, a hospital for psychiatric disabilities as a person with psychiatric disabilities OR any patient under 16 years of age whose parent or legal guardian applies in writing to such hospital for the admission of such a patient (C.G.S. section 17a-506). For voluntary admission of persons under 16, see the section on mentally ill children.

3. Emergency Commitment [C.G.S. section 17a-502 (a)]. Physician's Emergency Certificate (MHCC-3). This procedure is used when a patient is admitted to a hospital for emergency diagnosis, observation, or treatment upon certification of a qualified physician [C.G.S. section 17a-502(a)].

4. Informal Admission (C.G.S. section 17a-507). Any general hospital having psychiatric facilities may admit any person for observation and treatment without formal or written petition. That person may leave the hospital at ANY time (C.G.S. section 17a-507).

A **flow chart** showing the steps for the various commitment proceedings appears at the end of this section.

Payment Provisions. 1) The physicians' fees shall be paid by the state if the person alleged to have psychiatric disabilities (the respondent) is committed to a state hospital and is indigent or otherwise unable to pay. If the person alleged to have psychiatric disabilities is *not* committed, then, in the case of the order to the general hospital by the probate judge made pursuant to a petition to the court, the petitioner will be responsible for paying the fees of the emergency room and physicians.

2) Police departments and psychologists who have occasion to take persons directly to a hospital emergency room **without court order**, should inform the families or other persons legally responsible for the person alleged to have psychiatric disabilities that hospital emergency room (ER) charges must be paid. In many cases, it is assumed that hospitalization policies will pay for the ER visits, but it is especially important to be aware of this charge in those cases where no such hospitalization insurance is available.

Appointment of Counsel. There is ambiguity in C.G.S. section 17a-498(b) with regard to the appointment of counsel for indigent persons. On the one hand, the statute provides that we only need appoint counsel for indigent persons, and *indigent* is defined in C.G.S. section 17a-495 definitions. On the other hand, C.G.S. section 17a-498(b) provides that if the court finds such respondent is **unable to pay for counsel**, the court shall appoint counsel for such respondent. In many cases, this is different from being indigent, because a person could have bare subsistence but not be able to pay for counsel. It is our opinion that the court should follow C.G.S. section 17a-498(b) and appoint counsel even though the person may not technically be indigent under the definition.

Jurisdiction and Venue. A further ambiguity in the statute deals with jurisdiction and venue. If an original petition is filed in a Probate Court for a person who is not hospitalized and that person refuses to be examined and is subsequently picked up on a warrant and thereupon is committed under a physician's emergency certificate, that person must have his or her commitment hearing at the court in the district in which the hospital where such person is now a patient is located. Therefore, the original petition is superseded by the subsequent petition made in the probate district where the hospital is located. The statute is silent with respect to payment of the originating court, but it is suggested that the originating court is entitled to the \$150.00 fee specified in C.G.S. section 45a-106 because of the work involved in issuing the warrant, and the court hearing the case is also entitled to a fee.

Three-Judge Panel. C.G.S. section 17a-497(b) allows a respondent to ask for a three-judge court, and when such request is made, it is automatically granted. The same request can be made by any judge of probate on his or her own motion. The statute makes no provision for payment of the additional judges appointed by this office. However, section 15 of the Probate Court Administrator's Regulations provides for compensation in the amount of \$50.00 per hour not to exceed a per diem of \$250.00 (15.3.1).

INVOLUNTARY COMMITMENT

Who May Petition the Court for Commitment?

Any person may submit a petition. If any person with psychiatric disabilities is at large and dangerous to the community, the first selectman or chief executive officer of the town where he resides or where he is at large shall make such petition. [C.G.S. section 17a-497(a) and C.G.S. section 17a-503(b)].

Jurisdiction — C.G.S. section 17a-497.

Jurisdiction is in the Probate Court district where the respondent resides, unless the respondent is hospitalized, as discussed below. If the respondent's residence is out of state or unknown, jurisdiction is in the probate district where the respondent is located at the time the petition is filed.

If the person is in the hospital

When a person is admitted to a hospital under the provisions of C.G.S. section 17a-498(c), 17a-502(a), or 17a-506, and a petition for the commitment of such person is filed in accordance with the provisions of such sections, jurisdiction is in the district where the hospital is located.

If a previous petition was filed and the person is now in the hospital

In the event that a petition was previously filed in another Probate Court with respect to the same confinement, and the respondent is then hospitalized, the first court does **NOT** retain jurisdiction. The court where the hospital is located (where the person is now confined) will have jurisdiction. **NO FURTHER ACTION SHALL BE TAKEN ON THE PRIOR PETITION.**

Place of Hearing

The location of the hearing is at the discretion of the judge, and it may be held at the Probate Court's hearing room. HOWEVER, if the respondent is confined to a hospital, the commitment hearing **SHALL** be held at the hospital **IF**, in the opinion of at least one of the physicians appointed by the court, it would be detrimental to the health and welfare of the respondent to travel to the court OR if it would be dangerous to the respondent or others for the respondent to travel to the court. C.G.S. section 17a-497(a)].

Motion for a Three-Judge Court

Upon the motion of the respondent OR his counsel OR the judge of probate having jurisdiction over the petition, the Probate Court Administrator shall appoint a three-judge court to hear the petition. This motion must be made at least three (3) days before any hearing scheduled on the petition. Please see C.G.S. section 17a-497(b) for further information.

Respondent's Rights

The respondent has the following rights:

- 1) the right to be present at the hearing,
- 2) the right to have counsel,
- 3) the right to refuse counsel if he or she understands the nature of the refusal (C.G.S. section 17a-498),
- 4) the right to cross-examine witnesses, and
- 5) the right to enter the hospital voluntarily (C.G.S. section 17a-498).

NOTE: ENTER ITEMS MARKED WITH AN ASTERISK INTO CMS AND SCAN/MICROFILM AS CONFIDENTIAL.

Warrant/Examination Proceedings (If respondent is not hospitalized)

***Warrant/Examination Proceedings/Person with Psychiatric Disabilities/Examination by Court, PC-882**

C.G.S. section 17a-503(b) provides that the court may issue a warrant for the apprehension and examination by the court of a respondent who has psychiatric disabilities AND is dangerous to himself/herself or others OR gravely disabled AND is **in need of immediate care and treatment** in a hospital for psychiatric disabilities. It is strongly recommended that the person requesting the

warrant provide the court with a detailed written statement about the actions of the respondent that make a warrant necessary.

The court must complete the top portion of form PC-882 and provide a certified copy of the same to a state marshal, police officer or constable. The officer will then apprehend the respondent and bring him/her before the court for examination. The officer must complete the "RETURN" portion of the PC-882. It is recommended that the officer remain during the probable cause hearing.

***Order/Examination Proceedings/Person with Psychiatric Disabilities/Examination by Court, PC-866**

After examination, the court will either find that there is no probable cause and release the respondent, OR the court will find that there is probable cause AND order the officer to transport the respondent to a **general hospital** for examination. The officer will complete the "RETURN" portion of PC-866.

***PETITION FOR INVOLUNTARY COMMITMENT OF PERSON WITH PSYCHIATRIC DISABILITIES, PC-801**

IN THE MATTER OF (Name and address of respondent) *SEX OF THE RESPONDENT* *RESPONDENT'S SOCIAL SECURITY NUMBER*
RESPONDENT'S DATE OF BIRTH *NAME AND ADDRESS OF PETITIONER*
RELATIONSHIP TO RESPONDENT *RESPONDENT'S PERMANENT ADDRESS*
RESPONDENT'S PRESENT ADDRESS *JURISDICTION BASED ON...*

PERSONS TO WHOM NOTICE SHOULD BE GIVEN...

THE PETITIONER FURTHER REPRESENTS that said respondent... (The petitioner will check the applicable boxes.)

THE PETITIONER RESPECTFULLY ALLEGES... [Describe condition and/or behavior of respondent to support this allegation, including diagnosis, if any.]

IF THE RESPONDENT IS HOSPITALIZED FOR PSYCHIATRIC DISABILITIES, CHECK THE APPROPRIATE BOX(ES):

- Involuntary Admission...*
- Emergency Commitment...*
- Voluntary Admission...*
- Informal Admission...*
- The Superior Court has found that the respondent is not competent to stand trial. . . .*
- The undersigned, if the hospital superintendent or his/her authorized representative, further states that voluntary status was offered to the respondent within twenty-four hours of the time of this petition and was refused [C.G.S. section 17a-498(e)].*

NOTES: 1) IF THE RESPONDENT IS HOSPITALIZED, the petitioner must submit a statement to the effect that within 24 hours of the filing of the petition the respondent was informed by the hospital that he or she had a right to remain in the hospital on a voluntary basis and has refused [C.G.S. section 17a-498(e)]. This situation is covered by the last box above.

2) IF THE RESPONDENT IS NOT IN THE HOSPITAL, the court must notify the respondent that he or she has the right to enter the hospital on a voluntary basis any time before adjudication of the petition. This is done on the **Citation and Return/Petition for Involuntary Commitment of Person with Psychiatric Disabilities, PC-831**.

WHEREFORE, PETITIONER REQUESTS...

PROPOSED HOSPITAL (Name and address)

ATTORNEY FOR PETITIONER [Name, address, telephone number and juris number]

Duties of the Hospital — C.G.S. section 17a-498(e) through 17a-498(g)

Qualifications of Attorney

The attorney must be admitted to practice in the State of Connecticut. The respondent may select and pay for his own attorney. If the

respondent is indigent or unable to pay and selects his own attorney, his fees must be paid in accordance with regulations issued by the Probate Court Administrator. If the respondent does not select a specific attorney and is indigent or otherwise unable to pay, the court must appoint one from the panel of attorneys (CM Appendix 11-4) in accordance with regulations promulgated by the Probate Court Administrator [C.G.S. sections 45a-77 and 17a-498(b)].

Appointment of Counsel

- Contact the attorney by telephone. Forward the following documents to counsel:
 - 1) A copy of the petition, PC-801,
 - 2) PC-883A, App't of Counsel/Involuntary Commitment of Person with Psychiatric Disabilities/Annual Review Hearing
 - 3) Invoice (CO-17), along with a sample invoice.
 - 4) A copy of Section 13.4 of the Probate Regulations (compensation of court-appointed counsel).

The attorney must interview the client before the hearing.

Qualification of Physicians

Two impartial physicians with the qualifications listed below must examine the respondent not more than 10 days prior to the hearing.

- 1) One of the physicians shall be a practicing psychiatrist.
- 2) Both of the physicians shall be licensed to practice medicine in the State of Connecticut.
- 3) Both doctors must have been practitioners of medicine for at least one year.
- 4) The doctors cannot be connected with the hospital for psychiatric disabilities to which the petition is being made, nor can they be related by blood or marriage to the applicant OR the respondent [C.G.S. section 17a-498(c)].

Appointment of Physicians** (CM-Appendix 11-7)

Form: Appointment of Physicians/Involuntary Commitment of Person with Psychiatric Disabilities/Annual Review Hearing, PC-883B

- Appoint two physicians via telephone from the list provided by the Department of Mental Health and Addiction Services. (Please see CM Appendix 11-7 for this list and other important information.) The Department requires that **all doctors conducting exams must be appointed from this panel**. No exceptions can be made. The Department also asks that the courts make every effort to **appoint doctors in rotation** so that the work is available to a greater number of doctors. One of the physicians must be a practicing psychiatrist, and the doctors must examine the respondent not more than 10 days prior to the hearing.

***PHYSICIAN'S CERTIFICATE/INVOLUNTARY COMMITMENT/ANNUAL REVIEW/PERSON WITH PSYCHIATRIC DISABILITIES, PC-850**

Each physician must examine the respondent and complete a separate **Physician's Certificate, PC-850**. The PC-850 form must be received before the hearing date and placed in the file folder for the hearing.

Once the court has appointed the physicians, forward a copy of the petition, PC-801, and appointment, PC-883B, to the physicians for their records. Also send a CO-17 Invoice if the patient is indigent. Provide the hospital (Medical Records Department) with the names of the two court-appointed physicians.

**For courts that handle a large volume of commitments, it is advantageous to assign counsel and psychiatrists to hearing dates for a period of four to six months in advance. These lists can then be forwarded to the hospital. Five days before the hearing, the offices of the attorneys and psychiatrists should call the court for a list of the respondents' names.

Steps to Take upon Receipt of a Petition for Commitment

- Date-stamp the petition.
- Enter into CMS.
- Entry fee is \$150.00.
- For those courts that have a large volume of commitments, it may be beneficial to use a record book with all names of respondents scheduled for a particular date.
- Make up a file folder (to be returned to locked cabinet in the vault at the end of the proceedings) (C.G.S. section 17a-500). Label the folder: "IN RE: (Name of respondent); OF (or temporarily of): (town, state); YEAR: (month, day, year); Vol. __, Page __."

Escrow — The court escrows either an attorney's check or a certified check in the amount of \$500.00. This amount is for physicians' fees and state marshal's fees and is returned to the petitioner ONLY after the court has received copies of the receipted bills from the physicians and the state marshal. If the respondent is **NOT** committed or committed to a private hospital, the petitioner is liable for all costs. If an indigent respondent is committed to a state hospital, the state (DMHAS) is liable for costs (C.G.S. section 17a-528).

***ORDER OF NOTICE, PC-821**

- Set the hearing not later than 10 BUSINESS days from the receipt of the petition.

***CITATION AND RETURN/PETITION FOR INVOLUNTARY COMMITMENT..., PC-831
NOTICE OF HEARING/COMMITMENT/ECT MATTERS, PC-130C**

According to C.G.S. section 17a-498, only the following persons need be given notice:

- 1) the respondent,
- 2) relatives — as the court deems advisable, and
- 3) friends — as the court deems advisable.

The following parties should also be given notice:

- 4) the petitioner,
- 5) the hospital superintendent (always notified in a state hospital commitment),
- 6) counsel of record,
- 7) the responsible party (person listed by the hospital as responsible for the bills of the patient — notified only in private commitments), and
- 8) other persons who may be interested in the welfare of the respondent.

It is recommended that notice be given as follows:

PERSONAL SERVICE on the respondent by a state marshal or constable.

- Use PC-831.
- Make one photocopy of PC-801 and PC-831 for the state marshal. Attest true copy. The state marshal must serve the respondent personally. Once done, the state marshal will complete the return and attestation section of the form and return it to the court together with the bill for services rendered. The state marshal's return must be in the file folder before the hearing.

CERTIFIED MAIL to the superintendent or his/her representative of _____, a hospital for persons with psychiatric disabilities. . .in which the respondent is confined by order of any court

REGULAR MAIL to: (Use **NOTICE OF HEARING/COMMITMENT/ECT MATTERS, PC-130C**)

- 1) The petitioner
- 2) With the exception of the hospital superintendent, all others listed above (including the attorney for the respondent if one has been appointed)

PSYCHOLOGIST/ EMERGENCY EXAMINATION REQUEST, MHCC-1A; ADVANCED PRACTICE REGISTERED NURSE/LICENSED CLINICAL SOCIAL WORKER EMERGENCY TRANSPORTATION CERTIFICATE AND EVALUATION IN A HOSPITAL FOR PSYCHIATRIC DISABILITIES, MHCC-1B

If a psychologist, licensed clinical social worker (LCSW), or advanced practice registered nurse (APRN) has reason to believe that a person has psychiatric disabilities and is dangerous to himself/herself or others or gravely disabled and in need of immediate care and treatment, he or she may issue an emergency certificate that authorizes and directs that such person be taken to a general hospital for a medical examination. The person must be examined within 24 hours and cannot be held for more than 72 hours unless he or she is committed under C.G.S. section 17a-502.

WARRANT — Refusal to Be Examined by Physician

A warrant is necessary if the respondent refuses to be examined by the court-appointed physician. [C.G.S. section 17a-498(d); MHCC-13, Examination Proceedings Person with Psychiatric Disabilities.]

Access to Medical Records – Access to medical records and the admissibility of medical records as evidence is explained in C.G.S. section 17a-498(b).

Appearance of Doctors at Hearing – C.G.S. section 17a-498(c). If the respondent or his attorney notifies the court NOT LESS THAN THREE (3) DAYS before the hearing that he wishes to cross-examine the examining physicians, the court SHALL order such physicians to appear.

Election of Voluntary Status – C.G.S. section 17a-498(e). A respondent may elect voluntary status at any time before the adjudication of the petition. When the respondent is in the hospital, the hospital must offer voluntary status to the respondent within 24 hours of filing the Petition for Involuntary Commitment.

Withdrawal of Petition – C.G.S. section 17a-498(e). The petition is automatically withdrawn when a respondent elects voluntary status at any time before the adjudication of the hearing on the first petition for commitment.

Day of Hearing

• **IMPORTANT:** Have a **recorder** ready for the hearing. The court **SHALL make a recording** of the hearing testimony, but it is to be transcribed only in the event of an appeal from the court's decree. A copy of the transcript must be furnished, without charge, to any appellant whom the court finds is unable to pay for such transcript. The cost of said transcript will be paid from funds appropriated to the Judicial Branch. The transcript tapes may be erased after 30 days if no appeal is taken.

① The respondent must be present at all hearings [C.G.S. section 17a-498(f)]. At the time of the hearing, the hospital must provide the court with written notice of the medication the patient is receiving and the common effects of such medication.

① The rules of evidence applicable to civil matters in the Superior Court shall apply commitment hearings under C.G.S. section 45a-498.

DECREE/INVOLUNTARY COMMITMENT, PC-861

The court must find by clear and convincing evidence that the person complained of has psychiatric disabilities and is dangerous to himself/herself or dangerous to others or gravely disabled, considering whether or not a less restrictive placement is available [C.G.S. section 17a-498(c)].

NOTE 1): The box headed "AND IT IS FURTHER ORDERED" in the order portion of the decree is to be used for those respondents who are in one hospital at the time of the hearing and are to be committed to another hospital.

IMPORTANT – Data Transmittal to DMHAS When a Commitment Petition is Granted

Pursuant to the provisions of C.G.S. section 17a-499t the court **MUST** provide the Commissioner of Mental Health and Addiction Services access to identifying information **within three business days of the date of the decree.**

This information includes, but is not limited to, name, address, sex, date of birth and date of commitment. The courts must transmit this data electronically using the "Send to NICS" check box on the "Commitment 2" tab for the commitment proceeding. Additional information about the steps to follow in CMS appears on the probate court intranet in the archive of seminar materials.

NOTE 2): The court's order of commitment will disqualify the individual from the ability to purchase, possess, or transport firearms under state and federal law. For federal purposes, the individual may seek relief from federal firearms prohibitions. See the section For further information, see the section entitled "Restoration of the Right to Purchase, Possess or Transport a Firearm" in the "Miscellaneous" section of this manual.

- If appropriate, send a copy of decree to the following:
 - 1) the respondent,
 - 2) the superintendent [with Physician's Certificate, PC-850, attached],
 - 3) the petitioner, and
 - 4) attorneys of record.

When to Proceed on a New Petition for Commitment After a Patient Elects Voluntary

Status — C.G.S. section 17a-498(e).

When a patient who has elected voluntary status after a petition is filed but before adjudication of the matter subsequently notifies the hospital that he or she wants to be released, a new petition for involuntary commitment may be filed. If the new petition is filed no later than 45 days after the election of voluntary status on a prior petition, the Probate Court may hear the new petition on the merits at the discretion of the judge, notwithstanding the patient's subsequent request to remain a voluntary patient under the provisions of C.G.S. sections 17a-506 and 17a-498(e).

OR

If a voluntary status patient refuses to accept medication or treatment in accordance with the treatment plan prescribed by the attending physician, and such patient is imminently dangerous to himself/herself or others, **A NEW PETITION FOR INVOLUNTARY COMMITMENT** may be filed. C.G.S. section 17a-543 addresses patients' rights and the administration of medication.

Patient's Requested Review Hearing — C.G.S. section 17a-498(g).

Jurisdiction: The Probate Court for the district in which the hospital for psychiatric disabilities is located has jurisdiction.

At least once each year, the hospital will inform the patient of his or her right to a further hearing. If the patient requests a review hearing, the hospital will notify the court that ordered the respondent's confinement of this request, and the court will proceed in accordance with C.G.S. 17a-498, sub sections (a), (b), (c), and (f) setting a full hearing, appointing two physicians, etc. There is a limit of two hearings per year at state expense.

Annual Review — C.G.S. section 17a-498(g).

Jurisdiction: The Probate Court for the district where the hospital for psychiatric disabilities is located has jurisdiction. Each month, the hospital shall furnish the Probate Court having jurisdiction with a list of all patients confined involuntarily without release since the last annual review of the original commitment. The type of review that the patient last received will be included in the notification.

If the patient's last annual review DID NOT result in a hearing, and in any event at least every two years, the court that received notification shall proceed with a hearing in the manner provided in C.G.S. section 17a-498: setting a full hearing, appointing two physicians, etc., in accordance with the requirements of sub section (c). If the patient's last annual review DID result in a hearing, the court shall appoint a psychiatrist from the list of physicians and psychiatrists within 15 days [C.G.S. section 17a-498(c)]. The doctor shall examine the patient within 15 days after appointment and report back to the court on form PC-850.

If, after the psychiatric examination, the court concludes that the confinement should be reviewed in anticipation of the possible release of the patient, the court will set a hearing on its own motion within 15 days in accordance with C.G.S. section 17a-498(a), (b), (c), and (f). All expenses in connection with the annual review of patients in public or private hospitals shall be paid by the Probate Court Administration Fund, except for physicians' fees, which are paid by the Department of Mental Health and Addiction Services [C.G.S. section 17a-498(g)].

Period of Confinement

The patient shall be confined for the duration of such psychiatric disabilities or until he or she is discharged or converted to voluntary status pursuant to C.G.S. section 17a-506 in due course of law [C.G.S. section 17a-498(c)].

Revocation of Commitment Order

C.G.S. section 17a-510 provides for a release hearing, clarifies procedures, and provides for counsel.

PROBABLE CAUSE HEARING

C.G.S. section 17a-502(d)

Jurisdiction

Jurisdiction is in the Probate Court district where the hospital is located.

Any person who is confined to a hospital for psychiatric disabilities under a Physician's Emergency Certificate (MHCC-3) must be examined within 48 hours of admittance to the hospital. If it is determined that the patient should remain for the 15-day confinement period, the patient must be notified by the hospital staff of the right to consult an attorney and the right to a probable cause hearing [C.G.S. section 17a-502(c)]. A person who requests termination of a voluntary commitment and is being detained pending a petition for involuntary commitment has the right to request a probable cause hearing.

*PROBABLE CAUSE HEARING REQUEST, PC-802

The hearing on the probable cause request must be held within 72 hours of receipt of form **PC-802, Probable Cause Hearing Request**. Saturdays, Sundays, and holidays are EXCLUDED from the 72-hour time period. The time period of 72 hours commences at the time the PC-802 is stamped into the court records.

Documents and Fees

Documents to be furnished to the Probate Court when filing a request for a probable cause hearing:

- 1) PC-802, Probable Cause Hearing Request
- 2) Fact Sheet or Information Sheet Re: Patient's Personal Data
- 3) MHCC-11, Appointment of Counsel Request
- 4) Entry Fee – \$150.00 **NOTE:** If the State of Connecticut is responsible for payment, the entry fee is usually waived at the time of filing and paid at a later date.

Time Factor

Due to the 72-hour time period involved in a probable cause hearing, the court appoints counsel by telephone, informing counsel of the pertinent facts, the date, time, and location of the hearing, and the names of interested parties.

The Respondent **does not** have to be served personally or receive mail notice of the hearing. The Probate Court informs the Medical Records Department at the hospital by telephone of the date and time scheduled for the hearing and the name of the attorney appointed to represent the respondent. The hospital will then release the respondent's medical records to the attorney and will make arrangements with the attorney for a meeting between the attorney and the respondent. It is the hospital's responsibility to have the respondent present for the hearing.

The respondent **does not** have to be examined by two physicians as is required with a petition for commitment.

- The clerk will prepare the documents for the attorney in connection with the court appointment [i.e., copy of Attorney's Appointment (PC-883A), Invoice (CO-17)] and insert them in the file folder. The judge will deliver them to the attorney at the hearing.

Preparation of File for Hearing

- Date-stamp documents.
- Enter into CMS.
- Prepare file folder and tab: DOE, JOHN A. PR-CS (probable cause) STATE HOSPITAL, (Date)

***APPOINTMENT OF COUNSEL/INVOLUNTARY COMMITMENT..., PC-883A** (If applicable.)

***PROBABLE CAUSE HEARING ORDER, PC-862**

RESPONDENT [Name]

PERSON REQUESTING HEARING

REQUEST DATE AND TIME (Date and time received by Probate Court)

PLACE OF HEARING [Street and Town] DATE OF HEARING TIME

- The judge completes the remainder of the form at the hearing.
- Prepare time sheet for hearing, to be completed by the judge.

Hearing Procedures — C.G.S. section 17a-502.

• **IMPORTANT:** Have a **recorder** ready for the hearing. The court **SHALL make a recording** of the hearing testimony, but it is to be transcribed only in the event of an appeal from the court's decree. A copy of the transcript must be furnished, without charge, to any appellant whom the court finds is unable to pay for such transcript. The cost of said transcript will be paid from funds appropriated to the Judicial Branch. The transcript tapes may be erased after 30 days if no appeal is taken.

① The hearing is usually held at the hospital.

① The statute gives the respondent the right to be present at the hearing.

- Is the respondent on medication? If so, what type is it and what are its effects?
- Is the hospital psychiatrist who is treating the patient present?
- Are counsel and any witnesses present?

• In making his or her decision, the judge must consider the factors set forth in C.G.S. section 17a-502:

- | | |
|---|--|
| 1) the respondent's condition at the time of the admission, | 3) the effects of medication, and |
| 2) the respondent's condition at the time of the hearing, | 4) the advisability of continued treatment based on testimony from the hospital staff. |

If the court finds that there is probable cause to conclude that the person is subject to involuntary confinement, the court shall order that such person's detention continue for the remaining time provided for emergency certificates or until the completion of probate proceedings under C.G.S. section 17a-498.

• The judge will complete the remainder of **PC-862, Probable Cause Order**, as follows:

There is no probable cause...IT IS THEREFORE ORDERED THAT The named respondent be released immediately.

OR

There is probable cause...IT IS THEREFORE ORDERED THAT The named respondent be detained at the hospital...

• The judge must insert the name and address of the hospital and the date of the order and sign the order.

• The certification section must be completed.

REQUEST for RELEASE from HOSPITAL when CONFINED under an INVOLUNTARY COMMITMENT ORDER

C.G.S. section 17a-510.

This section does not apply to criminal defendants committed pursuant to C.G.S. section 53a-47 and C.G.S. section 54-40. The rules of evidence applicable to civil matters in the Superior Court shall apply to hearings under this section.

Jurisdiction

Jurisdiction is in the Probate Court district where the hospital is located.

The patient (or his or her representative) petitions the court for his or her release from the hospital (**Petition for Release from Commitment, PC-806**). The court sets a hearing not later than 10 days after the date the petition was filed, giving reasonable notice to the following:

- 1) the petitioner,
- 2) the hospital superintendent, and
- 3) relative(s) and friend(s), as the court deems advisable.

The **Notice of Hearing Re: Petition for Release from Hospital, PC-832A**, informs the petitioner that he or she has the following rights:

- 1) the right to be present at the hearing,
- 2) the right to present evidence at the hearing,
- 3) the right to have counsel appointed to represent him/her if indigent,
- 4) the right to cross-examine witnesses at any hearing upon such petition.

Use **Notice of Hearing/Commitment/ECT Matters, PC-130C**, for notice to other parties.

Order

Unless the court finds that further confinement of the petitioner is necessary in accordance with the standards set forth in C.G.S. section 17a-498, the court shall order the petitioner's release. The form to use is **Order/Request for Release from Confinement, PC-867**.

The petitioner shall pay expenses in connection with this hearing, unless he or she is indigent or otherwise unable to pay such expenses. In that case, the expenses shall be paid by the state from funds appropriated to the Department of Mental Health and Addiction Services, and attorneys' fees shall be paid by the state from funds appropriated to the Probate Court Administration Fund (C.G.S. section 17a-510).

In no event shall the expenses be paid for any one petitioner for more than two hearings in any one year, including the hearing provided for in sub section (g) of C.G.S. section 17a-498.

Writ of Habeas Corpus — C.G.S. section 17a-524 (See form CM-37.)

This is a Superior Court action. Each person confined in a hospital for psychiatric disabilities in the state shall be entitled to the benefit of the writ of *habeas corpus*, which is a judicial order to someone holding a person to bring that person to court. The question of such confinement in a hospital for psychiatric disabilities shall be determined by the court or judge issuing such writ.

Revocation of Commitment Order (See p. Commitment-9.)**VOLUNTARY COMMITMENT**

C.G.S. section 17a-506

When a patient who voluntarily admitted himself/herself to a hospital for psychiatric disabilities gives the hospital **NOTICE IN WRITING, MHCC-10**, of his or her desire to leave the hospital, the patient shall be released within three (3) days of such request (excluding Saturdays, Sundays and holidays). If a petition for commitment is filed with the Probate Court before the expiration of the three-day period, then the patient must remain at the hospital until the hearing date. In no event is the patient to remain beyond 15 additional days from the date of filing the written notice of the desire to leave. The hospital should inform the court, in writing, of the date the hospital received the request from the patient.

NOTE: The hospital excludes Saturdays, Sundays and holidays in determining the three-day period [C.G.S. section 17a-506(a)]. When setting the hearing under C.G.S. section 17a-506(e), the court may not exclude those days. The hearing must be held within 15 days of the date that the patient filed the original request.

Continuation of Confinement by Emergency Certificate

C.G.S. section 17a-506(d) prohibits the use of an emergency certificate to continue the confinement of a voluntary patient in ANY hospital. The confinement of the patient may only be continued for 15 days by filing a petition for commitment in the Probate Court.

PHYSICIAN'S EMERGENCY CERTIFICATE/COMMITMENT (MHCC-3)

C.G.S. section 17a-502, as amended.

The doctor signs a 15-day emergency certificate, not more than three (3) days before the person is delivered to the admitting hospital. **NOTE:** The hospital may be a chronic disease hospital. The Department of Public Health currently licenses six chronic disease hospitals: Gaylord Hospital (Wallingford), Hebrew Home and Hospital (West Hartford), Hospital for Special Care (New Britain), Masonicare Health Center (Wallingford), Mt. Sinai Rehabilitation Hospital (Hartford), and the state Veterans' Home and Hospital (Rocky Hill). The date of the examination must be within three (3) days of the date of the physician's signature. In the body of the certificate, the doctor lists the reasons for commitment [C.G.S. section 17a-502(a)].

Serial Emergency Certificates — C.G.S. section 17a-502(a).

The original emergency certificate is **ONLY VALID** for 15 days. If the respondent leaves the hospital within the first 15-day period, and then is in need of further emergency treatment, the hospital may readmit and detain said respondent for **ONE (AND ONLY ONE)** additional 15-day period on the basis of a new (second) emergency certificate executed during the original 15-day period.

The respondent is held in the hospital no longer than 15 days, unless a petition is filed in the Probate Court for a probable cause hearing or for a commitment before the expiration of the 15 days. In either of those instances, the respondent can be held an additional 15 days or until the completion of the Probate Court proceedings, whichever occurs first. The petition must be filed with the court before the **EXPIRATION** of the 15 days. If the petition is **FILED AFTER** the 15-day period, continued confinement is not valid. Always check the date when the patient was admitted to the hospital and the date of the petition for commitment.

Any person admitted under this section must be examined within 48 hours of admission in accordance with C.G.S. section 17a-545. If the physician does not believe he or she fits the criteria for emergency detention and treatment, such person shall be discharged immediately [C.G.S. section 17a-502(b)].

Billing

- 1) The petitioner pays the fees for Probate Court costs if the commitment is made to a private hospital or if the respondent is not committed. The petitioner should be billed for all costs, including state marshal's fees, certified/registered postage, etc.
- 2) Whenever a state hospital is the petitioner, the State of Connecticut, Department of Mental Health pays the fees for probate costs.
- 3) The hospital where the patient is a resident pays the fees on a probable cause hearing request.

When the State of Connecticut is paying the fees, the court will prepare the CO-17 invoice and send it to the State for payment.

- The judge signs the CO-17 invoice (usually at the bottom of "description" area).
- Photocopy the CO-17 invoice for file; mail original to State.

CO-17 INVOICES FOR COMPLETION BY ATTORNEYS

When an attorney has prepared the invoice for representing the patient/respondent, the form is returned to the court, and the judge certifies on the invoice that the judge appointed the attorney to represent an indigent person, as shown below.

"I certify that the appointment as attorney was made in a commitment proceeding and that the services were rendered for a person that I have determined to be indigent and that the fee for the service is reasonable."

- Photocopy the invoice for the file, and mail both parts to the Probate Court Administrator's office.

Prepare Documents and Scan/Microfilm — Probate Court Regulation 10.

All records are **confidential** (See Regulation 10.4.)

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings. The records shall include the original complaint and physician's certificate. (C.G.S. section 17a-500).

Commitment Proceedings:

- 1) PC-182A, Appointment of Attorney for Interested Party
- 2) PC-801, Petition for Involuntary Commitment of Person with Psychiatric Disabilities
- 3) PC-821, Order of Notice . . .
- 4) PC-831, Citation and Return . . .
- 5) PC-850, Physician's Certificate . . .
- 6) PC-861, Decree/Involuntary Commitment . . .
- 7) PC-883A, Appointment of Counsel . . .
- 8) PC-883B, Appointment of Physicians . . .
- 9) MHCC-11, Appointment of Counsel Request

Probable Cause Proceedings:

- 1) PC-802, Probable Cause Hearing Request
- 2) PC-862, Probable Cause Hearing Order
- 3) MHCC-11, Appointment of Counsel Request

- Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Return file to a locked cabinet in the vault.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

SHOCK THERAPY

C.G.S. section 17a-543

If the head of the hospital and two qualified physicians determine that a patient is incapable of giving informed consent to shock therapy, and there is no other less intrusive beneficial treatment, the hospital (or other interested person) may petition the Probate Court to grant permission to administer shock therapy.

Jurisdiction

Jurisdiction is in the Probate Court district where the patient is hospitalized.

Procedure

The head of the hospital and two qualified physicians (who may both be from the hospital) must petition the court in writing to hold a hearing. They must allege that they have each examined the patient, that the patient is incapable of giving written informed consent to shock therapy, and that there is no other less intrusive beneficial treatment. A Probate Court order authorizing administration of shock therapy shall not be effective for more than 45 days.

If the letter of petition is in order, the court should:

- Date-stamp the **Petition/Order Authorizing Shock Therapy for Person with Psychiatric Disabilities, PC-805**.
- Enter into CMS.
- Prepare file folder.
- Entry Fee: \$150.00.

The court should complete an **Order of Notice/Petition for an Order Authorizing Shock Therapy for Person with Psychiatric Disabilities, PC-821A**, and **Notice of Hearing/Commitment/ECT Matters, PC-130C**. There are very few procedural guidelines for the courts in this area of jurisdiction. It is recommended that the hearing date be set within a reasonable time and that all interested parties be given notice.

The decree is **PC-865, Decree/Order Authorizing Shock Therapy for Person with Psychiatric Disabilities**.

COMMITMENT
of
MENTALLY ILL CHILDREN

C.G.S. section 17a-75 et seq.



COMMITMENT of MENTALLY ILL CHILDREN

C.G.S. section 17a-75 et seq.

THIS PROCEDURE APPLIES ONLY TO PERSONS LESS THAN 16 YEARS OF AGE (C.G.S. section 17a-75). Persons 16 years of age or older are treated as adults for the purposes of commitment.

Forms for Commitment:

PC-800, Petition for Commitment of Mentally Ill Child
 PC-820, Order of Notice/Commitment of Child
 PC-830, Notice of Hearing/Citation and Return
 PC-860, Decree/Commitment of Child
 PC-870, Physician's Evaluation/Commitment of Child
 PC-880, Transfer Status Report
 PC-881, Examination Proceedings/Mentally Ill Child (Warrant)
 PC-170A, Report of Court-Appointed Attorney
 PC-170B, Report of Court-Appointed Guardian Ad Litem, as needed
 PC-182A, Appointment of Attorney for Interested Party
 PC-182B, Appointment of Guardian Ad Litem for Interested Party

Criteria for Commitment

The court must find by clear and convincing evidence that the child suffers from a mental disorder, is in need of hospitalization for treatment, such treatment is available, and that the hospitalization is the least restrictive available alternative [C.G.S. section 17a-77]. There are three different types of commitments that result in a child receiving treatment in a hospital for mental illness:

- 1) Involuntary admission (C.G.S. section 17a-76 and 17a-77).
- 2) Parental voluntary/child voluntary, if the child is 14 or 15 years of age (C.G.S. section 17a-79).
- 3) Emergency commitment (C.G.S. section 17a-78).

1. Involuntary Commitment of Mentally Ill Children

Who May Petition the Court for Commitment?

The petition may be made by any person. The penalty for filing a fraudulent or malicious petition or false certification to a mental disorder is a fine not to exceed \$1,000 or a prison term of not more than five years or both.

Jurisdiction — C.G.S. section 17a-76.

The Probate Court has exclusive jurisdiction to receive the petition.

Jurisdiction is in the district where the child resides. If the child's residence is out of state or unknown, jurisdiction is in the district where the child is at the time that the petition is filed, except in cases where it is otherwise expressly provided by law.

If the child is hospitalized...

If the child is hospitalized under the provisions of C.G.S. section 17a-75 to 17a-83, inclusive, jurisdiction is in the Probate Court district where the hospital is located.

If a previous petition was filed and the child is now in the hospital...

If a petition was previously filed in another Probate Court with respect to the same confinement and the child is later hospitalized, the first court does not retain jurisdiction. **No further action should be taken on the prior petition.**

Place of Hearing

At the discretion of the probate judge, the hearing may be held either in the Probate Court hearing room or at the hospital. **HOWEVER**, there are two situations that **require** the judge to hold the hearing at the hospital. If the child's counsel requests that the hearing be held at the hospital OR if, in the opinion of at least one physician, the child could be a danger to himself/herself or others OR it would be detrimental to the child's health and welfare to travel to the court, the hearing **shall** be held at the hospital [C.G.S. section 17a-77(d)].

Motion for a Three-Judge Court – C.G.S. section 17a-76(e).

If the matter is not transferred to Superior Court, the child, his attorney, or the court may file a motion for a three-judge court, which shall be appointed by the Probate Court Administrator. At least one of the judges must be an attorney. The request must be made three days before the hearing. The clerk should immediately telephone the Probate Court Administrator's office with the request. A written request must follow stating: 1) the child's name, 2) the date, time and place of hearing, and 3) any other pertinent information.

Items marked with an asterisk are to be entered into CMS.

***PETITION FOR COMMITMENT OF MENTALLY ILL CHILD, PC-800**

IN THE MATTER OF (The petitioner must insert the child's name.)

PETITIONER [Name, address, and zip code]

PRESENT ADDRESS OF CHILD [If institutionalized, insert name and address of institution.]

DATE OF BIRTH OF CHILD (The child must be **less than 16 years** of age for the court to accept the petition.)

JURISDICTION BASED ON: Residence District where child is hospitalized District where child is at the time the petition is filed.

PROPOSED HOSPITAL [Name, address, and zip code]

ATTORNEY APPOINTED FOR THE CHILD BY THE SUPERIOR COURT... [Name, address, zip code, and telephone number.]

PERSONS TO WHOM NOTICE SHOULD BE GIVEN... C.G.S. section 17a-77(a).

- The petitioner must list all persons to whom notice should be given with complete addresses.

THE PETITIONER REPRESENTS that said CHILD
Is now living at ...

Is/Is Not a patient in a hospital. (The petitioner must strike out the inapplicable word.)

Suffers from a mental disorder and is in need of treatment.

- Signature of petitioner
- Date

If the petition is in order:

- Date-stamp.
- Entry fee – \$150.00.
- Enter into CMS.

Notice Procedures — C.G.S. section 17a-77(a)

Set the hearing not later than **10 business days** after receipt of the petition, giving reasonable notice to the following parties (according to the statute **only** these parties need be given notice):

- 1) the child,
- 2) the parents,
- 3) the hospital for mental illness, and
- 4) relative(s).

It is recommended that the following parties also be given notice:

- 1) the attorney for the child,
- 2) the attorney for the parent(s), and
- 3) the petitioner.

It is further recommended that notice be given as follows:

Personal Service	Registered/Certified Mail	Regular Mail
The Child	Attorney for the Child	Attorney for the Parent(s), Petitioner, Relatives
Parent(s) or Guardian	Hospital	

Personal Service

Make two photocopies of PC-800 and PC-830 for the state marshal. Attest true copy. The state marshal will serve the child and parent(s) personally (at the hospital if necessary). When this has been done, the state marshal will complete the return and attestation section of the form and return it to the court together with the bill for services rendered. The state marshal's return must be in the file folder before the hearing.

***ORDER OF NOTICE/COMMITMENT OF CHILD, PC-820**

CHILD [Name, address, and zip code] DATE OF ORDER OF NOTICE

PARENT OR GUARDIAN [Name, address, and zip code]

DATE TIME PLACE of hearing

UPON PETITION OF THE PETITIONER...IT IS ORDERED THAT...

1. SERVED BY LEAVING THE SAME:

- With the child
 With the parent(s) or guardian of the child.

2. GIVEN BY THE CLERK by mailing the same by certified/registered mail... to:

- The attorney for the child...
 The hospital for mental illness...

3. GIVEN BY THE CLERK by mailing the same by regular mail to:

- The attorney for the parent(s)...
 The petitioner.
 Relative(s) and other person(s)...

- Signature of judge, clerk, assistant clerk.
- Return date. Signature of clerk, assistant clerk.

***NOTICE OF HEARING/CITATION AND RETURN/COMMITMENT OF CHILD, PC-830**

CHILD [Name, address, and zip code] DATE OF ORDER OF NOTICE

PARENT(S) OR GUARDIAN OF CHILD [Name, address, and zip code]

DATE TIME PLACE OF HEARING

 TO A STATE MARSHAL, CONSTABLE, OR AN INDIFFERENT PERSON...

- If you are going to use personal service, check this box and use the personal service section for those persons who will be served by a state marshal or indifferent person.

- With the child named above
 With the parent(s) or guardian named above

Dated at _____, Connecticut this _____ day of _____, _____.

Return of Citation Re Commitment of Child (See p. Commitment-30.)

USE FOR REGISTERED/CERTIFIED OR REGULAR MAIL NOTICES

- Use the lower section for mail notice.
- Signature of judge, clerk, assistant clerk.

- **IMPORTANT:** When the attorney has been appointed, be sure to fill in the attorney's name, address, and telephone number on the second page of PC-830.

Transfer to Superior Court — C.G.S. section 17a-76(b),(c).

The motion for transfer may be made at **any time** before a hearing on the merits. The petition **MUST** be transferred at the request of any legal party, EXCEPT the petitioner.

Procedure:

- 1) The moving party must send copies of the motion to transfer to all parties of record.
- 2) The court **must** grant the motion the **next business day** after its receipt.
- 3) The original file and papers are sent by certified mail the same day to the Superior Court having jurisdiction. See the listings for "Superior Court – Juvenile Matters" in the most recent issue of the Connecticut Judicial Branch Directory online at <http://www.jud.ct.gov/directory>. The clerk must enclose a **Transfer Status Report, PC-880**, with the original papers.
- 4) A copy of the Transfer Status Report should be sent to all interested parties to inform them of the transfer.

Appointment of Counsel/Guardian Ad Litem

For the Child

Appointment must be made on the **next business day** following receipt of the petition using the form for **Appointment of Attorney for Interested Party, PC-182A**. The appointment should be made by telephone from the list of the panel of attorneys distributed by the Probate Court Administrator. You should then forward to the attorney a copy of the petition, PC-800, along with form PC-182A, a CO-17 invoice, and a sample invoice. The attorney must interview the client before the hearing. This appointment remains in effect even if the matter is transferred to Superior Court.

NOTE: Counsel appointed to represent the child shall also be appointed guardian ad litem for the child unless the court believes it appropriate to make separate appointments. The form is **Appointment of Guardian Ad Litem for Interested Party, PC-182B**.

- The attorney/guardian ad litem must file a **Report of Court-Appointed Attorney, PC-170A/Report of Court-Appointed Guardian Ad Litem, PC-170B**.

For the Parent

If the parent(s) cannot afford an attorney, the court must appoint one from the panel of attorneys.

Attorney's Fees

Attorney's fees for the child are paid by the parents or guardians of the estate of the child. If the parents are indigent, the fees are paid by the Probate Court Administration Fund using form CO-17. Compensation for the attorney for the indigent child is \$50.00 per hour for each hour of preparation in each case, subject to a maximum of \$500.00, unless prior court permission is received. For court attendance on any one day, whether representing one or more than one respondent on that day, the maximum payment shall be \$75.00 per hour for the first hour or any portion thereof and an additional \$50.00 for each subsequent hour or portion thereof; subject to a maximum per diem payment of \$300.00. Please note that all invoices shall be filed with the court no later than six (6) months from the date the service was rendered.

Warrant — C.G.S. section 17a-77(c)

This is necessary if the child refuses to be examined by the court-appointed physician. The form to use is **PC-881, Examination Proceedings/Mentally Ill Child.***

Physicians

The court must appoint two impartial physicians, one of whom must be a psychiatrist. Both physicians must be licensed to practice in Connecticut and must have practiced medicine for at least one year.

① For the list of physicians and psychiatrists for children's matters, see CM Appendix 11-8 on the probate intranet.

If the case is to be transferred to Superior Court, it is **not** necessary to appoint the physicians. However, if the court assigns physicians ahead of time to all cases for a particular time period, Superior Court personnel request that they forward a list of the physicians for the next month following. The Superior Court will then assign those physicians for the commitment hearing.

*PHYSICIAN'S EVALUATION/COMMITMENT OF MENTALLY ILL CHILD, PC-870

The child must be examined within 10 days of the hearing. Physicians are selected by telephone from the panel of physicians and psychiatrists for children, CM Appendix 11-8.

- Be sure to inform the physicians of the hearing date. Also inform them that the Evaluation, PC-870, must be submitted to the court before the hearing date.
- Send the physicians a copy of the Petition, PC-800, along with PC-870. Also forward a CO-17 form.

Physicians' Fees

If the child is hospitalized in a state hospital, fees shall be paid by the state from funds appropriated to the Department of Children and Families (Form CO-17). If the child is hospitalized in a private hospital or if the court finds that the child does **not** have a mental disorder, the applicant shall pay the fees.

Access to Medical Records

Counsel for the child and counsel for the parents shall be afforded access to all records [C.G.S. section 17a-77(a)].

Day of the Hearing

The child **must** be present at the hearing. However, the judge may exclude the child from portions of the hearing during which testimony will be given that would be detrimental to the child [C.G.S. section 17a-77(d)].

• **IMPORTANT:** Have a **recorder** ready for the hearing. The court **SHALL make a recording** of the hearing testimony, but it is to be transcribed only in the event of an appeal from the court's decree. A copy of the transcript must be furnished, without charge, to any appellant whom the court finds is unable to pay for such transcript. The cost of said transcript will be paid from funds appropriated to the Judicial Branch. The transcript tapes may be erased after 30 days if no appeal is taken.

The hospital must provide the court with a statement of the medication the patient is receiving and the common effects of such medication [C.G.S. section 17a-77(d)].

Finding

In order to commit the child, the court must find by clear and convincing evidence that the child suffers from a mental disorder, is in need of hospitalization for treatment, and such treatment is available, and such hospitalization is the least restrictive available alternative. The commitment order must be for a **definite period of time not to exceed six months.**

***DECREE/COMMITMENT OF CHILD, PC-860**

IN THE MATTER OF (Insert the child's name.)

TOWN OF DOMICILE OF CHILD *PRESENT ADDRESS OF CHILD* [*If institutionalized, give name and address of institution.*]

HOSPITAL TO WHICH THE CHILD IS COMMITTED [*Name and address*]

PRESENT Hon. (Insert judge's name)

After due hearing THE COURT FINDS that:

...At the time of the hearing the child was being administered: (Check the appropriate box.)

- No medication
 Medication, the effects of which were explained to the court.

And it is ORDERED AND DECREED THAT:

- The decree reads "the named child...not to exceed six months." In order to be absolutely certain that the hospital releases the child when the need for hospitalization no longer exists, it is suggested that the court add the phrase "or until such time as the superintendent of the hospital determines that the child is no longer in need of hospitalization, whichever is less." Please note that the statute permits the court to order commitment for a period of less than six months [C.G.S. section 17a-77(e) and (f)].
- Type in the name of the person transporting the child to the hospital.

Dated at _____, *Connecticut this* *day of* _____, _____.

Signature of judge(s) (For use by three-judge panel). OR

Dated at _____, *Connecticut this* *day of* _____, _____.

Signature of judge.

- Give a copy of the decree to the person transporting the child to the hospital. He or she should complete the bottom section of the decree and return it to the court.
- Send copies of the decree to the following:
 - 1) the child.
 - 2) superintendent (with **Physician's Evaluation, PC-870**, attached). The court should be certain that a copy of the PC-870, the Physician's Evaluation, is delivered to the hospital along with the Order of Commitment and other necessary documents. This report might be of value to the attending physicians.
 - 3) attorneys of record.
 - 4) Commissioner of Mental Health (if a state hospital).

Recommitment — C.G.S. section 17a-77(g).

The original period of a child's commitment must be for a definite time not to exceed six (6) months.

In the event that recommitment is necessary, any person may make petition to the court that heard the original petition. The petition for recommitment must be made no later than 10 days before the expiration of the period of commitment.

PHYSICIAN'S EMERGENCY CERTIFICATE/COMMITMENT — C.G.S. section 17a-78.

The physician will sign a 15-day emergency certificate, not more than three (3) days before the child is delivered to the hospital, stating that he examined the child not more than three (3) days before the date of the signature and giving reasons for commitment. The child is held in the hospital until the expiration of 15 days, unless a petition for commitment is filed in the Probate Court before the expiration of the 15 days. Under these circumstances, the child can be held under the emergency certificate for an additional 15 days (25 days if the matter is transferred to Superior Court) or until the completion of the court proceedings, whichever occurs first.

The petition must be filed with the court BEFORE THE EXPIRATION OF THE 15 DAYS. If the petition is filed AFTER the 15-day period, the confinement is not valid. Always check the date when the patient was admitted to the hospital and the date of the petition for commitment.

Any child who is committed under an emergency certificate must be examined by a physician specializing in psychiatry within 24 hours of admission. If the physician does not believe the child fits the criteria for emergency evaluation and treatment, he or she shall be discharged immediately [C.G.S. section 17a-78(b)].

Prepare Documents and Scan/Microfilm

All records are **confidential** (See Regulation 10.4.)

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

Commitment Proceedings

- 1) PC-182A/182B, Appointment of Atty. for Interested Party(PC-182A)/App't of Guardian Ad Litem for Interested Party (PC-182B)
- 2) PC-170A/170B, Report of Court-App't'd Attorney (PC-170A)/Report of Court-App't'd Guardian Ad Litem (PC-182B).
- 3) PC-800, Petition for Commitment of Mentally Ill Child
- 4) PC-820, Order of Notice/Commitment of Child
- 5) PC-830, Notice of Hearing/Citation and Return
- 6) PC-860, Decree/Commitment of Child
- 7) PC-870, Physician's Evaluation/Commitment of Child
- 8) PC-880, Transfer Status Report
- 9) PC-881, Examination Proceedings/Mentally Ill Child (Warrant)

Probable Cause (See following section.)

- 1) CM-7, Probable Cause Hearing Request Mentally Ill Child
- 2) CM-8, Probable Cause Order/Mentally Ill Child

● Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

● Return file to a locked cabinet in the vault.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

PROBABLE CAUSE HEARING — MENTALLY ILL CHILD

C.G.S. section 17a-78

Jurisdiction — C.G.S. section 17a-76

The Probate Court has exclusive jurisdiction to receive the petition.

Jurisdiction is in the Probate Court district where the child resides or, if the child's residence is out of state or unknown, in the district where he or she may be at the time the petition is filed, **EXCEPT** when the child is hospitalized. If the child is hospitalized, jurisdiction is in the Probate Court district where the hospital is located. If a petition has previously been filed in another Probate Court with respect to the same confinement, and the child is then hospitalized, the first court does not retain jurisdiction. **No further action should be taken on the prior petition.**

Any child who is confined to a hospital for mental illness under a Physician's Emergency Certificate must be examined within 24 hours of admission to the hospital. If the doctor determines that the child should remain for the 15-day confinement period, the child must be notified by the hospital staff of the right to consult an attorney and the right to a probable cause hearing under the provisions of C.G.S. section 17a-78. The parents or the guardian of the child's estate pay the attorney's fees for the child. If the parent is indigent, the fees are paid by the Probate Court Administration Fund, using form CO-17. Compensation for the attorney for an indigent child is \$50.00 per hour for each hour of preparation in each case, subject to a maximum of \$500.00, unless prior court permission is received. For court attendance on any one day, whether representing one or more than one respondent on that day, the maximum payment shall be \$75.00 per hour for the first hour or any portion thereof; an additional \$50.00 for each subsequent hour or any portion thereof; subject to a maximum per diem payment of \$300.00. The appointment of the attorney should be made by telephone from the list of attorneys distributed by the Probate Court Administrator.

The hearing on the probable cause request must be held within 72 hours of the receipt of such request. Saturdays, Sundays, and holidays are **EXCLUDED** from the 72-hour time period, which commences at the time the Probable Cause Hearing Request/Mentally Ill Child is stamped into the court records.

Documents

The following documents must be furnished to the Probate Court when a probable cause hearing is requested:

- Probable Cause Hearing Request/Mentally Ill Child, CM-7.
- Entry Fee — \$150.00 (**NOTE:** If the State of Connecticut is responsible for payment, the entry fee is usually waived at the time of filing and paid at a later date.)

Time Factor

Due to the 72-hour time period involved in a probable cause hearing, the court appoints counsel by telephone, informing counsel of the pertinent facts, the date, time and location of the hearing, and the name(s) of interested parties.

The child **does not** have to be served personally or receive mail notice of the hearing. The Probate Court informs the medical records department at the hospital by telephone of the date and time scheduled for the hearing and the name of the attorney appointed to represent the respondent. The hospital will then release the child's medical records to the attorney and will make arrangements with the attorney for a meeting between the attorney and the child. It is the hospital's responsibility to have the child present at the hearing.

The child **does not** have to be examined by two physicians as is required with a petition for commitment.

- The clerk will prepare the documents for the attorney in connection with the court appointment [i.e., copy of PC-182A/182B, PC-170A/170B, and invoice (CO-17)] and insert them in the file folder. The judge will deliver them to the attorney at the hearing.

Preparation of File for Hearing

- Date-stamp documents.
- Enter into CMS.
- Prepare file folder and tab: DOE, JOHN A. PR-CS (probable cause) STATE HOSPITAL, (Date)
- As noted above, prepare PC-182A for appointment of counsel.
- Prepare **Probable Cause Order/Mentally Ill Child, CM-8**, by inserting:
 - 1) Probate District
 - 2) Child's name
 - 3) Name of person requesting hearing
 - 4) Request date and time (date and time received by Probate Court)
 - 5) Date and time of hearing
 - 6) Hearing place

The judge will fill in the remainder of the form at the hearing.

- Prepare time sheet for hearing, to be completed by the judge.

• **IMPORTANT:** Have a **recorder** ready for the hearing. The court **SHALL make a recording** of the hearing testimony, but it is to be transcribed only in the event of an appeal from the court's decree. A copy of the transcript must be furnished, without charge, to any appellant whom the court finds is unable to pay for such transcript. The cost of said transcript will be paid from funds appropriated to the Judicial Branch. The transcript tapes may be erased after 30 days if no appeal is taken.

Hearing Procedures – C.G.S. section 17a-78

- ① The hearing is usually held at the hospital.
- ① The statute gives the child the right to be present at the hearing.
 - Is the child on medication? If so, what type is it and what are its effects?
 - Is the hospital psychiatrist who is treating the child present?
 - Are counsel and any witnesses present?

REMINDER: The hearing must be recorded.

- In making his or her decision, the judge must consider the factors set forth in C.G.S. section 17a-78:
 - 1) the child's condition at the time of the admission,
 - 2) the child's condition at the time of the hearing,
 - 3) the effects of medication, and
 - 4) the advisability of continued treatment based on testimony from the hospital staff.

If the court finds that there is probable cause to conclude that the child is subject to involuntary confinement, the court shall order that the child's detention continue for the remaining time provided under the emergency certificates or until the completion of probate proceedings under C.G.S. section 17a-76.

- The judge will complete the remainder of CM-8, Probable Cause Order, as follows:

There is no probable cause...IT IS THEREFORE ORDERED THAT The named child be released immediately.

OR

There is probable cause...IT IS THEREFORE ORDERED THAT The named child be hospitalized...

- The judge must insert the name and address of the hospital and the date of the order and sign the order.

Scanning/Microfilming

See p. Commitment-24 for instructions.

VOLUNTARY COMMITMENT of MENTALLY ILL CHILDREN

C.G.S. section 17a-79

This section allows the admission of a child to a hospital for mental illness of children upon the written request of a **parent**, OR, as explained below, upon the written request of a child age 14 or over.

A **child 14 or 15 years of age** may be admitted to a hospital for diagnosis and treatment of a mental disorder without the consent of his or her parents, if the child consents to the commitment in writing. The child's parents must be notified of the commitment within five (5) days of the admission. If the whereabouts of the parents are unknown, the child's nearest relative must be notified. If a parent or guardian requests the release of the child in writing, the hospital must release the child or commence commitment proceedings. The child may also request release and must be released unless commitment proceedings are begun.

NOTE: In accordance with sub section (b) of the statute, the Commissioner **may** voluntarily admit a child who is a ward of the state for diagnosis and treatment.

The hospital staff will evaluate the child. If the child is admitted, the hospital may continue treatment until:

The physician discharges the child.

The child's **parent or guardian** requests discharge in writing.

The child (age 14 or 15) **who was admitted voluntarily** requests discharge in writing.

The child reaches his or her 16th birthday.

If a parent requests the release of the child, OR if a child who was admitted voluntarily requests release, the hospital may either release the child or the hospital may apply for involuntary commitment. (See p. Commitment-17.)

Right to a Hearing (Child Age 14 or Over) — C.G.S. section 17a-80

Whether he or she was admitted by his or her parents or voluntarily, a child age 14 or over has the right to a hearing to review his status. The petition is manuscripted; other forms to be used are **PC-120, Order of Notice; PC-130, Notice of Hearing; PC-131, Return of Notice of Hearing;** and **PC-160, Decree**, plus the forms for the attorney, which are discussed below.

If a child requests a hearing to review his or her status...

■ The status hearing must be held within three (3) business days.

■ Counsel will be appointed for child. (Use **PC-182A, Appointment of Attorney for Interested Party**. The attorney should also complete form **PC-170A, Report of Court-Appointed Attorney**.)

- The child has a right to be present and to cross-examine witnesses.
- The hearing is to be held at the Probate Court in the district where the hospital is located.
- The court must order the child's release **unless** the court finds clear and convincing evidence that the child suffers from a mental disorder and is in need of hospitalization for treatment, treatment is available, and no less restrictive alternative is available.
- The child is entitled to a hearing not more than once in each 90-day period.
- If the child reaches his or her 16th birthday, and further hospitalization is appropriate, the petitioner must proceed under the adult statute.

Billing for the Status Hearing

- 1) If the child is in a private hospital or if the court finds that the child is not mentally disordered, the petitioner pays the fees for Probate Court costs (C.G.S. section 17a-82).
- 2) The Department of Children and Families pays the fees for probate costs if the child is hospitalized in a state hospital for children. For payment, use CO-17 INVOICE and forward to:

Department of Children and Families
Fiscal Services
505 Hudson Street
Hartford, Connecticut 06106

- Prepare the CO-17 invoice form.
- The judge signs the CO-17 invoice (usually at the bottom of the description area).
- Photocopy the CO-17 invoice for file; mail the original to the State.

CO-17 INVOICES FOR COMPLETION BY ATTORNEYS

The parent(s) or guardian of the estate of the child [C.G.S. section 17a-77(a)] shall pay attorney's fees for the child's attorney. If the parents are indigent, fees shall be paid by the Probate Court Administration Fund.

Parents shall also pay their own attorney's fees, unless they are indigent or unable to pay, in which case the Probate Court Administration Fund shall pay the attorney's fees.

When an attorney has prepared the invoice for representing indigent parties, the form is returned to the court, and the judge certifies on the invoice that the judge appointed the attorney to represent a child/parents, as shown below.

"I certify that the appointment as attorney was made in a commitment proceeding and that the services were rendered for a child/parents. I have determined the child/parents to be indigent, and the fee for the service is reasonable."

- Photocopy the invoice for the file, and mail the original to the Probate Court Administrator's Office.

Prepare Documents and Scan/Microfilm

- **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

All records are **CONFIDENTIAL**.

SCAN:

- 1) Petition (Manuscripted)

- 2) PC-120, Order of Notice
- 3) PC-131, Return of Notice of Hearing
- 4) PC-160, Decree
- 5) PC-182A, Appointment of Attorney for Interested Party
- 6) PC-170A, Report of Court-Appointed Attorney

- Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Return file to a locked cabinet in the vault.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

RETURN OF CITATION RE COMMITMENT OF CHILD: (PERSONAL SERVICE)

Pursuant to the notice of hearing, I left a true and attested copy of the petition, order of notice, return and citation with

..... and

his/her mother/father/guardian, at

.....
Indifferent Person/State Marshal

Subscribed and sworn to before me this day of , .

.....
Notary Public/Commissioner of the Superior court

COMMITMENT, RECOMMITMENT, TERMINATION, and DISCHARGE of ALCOHOL & DRUG-DEPENDENT PERSONS

C.G.S. section 17a-684 – 686

The Probate Court has **exclusive** jurisdiction over the commitment of persons who are alcohol or drug-dependent. There are three procedures that involve the Probate Court: **original commitment, recommitment, and termination of commitment and discharge from the facility.**

Background. A petition for the **original commitment** of a person who is dependent on alcohol and/or drugs may be made to the Probate Court without prior proceedings, or it can be made after an *emergency commitment*, as set forth in C.G.S. section 17a-684. The Probate Court is **not** involved in the emergency commitment procedure because the person can receive emergency treatment based upon a petition made directly to the treatment facility. The person must be intoxicated at the time the emergency petition is received, and also must be: 1) dangerous to himself/herself or others while not committed, or 2) in need of medical treatment for detoxification for potentially life-threatening symptoms of withdrawal from alcohol or drugs, or 3) incapacitated by alcohol. The patient may only be detained for five (5) days under the emergency certification, unless a petition has been filed with the Probate Court for involuntary commitment. In that case, the person may be detained by the facility until the petition is heard by the court, but no longer than **seven (7) business days after the filing of the petition.**

✓ **CONFIDENTIALITY OF RECORDS.** As set forth in C.G.S. section 17a-688, the following provisions apply to all three types of commitment proceedings:

1) all records maintained by the Probate Court in connection with an **original commitment, recommitment, and termination of commitment and discharge** from a facility **shall be sealed** and available only to the respondent or his counsel, *unless* the court, after hearing held with notice to the respondent, determines that the record shall be disclosed for cause shown. No person, hospital, treatment facility, or the Department of Mental Health and Addiction Services [DMHAS] may disclose or permit the disclosure of the identity, diagnosis, prognosis, or treatment of any such patient that would constitute a violation of federal statutes concerning confidentiality of patient records.

2) If the patient is a minor, the fact that the minor sought treatment or rehabilitation or that he or she is receiving treatment or rehabilitation shall not be reported or disclosed to the parents or legal guardians of the minor without the minor's consent. The minor may give legal consent to receipt of such treatment and rehabilitation.

✓ **EXPENSES.** All expenses associated with any of these three procedures are paid by the petitioner, *unless* the petitioner is indigent, in which case expenses shall be paid by the Department of Mental Health and Addiction Services, except for attorney's fees for the respondent. If the respondent is indigent, those fees shall be paid by the Probate Court Administration Fund.

NOTE: A one-sheet summary of the forms and procedures for alcohol and drug commitments appears on the next page.

Alcohol and Drug Commitments

Pertinent Statutes: C.G.S. section 17a-684 – 17a-686

Additional Reference: Folsom, Wilhelm, *Incapacity, Powers of Attorney, and Adoption in Connecticut*, 3d, section 1:19

Forms & Procedures: DRUG & ALCOHOL COMMITMENTS

1) ORIGINAL COMMITMENT: Petition made to the probate court without prior proceeding OR after an *emergency commitment* (C.G.S. section 17a-684, no Probate Court involvement).

PC-803, Petition for Involuntary Commitment/Alcohol and/or Drug Dependency * (1)

PC-182A/B App't of Atty (A)/GAL (B) for Interested Party* (2)

PC-170A/B Report of Court App't'd Atty(A)/GAL (B)

PC-822 Order of Notice/Ret./App. for Invol. Comm. /A & D.

PC-833 Citation and Ret./App. for Involun. Comm. /A & D.

PC-834 Notice of Hearing to Respondent (Institutionalized)

Re: App. for Involuntary Comm./Alcohol and/or Drug Dep.

PC-852 Physician's Certificate/Invol. Comm./A & D.D.

PC-863 Decree/Invol. Comm./A & D.D.

2) RECOMMITMENT: Before expiration of the commitment or out-patient treatment period, a facility's administrator may apply to the court for the patient's recommitment for more treatment. The hearing must be held within **10 business days** of the petition.

PC-804 Petition for Involuntary Recommitment/Alcohol and/or Drug Dependency

PC-823 Order of Notice/App. for Invol. Recomm. /A & D. .

PC-864 Decree/Invol. Recomm./Alcohol and/or Drug...

3) PETITION FOR DISCHARGE FROM FACILITY: If a committed or recommitted person has not been discharged by the administrator of the facility before the expiration of the court-ordered commitment period, a petition for discharge may be filed with the court. The Procedures Review Committee did not create a separate set of forms for this procedure. Each court should draft the forms as needed. Please see the discussion in the *Clerk's Manual* for further information.

NOTES: * (1) Required Information and Attachments for the petition:

(a) The petition **MUST** contain a statement that the applicant has arranged for treatment in a facility **AND** a statement *from the facility* confirming this fact **MUST** also be attached to the petition.

(b) A certificate from a licensed physician who examined the respondent **within two days** of submission of the petition **MUST** be filed with the court at or before the hearing. (**NOTE:** The respondent has the right to be examined by a doctor of his or her own choice before the hearing.)

(c) A petition filed by anyone other than the certifying physician must set forth the facts and information upon which the petitioner bases his or her allegations and the names and addresses of all physicians.

(2) The respondent has a right to counsel. If the court finds that the respondent is indigent or otherwise unable to pay for counsel, the court shall appoint counsel from the panel of attorneys (CM Appendix 11-4), and the Probate Court Administration Fund will pay. However, the respondent may refuse counsel, if the court finds that he understands the nature of his refusal.

PRACTICE POINTERS (Note: This information is not a substitute for a careful review of the statutes & Clerk's Manual.)

1. CONFIDENTIALITY OF RECORDS: As set forth in C.G.S. section 17a-688, with certain exceptions, all Probate Court records concerning **original commitment, recommitment, and termination of commitment and discharge** from a facility shall be sealed and available only to the respondent or his counsel, unless the court, after hearing held with notice to the respondent, determines that the record shall be disclosed for cause shown. If the patient is a minor, the circumstances of the treatment or rehabilitation shall not be reported or disclosed to the parents or legal guardians of the minor without the minor's consent. Please see the *Clerk's Manual* section on this topic for further information.

2. EXPENSES: All expenses associated with any of these three procedures are paid by the petitioner, *unless* the petitioner is indigent, in which case expenses shall be paid by the Department of Mental Health and Addiction Services, except for the respondent's attorney's fees. If the respondent is indigent, those fees will be paid by the Probate Court Administration Fund.

3. JURISDICTION: The Probate Court for the district in which the respondent resides shall have jurisdiction. If the respondent's residence is out of state or unknown, jurisdiction shall be in the district where the respondent is at the time the petition is filed, *unless* the respondent is in a facility, in which case the petition should be heard in the district in which the facility is located.

4. GUARDIAN AD LITEM: The respondent must be present at any hearing on the matter, *unless* the court finds by clear and convincing evidence that his presence would be injurious to himself. If the respondent will not attend the hearing, the court **MUST** appoint a g.a.l. **NOTE:** If the court is informed that the respondent will be absent after the hearing has begun — even if the respondent simply refuses to appear — the court should continue the hearing and appoint a guardian ad litem. Use PC-130 to give the g.a.l. notice of the continued hearing.

5. ACCESS TO RECORDS: Before the hearing, the respondent shall be afforded access to all records and shall be entitled to take notes from the records. See the *Clerk's Manual* for further information on this topic.

6. HEARING: It shall be held **within 7 business days** of receipt of the petition, and notice must be given not less than **three business days** before the hearing. **Location:** The hearing must be held in the court, *unless* the respondent is confined to a facility, in which case the hearing shall be held in that facility. Because of the confidential nature of the proceedings, the hearing is a **CLOSED HEARING**. (See Canon 3, section 3B(12) of the Code of Probate Judicial Conduct for further information.)

7. AUDIO RECORDING: The court **SHALL** record hearing testimony, but it is to be transcribed only if there is an appeal.

1. ORIGINAL COMMITMENT

Jurisdiction

The Probate Court for the district where the respondent resides shall have jurisdiction.

If the respondent's residence is out-of-state or unknown, jurisdiction shall be in the district where the respondent is at the time the petition is filed, *UNLESS* the respondent is in a facility, in which case, the petition shall be heard in the probate district where the facility is located.

Petitioner

Any person, including the spouse, a relative, the conservator, a physician who petitioned for an emergency certificate, or the administrator of the treatment facility may petition the court.

Items marked with an asterisk (*) are to be entered on the permanent Index Card, PC-10.

***PETITION FOR INVOLUNTARY COMMITMENT/ALCOHOL AND/OR DRUG DEPENDENCY, PC-803**

Required Information and Attachments

IMPORTANT: The petition must contain a statement that the applicant has arranged for treatment in a facility, and a statement to that effect from the facility must be attached to the petition.

A certificate from a licensed physician who examined the person **within two (2) days of the submission of the petition** must be filed with the court at or before the hearing on the petition.

A petition filed by anyone other than the certifying physician must set forth the facts and information upon which the applicant bases his or her allegations and the names and addresses of all physicians.

IN THE MATTER OF: (Respondent's name and gender)

PETITIONER [Name, address, telephone number...and relationship to respondent.]

PERMANENT ADDRESS OF RESPONDENT

PRESENT ADDRESS OF RESPONDENT [If confined for treatment, give name and address of treatment facility.]

JURISDICTION BASED ON ...

PERSONS TO WHOM NOTICE SHOULD BE GIVEN (List of all interested parties, with complete addresses)

THE PETITIONER FURTHER REPRESENTS that said respondent:

Is *Is not able to request or obtain an attorney. C.G.S. section 17a-498(b)*

Is *Is not able to pay for the services of an attorney.* (If the respondent is not able to pay, a copy of PC-184A must be submitted with the petition. See *PCA Policy Manual*, Policy No. 507 for more information, including the standards for indigency.)

The respondent's financial status is unknown to the petitioner.

THE PETITIONER RESPECTFULLY ALLEGES that the named respondent resides in the town shown...and that said respondent is an alcohol-dependent or drug-dependent person who is dangerous to himself/herself or dangerous to others when intoxicated OR is gravely disabled as defined in C.G.S. section 17a-680.

The petitioner has filed or will file a certificate from a licensed physician who has examined the respondent within two days of the submission of this petition.

A statement of the facts and information upon which the petition bases the allegations is attached, along with the names and addresses of physicians. [Use Second Sheet, PC-180, if more space is needed.]

The petitioner is the certifying physician who has examined the respondent within two days of the submission of this petition.

The petitioner has arranged for treatment in the facility named below, and a statement to that effect...is attached...

WHEREFORE, THE PETITIONER REQUESTS that this court find that the respondent is an alcohol-dependent or drug-dependent person...

DATE..... PETITIONER'S SIGNATURE.....

Attorney for petitioner [Name, address, telephone number, and juris number]

If the petition is in order:

- Date-stamp petition.
- Enter into CMS.
- Entry fee is \$150.00.
- Make up a file folder, which will be returned to a locked cabinet in the vault at the end of the proceedings, per C.G.S. section 17a-688. Label the folder "IN RE: (name of respondent); OF (or temporarily of): (town, state); YEAR: (month, day, year); VOL. _____ Page _____."

Appointment of Counsel/Guardian Ad Litem

Counsel. If the court finds the respondent is indigent or otherwise unable to pay for counsel, the court shall appoint counsel for the respondent from the panel of attorneys (CM Appendix 11-4) in accordance with regulations issued by the Probate Court Administrator. However, the respondent may refuse counsel if the court finds that he understands the nature of his refusal. The reasonable compensation for counsel shall be paid from funds appropriated to the Probate Court Administration Fund.

Guardian Ad Litem. The respondent must be present at any hearing on the matter, *unless* the court finds by clear and convincing evidence that his presence would be injurious to himself/herself. If the respondent will not be present at the hearing, the court **must** appoint a guardian ad litem.

NOTE: If the court is informed that the respondent will be absent after the hearing has begun – even if the respondent simply refuses to appear – the court should continue the hearing and appoint a guardian ad litem.

***PC-182A, APPOINTMENT OF ATTORNEY FOR INTERESTED PARTY**

- After "ATTORNEY FOR....," type in the respondent's name. Check the box marked "Other," and insert "a person alleged to be alcohol and/or drug dependent."

***PC-182B, APPOINTMENT OF GUARDIAN AD LITEM FOR INTERESTED PARTY**

- If a guardian ad litem will be required, type the respondent's name after, "GUARDIAN AD LITEM FOR," and type in the respondent's name. Check the box marked "Other," and insert "a person alleged to be alcohol or drug dependent."
- The attorney or guardian ad litem must file a **Report of Court-Appointed Attorney, PC-170A or Report of Court-Appointed Guardian Ad Litem, PC-170B.**
- If necessary, use **PC-130, Notice of Hearing**, to give the guardian ad litem notice of any **continued** hearing.

***ORDER OF NOTICE, PC-822**

A copy of the petition and the statement of facts, if filed, and the notice of the hearing shall be given in the following manner:

- The hearing must be held within seven (7) business days of receipt of the petition, and notice must be given not less than three (3) business days before the hearing.
- The following parties must be given notice:
 - 1) the respondent,
 - 2) the respondent's next of kin,
 - 3) the respondent's parent or legal guardian, if the respondent is a minor,
 - 4) the administrator of the treatment facility, if the respondent has been committed for emergency treatment under C.G.S. section 17a-684, and
 - 5) the administrator of the treatment facility to which the respondent is to be admitted.
- The following parties should also be given notice:
 - 1) the petitioner,
 - 2) the attorney for the respondent,
 - 3) the attorney for the petitioner, and
 - 4) spouse; parent or guardian, if respondent is a minor; next of kin; and all other persons listed on the petition.

NOTICE OF HEARING TO RESPONDENT (INSTITUTIONALIZED) RE: PETITION FOR INVOLUNTARY COMMITMENT/ALCOHOL AND/OR DRUG DEPENDENCY, PC-834

NOTE: The notice to the respondent informs the respondent that he or she: 1) has the right to be present at the hearing; 2) has the right to counsel of his or her choice; 3) if indigent, has the right to have counsel appointed to represent him/her; 4) has a right to cross-examine witnesses testifying at any hearing on the petition; and 5) has the right to be examined by a licensed physician of his or her own choice; and, if he or she is unable to obtain a licensed physician and still would like to be examined, the court will appoint a physician. These statements also appear on the Citation, PC-833.

- If the respondent is already in a treatment facility, mail a copy of the petition and this notice by regular mail to the respondent and the superintendent.
- If the respondent is **NOT** in a facility, issue the Citation, PC-833, as explained below.
- For all others listed above, use the **Notice of Hearing, PC-130.**

***CITATION AND RETURN/PETITION FOR INVOLUNTARY COMMITMENT/ALCOHOL AND/OR DRUG DEPENDENCY, PC-833**

- If the respondent is not in a treatment facility, he or she must be given notice by personal service by a state marshal, constable or indifferent person NOT LATER THAN THREE (3) BUSINESS DAYS BEFORE THE HEARING DATE.
- Make one photocopy of PC-803 and PC-833 for the state marshal. Attest true copy. The state marshal will personally serve the respondent. Once done, the state marshal will complete the return and attestation section of the form and return it to the court together with a bill for services rendered. The state marshal's return must be in the file folder before the hearing.

***PHYSICIAN'S CERTIFICATE/INVOLUNTARY COMMITMENT/ALCOHOL AND/OR DRUG DEPENDENCY, PC-852**

The physician's certificate must be filed at or before the hearing.

The physician must list his or her findings, including clinical observations or information or the person's medical history, in support of the allegations in the petition.

The physician must also make a finding about the need and potential benefits of treatment, and he or she must make a recommendation about the type and length of treatment and inpatient facilities available for such treatment.

NOTE: The physician may **NOT** be employed by the private treatment facility to which the person is to be committed, and the form contains a statement to this effect.

The physician will certify that the respondent is alcohol-dependent, drug-dependent, or both, AND is either dangerous to himself/herself or others when intoxicated or gravely disabled.

The physician will sign the form and print his or her name and Connecticut Medical License No.

Access to Records

Before the hearing, the respondent or his counsel shall be afforded access to all records (including hospital records if the respondent is hospitalized) and shall be entitled to take notes from the records. If the respondent is hospitalized at the time of the hearing, the hospital shall make its records on the respondent's condition available for use by the respondent or his counsel at the hearing. Notwithstanding the provisions of C.G.S. section 52-146d C 52-146i (confidentiality of patient records), all hospital records that directly relate to the respondent shall be admissible at the request of any party or the court in any proceeding relating to the respondent's confinement to, or release from, a hospital or treatment facility.

Examination by Physician

The respondent has the right to be examined by a licensed physician of his choice. If he is unable to obtain a physician, the court shall appoint one. (**NOTE:** The court may wish to use one of the physicians on the list provided by DMHAS for mental health commitments. (See CM Appendix 11-7.)

Hearing

• **IMPORTANT:** Have a **recorder** ready for the hearing. The court **SHALL make a recording** of the hearing testimony, but it is to be transcribed only in the event of an appeal from the court's decree. A copy of the transcript must be furnished, without charge, to any appellant whom the court finds is unable to pay for such transcript. The cost of said transcript will be paid from funds appropriated to the Judicial Branch. The transcript tapes may be erased after 30 days if no appeal is taken.

Place of Hearing: The hearing must be held in the court, *unless* the respondent is confined to a facility, in which case the hearing **shall be held in that facility.**

Time of Hearing: The hearing must be held within seven (7) business days of receipt of the petition.

Presence of Respondent: The respondent shall be present, *unless* the court finds by clear and convincing evidence that his or her presence would be injurious to himself/herself.

If the respondent is not present, the court must appoint a guardian ad litem to represent him/her.

NOTE: If the court is informed that the respondent will be absent after the hearing has begun – even if the respondent simply refuses to appear – the court should continue the hearing and appoint a guardian ad litem.

Court to be Informed of Treatment: If, at the time of the hearing, the respondent is being treated at a treatment facility and is medicated, the treatment facility must notify the court of the medication and its common effects.

Examination of Respondent: The court must examine the respondent in open court, or, if the person is not present, examine him/her in such a private setting as the court may determine.

Evidence

The respondent or a representative may present evidence and cross-examine witnesses.

The court shall order the examining physician to appear if the respondent notifies the court at least two (2) days before the hearing that he or she wishes to cross-examine the physician.

It is the petitioner's responsibility to provide medical testimony.

The court may not order a commitment *unless* the evidence presented includes the report of at least one licensed physician who has examined the respondent. The report must support the allegations of the petition for commitment.

The Connecticut rules of evidence shall be observed.

*DECREE/INVOLUNTARY COMMITMENT/ALCOHOL AND/OR DRUG DEPENDENCY, PC-863

If the court finds by clear and convincing evidence that the respondent is an alcohol-dependent or drug-dependent person who is: a) dangerous to himself/herself or others when he/she is intoxicated or b) gravely disabled, it shall make an order of commitment for an inpatient treatment facility for not less than 30 days nor more than 180 days.

NOTE: If a private treatment facility agrees with the request of a patient or his or her parent, sibling, adult child, or legal representative to accept the patient for treatment, the administrator of the treatment facility operated by the Department of Mental Health and Addiction Services shall transfer the patient to the private treatment facility.

Findings

Notice of hearing was given in accordance with the order of notice previously entered.

- The respondent was present and was represented by counsel.*
- The respondent was present and refused counsel and understands the nature of his or her refusal.*
- The respondent was not present because there was clear and convincing evidence that his/her presence would be injurious to himself/herself, and the court appointed a guardian ad litem.*
- The respondent did not attend the hearing, and the court appointed a guardian ad litem.*
- The guardian ad litem of the respondent was present.*
- A certificate of a licensed physician is on file with the court, and the court has examined the certificate. . .*
- At the time of the hearing, the respondent was being administered or was taking*
- no medication.*
- medication, the effects of which were explained to the court.*
- THE COURT DOES NOT FIND by clear and convincing evidence...*
- THE COURT FINDS by clear and convincing evidence....*
- The, a treatment facility, has agreed in writing to accept the respondent and to provide adequate and appropriate treatment....*

IT IS THEREFORE ORDERED AND DECREED THAT

- The petition be and is hereby denied.*
- The respondent be committed to*

Dated at Judge's Signature Certification

Prepare Documents and Scan/Microfilm

All records are **CONFIDENTIAL**. These records, which shall include the original complaint and physician's certificate, are to be made available only to the respondent or his counsel unless the court, after hearing held with notice to the respondent, determines such record should be disclosed for cause shown. C.G.S. section 17a-688.

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) PC-170A/B, Report of Court-App't'd Attorney (PC-170A)/Report of Court App't'd GAL (PC-170B)
- 2) PC-182A/B, App't of Attorney for Interested Party (PC-182A/App't of Guardian Ad Litem for Interested Party (PC-182B)
- 3) PC-803, Petition for Involuntary Commitment/Alcohol and/or Drug Dependency
- 4) PC-822, Order of Notice/App. for Involuntary Commitment/Alcohol and/or Drug Dependency
- 5) PC-833, Citation and Return/App. for Involuntary Commitment/Alcohol and/or Drug Dependency
- 6) PC-852, Physician's Certificate/Involuntary Commitment/Alcohol and/or Drug Dependency
- 7) PC-863, Decree/Involuntary Commitment/Alcohol and/or Drug Dependency

- Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Discharge from Commitment

The respondent will be automatically discharged at the end of the commitment period, unless:

- 1) the administrator of the facility issues an **early discharge** because:
 - a) the person is no longer an alcohol-dependent or drug-dependent person in need of further treatment, or
 - b) further treatment will not be likely to significantly improve the person's condition, or
 - c) treatment is no longer adequate or appropriate.

NOTE: When the respondent is discharged, the administrator may refer him/her to an outpatient facility for further treatment.

OR

- 2) the administrator successfully petitions for recommitment.

OR

- 3) any responsible person or the respondent successfully petitions for termination of commitment and discharge from the facility.

2. RECOMMITMENT

Before expiration of the commitment period or the outpatient treatment period, the administrator of an inpatient or an outpatient facility may, on the advice of the facility's medical officer, make petition to the court for **recommitment** of the person to an inpatient facility for further treatment. The hearing must be held within **10** business days of the date the petition is filed.

***PETITION FOR INVOLUNTARY RECOMMITMENT/ALCOHOL AND/OR DRUG DEPENDENCY, PC-804**

IN THE MATTER OF: (Respondent's Name) PETITIONER [*Name, address, and telephone number*]
Administrator of..... an Inpatient Outpatient Facility

PERMANENT ADDRESS OF RESPONDENT *PRESENT ADDRESS OF RESPONDENT*

JURISDICTION BASED ON...

PERSONS TO WHOM NOTICE SHOULD BE GIVEN (List of all interested parties, with complete addresses)

THE PETITIONER FURTHER REPRESENTS that said respondent:

- Is* *Is not able to request or obtain an attorney. C.G.S. section 17a-498(b)*
- Is* *Is not able to pay for the services of an attorney (If the respondent is not able to pay, a copy of PC-184A must be submitted with the petition. See PCA Policy Manual, Policy No. 507 for more information, including the standards for indigency.)*
- The respondent's financial status is unknown to the petitioner.*

THE PETITIONER FURTHER REPRESENTS that said respondent was committed to....., a treatment facility, by order of this court dated.....

THE PETITIONER RESPECTFULLY ALLEGES that the named respondent resides in the town shown...and that:

- The respondent needs further inpatient treatment....and is likely to benefit from such treatment.*
- The respondent is not successfully participating in the outpatient program...*

The petitioner has arranged for treatment in the facility named below, AND A STATEMENT TO THAT EFFECT...IS ATTACHED...

WHEREFORE, THE PETITIONER REQUESTS that this court find that the respondent is an alcohol-dependent or drug-dependent per-

son...and that said respondent be ordered recommitted....

DATE..... PETITIONER'S SIGNATURE.....

ATTORNEY FOR PETITIONER [Name, address, telephone number, and juris number]

If the petition is in order:

- Date-stamp petition.
- Enter into CMS.
- Entry fee is \$150.00.
- Make up a file folder (to be returned to locked cabinet in the vault at the end of the proceedings) (C.G.S. section 17a-688). Label it, "IN RE: (name of respondent); OF (or temporarily of): (town, state); YEAR: (month, day, year); VOL. ____, Page ____."

Notice Procedure

***PC-823, ORDER OF NOTICE/PETITION FOR INVOLUNTARY RECOMMITMENT/ALCOHOL AND/OR DRUG DEPENDENCY**

- The hearing must be held within 10 business days of receipt of the petition, and notice must be given at least seven (7) days before the hearing.
- The following parties must be given notice:
 - 1) the petitioner,
 - 2) the respondent,
 - 3) the respondent's parent or legal guardian, if the respondent is a minor,
 - 4) the attorney for the respondent and the petitioner,
 - 5) the respondent's spouse, respondent's next of kin, all other persons listed on the petition,
 - 6) the administrator of the treatment facility, if that is not where the respondent is presently institutionalized,
 - 7) the petitioner in the original petition for commitment, if different from petitioner in this proceeding.

Appointment of Counsel/Guardian Ad Litem

See instructions on pp. Commitment-34 & 35.

Access to Records

Before the hearing, the respondent or his counsel shall be afforded access to all records (including hospital records if the respondent is hospitalized) and shall be entitled to take notes from the records. If the respondent is hospitalized at the time of the hearing, the hospital shall make its records on the respondent's condition available for use by the respondent or his counsel at the hearing. Notwithstanding the provisions of C.G.S. sections 52-146d through 52-146i (confidentiality of patient records), all hospital records that directly relate to the respondent shall be admissible at the request of any party or the court in any proceeding relating to the respondent's confinement to, or release from, a hospital or treatment facility.

Examination by Physician

The respondent has the right to be examined by a licensed physician of his/her choice. If the respondent is unable to obtain a physician and still wishes to be examined, the court shall appoint a physician.

NOTE: The court may wish to use one of the physicians on the list provided by DMHAS for mental health commitments.

See CM Appendix 11-7 on the Probate Court intranet.

Hearing

• **IMPORTANT:** Have a **recorder** ready for the hearing. The court **SHALL make a recording** of the hearing testimony, but it is to be transcribed only in the event of an appeal from the court's decree. A copy of the transcript must be furnished, without charge, to any appellant whom the court finds is unable to pay for such transcript. The cost of said transcript will be paid from funds appropriated to the Judicial Branch. The transcript tapes may be erased after 30 days if no appeal is taken.

Time of Hearing: The hearing must be held within ten **(10) business days** of receipt of the petition.

Presence of Respondent: The respondent shall be present, *unless* the court finds by clear and convincing evidence that his presence would be injurious to himself/herself.

- If the respondent is not present, the court must appoint a guardian ad litem to represent him/her.

NOTE: If the court is informed that the respondent will be absent after the hearing has begun – even if the respondent simply refuses to appear – the court should continue the hearing and appoint a guardian ad litem.

Court to be Informed of Treatment: If, at the time of the hearing, the respondent is being treated at a treatment facility and is medicated, the treatment facility must notify the court of the medication and its common effects.

Examination of Respondent: The court must examine the respondent in open court, or, if the person is not present, examine him/her in such a private setting as the court may determine.

Evidence

The respondent or his representative may present evidence and cross-examine witnesses.

The court shall order the **examining physician** to appear if the respondent notifies the court at least two (2) days before the hearing that he/she wishes to cross-examine the physician.

It is the responsibility of the applicant to provide medical testimony.

The court **may not order a commitment** *unless* the evidence presented includes the report of at least one licensed physician who has examined the respondent. The report must support the allegations of the petition for commitment.

The Connecticut rules of evidence shall be observed.

*DECREE/INVOLUNTARY RECOMMITMENT/ALCOHOL AND/OR DRUG DEPENDENCY, PC-864

Standard for Recommitment: There must be *clear and convincing evidence* in proof of the allegations made in the petition: the respondent is an alcohol-dependent or drug-dependent person who needs further treatment and who is likely to benefit from such treatment *and* if the respondent is in an outpatient treatment program that he/she is not successfully participating in the program. Recommitment will be to an inpatient facility for a period not less than 30 nor more than 180 days. The court may not order recommitment unless it determines that the treatment facility is able to provide adequate and appropriate treatment that will be beneficial.

NOTE: The court cannot make more than one recommitment order immediately following an original commitment order, nor more than one recommitment order from an outpatient treatment facility.

Findings

Notice of hearing was given in accordance with the order of notice previously entered.

- The respondent was present and was represented by counsel.*
- The respondent was present and refused counsel and understands the nature of his or her refusal.*
- The respondent was not present because there was clear and convincing evidence that his/her presence would be injurious to himself/herself, and the court appointed a guardian ad litem.*
- The respondent did not attend the hearing, and the court appointed a guardian ad litem.*
- The guardian ad litem of the respondent was present.*
- At the time of the hearing, the respondent was being administered or was taking*
 - no medication.*
 - medication, the effects of which were explained to the court.*
- THE COURT DOES NOT FIND by clear and convincing evidence...needs further inpatient treatment and is likely to benefit from such treatment.*
- THE COURT FINDS by clear and convincing evidence...is not successfully participating in the outpatient treatment program.*
- The, a treatment facility, has agreed in writing to accept the respondent and to provide adequate and appropriate treatment....*

IT IS THEREFORE ORDERED AND DECREED THAT

- The petition be and is hereby denied.*
- The respondent is recommitted to*

Dated at Judge's Signature Certification

NOTE: If a private treatment facility agrees with the request of a patient or the patient's parent, sibling, adult child, or legal representative to accept the patient for treatment, the administrator of the treatment facility operated by the DMHAS shall transfer the patient to the private treatment facility.

Prepare Documents and Scan/Microfilm

All records are **CONFIDENTIAL**. These records, which shall include the original complaint and physician's certificate, are to be made available only to the respondent or his/her counsel unless the court, after hearing held with notice to the respondent, determines such records should be disclosed for cause shown. C.G.S. section 17a-688.

- **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

Scan

- 1) PC-170A/B, Report of Court-App't'd Attorney (PC-170A)/Report of Court App't'd GAL (PC-170B)
- 2) PC-182A/B, App't of Attorney for Interested Party (182A)/App't of Guardian Ad Litem for Interested Party (182B)
- 3) PC-804, Petition for Involuntary Recommitment/Alcohol and/or Drug Dependency
- 4) PC-823, Order of Notice/Petition for Involuntary Recommitment/Alcohol and/or Drug Dependency
- 5) PC-864, Decree/Involuntary Recommitment/Alcohol and/or Drug Dependency

- Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Petition for Discharge from Facility

The following provisions apply to both committed and recommitted persons:

On the advice of the facility's medical officer, the respondent may be discharged before the end of the court-ordered treatment period if:

- 1) the person is no longer an alcohol-dependent or drug-dependent person in need of further treatment, OR
- 2) further treatment will not be likely to bring about significant improvement in the person's condition, OR
- 3) treatment is no longer adequate or appropriate.

If the person wishes to be discharged, but the term of commitment or recommitment has not yet expired, and the medical officer has not initiated the discharge process, a petition for release from the facility may be made to the Probate Court, as explained below.

NOTE: The Procedures Review Committee did not create a separate set of forms for the discharge procedure. Each court should draft the forms as needed.

Petition: Any responsible person, including the respondent, may apply to the court for termination of the commitment or recommitment and discharge from the facility. The petition must make one of the following allegations: that the person is no longer an alcohol-dependent or drug-dependent person in need of further treatment, OR that further treatment will not be likely to bring about significant improvement in the person's condition, OR that treatment is no longer adequate or appropriate.

Notice: The court must give reasonable notice to the applicant, the administrator of the facility, and any other person the court deems advisable. The notice must inform the applicant that he/she has the right to be present at the hearing and to present evidence at the hearing; that he/she has a right to counsel; that if he/she is indigent, he/she has the right to have counsel appointed to represent him/her; and that he/she has a right to cross-examine witnesses at the hearing.

Counsel: The respondent may refuse counsel if the court finds that he/she understands the nature of his/her refusal. If the respondent does not refuse counsel and is indigent unable to pay for counsel, the court shall appoint counsel from the panel of attorneys.

Physician: The respondent has the right to be examined by a licensed physician of his/her choice. If he/she is unable to obtain one, the court shall make the appointment.

NOTE: The court may use one of the physicians on the list provided by DMHAS for mental health commitments. See CM Appendix 11-7 on the Probate Court intranet.

Hearing

- The hearing must be held no later than ten **(10)** business days after the filing of the petition.
- **Presence of Respondent:** The respondent shall be present, *unless* the court finds by clear and convincing evidence that his/her presence would be injurious to himself/herself. *If the person is not present, the court must appoint a guardian ad litem to represent him/her.*
- **Court to be Informed of Treatment:** If, at the time of the hearing, the respondent is being treated at a treatment facility and is medicated, the treatment facility must notify the court of the medication and its common effects.
- **Examination of Respondent:** The court must examine the respondent in open court, or, if the person is not present, examine him/her in such a private setting as the court may determine.
- **Evidence:** The respondent or his/her representative may present evidence and cross-examine witnesses. The court shall order any **examining physician** to appear if the respondent notifies the court at least two (2) days before the hearing that he/she wishes to cross-examine the physician.
- It is the applicant's responsibility to provide medical testimony.

Findings: If the court finds that the grounds alleged in the petition exist, the judge shall order termination of the commitment or recommitment and discharge of the committed or recommitted person. **HOWEVER**, if the court determines that an alcohol and/or drug-dependent person is likely to become dangerous to himself/herself or dangerous to others when intoxicated, the court **may not order the discharge of such a person.**

**Flow Charts for Use in Commitment Proceedings
PERSON with PSYCHIATRIC DISABILITIES**

Not Hospitalized



Any person may petition the court with a detailed, notarized statement about the actions of the Respondent, "R"



Court issues warrant (PC-882) to apprehend "R" and bring him before the Judge for determination of **probable cause**. C.G.S. section 17a-503(b)

YES



Judge orders "R" to be transported to a General Hospital for an examination by MD licensed to practice medicine in Connecticut and specializing in psychiatry. Exam must be performed **within 24 hours of his arrival**. C.G.S. section 17a-503(b).

NO



Released

MD to determine whether the "R" has psychiatric disabilities and is dangerous to himself and others or gravely disabled and in need of immediate care and treatment in a hospital for psychiatric disabilities, through confinement under a Physician's Emergency Certificate, (PEC), Form MHCC-3. "R" cannot be held for more than 72 hours, unless he is committed under C.G.S. section 17a-502.

YES



MD completes PEC, Form MHCC-3

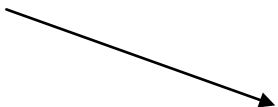
NO



Release

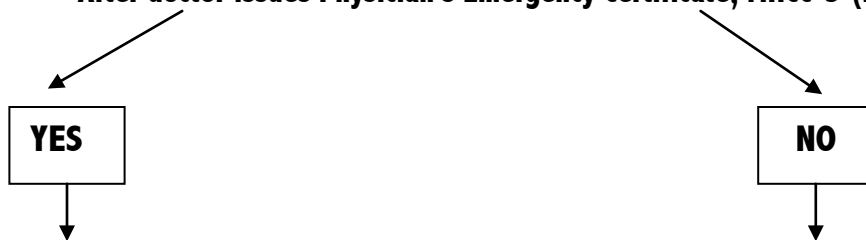
Form informs patient of:

- 15-day confinement period
- right to have counsel
- right to refuse counsel
- right to voluntary admission
- right to a probable cause hearing



See next page.

PROBABLE CAUSE HEARING, C.G.S. section 17a-502
After doctor issues Physician's Emergency Certificate, MHCC-3 (PEC)



- Probable cause hearing request, PC-802
- Appointment of counsel request, MHCC-11
- Fact sheet of personal data

Hearing must be held within 72 hours of receipt of request (excluding Sat., Sun., and holidays) to determine if "R" is subject to involuntary commitment under the Physician's Emergency Certificate.

- Remains confined under 15-day PEC

Is "R" Ready for Discharge?



Release

Submit Petition for Involuntary Commitment, PC-801, before the expiration of the 15-day PEC.



Detention continues for the remaining time provided under PEC or until completion of probate proceedings under C.G.S. section 17a-498.

Release

Is "R" Ready for Discharge?



Release

A Petition for Involuntary Commitment, PC-801, may be submitted before the expiration of the 15-day PEC.

PERSON with PSYCHIATRIC DISABILITIES
Hospitalized Voluntarily — C.G.S. section 17a-506

RESPONDENT "R"

Informs the Hospital in writing of his desire to leave (Form MHCC-10).

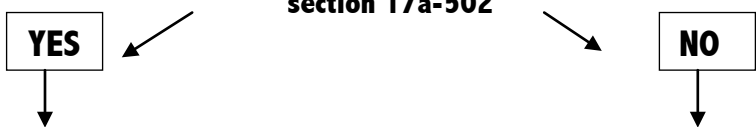
READY FOR DISCHARGE?



Release within 3 days of notice of desire to leave (excludes Sat., Sun., & holidays).

- Hospital or any person submits Petition for Involuntary Commitment, PC-801, before expiration of the 3-day period. "R" informed that hearing must be held within 15 days of his filing of the notice to leave. Note – The Physician's Emergency Commitment procedure cannot be used for continued confinement of a voluntary patient [C.G.S. section 17a-506(e)].
- "R" is also informed of:
- right to have counsel
- right to refuse counsel
- right to a probable cause hearing

PROBABLE CAUSE HEARING – C.G.S. section 17a-502



- Probable Cause Hearing Request (PC-802)
- Appointment of Counsel Request (MHCC-11)
- Fact sheet of Personal Data

"R" remains confined until the completion of involuntary commitment proceedings.

- HEARING to determine if "R" is subject to involuntary commitment must be held within 72 hours of receipt of request, excluding Sat., Sun., & holidays.

Yes – Court finds probable cause to conclude that "R" is subject to involuntary commitment. Detention continues until the completion of involuntary commitment proceedings. C.G.S. section 17a-498.

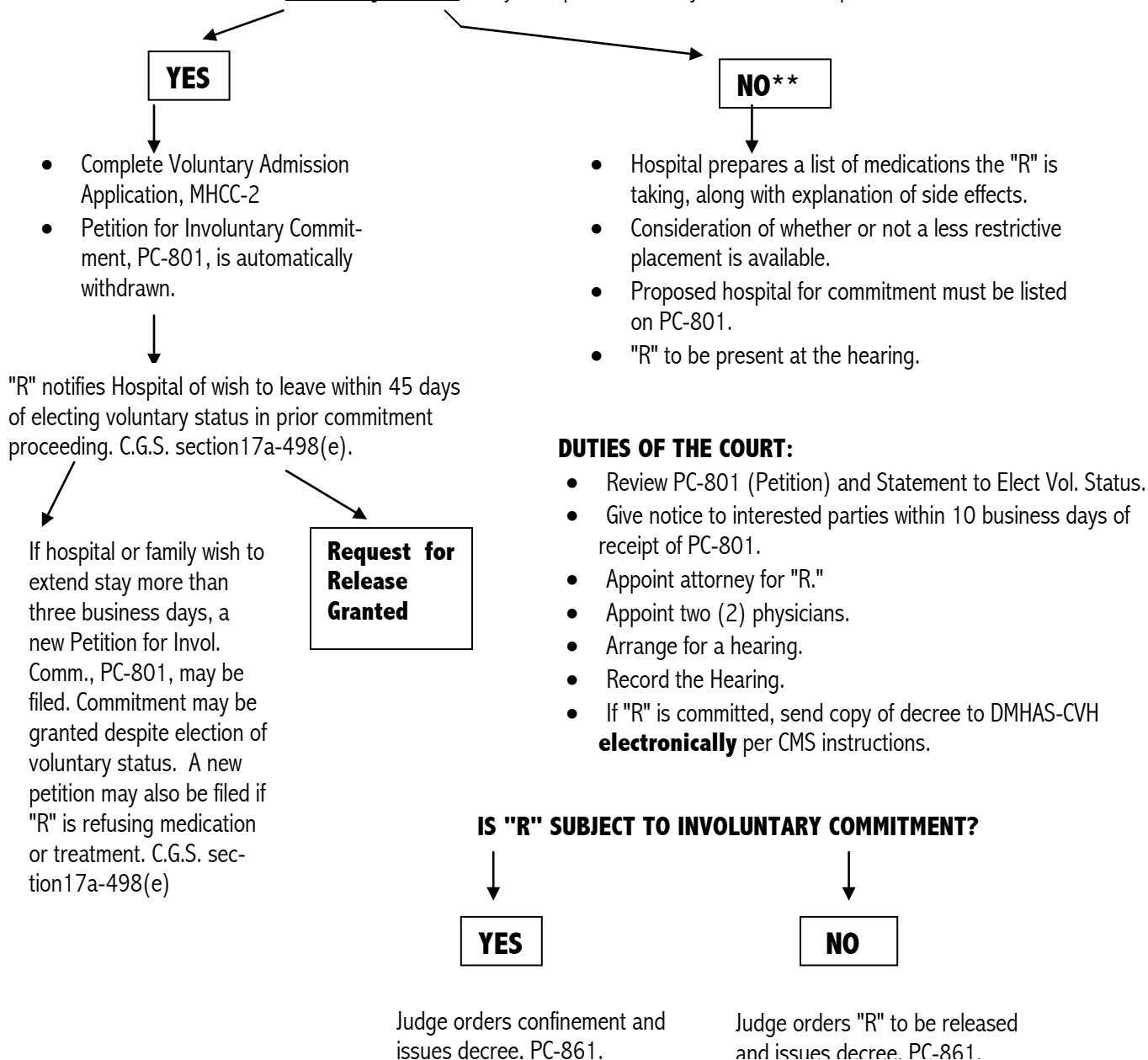
No - Court does not find probable cause to conclude that "R" is subject to involuntary commitment. He is released.

Continued on Involuntary Commitment Proceedings Chart at **

INVOLUNTARY COMMITMENT PROCEEDINGS ("R" in hospital) C.G.S. section 17a-498

Duty of the Hospital:

Informs patient within 24 hours of filing of **Petition for Involuntary Commitment (PC-801)** of the opportunity to elect **voluntary status** at any time prior to the adjudication of the petition.



Period of Confinement

- For the duration of such psychiatric disabilities or until discharged or converted to voluntary status in due course of the law.

Request for release from hospital when confined under commitment order

- Submit petition for request to leave hospital (PC-806).
- Review hearing to determine if further commitment is necessary.

Review of confinement conducted annually and any time during the confinement period. Review hearing held at least bi-ennially. On a monthly basis, hospitals shall give the courts a list of all patients confined under involuntary commitment proceedings, without release for one year since last annual review.



Conservatorships

C.G.S. sections 45a-644 through 45a-662, as amended, 47a-436. Probate Court Rules of Procedure, Rule 33. Folsom and Wilhelm, Incapacity, Powers of Attorney and Adoption in Connecticut 3d, Chapter II. See the end of this section for lists of applicable forms.

See CMS tools for forms referred to in this section, except for CM-57, which appears on p.54. For a list of various fees, see p. Conservator-4.

Recording of Conservatorship Proceedings. The Probate Court shall make a recording of ALL proceedings held under C.G.S. sections 45a-644 to 45a-663, inclusive. The recording shall be part of the record and shall be made and retained in a manner approved by the Probate Court Administrator.

Right of Respondent to Attend Hearing. The respondent shall have the right to attend any hearing held under C.G.S. sections 45a-644 to 45a-663, inclusive. If necessary to facilitate the attendance of the respondent/conserved person, the hearing may be held at a location other than the Probate Court.

Rules of Evidence. The rules of evidence in civil actions adopted by the judges of the Superior Court shall apply to conservatorship hearings. In addition, all testimony at hearings shall be given under oath or affirmation.

Instructions for Conservatorship Petitions. At the start of a conservatorship proceeding, the clerk should give the petitioner a copy of "Instructions for Conservatorship Petitions," which is located at the end of this chapter.

Voting by Persons under Conservatorship. (Applicable to all types of conservatorship. **Note:** Also applies to guardianships of persons with intellectual disability. See separate heading under "Persons with Intellectual Disability.") Please see the separate section later in this chapter for an explanation of the procedure to be followed if a conservator petitions the probate court to determine a conserved person's competency to vote.

Life-Sustaining Medical Treatment Guidelines for Probate Court Judges (Rev. 2009) Each court has a copy of this booklet, which explains the conservator's authority in relation to life-sustaining medical treatment (LSMT). It also contains information about the relevant notice and hearing procedures, revisions to the Code of Professional Conduct for attorneys representing clients with diminished capacity, and an appendix that reprints the full text of applicable statutes and case law.

Transfer of Conservatorship to Connecticut and Transfer of Connecticut Conservatorship to Another State.

Under C.G.S. section 45a-667p, a conservator of the person and/or estate appointed in Connecticut may petition the appointing probate court to transfer the conservatorship to another state. C.G.S. section 45a-667q sets forth a procedure for a conservator of the person and/or estate appointed by a court of another state to petition a Connecticut probate court to accept a transfer of an out-of-state conservatorship. For further information on the procedures to transfer a Connecticut conservatorship to another state or transfer an out-of-state conservatorship to Connecticut, see the separate heading later in this chapter.

Registry of Out-of-State Conservatorships. Under C.G.S. section 45a-667s, a conservator of the person or the estate appointed in another state may register that state's conservatorship order in this state as a foreign judgment in the Connecticut probate district in which the conserved person resides, is domiciled or is located at the time of registration. For further information on the required procedures for maintaining a registry of out-of-state conservatorships, see the separate heading later in this chapter.

INVOLUNTARY REPRESENTATION

C.G.S. section 45a-648, as amended

Reasons for Appointment:

The respondent must be found incapable of caring for himself/herself under the provisions of C.G.S. section 45a-644(c) or incapable of managing his/her affairs under the provisions of C.G.S. section 45a-644(d).

Who May Petition:

- Any person who alleges that a respondent is incapable of managing his affairs or incapable of caring for himself/herself [C.G.S. section 45a-648(a)]
- Commissioner of Social Services (C.G.S. section 46a-20)

Jurisdiction:

A Connecticut probate court has jurisdiction to appoint a conservator if Connecticut is the respondent's **"home state"** at the time the petition for appointment of a conservator is filed. The home state is where the respondent lived for a continuous period of six months immediately before the filing of the petition. If Connecticut is not the respondent's home state, the court could still have jurisdiction if the respondent has **significant connections** with Connecticut and there is no home state or the home state has declined to act because it has found that Connecticut is a more appropriate forum. C.G.S. sections 45a-667 – 667v.

Petition must be filed in the Probate Court in the district where the respondent **resides, is domiciled, or is located at the time the petition is filed.**

- Items marked with an asterisk (*) are to be entered into CMS.

***PETITION FOR APPOINTMENT OF CONSERVATOR, PC-300** (The petitioner completes this form.)

C.G.S. section 45a-648, 45a-649, as amended.

IN THE MATTER OF: (NOTE: Social security number and date of birth are to be listed on the Confidential Information Sheet for PC-300 that is part of the form.) [If a conservator has been appointed in any other court, please list the court's name.]

*SPOUSE [Name, address, and telephone number] PETITIONER [Name, address and telephone number
PETITIONER'S RELATIONSHIP TO RESPONDENT*

RESPONDENT'S RESIDENCE ADDRESS RESPONDENT'S DOMICILE ADDRESS RESPONDENT'S PRESENT ADDRESS

OTHER PERSONS TO WHOM NOTICE SHOULD BE GIVEN: SPOUSE [If not the petitioner]. . .

- All persons who should receive notice must be listed with complete addresses and relationship.
- Throughout the form, be sure the petitioner has checked the appropriate boxes to complete the statements. If a statement marked with an asterisk is checked, make sure that the document referred to is attached.
- Check for jurisdiction.
- **IMPORTANT:** If the petitioner indicates that the respondent HAS NOT been physically present in Connecticut for at least six consecutive months, be sure that form **PC-300A** is attached to the petition .

NOTE: If the box for psychiatric medication/shock therapy is checked, please see the separate section on that topic.

THE PETITIONER FURTHER REPRESENTS that: . . .

The mental, emotional, and/or physical condition that prevents the respondent from performing the necessary and proper functions for his or her well-being is as follows: [Describe briefly.] The petitioner must include a brief description of the respondent's condition and state the reasons for his or her alleged incapability (C.G.S. section 45a-648).

The petitioner will complete Part A, Conservator of Estate, and/or Part B, Conservator of Person, as applicable, and will sign the petition under the penalties of false statement.

NOTE: If the Commissioner of Social Services is the proposed conservator, **PC-310, Affidavit/Appointment of Commissioner of Social Services as Conservator**, must be attached to the petition.

Signature of proposed conservator(s)/proposed successor conservator(s) accepting fiduciary responsibility
Attorney for petitioner Attorney for alleged incapable

Name of examining physician/psychologist and address. **NOTE:** The physician's/psychologist's evaluation does not need to accompany the petition for the appointment of a conservator in an involuntary proceeding. C.G.S. section 45a-650(c), as amended requires that, at the hearing on the petition, the court must receive medical evidence from one or more physicians licensed to practice medicine in Connecticut who have examined the respondent not more than 45 days prior to the hearing. There is an exception for persons with intellectual disability as defined in section 1-1g. In lieu of this medical evidence, psychological evidence may be introduced from a licensed psychologist who has examined the respondent not more than 45 days prior to the hearing. The court may waive the medical evidence as set forth in C.G.S. section 45a-650 (c) (2). The evidence at the hearing may take the form of a report or testimony from the physician/psychologist.

***PC-300A, PETITION FOR APPOINTMENT OF CONSERVATOR/SUPPLEMENTAL FORM**

This form is to be filed with PC-300 if the respondent was not physically present in Connecticut for at least six consecutive months immediately before the petition for appointment of a conservator is filed, including any period of temporary absence.

***AFFIDAVIT/APPOINTMENT OF COMMISSIONER OF SOCIAL SERVICES AS CONSERVATOR, PC-310**

If the petitioner is alleging that no suitable person can be found to serve as conservator of the person and/or estate and is requesting that the Commissioner of Social Services be appointed, the affidavit, PC-310, **must** be completed by the petitioner and filed with the petition. The form is designed to assist the probate court and the Commissioner of Social Services in deciding whether the commissioner is an appropriate appointee. C.G.S. section 45a-651 statute restricts the Commissioner of Social Services' involvement in conservatorships of the **estate** and/or **person** to cases where:

1. the individual is sixty years of age or older;
2. the **liquid assets** of the conserved person do not exceed \$1,500, excluding burial insurance;
3. **a diligent effort has been made to find a suitable conservator other than the Commissioner, but no other suitable conservator can be found.**
- 4a. the person is found incapable of managing his or her affairs under the provisions of C.G.S. sections 45a-644 to 45a-662, inclusive (**Conservatorship of the estate**);
- 4b. the probate court finds that the health or welfare of the person is in jeopardy (**Conservatorship of the person**).

Section (b) of the statute states that the commissioner may delegate any powers, duties, or functions arising from the appointment as conservator of the person and/or estate, to an employee of the Department of Social Services.

The statute states that the Commissioner shall accept appointment as conservator "within available appropriations." It is clear that the legislative intent in promulgating this program was to provide the availability of the Commissioner of Social Services only in the **most needy** cases, when no other suitable conservator can be found. For this reason, it is necessary for the courts screen to cases carefully so that the commissioner only becomes involved with the most deserving.

Depending on the type of petition, the clerk will do the following:

- If the petition requests appointment of the Commissioner as **conservator of the estate**, a copy of the petition, including the Confidential Information Sheet for PC-300, and the affidavit, PC-310, should be sent directly to:

Ms. Dorian Long, Social Work Services Program Admin. Manager Tel. 860-424-5964
 Department of Social Services, 10th Floor Fax. 860-424-5091
 25 Sigourney St.
 Hartford, CT06106

At present, there are two conservators of the estate who have been appointed by the Commissioner: Elaine Guzman

(Tel. 860-424-5247) or Mary Carney (Tel. 860-424-5290), and all calls will be handled through the main office.

- If the petition requests that the Commissioner of Social Services be appointed as **conservator of the person**, the paperwork should be sent to the social work supervisor in the appropriate regional office or suboffice of the Department of Social Services within 5 days of receipt of the petition. The purpose of this time limit is to give the Department adequate time to investigate the matter, including inquiring into efforts made by the petitioner to obtain a suitable conservator other than the Commissioner. (See “Addresses” for contact information.) **NOTE:** Also send a copy to Dorian Long at the address above if the person is 60 years of age or older. The Commissioner’s designee will plan to attend the hearing, at which time the designee may raise objections to the appointment by citing limitations in the statutes or regulations.

- If the petition is in order:

- Date-stamp.
- Entry fee is \$150.00. (Additional charges are listed below.)
- Enter into CMS.

NOTE: Additional Fees (C.G.S. section 45a-106)

- There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party’s failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.
- There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.
- There is a fee of \$25.00 for providing a digital copy of any audio recording of a hearing.

Attorney

C.G.S. section 45a-649(d) provides that if the respondent is UNABLE TO REQUEST OR OBTAIN COUNSEL for any reason, the court MUST appoint an attorney to represent the respondent. If the respondent is unable to pay for the services of an attorney, the Probate Court Administration Fund will pay. Please provide the attorney with a CO-17 form and schedule of payments. It would appear that C.G.S. section 45a-649(b) requires the continued involvement of the court-appointed attorney in any proceeding involving the respondent under Title 45a.

If the Probate Court finds the respondent or conserved person is indigent or otherwise unable to pay for an attorney, the court shall appoint an attorney for the respondent or conserved person unless the respondent or conserved person refuses to be represented by an attorney, and the court finds that the respondent or conserved person understands the nature of the refusal. The court shall appoint an attorney from a panel of attorneys admitted to practice in this state maintained by the Probate Court in accordance with Section 13B.2.1 of the Probate Court Regulations. Payment provisions for attorneys for indigent persons appear in Section 13C of the regulations.

Nothing shall impair, limit or diminish the right of a respondent or conserved person to replace his or her attorney with a different attorney. Fees of an attorney chosen by the respondent or conserved person shall be approved by the Probate Court or, if an appeal is taken, by the Superior Court.

NOTE: Following the appointment of a conservator, the conserved person who is subject to additional proceedings shall have the right to be represented by an attorney of his or her choosing at his or her expense or, if the conserved person is indigent, the Probate Court Administration Fund will pay. Please provide the attorney with a CO-17 form and schedule of payments.

Guardian Ad Litem

In those cases where the judge believes that an independent investigation should be conducted and reported to the court, the appointment of a guardian ad litem may be considered. The appointment can be made under the provisions of C.G.S. section 45a-132. (Also see Probate Court Rules of Procedure, Rule 13.) This does not eliminate the statutory requirement that counsel be appointed if the respondent is unable to request or obtain counsel.

Note, however, that there are significant limitations on the appointment of a guardian ad litem in a conservatorship matter. First, no appointment of a guardian ad litem may be made prior to a determination by the court that the respondent is incapable. Second, the court must find that the appointment is necessary for a specific purpose, or to answer a specific question. A guardian ad litem may also be appointed if the attorney for the respondent is unable to ascertain the respondent’s wishes. Finally, the

court must limit the scope and duration of the appointment, directing the guardian ad litem to take only the specific action required, or to answer specific questions. The appointment terminates upon the filing of the guardian ad litem's report, or earlier if ordered by the court .

***APPOINTMENT OF GUARDIAN AD LITEM FOR INTERESTED PARTY, PC-182B**

•The guardian ad litem must file a **Report of Court-Appointed Guardian Ad Litem, PC-170B**.

On the form, the guardian ad litem should indicate whether he or she has no objection to the motion before the court or objects to the motion and should list recommendations, if any.

NOTE: A copy of the court's appointment of an attorney and/or GAL must be sent to each party and attorney.

***ORDER OF NOTICE/APP'T OF CONSERVATOR, PC-320.** Probate Court Rules of Procedure, Rule 8, C.G.S. section 45a-649 The hearing must be scheduled within 30 days of the receipt of the petition, unless it is continued for cause shown. Ten (10) days' notice is required [C.G.S. section 45a-649(a)]. **NOTE:** The Veterans' Administration also requires 10 days' notice [C.G.S. section 45a-593].

PETITIONER [Name and address] RESPONDENT [Name and address]

RESPONDENT'S SPOUSE, IF SPOUSE IS NOT PETITIONER

PLACE, DATE, AND TIME OF HEARING DATE OF ORDER OF NOTICE
UPON THE PETITION ...

- Check applicable box(es) for conservator of estate and/or person.
- **Personal service** by a state marshal or indifferent person will be made upon:
 - **Respondent.**
 - **Spouse**, if not the petitioner.
- Give notice by **certified or registered mail** to the:
 - following if there is no spouse, and Protective Services for the Elderly is involved ...children . . .parents . . .
 - Superintendent or his/her representative of...an institution for persons with psychiatric disabilities...in which the respondent or any party in interest whose property rights may be affected by the proposed conservatorship is confined . . .
- Give notice by regular mail to:
 - the petitioner and the petitioner's attorney.
 - the attorney for the respondent.
 - the guardian ad litem for the respondent.
 - the person in charge of the hospital, nursing home, or other institution . . .
 - the person in charge of welfare in town or , if none, the first selectman or chief executive officer in town where respondent is domiciled or a resident (If respondent is receiving town assistance.)
 - the Commissioner of Social Services [**Please note:** 1 If the respondent is in a state-operated institution or receiving aid or care from the state, send paperwork to resources supervisor in DSS Regional Office/suboffice listed in "Addresses." 2) If PC-310 was filed, also send notice to Ms. Dorian Long (re: cons. of person and/or estate) and social work supervisors (re: cons. of person only) at DSS, as explained on pp. "Conservator 3 & 4."]
 - the Commissioner of Veterans' Affairs and/or Superintendent or his/her representative of Veteran's Home.
 - Administrator of Veterans' Affairs (Federal – If the respondent is receiving VA benefits.)
 - the Commissioner of Administrative Services/Collections – Recovery. . . (If the respondent is receiving State aid or care.

IMPORTANT: In accordance with C.G.S. section 45a-652, a copy of the petition, including the Confidential Information Sheet, must be sent along with the notice to the Commissioner of Administrative Services. Because the intent of C.G.S. section 45a-649(b) is to protect the conserved person's **confidentiality**, it is suggested that only Page 1 of the petition accompany the notice.

- the children of the respondent, or, if none, the parents of the respondent, or, if none, the brothers and sisters of the respondent or their representatives, or, if none, the next of kin of the respondent...
- All persons listed on the petition .(Also give notice to persons the respondent requests to have notified, and give

other notice as the court may direct.)

Signature of judge, clerk or assistant clerk.

- Impress court seal.

*CITATION AND RETURN/APPOINTMENT OF CONSERVATOR, PC-330

NOTE: If personal service of the notice is not made in the manner required by statute, the court shall be deprived of jurisdiction over the petition . C.G.S. section 45a-649 (a) (5).

- Prepare Citation and Return as directed in Order. (**NOTE:** The form contains a "Notice to Respondent in Proceedings for Involuntary Representation.")
- Enter telephone number of court in space provided. • Obtain signature of judge, clerk, or assistant clerk.
- Contact state marshal for town or area, or indifferent person for service of citation.
- Prepare attested copies of petition, order, citation and Notice to Respondent for the respondent and the respondent's spouse.
- Prepare **Notice of Hearing, PC-130**, and a copy of the Notice to Respondent (from form PC-330) for the other parties.

C.G.S. section 45a-649(b), as amended, requires that notice to all other persons shall state only the nature of the involuntary representation sought, the legal consequences, and the date, time, and place of the hearing.

- Give original **Citation, PC-330**, to state marshal for completion and return.

NOTICE OF HEARING, PC-130

- Prepare notices of hearing as directed in the order of notice. Suggested wording: "Conservator of person and estate of said alleged incapable person." Include a photocopy of the page of the citation containing the Notice to Respondent.
- Enter number of notices sent on ledger or **Cost Sheet, PC-282**, and amount of certified or registered postage.

Notice of Pendency of Petition

Pursuant to C.G.S. section 45a-653, as amended, the petitioner may record a **Notice of Pending Petition for Appointment of Conservator, form CM-31 (to become PC-336)** certified by the court on the land records in the town in which the respondent resides. Pursuant to the statute, the petitioner may also file form CM-31 certified by the court with any bank, trust company, or other depository in order to restrict the withdrawal of any funds during the pendency of the petition . (The original of form CM-31/PC-336 shall be filed with the court. The court then certifies copies for filing with the land records or the bank.) When the court has adjudicated the petition, form **CM-77 (to become PC-368)**, **Order RE: Adjudication of Petition for Appointment of Conservator** should be issued.

Prepare for Hearing

- Enter name, type of hearing, date and time on court calendar or diary book.
- **Review file to determine whether a physician's evaluation is on file.** C.G.S. section 45a- 650(c), as amended requires that, at the hearing on the petition, the court must receive medical evidence from one or more physicians licensed to practice medicine in Connecticut who have examined the respondent not more than 45 days prior to the hearing. There is an exception for persons with intellectual disability as defined in section 1-1g. In lieu of this medical evidence, psychological evidence may be introduced from a licensed psychologist who has examined the respondent not more than 45 days prior to the hearing. The court may waive the medical evidence as set forth in C.G.S. section 45a-650 (c) (2). The evidence at the hearing may take the form of a report or testimony from the physician/psychologist.

Note that the court may waive this evidence requirement because of the absence of the respondent or the respondent's refusal to be examined. While the evidence is not required prior to the hearing, if there is a report in the court file, it should be examined to determine whether the examination took place within 45 days prior to the scheduled hearing. If not, the court should alert the petitioner of the need to provide an updated report or testimony of a physician/psychologist of a timely examination at the hearing. Any physician's or psychologist's report in the court file is confidential and only available to the parties in the conservatorship matter.

- **Make sure that the state marshal or indifferent person has returned the citation before the hearing.** It must be signed by the state marshal or an indifferent person.

- Prepare the **Probate Bond, PC-480**, and, if appropriate, an **Order and Agreement RE: Restriction on Assets, PC-**

411. Pursuant to C.G.S. section 45a-650(i), as amended, bond is **required** of a conservator of the estate. Section 35.3 of the Probate Court Rules of Procedure requires a corporate surety. Bond is **discretionary** for a conservator of the person. See C.G.S. section 45a-650(i), as amended. **NOTE 1):** There is an exception to this bonding requirement. If the conserved person's assets are less than \$20,000, or if the amount of the conserved person's estate not restricted by probate court order is less than \$10,000, the judge may waive the bond. **NOTE 2):** For more information about probate bonds, including procedures for action on a probate bond, please see the "Decedents' Estates/Testate" section of this manual. Restrictions on control of assets are discussed in Section 35.7 of the Probate Court Rules of Procedure.

- Prepare an **Appointment of Judge of Probate as Agent for Service, PC-482**, if the proposed conservator is not a resident of Connecticut (C.G.S. sections 52-60, 52-61).

Hearing – C.G.S. section 45a-650, as amended, and Probate Court Rules of Procedure, Rules 60 – 72.

- **The hearing must be recorded.** As noted previously, the Probate Court shall make a recording of ALL proceedings held under sections C.G.S. section 45a-644 to 45a-663, inclusive. The recording shall be part of the record and shall be made and retained in a manner approved by the Probate Court Administrator.

Pursuant to C.G.S. section 45a-650(a), as amended, at any hearing on an petition for involuntary representation, **before the court receives any evidence regarding the condition of the respondent or of the respondent's affairs, the court shall require clear and convincing evidence that the court has jurisdiction, that the respondent has been given notice as required in C.G.S. section 45a-649, as amended, and that the respondent has been advised of the right to retain an attorney and is either represented by an attorney or has waived the right to be represented by an attorney.** The respondent shall have the right to attend any hearing held under this section.

- The rules of evidence in civil actions adopted by the judges of the Superior Court shall apply to all hearings pursuant to C.G.S. section 45a-650(b), as amended. All testimony at a hearing held pursuant to this section shall be given under oath or affirmation.

Hearing Date. C.G.S. section 45a-649(a) requires that the hearing be held not more than 30 days after receipt of the petition unless it is continued for cause shown.

Alternative Arrangements for the Place of Hearing. Upon notification to the court that the respondent wishes to attend the hearing, but he or she is unable to attend, the hearing may be held at a place other than the usual courtroom if it would facilitate the respondent's attendance.

Evidence required:

- Before hearing the merits, the court must find that the court has jurisdiction to appoint a conservator. As described on page CONS-2, the court must find that Connecticut is the respondent's home state, or if not the home state, that Connecticut is a significant-connection state, AND there is no home state or the home state has declined jurisdiction. The court must also find that respondent is domiciled or resides in the probate district or is located in the district at the time the petition is filed.

- Before hearing the merits, the court must also find that the respondent is represented by an attorney or has waived the right to be represented by an attorney and that notice of hearing was given in accordance with C.G.S. section 45a-649

- At the hearing, evidence may be given by witnesses who have personal knowledge of the respondent's condition, including physicians, social workers, family members, and acquaintances [C.G.S. section 45a-650(c)].

- As explained previously, the statute requires a written report or testimony by one or more physicians or, in certain cases, a psychologist who have examined the respondent no later than 45 days prior to the hearing date.

- **NOTE:** As set forth in C.G.S. section 45a-650(c), as amended, the medical evidence requirement may be waived for three reasons: absence of the respondent, the respondent's refusal to be examined, or because the respondent's alleged incapacity is not medical in nature. **If the requirement is waived, the decree must state why medical evidence was not required.**

The report, PC-370 (for physicians) or PC-372 (psychologist), is confidential and must be recorded in a confidential volume. [C.G.S. section 45a-650(c)].

- In addition to the medical or psychological evidence that may be provided by the physician under C.G.S. section 45a-650(c), as amended, the court may order the examination of the respondent by a physician, psychiatrist or psychologist pursuant to C.G.S. sec-

tion 45a-132a, as amended. The examination fees will be assessed against the petitioner, respondent, or party requesting the examination. If any party is unable to pay, reasonable compensation will be paid from the Probate Court Administration Fund. (C.G.S. section 45a-132a and Sec. 19, Probate Court Administrator's Regulations.) Please note that the respondent has the right to refuse to be examined under this section.

Appointment of Conservator

Of the Estate:

If the court finds by clear and convincing evidence that the respondent is incapable of managing his or her affairs, that the respondent's affairs cannot be managed adequately without the appointment of a conservator and that the appointment of a conservator is the least restrictive means of intervention available to assist the respondent in managing his or her affairs, the court may appoint a conservator of his or her estate after considering the factors set forth below. Note: A bank may be appointed conservator of the estate, but not be appointed conservator of the person [C.G.S. section 36-57(f)].

Of the Person:

If the court finds by clear and convincing evidence that the respondent is incapable of caring for himself or herself, that the respondent cannot be cared for adequately without the appointment of a conservator, and that the appointment of a conservator is the least restrictive means of intervention available to assist the respondent in caring for himself or herself, the court may appoint a conservator of his or her person after considering the factors set forth below.

Factors to be Considered When Appointing a Conservator of the Estate/Person:

When determining whether a conservator should be appointed, the court shall consider the following factors:

- (1) The abilities of the respondent;
- (2) the respondent's capacity to understand and articulate an informed preference regarding the care of his or her person or the management of his or her affairs;
- (3) any relevant and material information obtained from the respondent;
- (4) evidence of the respondent's past preferences and life style choices;
- (5) the respondent's cultural background;
- (6) the desirability of maintaining continuity in the respondent's life and environment;
- (7) whether the respondent had previously made adequate alternative arrangements for the care of his or her person or for the management of his or her affairs, including, but not limited to, the execution of a durable power of attorney, springing power of attorney, the appointment of a health care representative or health care agent, the execution of a living will or trust or the execution of any other similar document;
- (8) any relevant and material evidence from the respondent's family and any other person regarding the respondent's past practices and preferences; and
- (9) any supportive services, technologies or other means that are available to assist the respondent in meeting his or her needs.

Important: No conservator may be appointed if the respondent's personal needs and property management are being met adequately by an agency or individual appointed under C.G.S. sections 1-43, 19a-575a, 19a-577, 19a-580e, as amended, or 19a-580g.

Degree of Proof (for Conservator of Person and Estate): **Clear and convincing evidence** — a degree of proof higher than that of a preponderance of evidence.

Selection of Conservator/Appointment, Designation, or Nomination by Respondent. The respondent may make a written designation naming a person to be appointed as conservator in the future if he or she is found thereafter to be incapable of managing his or her affairs or incapable of caring for himself or herself (C.G.S. section 45a-645, as amended). If the respondent has not already made such a designation and is of sufficient capacity at the time of the hearing on involuntary conservatorship, he or she may appoint, designate, or nominate a conservator pursuant to C.G.S. sections 19a-580e, 19a-580g, or 45a-645, as amended, or may, orally or in writing nominate a conservator who shall be appointed unless the court finds that the appointee, designee or nominee is unwilling or unable to serve or there is substantial evidence to disqualify such person. If there is no such appointment, designation or nomination or if the court does not appoint the person appointed, designated or nominated by the respondent or conserved person, the court may appoint any qualified person, authorized public official or corporation in accordance with subsections (a) and (b) of section 45a-644, as amended after receiving evidence of the qualifications of the proposed conservator. See *Falvey v. Zurdo*, 130 Conn. App. 243 (2011).

Factors for the Court to Consider re Whom to Appoint as Conservator

- (1) the extent to which a proposed conservator has knowledge of the respondent's or conserved person's preferences regarding the care of his or her person or the management of his or her affairs,
- (2) the ability of the proposed conservator to carry out the duties, responsibilities and powers of a conservator,
- (3) the cost of the proposed conservatorship to the estate of the respondent or conserved person,
- (4) the proposed conservator's commitment to promoting the respondent's or conserved person's welfare and independence, and
- (5) any existing or potential conflicts of interest of the proposed conservator.

Appointment of Commissioner of Social Services as Conservator. The court may appoint the Commissioner of Social Services as conservator of the estate and/or conservator of the person if no suitable conservator of the person and/or estate can be found after due diligence. There are three requirements: 1) the court must find that the health or welfare of the respondent is in jeopardy, 2) the respondent must be 60 years of age or older and, 3) his or her liquid assets may not exceed \$1,500 (C.G.S. section 45a-651).

The Commissioner of Social Services may also be appointed conservator for an elderly person lacking capacity to consent to reasonable and necessary protective services (C.G.S. section 46a-20). In any proceeding pursuant to provisions of Chapter 814, Protection of the Elderly, an attorney must be appointed to represent the elderly person if he/she has no legal representation [C.G.S. section 46a-20(d)].

NOTE 1): Requests that do not meet the statutory or regulatory parameters of the Department's conservator of the estate program or conservator of the person program will require the Commissioner to decline the appointment. As noted above, the DSS Commissioner's designees can only function as conservators for individuals with assets that do not exceed \$1,500, unless the conserved person's bills are such that the assets will be consumed once any debts are paid (within a month or two), and he or she will again meet asset qualifications. If the Commissioner must resign, the court will need to appoint a suitable successor conservator.

While it is the judge's decision as to whether or not the due diligence requirements and the asset limits have been met, we ask that due consideration be given to the commissioner's position. In the case of the determination of whether or not the commissioner can accept appointment within available appropriations, this matter is of necessity left to the final discretion of the commissioner or her designee, who, as noted above, may accept or decline the appointment in accordance with state regulations.

NOTE 2): Upon appointment of the DSS Commissioner as conservator of the estate, send five (5) original Fiduciary's Probate Certificates (**PC-450C**) to the DSS with the name of the conservator of the estate designee.

NOTE 3): The Commissioner need not post a bond for initial conservator of the estate appointments, because he or she is already bonded for the total amount of \$50,000 under C.G.S. section 4-20, and a copy of this bond is available in this office. The surety on this bond is the Insurance Company of North America.

***DECREE/APPOINTMENT OF CONSERVATOR, PC-360 (NOTE: The decree should not be signed/dated until the bond is filed.)**

IN THE MATTER OF: (Insert respondent's name.) *CONSERVATOR OF ESTATE* *CONSERVATOR OF PERSON*
SUCCESSOR CONSERVATOR OF ESTATE *SUCCESSOR CONSERVATOR OF PERSON*

- ⓘ If the Department of Social Services is accepting the appointment, the Commissioner must be listed in the appropriate box
 The court must appoint the Commissioner, not the designee.

*After due hearing, the COURT FINDS that clear and convincing evidence has been presented to this court that:
 The court has jurisdiction because the respondent resides, is domiciled, or is located in this probate district, that the respondent has been given notice . . . that the respondent has been advised of the right to retain an attorney and is represented by an attorney has waived the right to be represented by an attorney. The respondent was advised of the right to attend any hearing.*

Notice of hearing was given. . . THE COURT FURTHER FINDS that:

- Check all boxes that apply [NOTE: Numbers shown below are for informational purposes and do not appear on form]:
 - 1) Connecticut is the respondent's home state . . . OR
 - 2) Connecticut is not the respondent's home state, but is a significant-connection state as defined . . . AND

The respondent does not have a home state, or a court of the respondent's home state has declined to exercise jurisdiction OR

The respondent has a home state, a petition for appointment of conservator. . . is not pending in a court of that state or a significant-connection state. . . and that court concludes that it is an appropriate forum . . .

3) *Connecticut is not the respondent's home state or a significant-connection state However, the respondent's home state or significant-connection state has declined jurisdiction . . . and jurisdiction in this state is consistent with. . . statutes of this state and the Constitution of this state and the Constitution of the United States. OR*

4) *The court lacks jurisdiction because Connecticut is not the home state or significant-connection state. . . .*

i *The court must select one of the four listed options concerning whether the court has jurisdiction to hear the matter. The CMS program will assist with this section of the decree. For example if the court finds that Connecticut is the home state, the information concerning the next three options will not be available in CMS.*

The court finds that a conservator of the person conservator of the estate has not been appointed . . . other state.

The court finds that there has been a conservator of the person conservator of the estate appointed by a court in the State of

The court finds that there is a proceeding for the appointment of a conservator of the person conservator of the estate pending in the State of

The court in the State of has declined to exercise jurisdiction.

After considering the following factors . . . the court finds that a court in the State of . . . is a more appropriate forum.

THE COURT FURTHER FINDS that:

Medical evidence has been presented.

Medical evidence is waived because: . . . absence . . . refusal . . . not medical in nature

i *Was medical evidence given or did the examining physician file a report? Check box if evidence was waived.*

The respondent has intellectual disability . . .

Clear and convincing evidence has been presented to this court that said respondent:

has a mental, emotion, or physical condition . . . managing his or her affairs.

the respondent has property rights. . .

funds are needed for the support, care, or welfare of the respondent . . .

funds are needed for the support, care, or welfare of those entitled to be supported by the respondent. . .

has a mental, emotional, or physical condition . . . to meet essential requirements for personal needs.

The respondent has executed a power of attorney or designated a health care agent or health care representative.

Having considered the factors set forth in C.G.S. section 45a-650(g) . . . the respondent's property management is not being met adequately. .

NOTE: The judge must be specific in listing the factors set forth in the statute.

Having considered. . . C.G.S. section 45a-650(g) . . . the respondent's personal needs are not being met adequately. .

NOTE: The judge must be specific in listing the factors set forth in the statute.

THE COURT FURTHER FINDS by clear and convincing evidence that the duties and authority to be granted to the proposed conservator(s) will restrict the decision-making authority of the conserved person only to the extent necessary to provide for his or her personal needs or property management.

It appears to the court that the property of the respondent is being managed adequately.

It appears to the court that the personal needs of the respondent are being met adequately.

The respondent has appointed, designated, or nominated a conservator.

The conservator named by the respondent has not been appointed. . . unwilling or unable to serve.

The conservator named by the respondent has not been appointed. . . substantial evidence to disqualify such person.

The respondent has not appointed, designated, or nominated a conservator.

[If any one of the three preceding boxes is checked, make findings as indicated below.]

Having considered the factors identified in C.G.S. section 45a- 650(h), the COURT FURTHER FINDS that the above-named person. . . is qualified to serve as a conservator for the respondent for the following reasons:

The conservator(s) named above has/have accepted the position of trust, and (Check appropriate boxes.)

- ...bond of the conservator of the estate...
- the assets of the estate are less than \$20,000, or the amount of the estate not restricted...is less than \$10,000.
- the conservator of the estate is excused...
- in order to properly protect the assets of the estate...**[NOTE: If this box is checked, the box in the ORDERED AND DECREED section about the filing of an agreement to restrict assets must also be checked.]**
- the conservator, a nonresident person, has duly appointed an agent for service of process in the state.

THE COURT FURTHER FINDS. . .conditions for the appointment. . .Commissioner of Social Services...have been met.

The Commissioner is bonded for \$50,000. An additional bond is not necessary.

And it is ORDERED and DECREED that:

- Said petition ...is denied.
- The court declines to accept jurisdiction because a court in the State of is a more appropriate forum, and said petitionis dismissed. OR
- The proceeding on the petition to appoint a conservator. . .is stayed for 90 days . . .
- Having considered the factors set forth in C.G.S. section 45a-650(h), the conservator(s) named above is/are appointed... (Check box(es) for type of conservator being appointed.)
- The court assigns the conservator(s) the following duties and authority that are the least restrictive means of intervention. .

Conservator of the estate:

Conservator of the person:

NOTE: The court shall assign to a conservator only the duties and authority that are **the least restrictive means of intervention** necessary to meet the needs of the conserved person. The court shall find by **clear and convincing evidence** that such duties and authority restrict the decision-making authority of the conserved person only to the extent necessary to provide for the personal needs or property management of the conserved person. Such personal needs and property management shall be provided in a manner appropriate to the conserved person. **In addition, the court shall make a finding of the clear and convincing evidence that supports the need for each duty and authority assigned to the conservator.**

The conservator of the estate. . .person. . .shall immediately determine whether the conserved person owns or has access to firearms, ammunition or electronic defense weapons and take. . .steps to secure them.

This decree will take effect on the date of the respondent's 18th birthday, which is . . .

The conservator shall use the least restrictive means of intervention in the exercise of the conservator's duty and authority.

Absent the court's order to the contrary and except as otherwise provided in C.G.S. section 19a-580e(b). . .a conservator. . .shall be bound by all health care decisions properly made by the conserved person's health care representative.

The conserved person shall retain all rights and authority not expressly assigned to the conservator.

- Any bond required, as is indicated. . .duly executed, filed, and is approved.
- The court dispenses with the requirement of a probate bond.
- The foregoing is subject to...proposed Authorization and Agreement Re Restriction on Assets... **NOTE:** This box must be checked if applicable, and a completed **PC-411, Order and Agreement Re Restriction on Control of Assets**, MUST be attached to the decree.]

The conservator of the estate shall immediately record a Notice for Land Records/App't of Conservator (PC-350)...

Two months from the date hereof. . .true and complete inventory. . .

Dated at -- Signature of judge- Certification- Notice to conservator- Explanation of role of successor conservator

Important Information Regarding the Appointment of a Conservator

1) Absent the court's order to the contrary and except as otherwise provided by statute, a conservator shall be bound by all health care decisions properly made by the conserved person's health care representative.

2) A conserved person shall retain all rights and authority not expressly assigned to the conservator.

- Make copies of decree, being sure to include the Notice to Conservator.
- Impress court seal.

- Send to interested parties including respondent (referred to as "the conserved person" after the decree is issued), conservator, petitioner, attorney, and guardian ad litem.

- **WITHIN ONE BUSINESS DAY**, use the "Send to NICS" feature in CMS to electronically transmit the conserved person's name, social security number, date of birth, and gender, along with the date of appointment to the National Instant Criminal Background Check System (NICS). NICS is a national computer database listing persons disqualified from owning firearms.

- Prepare **Fiduciary's Probate Certificate/Conservatorship, PC-450C**, for Conservator of Estate and/or Person.

- Inform the conservator that he or she must file a **Notice for Land Records/App't of Conservator, PC-350**, in each town where the conserved person has an interest in real estate (C.G.S. section 45a-658).

- Prepare **Notice for Land Records/App't of Conservator, PC-350**. Bill the petitioner or the attorney for state marshal's fees, notices, fiduciary certificates, copies, recording fees, etc.

- Give the conservator the materials listed below at the conclusion of the hearing:

1) a copy of the User Guide for Conservators.

2) form **PC-371, Conservator's Report**. Explain that the report must be submitted to the court one year from the date of appointment. Send a reminder (either a postcard or form letter) to the conservator before the due date of the report. (See section explaining the conservator's duties.)

3) a copy of forms **PC-303, Petition to Terminate Tenancy or Lease/Change Residence/Sell or Dispose of Household Furnishings of a Conserved Person**, and **PC-371A, Conservator's Report/Placement or Request for Hearing on Placement**. Explain that these forms are to be filed for any change of residence, sale or disposal of household furnishings, or a change in tenancy or lease relating to the conserved person (PC-303) or placement (PC-371A).

4) If a conservator of the estate is appointed, give him or her the inventory form, PC-440, and explain that it is due within two months of the date of appointment. The court may also wish to give a copy of the interim accounting form, PC-441.

Prepare Documents and Scan/Microfilm

- **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

1) PC-300, Petition for Appointment of Conservator

2) PC-300A, Petition for Appointment of Conservator/Supplemental Form, if applicable

3) PC-310, Affidavit/Appointment of Commissioner of Social Services as Conservator

4) PC-320, Order of Notice

5) PC-330, Citation

6) State marshal's return, if it is a separate document

7) PC-182A, PC-182B, Appointments of Attorney and Guardian Ad Litem

8) PC-170A/PC-170B, Reports of Attorney and Guardian Ad Litem, unless privileged information is contained therein.

9) PC-480, Probate Bond

10) PC-360, Decree/Appointment of Conservator

11) **Physicians' Evaluation (PC-370)** or reports. **NOTE:** These forms must be **scanned/microfilmed as confidential**.

- Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

NOTE: Following the appointment of a conservator, the conserved person who is subject to additional proceedings shall have the right to be represented by an attorney of his or her choosing at his or her expense or, if the conserved person is indigent, the Probate Court Administration Fund will pay. Please provide the attorney with a CO-17 form and schedule of payments.

***INVENTORY, PC-440** – Probate Court Rules of Procedure, Section 33.8.

① Inventory of the conservator of the estate is due within two months of appointment [C.G.S. section 45-655(a)]. Include conserved person's interest in survivorship property. Also include conserved person's interest in trusts, joint bank accounts, and other jointly held property [C.G.S. section 45a-655(a).] Use date of appointment values.

Effects of Appointment of a Conservator: Please see p. "CONS-24" for important information.

Special Circumstances: (NOTE: Each of the following requires a \$150.00 filing fee.)

Petition to Sell or Mortgage Real Property, PC-400. (C.G.S. section 45a-164). A hearing shall be held with such notice as ordered by the court. Proceeds are to be kept separate and not commingled with the conserved person's other funds. Upon the death of the conserved person, the proceeds are to be delivered to the executor to be distributed as real property would have been. [C.G.S. section 45a-660(a)].

Petition to Distribute Gifts of Income and Principal from Estate of Conserved Person. This procedure allows the conservator of the estate to ask the court for approval to distribute monies of the conserved person as gifts under certain conditions [C.G.S. section 45a-655(e), as amended].

Petition to invest conserved person's funds in insurance and annuity contracts. (C.G.S. section 45a-595, as amended.)

Petition for Visitation. Any parent of an adult person with a mental disability or mental retardation for whom a conservator of the person or a guardian has been appointed who wishes to visit the conserved person may file a motion for visitation (\$150.00 filing fee) with the probate court that has jurisdiction over the conservatorship or guardianship. After notice and hearing, the court may grant an order of visitation pursuant to the provisions of C.G.S. section 45a-598. The order must contain a schedule specifying the date(s), time(s), and place(s) of visits (including overnight visits, if permitted) and any other conditions that the judge believes to be in the best interest of the conserved person.

Petition and Decree for Support Allowance. This allowance supports the relatives whom the conserved person is legally liable to support. (Connecticut Probate Practice, Locke & Kohn, Sec. 705, Incapacity, Powers of Attorney & Adoption 3rd, Section 4:13, Folsom & Wilhelm). **IMPORTANT NOTE: Please see p. CONS-33 for important information about spousal allowances.**

Placement in an Institution for Long-Term Care/Change of Residence/Termination of Tenancy or Lease/Sale or Disposal of Household Furnishings. (C.G.S. section 45a-656b) See p. CONS- 35 for the procedure to be followed if the conservator seeks permission to: 1) place the conserved person in an institution for long-term care., 2) change the conserved person's residence, 3) terminate the conserved person's tenancy or lease, or 4) sell or dispose of the conserved person's household furnishings.

Petition to Compromise and Settle Disputed or Doubtful Claim. (C.G.S. section 45a-151) Upon petition by the conservator, the court may authorize a doubtful or disputed claim (in favor or against). A hearing shall be held with such notice as ordered by the court. Mail notice is recommended for interested parties. Locke & Kohn, Connecticut Probate Practice Sec. 415; Folsom & Wilhelm, Incapacity, Powers of Attorney & Adoption 3rd, Sec. 4:16, forms to be adapted from Settlement of Estates in Connecticut, (2d ed.), Appendix A, Form 80. The decree is **Decree Settling Doubtful or Disputed Claim, PC-463.**

Transfer of File to Another State. In the event that the conservator of the person or conservator of the estate appointed by the court would like to transfer the conservatorship to another state, the conservator may file form **PC-304, Petition for Provisional Order of Transfer of Conservatorship to Other State**, to petition for a provisional order of transfer of the conservatorship to the other state pursuant to C.G.S. 45a-667p. Upon receipt of the petition, the court shall schedule a hearing with notice. The order issued by the court is **PC-365, Provisional Order of Transfer of Conservatorship to Other State.** Once the requirements of the provisional order are met, the court will issue form **PC-365A, Final Order of Transfer of Conservatorship to Other State.**

Transfer of File from Another State. In the event that a conservator of the person or the estate appointed in another state would like to transfer the conservatorship to a Connecticut probate court, the conservator may file form **PC-305, Petition for Provisional Order Accepting Transfer of Conservatorship from Other State**, to petition the court for a provisional order accepting the transfer of the conservatorship from the other state pursuant to C.G.S. section 45a-667q. Upon receipt of PC-305, the court shall schedule a hearing with notice. The order issued by the court is **PC-366, Provisional Order Accepting Transfer of Con-**

servatorship from Other State. The court should send PC-366 to all parties and form **PC-333, Notice to Conserved Person in Proceedings to Accept Transfer of a Conservatorship from Another State**, to the conserved person and other parties as determined by the court. Since the court must appoint an attorney to represent the conserved person at least 30 days prior to issuing a final order accepting the transfer, it is recommended that the court appoint an attorney upon issuing the provisional order, PC-366. Once the requirements of the provisional order are met, the court will issue form **PC-366A, Final Order Accepting Transfer of Conservatorship from Other State**. No later than 90 days after issuing the final order accepting the transfer, the court should hold a hearing to determine whether the conservatorship needs to be modified to conform with Connecticut law.

For these petitions, follow the same procedure as in decedents' estates for order of notice, notice of hearing, publication, etc.

Interim Accounting

Periodic accountings. Pursuant to C.G.S. section 45a-177, conservators of the estate "shall render periodic accounts of their trusts, under oath, to the court of Probate . . . at least once during each three-year period . . ." Periodic accounts for filing only may be submitted to the court at any time during each three-year period. The form to be used is the **Fiduciary's Periodic or Final Account (Short Form), PC-441**.

- Give notice of the filing of the account to all "parties," using the **Notice/Right to Hearing on Fiduciary's Periodic Account, PC-430**. A hearing may be held upon request. **NOTE:** "Party" is defined in Section 1.1 (22) of the Probate Court Rules of Procedure as "a person having a legal or financial interest in a proceeding before the court, a fiduciary under section 4.2 and any other person whom the court determines to be a party. The term has the same meaning as interested party."

Annual accountings — When Required. Probate Court Rules of Procedure, Section 33.14 requires a conservator of the estate to file a financial report or account for the first year following the conservatorship appointment and triennially thereafter. In addition, the court may, and at the request of an interested party, **shall** require annual accountings from any conservator of the estate (C.G.S. section 45a-655.) **NOTE:** Compensation of a conservator of a Social Services beneficiary shall not exceed 5% of gross income, unless the court approves a higher amount for extraordinary services (C.G.S. section 45a-594).

Mandatory financial report or account at least every three (3) years with a hearing. C.G.S. section 45a-177 discusses this requirement and exceptions. The court may schedule a hearing or use the streamline notice procedure for conservatorship accounts.

- Follow the same procedure for giving notice and setting up a hearing as used in decedents' estates. Send notice to all interested parties, including family members (Probate Court Rules of Procedure, Section 1.1 (22)). Notice should also be sent to the conserved person's attorney.

- Issue a decree approving the periodic account, **PC-461, Decree: Interim Account (Non-Decedent)**.

- Enter into CMS.

- Prepare Judge's Record of Hearing/Accountings (Non-Decedent's Estate). [Optional — See "MISCELLANEOUS" section.]

- Bill fiduciary or attorney for filing or hearing (C.G.S. section 45a-108).

Annual Report (PC-371, Conservator's Report). The conservator of the person shall report at least annually to the Probate Court that appointed the conservator regarding the conserved person's condition, the efforts made to encourage the conserved person's independence, and the conservator's statement indicating whether the appointment of the conservator is the least restrictive means of intervention for managing the conserved person's needs. The Conservator's Report, PC-371, should be given to the conservator at the time of appointment with instructions to submit it to the court one year from the date of appointment. The court should send a reminder (either a postcard or form letter) to the conservator before the due date of the report.

Transfer of File to Another Connecticut Probate District. In the event that the conserved person moves to another probate district in Connecticut, forms PC-307, Motion to Transfer File/Conservatorship Matter, and PC-367, Decree/Transfer of File Conservatorship Matter, may be used to transfer the file. C.G.S. section 45a-661, as amended, states that the transfer shall be made if the court determines that the requested transfer is the preference of the person under conservatorship.

Annual Hearing. The court must send written notice annually to the conserved person and his or her attorney using the Notice/Right to Hearing on Conservatorship, PC-331, which states that the conserved person has a right to a review hearing. Upon

receipt of request for such a hearing the court shall set a time and date for the hearing, which shall be held not more than 30 days from the receipt of the request, unless it is continued for cause shown. If the court has forwarded the required computer data to the Probate Court Administrator's office, a reminder will be sent to the court.

Termination of Conservatorship. A conserved person may petition the Probate Court having jurisdiction for the termination of his/her conservatorship at any time. A petition for termination of a conservatorship shall be determined by a preponderance of the evidence. The conserved person shall not be required to present medical evidence at such a hearing. A hearing on the petition shall be held not later than 30 days after the date the petition was filed. The hearing may be continued for good cause.

NOTE: If such hearing is not held within the 30-day period or continuance period, if applicable, the conservatorship shall terminate.

Reasons for Termination of Conservatorship. C.G.S. section 45a-660; Locke & Kohn, Connecticut Probate Practice Book, Vol. 2, section 662 for form; Folsom and Wilhelm, Incapacity, Powers of Attorney, and Adoption 3rd, section 2:16.

■ **Exhaustion of conserved person's funds:** [C.G.S. section 45a-660, as amended; C.G.S. section 17-82d(c).] The conserved person's funds are exhausted when the amount remaining in his or her estate does not exceed \$1,600 for an individual. This only terminates the conservatorship of the estate.

■ **Restoration:** If the court finds after notice and hearing that the conserved person is capable of caring for himself or herself, the court shall order that the conservatorship of the person be terminated. If the court finds upon hearing and after notice that a conserved person is capable of managing his or her own affairs, the court shall order that the conservatorship of the estate be terminated and that the remaining portion of the conserved person's property be restored to him or her.

NOTES 1): In the case of a conservatorship of the estate, the conservator's final account must be filed and heard. (C.G.S. section 45a-660, as amended, *Locke & Kohn*, Vol. 2, section 662.) **2):** In the case of a person who wishes to have firearm privileges restored, see the "Miscellaneous" section of this manual.

■ **Death of the Conserved person:** The fiduciary of the decedent's estate must be appointed before the hearing on the final account. The conserved person's estate is then delivered to the executor or administrator of the conserved person's estate. **NOTE:** If the conserved person's estate is insufficient to pay expenses incurred during the conserved person's lifetime, the conservator may pay the administration expenses necessary for the settlement of the fiduciary's final account and the funeral expenses, and take credit for these expenses on the final account. (C.G.S. section 45a-597).

■ **Death of the Conservator of the Estate:** The fiduciary appointed to administer the deceased conservator's estate must file a final account for the deceased conservator, and a successor conservator must be appointed.

***FIDUCIARY'S PERIODIC OR FINAL ACCOUNT, PC-441** (C.G.S. section 45a-179.)

- Give notice to all interested parties of the filing of the final account. If the conserved person is living, the conserved person and his or her attorney must receive notice of the hearing on the final account by first class mail.

Hearing and Decree

- Issue **PC-462, Decree: Final Account (Non-Decedent)**, approving the final account.
- Bill attorney or restored conserved person for final (additional) court fees.
- Issue **Affidavit of Closing of Decedent's Estate, PC-213**. **NOTE:** This is a decedents' estate form and must be adapted for conservators' estates.
- Issue **Certificate for Surety, PC-451**. Send it directly to the bonding company or local insurance agency.

FOR MORE DETAILED INFORMATION about the matters listed above, see the relevant portions of the "Decedent's Estate/Testate" section.

Notice for the Land Records – This is needed in the event the conserved person is restored to capacity (C.G.S. section 45a-658).

The fact of restoration should be recorded on the land records by the attorney or conserved person. Use PC-350A, Notice for Land Records/Termination of Conservatorship.

Restriction on Assets – If there was a restriction on assets (PC-411), issue **CM-57, Release of Restriction on Assets**. (See p. “CONS-54.”)

Scanning/Microfilming

- Scan/microfilm all documents not previously microfilmed.

REVIEW OF CONSERVATORSHIP

C.G.S. section 45a-660(c), as amended, requires the court to review the conservatorship not later than one year after the conservatorship was ordered, and not less than every three years after such initial one-year review. See **File Information Sheet/Review of Conservatorship, CM-59**. The procedure is as follows:

The court shall review each conservatorship not later than one year after the conservatorship was ordered and not less than every three years after the initial review. After each review, the court will continue, modify, or terminate the order for conservatorship. The court must receive and review written evidence about the condition of the conserved person. The conservator and a physician licensed to practice medicine in Connecticut shall each submit a written report to the court not more than 45 days after the court's request, EXCEPT THAT for a person with intellectual disability as defined in section 1-1g, a licensed psychologist may submit the written report in lieu of a physician. The physician or psychologist must have examined the conserved person during the 45 days preceding the submission of his or her report. On receipt of a written report from the conservator, physician, or psychologist, the court shall provide a copy of the report to the conserved person and his or her attorney.

NOTES: 1) Any physician's or psychologist's report filed with the court pursuant to the three-year review is confidential. 2) The court shall issue an order for the disclosure of medical information to the conserved person's attorney and may issue such an order to other parties, at the court's discretion.

Not later than 30 days after receipt of the **Conservator's Report (PC-371)** and the **Physician's Evaluation/Conservatorship (PC-370) or Psychologist's Evaluation/Conservatorship of Person with Intellectual Disability (PC-372)**, the attorney for the conserved person shall notify the court that the attorney has met with the conserved person and shall inform the court as to whether a hearing is being requested. There is a checkbox for this purpose on the cover letter to the attorney, which appears later in this section.

The court will decide whether a hearing is required based on a review of the reports, **OR** the conserved person, the conserved person's attorney, or the conservator may request a hearing, in which case, one must be held within 30 days of the request. If no hearing is held, the conservatorship will continue without change. If a hearing is held, the court will decide whether to continue, modify, or terminate the order for conservatorship.

Cover letters for the conservator, attorney, and the physician or psychologist are included later in this section.

NOTE: There are two options for the letter to the conservator. The original letter simply states that the attorney and physician or psychologist must also file reports. The court mails the cover letter to the physician or psychologist. However, many courts do not contact the physician or psychologist directly. Instead, they ask the conservator to obtain the physician's or psychologist's evaluation from the doctor. The new conservator (Version 2) letter gives the conservator the responsibility of contacting the physician or psychologist and obtaining the required evaluation.

The letters to the conservator and physician or psychologist should be sent first. They must return their reports to the court not more than 45 days after the date of the request. When the court has received both reports, the clerk shall send the request letter to the attorney for the conserved person enclosing copies of the Conservator's Report (PC-371) and the Physician's Evaluation (PC-370) or Psychologist's Evaluation (PC-372). The clerk shall also forward copies of the report and the evaluation to the conserved person.

Attorney

If the court finds that the conserved person is indigent or otherwise unable to pay for an attorney, the court shall appoint an attorney for the conserved person unless he or she refuses to be represented by an attorney, and the court finds that he or she understands the nature of the refusal. The court shall appoint the attorney from a panel of attorneys admitted to practice in this state provided by the Probate Court Administrator in accordance with regulations issued under C.G.S. section 45a-77.

If the conserved person is unable to pay for the services of an attorney, compensation may be obtained from the Probate Court Administration Fund. The rate schedule is found in Section 13.4.1 of the "REGULATIONS." Please provide the attorney with a form CO-17. When this invoice (CO-17) is rendered to the court, the court must certify the same and forward it to the Probate Court Administrator's office for payment. It would appear that C.G.S. section 45a-649(b), as amended, requires the continued involvement of the court-appointed attorney in any proceeding involving the conserved person under Title 45a.

Nothing shall impair, limit or diminish the right of a respondent or conserved person to replace his or her attorney with a different attorney. Fees of an attorney chosen by the respondent or conserved person shall be approved by the court of Probate or, if an appeal is taken, by the Superior Court.

Items marked with an asterisk (*) are to be entered into CMS.

***APPOINTMENT OF ATTORNEY FOR INTERESTED PARTY, PC-182A**

***APPOINTMENT OF GUARDIAN AD LITEM FOR INTERESTED PARTY, PC-182B**

NOTE: If a particular attorney was originally chosen by the conserved person, the court should require that he or she file an **Appearance of Attorney, PC-183**.

Procedure for Notifying Parties:

• Each letter shall include the appropriate report form:

■ Conservator – **CONSERVATOR'S REPORT, PC-371**

• Check the box marked "Court-ordered report."

① A section for the three-year review asks the conservator whether the conservatorship should be continued, modified, or terminated, and why.

■ Attorney – The conserved person's attorney must respond within 30 days after receipt of the court's request by completing the section at the bottom of the letter about the need for a hearing. It must be returned to the court within 30 days of receipt.

■ Physician or psychologist – **PHYSICIAN'S EVALUATION/CONSERVATORSHIP, PC-370, or Psychologist's Evaluation/Conservatorship of Person with Intellectual Disability (PC-372)**

• The heading alerts the doctor to the form's significance in the conservatorship proceeding.

① The form requires the doctor or psychologist to provide specific information about the conserved person's abilities.

① A section for three-year reviews asks whether the conservatorship should be continued, modified or terminated, and why.

① The statutory requirements for the review are printed at the bottom of each form.

Review Procedure

The court will decide whether a hearing is required based on a review of the reports OR the conserved person, the conservator, or the conserved person's attorney may request a hearing, in which case one must be held within 30 days of the request.

1) **PROCEDURE WHEN NO REVIEW HEARING IS REQUIRED OR REQUESTED**

As stated above, the **Conservator's Report, PC-371**, and the **Physician's Evaluation/Conservatorship, PC-370, or**

the Psychologist's Evaluation/Conservatorship of Person with Intellectual Disability (PC-372), must be filed no later than 45 days after the court's request. The conserved person's attorney must file his or her response within 30 days after receipt of the **Conservator's Report** and **Physician's Evaluation/Conservatorship** or the **Psychologist's Evaluation/Conservatorship of Person with Intellectual Disability (PC-372)**. If the judge determines that a hearing is not required after reviewing the reports, AND none of the parties requests a hearing, the judge will issue the **Order/Review Proceeding/Appointment of Conservator, PC-362A**.

***ORDER/REVIEW PROCEEDING/APPOINTMENT OF CONSERVATOR (For Use Only When a Hearing Has Not Been Held), PC-362A**

- Insert the conserved person's name in the top box.
- Insert the conservator(s)' name(s), address(es), and telephone number(s) in the next two blocks. If one of the sections does not apply, type "NONE" in that block.
- Insert town and date. The judge will sign the form.
- Impress court seal.
- Enter into CMS.
- Make copies and send to conserved person, conservator, attorney, and any other interested parties.

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) PC-362A, Order/Review Proceeding/Appointment of Conservator. . .
- 2) Physician's Evaluation/Conservatorship, PC-370, or Psychologist's Evaluation/Conservatorship of Person with Intellectual Disability (PC-372), must be **scanned/microfilmed as confidential**.
- 3) PC-371, Conservator's Report

- Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

2) PROCEDURE WHEN A REVIEW HEARING IS REQUIRED OR REQUESTED

- Date-stamp any request for a review hearing.
- Entry fee is \$150.00.
- Enter into CMS.

***ORDER OF NOTICE OF HEARING AND RETURN/APPOINTMENT OF CONSERVATOR/REVIEW HEARING, PC-322**

① Seven days' notice is required for all parties, except the Veterans' Administration, which must have 10 days' notice.

CONSERVED PERSON [Name and address] DATE OF ORDER
CONSERVED PERSON'S SPOUSE IF ANY: [Name and address, and telephone number]
PLACE, DATE, AND TIME OF HEARING

• Send notice by certified mail, return receipt requested, including the order of notice, notice to the conserved person (PC-332), and copies of the most recent court decree/order (PC-360, 362, 362A) issued in connection with the conserved person to:

- the conserved person. . .*
- attorney for the conserved person*
- the conserved person's spouse. . . (If the spouse is not the petitioner)*
- the following, if there is no spouse...Protective Services for the Elderly: the children of the conserved person OR, if none, the parents of the conserved person, OR, if none, brothers or sisters of the conserved person or their representatives, OR, if none, the next of kin of the conserved person.*

- Send the order of notice and notice to conserved person (PC-332) by certified mail to the:
 - Superintendent or his/her representative of...an institution for persons with psychiatric disabilities...*
- Send notice by regular mail to:
 - the conservator of the person and/or estate.*
 - the attorney for the conservator.*
 - the guardian ad litem for the conserved person.*
 - the person in charge of... a hospital, nursing home, residential facility, or other institution in which the conserved person is a patient.*
 - the person in charge of welfare in town or , if none, the first selectman or chief executive officer in town where respondent is domiciled or a resident (If respondent is receiving town assistance.)*
 - the Comm. of Social Services.* [**Important:** Send paperwork to appropriate DSS Regional Office/suboffice/Ms. Dorian Long (if applicable), as explained in the information for PC-320.
 - the Commissioner of Veterans' Affairs and/or Superintendent or his/her representative of Veterans' Home*
 - Administrator of Veterans' Affairs*(Federal – If the respondent is receiving VA benefits.)
 - Commissioner of Administrative Services/Collections - Recovery...* (If the respondent is receiving State aid or care.)

IMPORTANT: In accordance with C.G.S. section 45a-652, a **copy of the petition, including the Confidential Information Sheet, must be sent along with the notice to the Commissioner of Administrative Services.** Because the intent of C.G.S. section 45a-649(b) is to protect the conserved person's **confidentiality**, it is suggested that only Page 1 of the petition accompany the notice.

- the conserved person's physician or psychologist, as the case may be.*
 - the children of the conserved person, OR, if none, the parents of the conserved person, OR, if none, the brothers and sisters of the conserved person or their representatives, OR, if none, the next of kin of the conserved person, if not ordered above.*
 - all other persons listed on original petition .* (This category includes the spouse, if the spouse is the petitioner.)
- The judge or clerk must sign the form.
 - Make copies and impress court seal.

***NOTICE OF HEARING/APPOINTMENT OF CONSERVATOR/REVIEW HEARING, PC-332**

- Complete top of form. Enter the name, address, and phone number of the conserved person's attorney, and the court's phone number in the spaces provided.
- Obtain signature of judge or clerk.
- Impress court seal.
- Make copies. Send to all parties as directed in **PC-322, Order of Notice.**
- Enter number of notices sent on ledger or **Cost Sheet, PC-282**, and amount of certified postage.

Prepare for Hearing

- Enter name, type of hearing, date and time on court calendar or diary book.
- Prepare an **Appointment of Judge of Probate as Agent for Service, PC-482**, if needed or required.

Hearing – C.G.S. sections 45a-650 and 45a-660(d), as amended, and Probate Court Rules of Procedure, Rules 60 – 72.

The hearing must be recorded. As noted previously, the Probate Court shall make a recording of ALL proceedings held under sections C.G.S. section 45a-644 to 45a-663, inclusive. The recording shall be part of the record and shall be made and retained in a manner approved by the Probate Court Administrator.

Alternative Arrangements for the Place of Hearing. Upon notification to the court that conserved person wishes to attend the hearing, but he or she is unable to attend the hearing at the court, the hearing may be held at a place that would facilitate the conserved person's attendance.

Evidence Required. In addition to the required reports, the court may wish to require other evidence from witnesses who have personal knowledge of the condition of the conserved person, including physicians, social workers, etc.

If the court finds by **clear and convincing evidence**, that the conserved person continues to be incapable of managing his or her affairs or continues to be incapable of caring for himself or herself, and that there are no less restrictive means available to assist the conserved person in managing his or her affairs or caring for himself or herself, the court shall continue or modify the conservatorship under the terms and conditions of the appointment of the conservator. If the court does not make such a finding of continued incapacity by **clear and convincing evidence**, the court shall terminate the conservatorship.

*DECREE/REVIEW PROCEEDING/RE APPOINTMENT OF CONSERVATOR, PC-362

IN THE MATTER OF: (Insert conserved person's name.)

CONSERVATOR OF THE ESTATE [Name, address and telephone number]

CONSERVATOR OF THE PERSON: [Name, address and telephone number] (If one of the blocks does not apply, type "NONE" in that block.)

- Check appropriate box(es) on the form in accordance with the court's findings.

WHEREFORE IT IS ORDERED AND DECREED that: (Check applicable order in accordance with the court's finding.)

Place, date, and signature of judge

- Make copies of decree.
- Impress court seal and send copy of decree to conserved person, the conserved person's attorney, the conservator, and other interested parties.

Payment of Fees:

① The conserved person pays counsel fees, unless the conserved person is indigent, in which case they are paid by the Probate Court Administration Fund. (Billing is to be done on a CO-17 invoice.)

- Bill the petitioner for notices, copies, recording fees, etc. If the petitioner is indigent, see C.G.S. section 45a-111(c).
- If an examination by a physician, psychiatrist, or psychologist was ordered pursuant to C.G.S. section 45a-132a, the court should assess payment against the petitioner, respondent, or party requesting the exam. If any party is unable to pay, reasonable compensation will be paid from the Probate Court Administration Fund, pursuant to Section 19 of the Probate Court Administrator's Regulations.

Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) PC-322, Order of Notice...Review Hearing
- 2) PC-332, Notice...Review Hearing
- 3) PC-182A, Appointment of Attorney for Interested Party
- 4) PC-182B, Appointment of Guardian Ad Litem for Interested Party
- 5) PC-362, Decree/Review Proceeding RE: Appointment of Conservator
- 6) PC-370, Physician's Evaluation/Conservatorship OR
- 7) PC-372, Psychologist's Evaluation/Conservatorship of Person with Intellectual Disability, if needed
- 8) PC-371, Conservator's Report

NOTE: The **Physician's Evaluation/Conservatorship, PC-370**, or the Psychologist's Evaluation/Conservatorship of Person with

Intellectual Disability, PC-372, must be **scanned/microfilmed in a confidential volume.**

• Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

VOLUNTARY REPRESENTATION

C.G.S. section 45a-646. **NOTE:** There is no finding of incapability in voluntary conservatorship.

*PETITION FOR VOLUNTARY REPRESENTATION BY CONSERVATOR, PC-301

Petition may be made by any person for conservator of estate or person or both.

- Check domicile and address of petitioner to be sure of proper jurisdiction.

*IN THE MATTER OF [Name, address and telephone number.] PETITIONER'S SOCIAL SECURITY NUMBER (NOTE: This is listed on the Confidential Information Sheet for PC-301) PETITIONER'S DATE OF BIRTH
SPOUSE [Name, address, and telephone number]*

Other persons to whom notice should be given: *SPOUSE, CLOSEST RELATIVES [If none, so state], and INTERESTED PARTIES
Give names, addresses and relationships to petitioner.]
C.G.S. section 45a-646.*

- All persons who should receive notice must be listed with complete addresses and relationship.
 - Make sure that the petitioner has completed the statements on the form by checking the appropriate boxes.
- If a statement marked with an asterisk is checked, make sure that the document referred to is attached. **NOTE 1):** Pursuant to the provisions of C.G.S. section 19a-570, a box for "health care representative" has appeared on the form since 2006. This entity combines the duties of (and replaces) the "health care agent" and the "attorney-in-fact for health care decisions. However, advance directives properly executed before 10/1/06 remain in full force and effect, so the boxes for the health care agent and attorney-in-fact for health care decisions remain on the form. **NOTE 2)** The form contains space to list the voluntary conservator's proposed duties and authorities.

Wherefore, the petitioner requests that this court appoint...:

- Conservator of the estate*
- Conservator of the person...*
- ...successor conservator...*
- Probate bond of the conservator...*
- The conservator of the estate be excused from furnishing probate bond.*

Petitioner's Signature (under penalty of false statement) *Date*

Signature of proposed conservator accepting fiduciary responsibility

Attorney for petitioner

- If petition is in order:

- Date-stamp.
- Entry fee is \$150.00.
- Enter into CMS.
- Prepare file folder.

ORDER OF NOTICE — APPOINTMENT OF CONSERVATOR VOLUNTARY REPRESENTATION, PC-321

There is no requirement that notice of hearing be sent within 30 days of receipt of the petition. However, this procedure is recommended. Seven days' notice is required for all parties, except the Veterans' Administration, which must have 10 days' notice.

PETITIONER [Name and address]

SPOUSE [Name and address]

DATE, TIME, AND PLACE OF HEARING

DATE OF ORDER OF NOTICE

UPON THE PETITION ...

- Check applicable box(es) for conservator of estate and/or person.
- Give notice by certified or registered mail to the:
 - Superintendent or his/her representative of...an institution for persons with psychiatric disabilities...*

Pursuant to C.G.S. section 45a-652 or C.G.S. section 4a-17, a copy of the petition, including the Confidential Information Sheet for PC-301, must be sent along with the notice.

- Give notice (including the Confidential Sheet for PC-301 to state/federal agencies) by regular mail to:
 - petitioner and petitioner's attorney, if any*
 - the petitioner's spouse named above...*
 - the Administrator of Veterans' Affairs C.G.S. section 45a-649 [Note: 10 days' notice required. C.G.S. section 45a-593.] (Federal – If the respondent is receiving veterans' benefits.)*
 - the Commissioner of Veterans' Affairs and/or* *Superintendent or his/her representative of Veteran's Home*
 - the Commissioner of Administrative Services/Collections-Recovery (If the petitioner is receiving state aid or care.)*

IMPORTANT: In accordance with C.G.S. section 45a-652, a copy of the petition, including the Confidential Information Sheet, must be sent along with the notice to the Commissioner of Administrative Services. Because the intent of C.G.S. section 45a-649(b) is to protect the conserved person's **confidentiality**, it is suggested that only Page 1 of the petition accompany the notice.

the following parties in interest or persons entitled to notice...

Signature of judge, clerk, assistant clerk.

- Impress court seal.
- Complete Return of Notice, add date, and sign form.

NOTICE OF HEARING, PC-130

- Prepare Notices of Hearing, and send notices as directed in Order of Notice.
- Enter number of notices sent.

Hearing

• **The hearing must be recorded.** As noted previously, the Probate Court shall make a recording of ALL proceedings held under C.G.S. sections 45a-644 to 45a-663, inclusive. The recording shall be part of the record and shall be made and retained in a manner approved by the Probate Court Administrator.

The judge **MUST** see the petitioner and must explain that the granting of the petition will subject the petitioner or the petitioner's property to the authority of the conservator (C.G.S. section 45a-646).

The principal question is whether the petitioner understands the proceeding and results thereof, and whether the petition is clearly voluntary. This is especially important, since voluntary conservatorship survives incapacity (C.G.S. section 45a-646).

***ORDER AND AGREEMENT/RESTRICTION ON CONTROL OF ASSETS, PC-411.** Prepare this form if there are assets that must be protected. The form will be attached to the decree, PC-361. Restrictions on control of assets are discussed in the Probate Court Rules of Procedure, Section 35.7.

*DECREE/APPOINTMENT OF CONSERVATOR/VOLUNTARY REPRESENTATION, PC-361

IN THE MATTER OF THE PETITION OF ... FOR VOLUNTARY REPRESENTATION

CONSERVATOR/ OF ESTATE [Name, address, and telephone number] CONSERVATOR OF PERSON [Name, address, and telephone number]

SUCCESSOR CONSERVATOR OF ESTATE SUCCESSOR CONSERVATOR OF PERSON

PRESENT, Hon. (Judge).

The Court having seen the above-named petitioner in person and having heard the petitioner's reason for seeking voluntary representation...

The conservator named above...

- Check all boxes that apply:

Probate bond...

The assets of the estate are less than \$20,000, or the amount...not restricted by Court order is less than \$10,000.

The conservator of the estate is excused...

*In order to properly protect the assets of the estate... (NOTE: If this box is checked, the box in the ORDERED AND DECREED section about the filing of a proposed **Order and Agreement/ Restriction on Control of Assets, PC-411**, must also be checked.)*

The conservator, a nonresident person...agent for service of process in this state.

WHEREFORE IT IS ORDERED and DECREED that:

The conservator(s) named above is/are appointed conservator of the estate the person...and shall have the following duties and authorities:

Any bond required...

The court dispenses with the requirement of a probate bond.

The foregoing is subject to...proposed Order and Agreement/ Restriction on Control of Assets...

ⓘ This box **MUST BE CHECKED**, if applicable, and form PC-411 must be annexed to the decree.

Certification section Notice to Conservator Explanation of role of successor conservator

Date and signature of judge.

- Prepare **Fiduciary's Probate Certificate, PC-450C**

***INVENTORY, PC-440** – Probate Court Rules of Procedure, Section 33.8

ⓘ Inventory of the conservator is due within two months of appointment [C.G.S. section 45-655(a), as amended]. Include conserved person's interest in survivorship property. Also include conserved person's interest in trusts, joint bank accounts, and other jointly held property [C.G.S. section 45a-655(a).] Use date of appointment values.

Prepare Documents and Scan/Microfilm

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

1) PC-301, Petition for Voluntary Representation...

2) PC-321, Order of Notice/Appointment of Conservator/Voluntary Representation

3) PC-361, Decree/Appointment of Conservator/Voluntary Representation

• Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Interim Accounting

- See information in involuntary representation section.

Release of Voluntary Conservator – C.G.S. section 45a-647.

- The conserved person must give 30 days' written notice to the Probate Court that appointed the conservator.

- Issue **Decree/Release from Voluntary Representation, CM-34**. **NOTE:** As directed in the decree, the conservator must file a final account with the court.
- **Restriction on Assets** – If there was an **Order and Agreement/Restriction on Control of Assets, PC-411**, issue **CM-57, Release of Restriction on Assets**. (See p. “CONS-54.”)

NOTE: Subsequent incapacity of a person under voluntary conservatorship does **NOT** cause the conservatorship to cease (C.G.S. section 45a-646).

- Record the decree releasing the conservatorship (CM-34).

Effects of Appointment of Conservator (Involuntary or Voluntary)

■ **Power of Attorney** – Appointment of a conservator of the estate in involuntary proceedings (including temporary conservatorship proceedings) has the effect of nullifying any power of attorney previously granted by the conserved person [C.G.S. section 45a-562(b)].

■ Validity in Connecticut:

① A Conservatorship is valid in this state even though the conserved person changes residence or domicile in Connecticut.

① Connecticut recognizes a conservator appointed by another state in limited circumstances. C.G.S. section 45a-659.

Forms: 1) Petition for Appointment of Conservator for Non-Domiciliary (Petition by Out-of-State Personal Representative), CM-29. (NOTE: The form includes a Confidential Information Sheet for listing names and social security numbers.) **2) Decree/Appointment of Conservator for Non-Domiciliary, CM-30.** The court may not act on the petition until an attorney is appointed to represent the incapable person. The petition and decree must be recorded.

① Transfer of records and jurisdiction within the state (C.G.S. section 45a-661).

■ Validity outside of Connecticut:

① Generally, Connecticut appointments are not valid in other jurisdictions.

① Transfer of funds out of state (C.G.S. section 45a-635).

① Conservator of nonresident's property (C.G.S. section 45a-659).

■ Safeguards/Bond Requirement/Restriction on Assets:

C.G.S. section 45a-650; Probate Court Rules of Procedure, Rule 35. Bond is *required* for the **conservator of the estate** in an **involuntary** conservatorship. Bond is *discretionary* for the conservator of the person [C.G.S. section 45a-650(i), as amended]. In the case of **voluntary** conservatorship, bond may be excused [C.G.S. section 45a-646]. The statute that discusses **temporary** conservatorship, C.G.S. section 45a-654(a), states that the court "shall require the temporary conservator to give a probate bond." It is recommended that a probate bond be required when a conservator of the estate is appointed.

If there are funds or valuables being handled by the **conservator of the person**, the judge should consider requiring a bond in an involuntary conservatorship, unless the amount being handled is minimal.

Restrictions on control of assets are discussed in the Probate Court Rules of Procedure, Section 35.7.

Duties of Conservators

The following sections (C.G.S. sections 45a-655, 45a-656, as amended) apply to both voluntary and involuntary conservatorship.

Conservator of the Estate: (C.G.S. section 45a-655, as amended)

- shall present an inventory of the estate to the court within two months of the date of appointment.
- shall manage all such estate and apply so much of the net income thereof as may be required and, if necessary, any part of the principal of the estate, to support such conserved person and those members of such conserved person's family whom he or she has the legal duty to support.
- has the duty to pay the conserved person's debts.

■ if applicable, shall apply toward the cost of care of a conserved person receiving public or medical assistance in accordance with the provisions of Chapter 302, any assets exceeding limits on assets set by statute or regulations adopted by the Commissioner of Social Services [C.G.S. section 45a-655(d), as amended].

■ may sue for and collect all debts due the conserved person.

■ may file a voluntary bankruptcy petition on the conserved person's behalf per the Rules of Federal Bankruptcy (Rule 1004.1).

■ in the case of a married person, any conservator of the estate may apply such portion of the conserved person's estate to the support, maintenance, and medical treatment of the conserved person's spouse as the court of Probate, upon hearing after notice, decides to be proper under the circumstances of the case. **IMPORTANT NOTE: Please turn to p. CONS-33 for important information about spousal allowances.**

FINANCIAL REPORTS/ACCOUNTINGS: Please see p. Conservator – 14 .

NOTE: The conservator of the estate shall use the least restrictive means of intervention in the exercise of his or her duties and authority.

Conservator of the Person (C.G.S. section 45a-656, as amended)

The conservator of the person shall have the duties and authority **expressly assigned by the court** pursuant to section 45a-650, as amended.

The duties and authority **may** include:

- (1) The duty and responsibility for the general custody of the conserved person;
- (2) the authority to establish the conserved person's residence within the state, subject to the provisions of C.G.S. section 45a-656b;
- (3) the authority to give consent for the conserved person's medical or other professional care, counsel, treatment or service;
- (4) the duty to provide for the care, comfort, and maintenance of the conserved person; and
- (5) the duty to take reasonable care of the conserved person's personal effects.

In carrying out the duties and authority assigned by the court, the conservator of the person shall exercise such duties and authority in a manner that is the **least restrictive means of intervention** and shall:

- (1) assist the conserved person in removing obstacles to independence,
- (2) assist the conserved person in achieving self-reliance,
- (3) ascertain the conserved person's views,
- (4) make decisions in conformance with the conserved person's reasonable and informed expressed preferences,
- (5) make all reasonable efforts to ascertain the health care instructions and other wishes of the conserved person, and
- (6) make decisions in conformance with (A) the conserved person's expressed health care preferences described in C.G.S. section 19a-580e, as amended, or validly executed health care instructions described in C.G.S. section 19a-580g, or (B) a health care decision of a health care representative described in C.G.S. section 19a-580e(b), as amended.

The conservator shall afford the conserved person the opportunity to participate meaningfully in decision-making in accordance with the conserved person's abilities and shall delegate to the conserved person reasonable responsibility for decisions affecting such conserved person's well being.

■ The conservator also has the duty to report at least annually to the Probate Court that appointed the conservator regarding the conserved person's condition, the efforts made to encourage the conserved person's independence, and the conservator's statement about whether the appointment of the conservator is the least restrictive means of intervention for managing the conserved person's needs. The duties, responsibilities, and authority assigned pursuant to C.G.S. section 45a-650, as amended shall be carried out within the resources available to the conserved person, either through his or her own estate or through private or public assistance.

NOTE: The court should inform the conservator of the duty to report at the time of appointment.

The conservator of the person **shall not have** the power or authority to commit the conserved person to any institution for treatment of the mentally ill, except under the provisions listed in C.G.S. section 45a-656(d), as amended.

Voluntary Commitment of a Conserved person under Conservatorship. C.G.S. section 17a-506 allows a conserved person to admit himself/herself to a hospital for psychiatric disabilities on a voluntary basis. Notice of such an admission must be given to the probate court that appointed the conservator and to the conservator. The Probate Court must appoint a psychiatrist to examine the patient within 10 business days after receipt of the notice from the hospital. If the court concludes that the patient did not give informed consent, the court may proceed on its own motion with a commitment under C.G.S. section 17a-498.

Protective Services Program for the Elderly – C.G.S. sections 17b-450 through 17b-461; Connecticut State Agency Regulations, sections 17b-461-1 through 17b-461-9.

The following is an outline of the procedures involved for a person who is in need of protective services:

- 1) As required by law, enumerated person(s) report instances of abuse, neglect, exploitation, or abandonment of an elderly person to the Commissioner of Social Services or the Commissioner's designee within 72 hours. [C.G.S. section 17b-451(a)].
- 2) The Department will investigate the report. The investigation will include a visit to the elderly person, unless the elderly person or his caretaker denies access for such a visit. The Department will also consult with others who may have additional knowledge of the situation or who may have special expertise. Based on the personal visit(s) and/or consultations, the Department is required to make written findings about the report of abuse, neglect, exploitation, or abandonment, including verification of the elderly person's age. [C.G.S. section 17b-452 and Connecticut State Agency Regulations 17b-461-4.]
- 3) If an elderly person (60 years of age or older) is found to be in need of protective services and consents, but the caretaker of the person interferes, the Commissioner of Social Services may seek an injunction against the caretaker in either probate court or superior court [C.G.S. section 17a-453(b)].
- 4) If the person found to need protective services refuses consent or is incapable of giving consent, then the Department of Social Services may petition the probate court for the appointment of a conservator of the **person**. **NOTE:** In the event that the hearing is held in the probate court, the court must appoint an attorney to represent the elderly person. [C.G.S. section 17a-456.]
- 5) The Commissioner of Social Services must initiate a review of each case within 90 days of the original authorization and reevaluations of each case must be made every 90 days thereafter. [C.G.S. section 17b-458.]

TEMPORARY CONSERVATORSHIP

C.G.S. sections 45a-654 and C.G.S. 45a-644 (Definitions), as amended. In order to appoint a temporary conservator, the court must make three findings "by clear and convincing evidence": 1) the respondent is incapable of managing his or her affairs or incapable of caring for himself or herself, 2) immediate and irreparable harm to the respondent's mental or physical health or financial or legal affairs will result if a conservator is not appointed, and 3) the appointment of a temporary conservator is the "least restrictive means of intervention available to prevent such harm."

NOTE: Under C.G.S. section 45a-667j, the Probate Court has jurisdiction to appoint a temporary conservator if Connecticut is not the respondent's home state or a significant-connection state, if the court determines that the requirements of C.G.S. section 45a-654 are met. Please see p. CONS-2 for further explanation of "home state" and "significant-connection" state.

*PETITION/APPOINTMENT OF TEMPORARY CONSERVATOR, PC-302

The petitioner may be any person deemed by the court to have sufficient interest in the respondent's welfare. This includes the spouse, a relative, and the Commissioner of Social Services (C.G.S. section 45a-654), as amended.

IN THE MATTER OF: (Respondent's name) (**NOTE:** Social security number and date of birth are to be listed on the Confidential Information Sheet for PC-302.)

RESPONDENT'S RESIDENCE ADDRESS RESPONDENT'S DOMICILE ADDRESS PRESENT ADDRESS OF RESPONDENT [if different.]

PETITIONER [Name, address, and telephone number] RELATIONSHIP OF PETITIONER TO RESPONDENT [C.G.S. section 45a-654]

Persons to whom notice should be given: *SPOUSE* [If not the petitioner], *CLOSEST RELATIVES* [If none, so state], and *INTERESTED PARTIES* [Give names, addresses and relationships to respondent.] C.G.S. section 45a-649.

- All persons who should receive notice must be listed with complete addresses and relationship.

THE PETITIONER REPRESENTS that said respondent:

Make sure that the petitioner has completed the statements by checking the appropriate boxes. If a statement marked with an asterisk is checked, make sure that the document referred to is attached.

- Check for jurisdiction.

• **IMPORTANT:** If the petitioner indicates that the respondent HAS NOT been physically present in Connecticut for at least six consecutive months, be sure that form **PC-300A** is attached to the petition.

NOTES: 1) Please see pp. CONS- 37 —43 for procedures to follow if box for psychiatric medication/shock therapy is checked.

2) If the Commissioner of Social Services is the proposed conservator, PC-310, Affidavit/Appointment of Commissioner of Social Services as Conservator, must be attached to the petition.

Immediate and irreparable harm to the mental or physical health or financial or legal affairs of the respondent will result. . .

NOTE: It is important that the petitioner be as specific as possible in describing the reasons that “harm” will result without the appointment of a temporary conservator.

The report signed by a Connecticut-licensed physician who has examined the respondent is attached hereto and made part of this petition . [C.G.S. section 45a-654(b)]

Important Information Regarding the Physician’s Evaluation (PC-370)

• Unless the court waives the medical evidence requirement (see “**NOTE**” below), an appointment of a temporary conservator shall not be made unless a report is filed with the petition , signed by a physician licensed to practice medicine or surgery in this state, stating:

- (1) that the physician has examined the respondent and the date of such examination, which shall not be more than three days prior to the date of presentation to the judge;
- (2) that it is the opinion of the physician that the respondent is incapable of managing his or her affairs or incapable of caring for himself or herself; and
- (3) the reasons for such opinion.

NOTE: The court may waive the medical evidence requirement if the court finds that the evidence is impossible to obtain because of the refusal of the respondent to be examined by a physician. In such a case, the court may not appoint a temporary conservator unless the court finds, by clear and convincing evidence, that:

- (1) the respondent is incapable of managing his or her affairs or incapable of caring for himself or herself, and
- (2) immediate and irreparable harm to the mental or physical health or financial or legal affairs of the respondent will result if a temporary conservator is not appointed.

In any case in which the court waives the requirement of medical evidence, the court shall make a specific finding in any decree issued on the petition stating why medical evidence was not required

Any physician's report filed with the court shall be confidential. The Probate Court shall provide for the disclosure of the medical information required pursuant to the Petition for Temporary Conservatorship to the respondent on the respondent's request, to the respondent's attorney, and to any other party considered appropriate by the court.

THE PETITIONER FURTHER REPRESENTS. . . *Conservator of the Person* *Conservator of the Estate*
Signature of petitioner
Proposed Temporary Conservator(s) [Signature, name, address, and telephone number]

Attorney for the Petitioner

Attorney for the Respondent

***PC-300A, PETITION FOR APPOINTMENT OF CONSERVATOR/SUPPLEMENTAL FORM.** This form is to be filed with PC-302 if the respondent was not physically present in Connecticut for at least six consecutive months immediately before the petition for appointment of a conservator is filed, including any period of temporary absence.

***AFFIDAVIT/APPOINTMENT OF COMMISSIONER OF SOCIAL SERVICES AS CONSERVATOR, PC-310.** If the petitioner is alleging that no suitable person can be found to serve as conservator of the person and/or estate and is requesting that the Commissioner of Social Services be appointed, the affidavit, PC-310, **must** be completed by the petitioner and filed with the petition. The form is designed to assist the probate court and the Commissioner of Social Services in deciding whether the commissioner is an appropriate appointee. C.G.S. section 45a- 651 restricts the Commissioner of Social Services' involvement in conservatorships of the **estate** and/or **person** to cases where:

1. the individual is sixty years of age or older;
2. the **liquid assets** of the conserved person do not exceed \$1,500, excluding burial insurance;
3. **a diligent effort has been made to find a suitable conservator other than the Commissioner, but no other suitable conservator can be found.**
- 4a. the person is found incapable of managing his or her affairs under the provisions of C.G.S.section 45a-644 to 45a-662, inclusive (**Conservatorship of the estate**);
- 4b. the probate court finds that the health or welfare of the person is in jeopardy (**Conservatorship of the person**).

Section (b) of the statute states that the commissioner may delegate any powers, duties, or functions arising from the appointment as conservator of the person and/or estate, to an employee of the Department of Social Services.

The statute also states that the Commissioner shall accept appointment as conservator "within available appropriations." It is clear that the legislative intent in promulgating this program was to provide the availability of the Commissioner of Social Services only in the **most needy** cases, when no other suitable conservator can be found. For this reason, it is necessary for the courts screen to cases carefully so that the commissioner only becomes involved with the most deserving.

Depending on the type of petition, the clerk will do the following:

- If the petition requests appointment of the Commissioner as **conservator of the estate**, a copy of the petition , including the Confidential Information Sheet for PC-302, and the affidavit, PC-310, should be sent directly to:

Ms. Dorian Long, Social Work Services Program Admin. Manager Tel. 860-424-5964
 Department of Social Services, 10th Floor Fax. 860-424-5091
 25 Sigourney St.
 Hartford, CT06106

At present, there are two conservators of the estate who have been appointed by the Commissioner: Elaine Guzman (Tel. 860-424-5247) or Mary Carney (Tel. 860-424-5290), and all calls will be handled through the main office.

- If the petition requests that the Commissioner of Social Services be appointed as **conservator of the person**, the paperwork should be sent to the social work supervisor in the appropriate regional office or suboffice of the Department of Social Services within 5 days of receipt of the petition. The purpose of this time limit is to give the Department adequate time to investigate the matter, including inquiring into efforts made by the petitioner to obtain a suitable conservator other than the Commissioner. (**See the. "Addresses" section for contact information.**) **NOTE:** Also send a copy to Dorian Long at the address above if the person is 60 years of age or older. The Commissioner's designee will plan to attend the hearing, at which time the designee may raise objections to the appointment by citing limitations in the statutes or regulations.
- If the petition is in order:
 - Date-stamp.
 - Entry fee is \$150.00
 - Enter into CMS.
 - Prepare file folder (orange label).

Notice Requirements and Appointment of Attorney

■ IF EX PARTE DECREE HAS NOT BEEN ISSUED:

- Issue notice not less than five (5) days before the hearing.
- The hearing shall be conducted not later than seven (7) days after the petition is filed, excluding Saturdays, Sundays and holidays.

■ IF EX PARTE DECREE HAS BEEN ISSUED:

- Issue notice not more than 48 hours after the ex parte appointment.
- The hearing shall be conducted not later than three (3) days after the ex parte appointment.

NOTE REGARDING EX PARTE ORDER: An ex parte order shall expire not later than three (3) days after the order was issued unless a hearing on the order that commenced before the expiration of the three-day period has been continued for good cause.

Attorney

The court shall appoint counsel for the respondent upon receipt of the petition. C.G.S. section 45a-654, as amended, provides that the attorney must be appointed for the respondent in the manner provided in C.G.S. section 45a-649a.

Guardian Ad Litem

In those cases where the judge believes that an independent investigation should be conducted and reported to the court, the appointment of a guardian ad litem may be considered. The appointment can be made under the provisions of C.G.S. section 45a-132. (Also see Probate Court Rules of Procedure, Rule 13.) This does not eliminate the statutory requirement that counsel be appointed if the respondent is unable to request or obtain counsel.

Note, however, that there are significant limitations on the appointment of a guardian ad litem in a conservatorship matter. First, no appointment of a guardian ad litem may be made prior to a determination by the court that the respondent is incapable. Second, the court must find that the appointment is necessary for a specific purpose, or to answer a specific question. A guardian ad litem may also be appointed if the attorney for the respondent is unable to ascertain the respondent's wishes. Finally, the court must limit the scope and duration of the appointment, directing the guardian ad litem to take only the specific action required, or to answer specific questions. The appointment terminates upon the filing of the guardian ad litem's report, or earlier if ordered by the court.

*APPOINTMENT OF GUARDIAN AD LITEM FOR INTERESTED PARTY, PC-182B

- The guardian ad litem must file a **Report of Court-Appointed Guardian Ad Litem, PC-170B**.

On the form, the guardian ad litem should indicate whether he or she has no objection to the motion before the court or objects to the motion and should list recommendations, if any.

NOTE: A copy of the court's appointment of an attorney and/or GAL must be sent to each party and attorney.

***ORDER OF NOTICE/APPOINTMENT OF TEMPORARY CONSERVATOR, PC-323** (This form is used in **all** temporary conservatorship matters, including proceedings following ex parte appointments.)

Respondent [Name and address]

Respondent's Spouse, if any

Petitioner

Place, Date and Time of Hearing

- Check the first box if a conservator has not been appointed ex parte.
- Check the second box and enter the date of the ex parte decree if a conservator was appointed ex parte.

It is ORDERED that . . .

the respondent (**The service on the respondent shall be "in hand" and shall be made by a state marshal, constable or an indifferent person. IMPORTANT NOTE: See instructions for form PC-330 in the section on involuntary conservatorship.**)

The respondent's spouse (**Service is by personal service unless the spouse is the petitioner. See "NOTE" above.**)

The respondent's attorney.

The petitioner and the petitioner's attorney, if any.

The following parties in interest . . . (**NOTE:** If notice is provided to the next of kin, the **Physician's Evaluation/Conservatorship, PC-370**, shall not be disclosed to the next of kin except by order of the court. See C.G.S. 45a-654(c).

Ex Parte Appointments. Most temporary conservatorships involve a serious, urgent problem. For example, a temporary conservator may be needed in cases involving emergency cancer treatment, emergency amputation, or other emergency medical issues, or in cases where a person's funds are being rapidly depleted. For this reason, judges grant many temporary conservatorships ex parte.

Following the ex parte appointment of a temporary conservator, the court is **required** to schedule a hearing to be held not later than three (3) days after the issuance of the ex parte decree (excluding Saturdays, Sundays, and holidays). The court must give formal notice of the hearing to the respondent not more than 48 hours after the ex parte appointment, excluding Saturdays, Sundays, and holidays. **Service on the respondent shall be in hand and shall be made by a state marshal, constable, or an indifferent person. IMPORTANT NOTE: See instructions for form PC-330 in the section on involuntary conservatorship.** The notice must include a copy of the petition for appointment of a temporary conservator (PC-302), a copy of the physician's report filed with the petition, a copy of the ex parte decree appointing the temporary conservator (PC-363), and information about the date, time, and place of the hearing. The Court must also give notice to the respondent's spouse (**the spouse receives personal service, unless he or she is the petitioner**), the respondent's attorney, the petitioner and the petitioner's attorney, if any, and other parties in interest. **NOTE 1**) If notice is provided to the next of kin, the physician's report shall not be disclosed to the next of kin, except by order of the court.

NOTE 2): An ex parte order shall expire not later than three (3) days after the order was issued, unless a hearing on the order that commenced before the expiration of the three-day period was continued for good cause.

At the hearing, the court shall confirm or revoke the temporary conservator's appointment, or the judge may modify the duties and authority assigned to the temporary conservator at the ex parte hearing. The Court will issue a **Decree After Hearing to Confirm, Revoke, or Modify Ex Parte Appointment of Temporary Conservator, CM-36.**

NOTICE OF HEARING, PC-130

The notice must include a copy of the petition for appointment of a temporary conservator (PC-302), including a copy of the Confidential Information Sheet for PC-302 for state/federal agencies), a copy of the physician's report, a copy of the ex parte decree appointing the temporary conservator (PC-363), and information about the date, time, and place of the hearing. **NOTE:** If notice is provided to the next of kin, the physician's report shall not be disclosed to the next of kin, except by order of the court.

- Prepare Notices of Hearing as directed in the Order of Notice. Suggested wording: "Conservator of person and estate of said alleged incapable person."
- Enter number of notices sent and amount of certified or registered postage.

Prepare for Hearing

- Enter name, type of hearing, date, and time on court calendar or diary book.
- **Make sure that the written report signed by a physician is on file.** It must state that the physician has examined the respondent within the past three days, and he or she finds that the respondent's condition renders him/her incapable of managing his/her affairs or of caring for himself/herself. **Note that this report is confidential.**

Probate Bond

NOTE: If the respondent refuses to be examined, the physician's report requirement may be waived. The judge must state the reason for doing so in the decree.

The Court SHALL require the temporary conservator to give a probate bond. (**NOTE:** C.G.S. section 45a-654 does not distinguish between a temporary conservator of the estate or person in the requirement for a probate bond.)

NOTE: For more information about probate bonds, including procedures for action on a probate bond, please see the "Decedents' Estates/Testate" section of this manual.

***NOTICE FOR LAND RECORDS/APPOINTMENT OF CONSERVATOR, PC-350**

The conservator must record this notice on the land records in each town where the respondent has an interest in real estate. (C.G.S. section 45a-658).

Hearing

NOTE: A hearing must be held in all temporary conservatorship matters. (See section above regarding notice and scheduling requirements.)

The hearing must be recorded. As noted previously, the Probate Court shall make a recording of ALL proceedings held under sections C.G.S. section 45a-644 to 45a-663, inclusive. The recording shall be part of the record and shall be made and retained in a manner approved by the Probate Court Administrator.

Evidence Required:

Unless waived, medical evidence (**Physician's Evaluation/Conservatorship, PC-370**), is required and must be filed with the **Petition /Temporary Conservatorship (PC-302)**. As noted, the physician shall have examined the respondent not more than three (3) days before the date of presentation to the judge.

Witnesses who have personal knowledge of the respondent's condition, including physicians, social workers, family members, etc., may present evidence.

In addition to the medical evidence provided by the petitioner, the court may order the examination of the respondent by a physician, psychiatrist, or psychologist. Those fees will be assessed against the petitioner, respondent, or party requesting the examination. If any party is unable to pay, reasonable compensation will be paid from the Probate Court Administration Fund. (C.G.S. section 45a-132a and Sec. 19, Probate Court Administrator's Regulations)

Appointment of Temporary Conservator – Findings

The Court may appoint a temporary conservator if the court finds by **clear and convincing evidence** that:

- (1) The respondent is incapable of managing his or her affairs or incapable of caring for himself or herself,
- (2) immediate and irreparable harm to the mental or physical health or financial or legal affairs of the respondent will result if a temporary conservator is not appointed, and
- (3) the appointment of a temporary conservator is the least restrictive means of intervention available to prevent such harm.

The Court shall make specific findings and shall consider:

- the present and previously expressed wishes of the respondent,
- the abilities of the respondent,
- any prior appointment of an attorney-in-fact, health care representative, trustee or other fiduciary acting on behalf of the respondent,
- any support service otherwise available to the respondent and any other relevant evidence.

***DECREE/APPOINTMENT OF TEMPORARY CONSERVATOR, PC-363**

NOTE: If a hearing was held ex parte, the court will already have issued PC- 363. The decree to be used for the subsequent hearing to confirm or revoke the temporary conservatorship is CM-36, Decree After Hearing to Confirm, Revoke, or Modify Ex Parte Appointment of Temporary Conservator.

–Check to make sure that the proper boxes have been checked.

–Bond is required of both the conservator of the estate and person.

■The court shall set forth each duty or authority of the temporary conservator on the decree.

- Make copies of decree and impress the court seal. Send to interested parties including the conserved person, conservator, petitioner, attorney, and guardian ad litem, if any.

● **WITHIN ONE BUSINESS DAY**, use the “Send to NICS” feature in CMS to electronically transmit the conserved person’s name, social security number, date of birth, and gender, along with the date of appointment to the National Instant Criminal Background Check System (NICS). NICS is a national computer database listing persons disqualified from owning firearms.

● Prepare **Fiduciary's Probate Certificate, PC-450C** for Conservator of the Estate and/or Person).

● If applicable, prepare **Notice for Land Records/App’t of Conservator, PC-350**. Bill the petitioner or attorney for notices, fiduciary certificates, copies, recording fees, etc.

● Give the conservator a copy of *User Guide for Conservators* AND the **Conservator's Report, PC-371**, at the hearing. Explain that the report must be submitted to the court upon termination of the conservatorship.

Appointment of Commissioner of Social Services as Conservator:

Under C.G.S. section 45a-651, the Commissioner of Social Services or his or her designee may be appointed as temporary conservator. (For prerequisites, see instructions for PC-310 in this section. Also see the discussion of the commissioner’s appointment under the same heading in the section for involuntary conservatorship.)

Length of Appointment

■ As noted above, an ex parte order shall expire not later than three (3) days after the order was issued unless a hearing on the order that commenced prior to the expiration of the three-day period has been continued for good cause.

■ The appointment of a temporary conservator shall not be valid for more than 30 days, unless a petition for involuntary conservatorship is filed while the temporary conservatorship is in effect. If such a petition is filed, the court may extend the appointment of the temporary conservator until the disposition of the petition for involuntary conservatorship or for an additional 30 days, whichever occurs first. In addition, the court may terminate the appointment of a temporary conservator if it can be shown that the circumstances that led to the petition for appointment no longer exist. **No appointment of a temporary conservator may be in effect for more than 60 days from the date of the initial appointment.**

Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) PC-302, Petition /Appointment of Temporary Conservator
- 2) PC-300A, Petition /Appointment of Conservator/Supplemental Form, if applicable
- 3) PC-310, Affidavit/Appointment of Commissioner of Social Services as Conservator
- 4) PC-323, Order of Notice/Appointment of Temporary Conservator
- 5) PC-182A, Appointment of Attorney for Interested Party
- 6) PC-182B, Appointment of Guardian Ad Litem for Interested Party
- 7) PC-182A, Appointment of Representative for Interested Party
- 8) PC-170A/PC-170B, Reports of Attorney and Guardian Ad Litem, unless privileged information is contained therein.
- 9) PC-363, Decree/Appointment of Temporary Conservator
- 10) CM-36, Decree After Hearing to Confirm, Revoke, or Modify Ex Parte Appointment of Temporary Conservator (if applicable)
- 11) PC-370, Physician’s Evaluation/Conservatorship – **NOTE:** PC-370, must be microfilmed as confidential.
- 12) PC-371, Conservator’s Report

● Place in proper order. Check signatures. Scan. **NOTE:** The date when the original document is scanned shall be indicated on the document.

Microfilming – Upon receipt of a CD or DVD of the court’s records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Placement in an Institution for Long-Term Care/Change of Residence/Termination of Tenancy or Lease/Sale or Disposal of Household Furnishings. (C.G.S. section 45a-656b) See p. CONS- 35 for the procedure to be followed if the conservator seeks permission to: 1) place the conserved person in an institution for long-term care., 2) change the conserved person's residence, 3) terminate the conserved person's tenancy or lease, or 4) sell or dispose of the conserved person's household furnishings.

Termination of Temporary Conservatorship

Upon the termination of the temporary conservatorship, the temporary conservator shall file a written report, PC-371, with the court and, if applicable, a final accounting, PC-441, as directed by the court, of his or her actions as temporary conservator.

Use Certificate for Surety, PC-451, to release a corporate surety bond. Send the original to the surety company and retain a copy.

Effects of Appointment of a Conservator – Please see this heading in the involuntary conservatorship section for important information.

Important Information about Spousal Allowances/Support in Conservatorships

C.G.S. section 17b-261b sets forth these requirements:

- 1) Anyone who files a petition for a spousal allowance in accordance with C.G.S. section 45a-655 (voluntary, involuntary, or temporary conservatorship proceeding) must certify to the probate court that a copy of the petition and accompanying documents have been sent to the Commissioner of Social Services.
- 2) The probate court must then give the Commissioner **15 business days' notice of the hearing**. The Commissioner (or his designee) will have the right to appear at the hearing and present the Commissioner's position on the petition, either in person or in writing. [**NOTE:** The Commissioner has designated resources supervisors in the regional and sub-offices to receive notice. Please see p. "Addresses-17" for contact information.]
- 3) Any final order of the probate court on a petition for spousal allowance must be sent to the Commissioner within **seven business days** of the order, which must be consistent with state and federal law.

Determination of Competency to Vote for Persons under Conservatorship

C.G.S. section 45a-703

The law requires administrators of institutions* for the care of the elderly to provide written notice about opportunities for voter registration or voting in a primary, referendum, or election to conservators who have been appointed to handle the affairs of residents. The law states that "voter registration" or a "voting opportunity" includes, but is not limited to, the solicitation or completion of: 1) an petition for admission as an elector, or 2) an absentee ballot, whether or not supervised absentee ballot voting will take place at the institution. The administrator must provide the written notice at least seven (7) days in advance of the voter registration or voting opportunity, and the notice must state that the resident is entitled to vote or register to vote unless certain conditions exist, one of which is that the probate court has found the resident to be incompetent to vote or register to vote.

*The types of institutions are defined in C.G.S. section 9-159q: veterans' health care facilities, residential care homes, health care facilities for the handicapped, nursing homes, rest homes, mental health facilities, alcohol or drug treatment facilities, or infirmaries operated by educational institutions for the care of students, faculty, and employees. C.G.S. section 45a-703 allows a conservator to file an petition in the probate court to determine a person's competency to vote in a primary, referendum, or election. The probate court must hold a hearing on the petition within 15 days of the filing date.

Petition by Conservator of the Person

FORM: CM- 64, Petition Re: Voting Competency/Conservatorship

- Date-stamp petition .
- Enter in into CMS.
- Entry fee is \$150.00.

Notice

Notice should be sent to the parties listed on the petition : the conserved person, the conserved person's spouse, the conserved person's attorney, the conservator, close relatives, and any other interested parties, as defined in the Probate Court Rules of Proce-

dure, Rule 8. The facility should also receive notice.

Appointment of Counsel

C.G.S. section 45a-649(d) discusses the need for an attorney in conservatorship proceedings. If a conserved person is UNABLE TO REQUEST OR OBTAIN COUNSEL, the court MUST appoint an attorney to represent the conserved person. If the conserved person is unable to pay for the attorney, the Probate Court Administration Fund will pay. Please provide the attorney with a CO-17 form and schedule of payments. Please see the involuntary conservatorship section for further information, including instructions for completing form PC-182, Appointment of Representative for Interested Party and important information about the conserved person's choice of attorney.

Examination by Physician or Other Professional

■ The court may order the examination of the conserved person by a physician, psychiatrist or psychologist pursuant to C.G.S. section 45a-132a. Please note, however, that the conserved person has the right to refuse to undergo an examination.

Fees will be assessed as specified in the statute. If any party is unable to pay, reasonable compensation will be paid from the Probate Court Administration Fund. (C.G.S. section 45a-132a and Sec. 19, Probate Court Administrator's Regulations.)

Hearing

Hearing Date. The hearing must be held not more than 15 days after receipt of the petition.

Alternative Arrangements for the Place of Hearing.

It is important that the judge see the conserved person in order to make a proper determination about his or her competence to vote. Upon notification to the court that the conserved person wishes to attend the hearing, but he or she is unable to attend, the hearing may be held at a place that would facilitate the conserved person's attendance.

Evidence:

- Evidence may be given by witnesses who have personal knowledge of the conserved person's condition, including physicians, social workers, family members, and acquaintances.
- Written report, if an examination was conducted by a physician, psychiatrist, or psychologist.

DECREE: CM-65, Decree Re: Voting Competency/Conservatorship

Scanning/Microfilming

- **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.
- Place all documents in proper order. Check signatures. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Change of Residence/Placement in an Institution for Long-Term Care/Reporting Requirements/Hearing on Report and Placement

C.G.S. section 45a- 656b requires the conservator to have permission from the Probate Court before terminating a conserved person's tenancy or lease or before selling or disposing of any real property or household furnishings owned by the conserved person. **An "institution for long-term care" is defined as a facility that has been "federally certified as a skilled nursing facility or intermediate care facility, a residential care home, an extended care facility, a nursing home, a rest home, and a rehabilitation hospital or facility."*

Requirements for Placement in an Institution for Long-Term Care/Termination of Tenancy or Lease/Change of Residence/Sale or Disposal of Household Furnishings

JURISDICTION: 1) If the conservator determines that the conserved person needs to be placed in an institution for long-term care, he shall file a report of the intended placement in an institution for long-term care with the Probate Court that made the appointment.

2) If the conservator determines that the conserved person's tenancy or lease should be terminated or that his or her residence should be changed or that his or her household furnishings should be disposed of, he shall file a petition with the Probate Court that made the appointment.

NOTE: See section entitled "Special Circumstances" and subheading "Petition to Sell or Mortgage Real Property, PC-400" for procedure for sale or disposal of real property.

*REPORT FORM: PC-371A, Conservator's Report/Placement or Request for Hearing on Placement

- Date-stamp report form, which is the equivalent of an petition in this proceeding.
- Enter into CMS.
- Entry fee is \$150.00.

The report contains a special notice to the conserved person stating that he or she may request a hearing on placement in an institution for long-term care at any time.

The report must state the basis for the conservator's decision about the placement. In the case of placement in an institution for long-term care, the conservator must also state the community resources that are available and were considered to avoid the placement, and the reasons why the conserved person's physical, mental, and psychosocial needs cannot be met in a less restrictive and more integrated setting. Community resources to be considered include area agencies on aging, the Department of Social Services, the Office of Protection and Advocacy for Persons with Disabilities, the Department of Mental Health and Addiction Services, the Department of Developmental Services, independent living centers, residential care homes, and congregate or subsidized housing.

FILING REQUIREMENTS FOR PLACEMENT: The report is to be filed before placement in an institution for long-term care can be made. However, there is an exception for placement in an institution for long-term care, as outlined below.

If the placement will be made because of the conserved person's discharge from a hospital, **the conservator may make the placement before filing the report, provided the conservator:**

- 1) files the report not later than five days after making such placement and
- 2) includes in the report a statement as to the hospital discharge and related circumstances requiring the placement of the conserved person in the institution for long-term care.

No such placement made before the filing of the conservator's report shall continue unless ordered by the Probate Court after a hearing.

Notice of Placement in an Institution for Long-Term Care

The conservator must give notice of the placement and a copy of the report to the conserved person, the conserved person's attorney, and any other interested parties as the court determines. Service shall be made by first class mail. The conservator shall provide a certification to the court that service was made by first class mail. Form PC-371A contains the required certification section.

*PC-303, Petition to Terminate Tenancy or Lease/Change Residence/Sell or Dispose of Household Furnishings of

Conserved Person (NEW 10/08)

- Date-stamp the petition .
- Enter into CMS.
- Entry fee is \$150.00.

Hearing on the Report/Petition

• **Any hearing must be recorded.** As noted previously, the Probate Court shall make a recording of ALL proceedings held under sections C.G.S. section 45a-644 to 45a-663, inclusive. The recording shall be part of the record and shall be made and retained in a manner approved by the Probate Court Administrator.

1) Hearing on Placement in an Institution for Long-Term Care. The court is required to hold a hearing on the report. The hearing shall be held not less than five (5) days after it is filed, excluding Saturdays, Sundays, and holidays, and not less than 72 hours before the placement in the institution for long-term care or the change of residence.

Exception: In the case of placement in an institution for long-term care following hospital discharge, the conservator may make the placement before filing the report, as described above. The hearing shall be held not less than five (5) days after the report is filed, excluding Saturdays, Sundays, and holidays.

2) Hearing on Termination of Tenancy or Lease/Change of Residence/Sale or Disposal of Household Furnishings.

The hearing must be held within 30 days of the filing of the petition.

NOTICE PROCEDURE: Send notice to the conserved person and any other interested parties, as determined by the court.

NOTE: A conserved person may waive the right to a hearing if his or her attorney has consulted with the conserved person and the attorney has filed with the court a record of the waiver. Such a waiver shall be invalid if the waiver does not represent the conserved person's own wishes.

***DECREE: PC-364, DECREE RE CONSERVED PERSON'S PLACEMENT OR RESIDENCE/CONSERVATORSHIP**

NOTE: With respect to the hearing for termination of tenancy or lease, sale or disposal of household furnishings, sale of real property, or change in residency, the court must find, after hearing, that such termination, sale, disposal, or change is necessary or that the conserved person agrees to such action.

Scanning/Microfilming

- Scanning Preparation: Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.
- Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Subsequent Hearings on Placement of a Conserved Person in an Institution for Long-Term Care

Following the initial hearing on placement, the conserved person may, at any time, request a hearing by the court on his or her placement in an institution for long-term care in order to determine the availability of a less restrictive alternative for his or her placement. The Court shall hold such hearing not later than 10 days (excluding Saturdays, Sundays and holidays) after receipt of such request. The Court **shall not be required** to conduct these hearings more than three (3) times in any twelve-month period following the initial hearing, except that the court shall conduct a hearing whenever information not previously available to the court is submitted with a request for a hearing. In addition, after the initial hearing, the court may hold a hearing on a conservator's report and the placement of the conserved person in an institution for long-term care even if no request for a hearing is made. If, after a hearing on the placement of the conserved person in an institution for long-term care, the court determines that the conserved person's physical, mental, and psychosocial needs can be met in a less restrictive and more integrated setting within the resources available to the conserved person, either through the conserved person's own estate or private or public assistance, the court shall order that the conserved person be placed and maintained in a less restrictive and more integrated setting.

Registration and Enforcement of Out-of-State Conservatorships

C.G.S. section 45a-667r allows a conservator appointed in another state to register the conservatorship order in Connecticut by filing certified copies of the order and any bond as a foreign judgment in the Probate Court for the district where the conserved person resides, is domiciled or is located at the time of filing. The act requires each Probate Court to maintain a public registry of out-of-state conservatorship orders.

Once registered, a conservator from another state may exercise in Connecticut all powers authorized in the order of appointment, except as prohibited by Connecticut law.

The registration of a conservatorship of the person lapses 120 days after registration, but the court may extend the registration for an additional 120 days for good cause.

Forms:

Request to Register Out-of-State Conservatorship, PC-306

- Date-stamp request form, which is the equivalent of an petition in this proceeding.
- Enter into CMS.
- Confirm that a certified copy of the decree of appointment of conservator of the person and/or estate is attached. In the case of a conservatorship of the estate, certified copies of any bond from the other probate court must also be attached.
- Entry fee is \$150.00.

Notice of Registration of Out-of-State Conservatorship, PC-335

- The Probate Court will complete this notice and send it to the conservator(s).

Notice of Intent to Register [Connecticut] Conservatorship in Other State, PC-334

- This is strictly a notice form. No action is necessary on the part of the Probate Court, other than mailing a copy to all interested parties.

Scanning/Microfilming

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- Place all documents in proper order. Check signatures. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Consent to Psychiatric Medication for Patient with Psychiatric Disabilities

C.G.S. section 17a-543(e)(A)(1). "If it is determined by the head of the hospital and two qualified physicians that a patient is **incapable of giving informed consent to medication for the treatment of the patient's psychiatric disabilities**, and such medication is deemed to be necessary for the patient's treatment, a facility. . . may apply to the Probate Court for appointment of a conservator of the person with specific authority to consent to the administration of medication, or, in a case where a conservator of the person has previously been appointed under section 45a-650, the facility or the conservator may petition the Probate Court to grant such specific authority to the conservator. The Probate Court may appoint a conservator with such specific authority. . . if the court finds by clear and convincing evidence that the patient is incapable of giving informed consent to medication for the treatment of the patient's psychiatric disability and such medication is necessary for the patient's treatment."

Important information about guardians ad litem. The court cannot appoint a guardian ad litem (GAL) before a determi-

nation is made that the patient is incapable of giving informed consent to medication. C.G.S. section 45a-132. See pp. CONS-4 and 5 for more information.

JURISDICTION: 1) Location of facility

OR

2) The court having jurisdiction over a conservatorship already in place

APPLICANT: 1) Facility C.G.S. section 17a-540(a)

OR

2) Conservator of the person previously appointed under C.G.S. section 45a-650, as amended

1) PETITION by FACILITY

Forms to be used: **CM-42, Petition for Authority Re: Consent to Psychiatric Medication Treatment for Patient with Psychiatric Disabilities**, AND the court decree evidencing the appointment of a conservator of the person: either **Decree/Appointment of Conservator, PC-360**, OR **Decree/Appointment of Temporary Conservator, PC-363***

OR, if a conservator was not previously appointed, simultaneously submit an **Petition for Appointment of Conservator, PC-300**, OR **Petition /Temporary Conservator*, PC-302**, with CM-42.

The applicant must also submit supporting documentation from the head of the facility and two qualified physicians.

NOTICE PROCEDURE: If the petitioner is simultaneously requesting appointment of conservator, use the procedures described in CONS-1 et. seq. If a conservator has already been appointed, the notice should be sent to the respondent, the respondent's attorney, the conservator, and the facility.

APPOINTMENT OF COUNSEL: C.G.S. section 45a-649(b), as amended, provides that if the respondent is UNABLE TO REQUEST OR OBTAIN COUNSEL, the court MUST appoint an attorney to represent the respondent. If the respondent is unable to pay for the attorney, the Probate Court Administration Fund will pay. Please provide the attorney with a CO-17 form and schedule of payments.

- Date-stamp petition.
- Enter into CMS.
- Prepare file folder with orange label.
- Entry Fee is \$150.00

HEARING: The Court may appoint a conservator with specific authority to consent to medication for the treatment of the patient's psychiatric disabilities if the court finds by **clear and convincing evidence** that the patient is incapable of giving informed consent to the medication and such medication is necessary for the patient's treatment.

DECREE: PC-360, Decree/Appointment of Conservator, OR PC-363, Decree, Appointment of Temporary Conservator*, AND **CM-43, Decree Authorizing Consent Re: Psychiatric Medication for Patient with Psychiatric Disabilities**, CM-43 authorizes the conservator to consent or refuse to consent to the administration of medication for psychiatric disabilities.

NOTE: If, for the purpose of the procedure under C.G.S. section 17a-543(e), PC-300 or PC-302 is accompanied by CM-42, **CONFIDENTIALITY MUST BE OBSERVED IN PROCESSING PC-300 or PC-302**, i.e., scanning/microfilming as confidential and sealing the original file.

2) PETITION by CONSERVATOR OF THE PERSON

FORM: CM-42, Petition for Authority Re: Consent to Psychiatric Medication Treatment for Patient with Psychiatric Disabilities, along with supporting documentation from the head of the facility and two qualified physicians.

- Date-stamp petition.
- Enter in CMS.
- Prepare file folder with orange label. (The file will be sealed at the end of the proceedings.)

- Entry fee is \$150.00.

NOTICE: Notice should be sent to the respondent, the respondent's attorney, the conservator, and the facility.

APPOINTMENT OF COUNSEL: C.G.S. section 45a-649(b), as amended, provides that if the respondent is UNABLE TO REQUEST OR OBTAIN COUNSEL, the court MUST appoint an attorney to represent the respondent. If the respondent is unable to pay for the attorney, the Probate Court Administration Fund will pay. Please provide the attorney with a CO-17 form and schedule of payments.

DECREE: CM-43, Decree Authorizing Consent Re: Psychiatric Medication for Patient with Psychiatric Disabilities. CM-43 authorizes the conservator to consent or refuse to consent to the administration of medication for psychiatric disabilities.

ALL RECORDS AND PROCEEDINGS ARE CONFIDENTIAL.

Prepare Documents and Scan/Microfilm

• **Scanning Preparation:** Scan/microfilm all required documents as **CONFIDENTIAL** in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

• Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

• Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

*It appears that C.G.S. section 17a-543(e)(1) permits a temporary conservator to authorize inpatient and outpatient psychiatric medication treatment for persons with psychiatric disabilities.

Consent to Psychiatric Medication for Non-consenting Patient with Psychiatric Disabilities

C.G.S. section 17a-543(f)(1).

"(f)(1) If it is determined by the head of the hospital and two qualified physicians that (A) a patient is **capable of giving informed consent but refuses to consent** to medication for treatment of the patient's psychiatric disabilities, (B) there is no less intrusive beneficial treatment, and (C) without medication, the psychiatric disabilities with which the patient has been diagnosed will continue unabated and place the patient or others in direct threat of harm, the facility may . . . apply to the Probate Court to authorize the administration to the patient of medication for the treatment of the patient's psychiatric disabilities, despite the refusal of the patient to consent to such medication. The Probate Court may authorize the administration of medication to the patient . . . if the court finds by clear and convincing evidence that (i) the patient is capable of giving informed consent but refuses to consent to medication for treatment of the patient's psychiatric disabilities, (ii) there is no less intrusive beneficial treatment, and (iii) without medication, the psychiatric disabilities with which the patient has been diagnosed will continue unabated and place the patient or others in direct threat of harm."

NOTE: Jurisdiction, applicants, conservatorship forms to be used, indexing, and notice are the same as outlined for the procedure under C.G.S. section 17a-543(e) on the previous pages.

HEARING: As stated above, the court may authorize the administration of medication for the treatment of the patient's psychiatric disabilities if the court finds by **clear and convincing evidence** that "(i) the patient is capable of giving informed consent but refuses to consent to medication for treatment of the patient's psychiatric disabilities, (ii) there is no less intrusive beneficial treatment, and (iii) without medication, the psychiatric disabilities with which the patient has been diagnosed will continue unabated and place the patient or others in direct threat of harm."

Forms to be used:

PETITION : CM-46, Petition for an Order Authorizing Psychiatric Medication Treatment for Nonconsenting Patient with Psychiatric Disabilities/C.G.S. sections 17a-543(f) and 54-56d

DECREE: CM-47, Decree/Re Petition for an Order Authorizing Psychiatric Medication Treatment for Nonconsenting Patient with Psychiatric Disabilities/ C.G.S. sections 17a-543 (f) and 54-56d

NOTE:As provided in C.G.S. section 17a-543, the court may extend the authority of the conservator to consent to treatment for patients continuously hospitalized beyond the 120-day period:

...if the head of the hospital and two qualified physicians determine that the patient continues to be incapable of giving informed consent to medication for the treatment of the patient's psychiatric disabilities and such medication is deemed to be necessary for the patient's treatment, the authority of the conservator to consent to the administration of medication may be extended for a period not to exceed one hundred twenty days by order of the Probate Court without a hearing upon petition by the head of the hospital...

Any requests for an extension of time should be manuscripted. **ALL RECORDS AND PROCEEDINGS ARE CONFIDENTIAL.**

Scanning/Microfilming

- Place all documents in proper order. Check signatures. Scan/microfilm as **CONFIDENTIAL** in accordance with Probate Regulations, Section 10. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Consent to Psychiatric Medication for Patient with Psychiatric Disabilities who is a Defendant Placed in the Custody of the Commissioner of Mental Health and Addiction Services pursuant to C.G.S. section 54-56d (Patient is Incapable of Giving Informed Consent) and Petition for Special Limited Conservator

C.G.S. section 17a-543a (a)(1)(A)

"If it is determined by the head of the hospital and two qualified physicians that a patient who is a defendant placed in the custody of the Commissioner of Mental Health and Addiction Services pursuant to C.G.S. section 54-56d is incapable of giving informed consent to medication for the treatment of the patient's psychiatric disabilities, and such medication is deemed to be necessary for the patient's treatment, the facility in which the patient is placed may petition the probate court for the district in which such facility is located for appointment of a special limited conservator with specific authority to consent to the administration of medication, provided an employee of such facility shall not be appointed or serve as the special limited conservator."

NOTE: The Department of Mental Health and Addiction Services will maintain the list of special limited conservators. As set forth in the public act, he or she will be "a licensed health care provider with specialized training in the treatment of persons with psychiatric disabilities appointed by a judge of the Probate Court with specific authority to consent to the administration of medication to a defendant during the pendency of such defendant's placement in the custody of the Commissioner of Mental Health and Addiction Services. . . . Upon the termination of the patient's placement in the custody of the commissioner. . . the special limited conservatorship shall automatically terminate."

JURISDICTION: Location of facility

APPLICANT: Facility

Forms to be used:

CM-42A, Petition for Appointment of a Special Limited Conservator and For Authority Re: Consent to Psychiatric

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Medication Treatment for Patient with Psychiatric Disabilities

NOTE: The facility must also submit supporting documentation from the head of the facility and the two qualified physicians.

CM-43A, Decree/Appointment of Special Limited Conservator and Order RE Psychiatric Medication Treatment for Person with Psychiatric Disabilities

NOTICE PROCEDURE: The provisions of C.G.S. section 45a-649 concerning issuance of a citation and notice and personal service apply. Therefore, use the procedures described in CONS-1 et. seq. Note, however, that the statute only requires the issuance of a citation and notice to the patient, the patient's attorney, and any conservator appointed for the patient. In addition, the court may order notice as it directs to other persons having an interest in the patient and to those persons whom the patient wishes to notify.

APPOINTMENT OF COUNSEL: The provisions of C.G.S. section 45a-649 and C.G.S. section 45a-649a apply. C.G.S. section 45a-649(b) provides that if the respondent is UNABLE TO REQUEST OR OBTAIN COUNSEL, the court MUST appoint an attorney to represent the respondent. If the respondent is unable to pay for the attorney, the Probate Court Administration Fund will pay. Please provide the attorney with a CO-17 form and schedule of payments.

- Date-stamp petition .
- Enter into CMS.
- Prepare file folder with orange label.
- Entry Fee is \$150.00

Appointment of a Special Limited Conservator/Administration of Medication

The Probate Court may appoint a special limited conservator with specific authority to consent to the administration of medication for the treatment of the patient's psychiatric disabilities if the court finds by **clear and convincing evidence** that the patient is incapable of giving informed consent to medication for the treatment of the patient's psychiatric disabilities and such medication is necessary for the patient's treatment.

The Probate Court may also grant the special limited conservator specific authority to consent to the release of the patient's medical records to the facility where the patient has been placed if the court finds by clear and convincing evidence that the patient is unwilling or unable to release such records and such records are necessary to make decisions concerning the patient's treatment.

Duties of a Special Limited Conservator

If appointed, the special limited conservator shall "meet with the patient and the physician, review the patient's written record and consider the risks and benefits from the medication, the likelihood and seriousness of adverse side effects, the preferences of the patient, the patient's religious views, and the prognosis with and without medication." After considering all of this information, the special limited conservator will either consent to the patient receiving medication for treatment of psychiatric disabilities or refuse to give such consent.

Authority of a Special Limited Conservator to Consent to the Administration of Medication

If the special limited conservator consents to the administration of medication, his or her authority shall be effective for no more than 120 days. However, the Probate Court may extend the special limited conservator's authority if certain conditions are met, as explained below.

- 1) There must be continuous hospitalization of the patient beyond the 120-day limit.
 - 2) The head of the hospital and two qualified physicians must determine that the patient is still incapable of giving informed consent to medication for his psychiatric disabilities, and they must decide that the medication is necessary for the patient's treatment.
- If these two conditions are met, the head of the hospital may apply to the Probate Court for an extension of the special limited conservator's authority for another 120-day period. A hearing is not required. "Prompt notice" of the order shall be given to the patient, special limited conservator, and the facility. Any request for an extension of time should be manuscripted.

Compensation of a Special Limited Conservator

The reasonable compensation for a special limited conservator shall be established by the Probate Court Administrator and paid from the Probate Court Administration Fund. See Regulation 16A for payment information.

ALL RECORDS AND PROCEEDINGS ARE CONFIDENTIAL.

Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents as **CONFIDENTIAL** in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Consent to Psychiatric Medication for Patient with Psychiatric Disabilities who is a Defendant Placed in the Custody of the Commissioner of Mental Health and Addiction Services pursuant to C.G.S. section 54-56d (Patient is Capable of Giving Informed Consent but Refuses to Consent)

C.G.S. section 17a-543a (b)(1)

"If it is determined by the head of the hospital and two qualified physicians that (A) a patient who is a defendant placed in the custody of the Commissioner of Mental Health and Addiction Services pursuant to C.G.S. section 54-56d... is capable of giving informed consent but refuses to consent to medication for treatment of the patient's psychiatric disabilities, (B) there is no less intrusive beneficial treatment, and (C) without medication, the psychiatric disabilities with which the patient has been diagnosed will continue unabated and place the patient or others in direct threat of harm, the facility in which the patient is placed may petition the probate court for the district in which such facility is located to authorize the administration to the patient of medication for the treatment of the patient's psychiatric disabilities, despite the refusal of the patient to consent to such medication."

JURISDICTION: Location of facility

APPLICANT: Facility

Forms to be used: PETITION :CM-46, Petition for an Order Authorizing Psychiatric Medication Treatment for Nonconsenting Patient with Psychiatric Disabilities, C.G.S. sections 17a-543 (f) and 54-56d

DECREE:CM-47, Decree/Re Petition for an Order Authorizing Psychiatric Medication Treatment for Nonconsenting Patient with Psychiatric Disabilities, C.G.S. sections 17a-543 (f) or 54-56d

NOTES: 1) The facility must also submit supporting documentation from the head of the facility and the two qualified physicians.
2) The procedures for notice and appointment of counsel are the same as those outlined for on the previous pages.

Authorization of Medication

The Probate Court may authorize the administration of medication to the patient if the court finds by **clear and convincing evidence** that (1) the patient is capable of giving informed consent but refuses to consent to medication for treatment of the patient's psychiatric disabilities, (2) there is no less intrusive beneficial treatment, and (3) without medication, the psychiatric disabilities with which the patient has been diagnosed will continue unabated and place the patient or others in direct threat of harm.

Extension of Probate Court Order Beyond 120 Days

The Probate Court order authorizing the administration of medication shall be effective for no more than 120 days. However, as provided in C.G.S. section 17a-543a (b)(2), the court may extend the order beyond the 120-day period if certain conditions are met, as explained below. "Prompt notice" of the order shall be given to the patient and the facility. Any request for an extension of time should be manuscripted.

... In the case of continuous hospitalization of the patient beyond such one hundred twenty days, if the head of the hospital and two qualified physicians determine that (A) the patient continues to be capable of giving informed consent but refuses to consent to medication for treatment of such patient's psychiatric disabilities, (B) there is no less intrusive beneficial treatment, and (C) without medication, the psychiatric disabilities with which the patient has been diagnosed will continue unabated and place the patient or others in direct threat of harm, the order may be extended for a period not to exceed one hundred twenty days by order of the Probate Court without a hearing....

ALL RECORDS AND PROCEEDINGS ARE CONFIDENTIAL.

Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents as **CONFIDENTIAL** in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Shock Therapy

Please see the "COMMITMENT" section of this manual.

Notice of Request for Written Report (Conservator Version 1)

Date:

Case No.

RE: In the matter of: _____, the conserved person

Dear Conservator:

The probate court is required to periodically review each conservatorship to determine the appropriateness of continuing, modifying, or terminating the conservatorship. As conservator for the above-named conserved person, you are required to submit a written report to the court not more than 45 days after the date of this request. (See "DUE DATE" below.) A copy of the Conservator's Report (form PC-371), which you are to complete and submit to the court, is enclosed.

In addition, the conserved person's physician must file a report, OR, if the respondent is a person with intellectual disability as defined in section 1-1g, a licensed psychologist may submit a written report in lieu of a physician. The conserved person's attorney will receive copies of the two reports and must respond to the court within 30 days of receipt of said reports.

The court will review the written reports and determine if a hearing is necessary. The court may, in its discretion, hold a hearing on the status of the conserved person at any time.

Please note that the court must hold a hearing within 30 days if the conserved person, the conservator, or the attorney requests one. Therefore, if you wish such a hearing to be held, include a written request with your report.

If you have questions, please contact the court. Thank you for your cooperation.

Sincerely,

Judge of Probate

DUE DATE:

Notice of Request for Written Report (Conservator Version 2 – Combined)

Date:

Case No.

RE: In the matter of: _____, the conserved person

Dear Conservator:

The probate court is required to periodically review each conservatorship to determine the appropriateness of continuing, modifying, or terminating the conservatorship. As conservator for the above-named conserved person, you are required to submit a written report to the court not more than 45 days after the date of this request. (See "DUE DATE" below.) A copy of the Conservator's Report (form PC-371), which you are to complete and submit to the court, is enclosed. Please be sure to complete the form in full, including the section about reviews.

In addition, the conserved person's physician must file a report, OR, if the respondent is a person with intellectual disability as defined in section 1-1g, a licensed psychologist may submit a written report in lieu of a physician. Enclosed is a letter that you are to give to the physician OR the psychologist and a Physician's Evaluation/Conservatorship form (PC-370) OR, as the case may be, a Psychologist's Evaluation/Conservatorship of Person with Intellectual Disability, PC-372. Please have the conserved person examined by the physician or psychologist, and return the applicable evaluation form with your Conservator's Report by the due date shown below.

The conserved person's attorney will receive copies of the two reports and must respond to the court within 30 days of receipt of said reports.

The court will review the written reports and determine if a hearing is necessary. The court may, in its discretion, hold a hearing on the status of the conserved person at any time.

Please note that the court must hold a hearing within 30 days if the conserved person, the conservator, or attorney requests one. Therefore, if you wish such a hearing to be held, include a written request with your report.

If you have questions, please contact the court. Thank you for your cooperation.

Sincerely,

Judge of Probate

DUE DATE:

Notice of Request Re: Review of Conservatorship

Date:

Case No.

RE: In the matter of _____, the conserved person

Dear Attorney :

In the matter referred to above, you served as attorney for the above-named conserved person in a conservatorship proceeding. The probate court is required to periodically review each conservatorship to determine the appropriateness of continuing, modifying, or terminating the conservatorship. As the conserved person's attorney, you are required to do the following within 30 days of this request:

- 1) meet with your client, and
- 2) return a copy of this letter to the court indicating if a hearing is requested.

The conservator and the conserved person's physician or psychologist, as the case may be, have already filed reports, which are enclosed.

If, after a review of the written reports, the court determines that there has been no change in the conserved person's condition, the court does not need to hold a hearing. The court may, in its discretion, hold a hearing on the status of the conserved person at any time.

Please note that the court must hold a hearing within 30 days if the conserved person, the conservator, or the attorney requests one. Therefore, please complete the section below, and return it to the court within 30 days.

If you have any questions, please contact the court. Thank you for your cooperation.

Sincerely,

Judge of Probate

DUE DATE:**Please return to the court by the due date shown above.**I have met with my client, and I: do do not request a hearing.Date: _____ Signature _____
Please print name:

Notice of Request for Written Report – Physician

Date:

Case No.

RE: In the Matter of _____, the conserved person

Dear Doctor _____:

I understand that you are the attending physician for the above-named conserved person. Under Connecticut law, the probate court is required to periodically review each conservatorship to determine the appropriateness of continuing, modifying, or terminating the conservatorship. As part of this review, you, as the conserved person's Connecticut-licensed physician, are required to submit a written report to the court no later than 45 days after the date of this request. (See "DUE DATE" below.) A copy of form PC-370, Physician's Evaluation/Conservatorship, which you are to use to make your report, is enclosed.

Please note that you must have examined the conserved person not more than 45 days prior to the date of submission of your report.

If you have any questions, please contact the court. Thank you for your cooperation.

Sincerely,

Judge of Probate

DUE DATE:

Notice of Request for Written Report – Psychologist

Date:

Case No.

RE: In the Matter of _____, a conserved person with
intellectual disability

Dear Doctor _____:

I understand that you are the attending psychologist for the above-named conserved person. Under Connecticut law, the probate court is required to periodically review each conservatorship to determine the appropriateness of continuing, modifying, or terminating the conservatorship. As part of this review, you, as the conserved person's Connecticut-licensed psychologist, are required to submit a written report to the court no later than 45 days after the date of this request. (See "DUE DATE" below.) A copy of form PC-372, Psychologist's Evaluation/Conservatorship of Person with Intellectual Disability, which you are to use to make your report, is enclosed.

Please note that you must have examined the conserved person not more than 45 days prior to the date of submission of your report.

If you have any questions, please contact the court. Thank you for your cooperation.

Sincerely,

Judge of Probate

DUE DATE:

Instructions for Conservatorship Petitions

Prepared by

Office of the Probate Court Administrator

186 Newington Road

West Hartford, CT06110

To the Petitioner: Please read carefully and follow these directions.

I. Completing the Petition Process

Any person (the "petitioner") may file an petition for the appointment of a conservator by completing and filing an Petition for Appointment of Conservator, PC-300, with the probate court for the district in which the alleged incapable (the "respondent") resides, is domiciled, or is located. The completed petition must be accompanied by a filing fee in the amount of \$150.00, made payable to "Treasurer, State of Connecticut." All statements in the petition are made **under the penalties of false statement**, and any deliberately false statements subject the petitioner to possible criminal penalties.

Go through the petition line by line, and complete each section to the best of your knowledge. You may need to verify some information before submitting it – for example, the names and addresses of all people you believe might have an interest in the case, including close relatives, the respondent's attorney (if you are aware of one), and anyone else you believe has been actively involved in the respondent's personal or financial affairs. You should also make every effort to locate any power of attorney or advance health care directives (such as the appointment of a health care representative) that the respondent may have executed beforehand, since the court needs to notify the holders of such documents.

Be especially careful to notify the court if you are seeking the power to administer medications to a respondent who is mentally ill, since the conservator may not do so **unless specifically authorized by the court**. If given, the order may not generally last for more than 120 days.

Finally, be as precise as you can about the respondent's medical condition. You will have to submit a Physician's Evaluation/Conservatorship (form PC-370) either with the petition or **before** the hearing, but, in either case, the physician's examination must have taken place no more than 45 prior to the hearing.

For further information on the types of conservators, the legal standards for appointing them, the legal process for doing so, and the manner in which a conservator is selected, as well as the duties and authority of a conservator, please read the booklet prepared by the Probate Court Administrator entitled User Guide for Conservators. A copy of the booklet may be obtained from the court staff. It is also available online at www.ctprobate.gov. The booklet should answer many questions that are not specifically addressed in these instructions. The remainder of these instructions will address or expand upon some commonly-asked questions that are not fully answered in the User Guide for Conservators.

Please read the booklet and these instructions thoroughly before asking the court staff for assistance. This material will probably answer your questions, and the staff, although anxious to assist you, must also process petitions and motions filed by others who are waiting for a court hearing. If you **do** need assistance at any point, please inform a staff member, and someone will certainly attempt to help you. Thank you for your cooperation, and we hope that this material will be of assistance in guiding you through this legal process.

II. Commonly asked questions regarding Conservatorships of the Person

The conservator of the person is actually an agent of the court itself, and, as such, he or she is responsible to the court for the well-being of the conserved person. (After a conservator has been appointed, the "respondent" is referred to as "the conserved person.") There are certain things that the conservator may **not** do. For example, the conservator cannot commit the conserved person to a mental health facility, execute or revoke a will for the conserved person, agree to a donation of one of the conserved person's bodily organs, or arrange for sterilization of the conserved person without court approval. There are other powers that the conservator may exercise **only with prior court approval**, such as changing the conserved person's residence, terminating the

conserved person's tenancy or lease, placing the conserved person in an institution for long-term care, selling or disposing of the conserved person's household furnishings, selling or mortgaging the conserved person's real estate, making gifts to **anyone**, authorizing the administration of medications or psychiatric procedures for someone who is mentally ill, using the assets of the conserved person for anyone but the conserved person, and making loans or payments to the conservator. When in doubt, the conservator is well advised to consult with an attorney or the court **before** taking action. It is often troublesome or impossible to correct an improper action, once taken, and the conservator may be disciplined or sanctioned by the court for doing so.

A. Change of Residence/Placement in a Long-Term Care Facility/Termination of Tenancy or Lease/Sale or Disposal of Household Furnishings: The conserved person should not be moved outside of Connecticut without the court's prior permission. The conservator IS REQUIRED to seek the court's approval to change the conserved person's residence in Connecticut, place the conserved person in a long-term care facility (see item "C" below), terminate the conserved person's tenancy or lease, or sell or dispose of the conserved person's household furnishings. (Please see the subsection entitled "Change of Residence/Placement in an Institution for Long-Term Care/Reporting Requirements/Hearing on Report and Placement" at the end of this section for more specific information on these procedures.) The conservator should always notify the court of any change of address for himself/herself, the conserved person, or any other interested party.

NOTE 1): There are a number of other instances in which the conservator must obtain court approval to act. Please see the User Guide for Conservators for complete information.

B. Medical Decision-making: The conservator may be granted the authority to make medical decisions of a non-psychiatric nature without the court's specific permission, including those related to "do not resuscitate" orders and end-of-life decisions. However, any advance directives of the conserved person must be considered, and, if they conflict with the proposed action of the conservator, the dispute **must** be submitted to the court for resolution.

NOTE: If the conserved person has designated a health care representative the conservator shall be bound by health care decisions properly made by him or her, unless there is a court order to the contrary, except under circumstances involving convicted persons and acquittees under C.G.S sections 17a-566, 587, and 588 and when a conservator has been appointed under C.G.S. sections 17a-543 and 17a-543a.

C. Report on Placement: Before placing the conserved person in a long-term care facility, the conservator must file a report (form PC-371A) with the probate court that appointed him as conservator. There is an exception that allows the placement to be made before the report is filed; however, even in that circumstance, the report must be filed within five days of placement. Please see the User Guide for Conservators for more information.

D. Annual Report: The conservator is obliged to report at least annually to the court on the condition of the conserved person. The Conservator's Report, form PC-371, should be used for that purpose. In addition, the court must review the file after the first year and at least every three years and hold a hearing, if requested, to determine whether or not the conservatorship should be continued, modified, or terminated.

E. Termination of Conservatorship: See the User Guide for Conservators.

III. Commonly asked questions concerning the Conservatorship of the Estate

The User Guide for Conservators booklet contains a great deal of information on the role of a conservator of the estate, who **may** also serve as the conservator of the person. The duties of financial management of an incapable person's estate are very similar to those of a decedent's estate; i.e., the conservator holds a fiduciary relationship with the conserved person and the court for which he is held accountable by the court.

A. Probate Bond: By law, the conservator of the estate must file a corporate surety probate bond with the court, which is a legal contract with an insurance company to guarantee the performance of the conservator, up to the amount of the bond. The insurance company charges the conservator an annual premium, which is paid by the conserved person's estate. (The amount of the premium depends on the size of the bond.) As an alternative to a higher probate bond, the court may suggest the restriction of some or all of the conserved person's liquid assets by the bank or agent holding them. Restricted assets cannot be used without the court's prior permission. Ask the judge for more information about this alternative device when you are in Court, since it may save the estate a substantial amount of money.

B. Inventory of Assets: The conservator of the estate must file a written Inventory (form PC-440) with the court within two months of the date of appointment. It should contain a list of anything of value owned by the conserved person. It need not include items of sentimental value, but those items should be safeguarded. Assets commonly listed are:

1. Cash and bank accounts. Specify bank by name and account number, with the balance as of the date of appointment. Include trustee and payable-on-death accounts. Joint accounts should be scrutinized to determine what portion of the account belongs to the conserved person. That is often a legal question. If you are not sure, you should consult with an attorney or seek the court's guidance.
2. Debts owed the conserved person.
3. Stocks, bonds and securities. List number and value per share.
4. Real estate. Set out the legal description of the property, which may be obtained from a copy of the deed. The present fair market value should be shown, with the amount of any outstanding mortgage deducted from that. If the property is owned jointly, a copy of the deed should be included. Normally, the percentage interest shown on the deed will be considered to belong to the conserved person, although there may be exceptions to that general rule.
5. Art objects, cars, and other valuable personal property.
6. Claims against other people.
7. Life insurance or annuities with present cash value.
8. The right to receive social security or pension payments. (Do **not** put an amount on the Inventory. Just indicate that the conserved person receives them.)
9. Any other assets owned by or in trust for the conserved person.

C. Estate Management: The most important beginning of any conservatorship case is the transfer of all liquid assets from the conserved person's individual name to that of his or her estate. It should be named "The Estate of _____, an incapable," and the conservator of the estate **alone** should be the authorized signatory. Unless specific Court approval is obtained, such accounts should **never** be in the name of the conservator or jointly between the conserved person and the conservator.

Complete records of all transactions involving the conserved person should be scrupulously maintained throughout the conservatorship proceedings, since they will be needed to file the necessary accountings with the court. (Accounts must be filed at least every three years or more frequently, as the court directs.) The conservator should maintain a separate estate checking account into which all income is distributed and from which all expenses are paid. The court may examine any of those records if the need arises.

The conservator of the estate must manage and protect all of the conserved person's assets, making sure that they are appropriately insured and properly invested. Investments in securities must be very carefully scrutinized, since conservators are not permitted to speculate and must meet the investment standards of a "prudent investor."

The conservator may also have the duty and authority to pay all legitimate bills and defend against unjust claims. It is possible for the conservator to seek the court's direction in paying any family obligations of the conserved person, including those due his spouse and/or minor children.

D. Real Property: If the conserved person owns real estate anywhere within the State of Connecticut, the conservator must file a **Notice for Land Records/App't of Conservator (PC-350)** in every town in which real property is located. Great care must be taken to protect unoccupied property, and the conserved person's insurance agent should be contacted **immediately** to assure proper coverage. If the property must be sold or mortgaged, a petition (PC-400) will have to be filed with the court and a hearing held.

E. Gift-giving: As stated before, gifts may not be made to **anyone** without prior court approval. This is particularly important if the conserved person may apply for Title 19 coverage for convalescent or other care.

F. Medicaid (Title 19): As the conserved person's funds are exhausted, it may be necessary to apply for State assistance under Medicaid. **This is an extremely technical legal procedure, and the greatest care possible must be exercised in ap-**

plying for such coverage. When in doubt, a qualified professional should be consulted BEFORE any major transactions are contemplated. At present, the Department of Social Services (DSS) will require the conservator to disclose **all** transfers of assets or living trusts created within 60 months of the petition date. Any improper transfers may disallow coverage for a period of time. Before the conserved person's assets are depleted, the conservator of the estate should seriously consider the purchase of an irrevocable burial fund (DSS currently permits \$5400) and a special needs account of up to \$1600, as well as any medically required or helpful apparatus. Present DSS Regulations permit the purchase of clothing, a television, radio, motorized wheel chair, and other equipment that may benefit the conservator individually.

IV. The Role of the Probate Court

It is the principal function of the court to appoint and then supervise the activities of the conservator. Although the court may give procedural advice to the petitioner and formal advice to the conservator (in open court), it may not take sides with contesting parties and may not consult with them privately. The court will attempt to resolve disputes among the parties as expeditiously as possible.

A. Fees paid to conservators: By law, conservators are entitled to be paid **reasonable** compensation for their services, but there is no specific table of payment provided. Each case is decided on its own merits, and the court will consider the expertise of the conservator, the time and effort involved, the results achieved, the benefits to the conservator and several other factors provided by law. If the conserved person is receiving State assistance, there are severe restrictions on the payment of compensation (generally not more than 5% of the conserved person's annual income), unless the court finds that the conservator has provided extraordinary services. **It is to the conservator's advantage to maintain precise records of tasks completed and the time expended.**

B. Confidentiality: Generally, the conservator should keep all financial and medical information concerning the conserved confidential, disclosing only what is required by the court and the law. For its part, the court must keep confidential all medical information involved in the case, although it may be disclosed to the actual parties.

RELEASE OF **STATE OF CONNECTICUT** Recorded:
RESTRICTION ON ASSETS
CM-57 **COURT OF PROBATE**

DISTRICT OF

DISTRICT NO.

Date _____

IN THE MATTER OF _____ in said District.

Present, Hon. _____, Judge

RELEASE OF RESTRICTION ON ASSETS

Upon the application of the Fiduciary, who requested release of the Order of Restriction on Assets previously entered in the above named estate, it is hereby ordered:

The Order of Restriction previously entered dated _____,

be and hereby is released, and _____ shall disburse to the
(Name of bank)

fiduciary of said estate the following funds:

FORMS FOR INVOLUNTARY CONSERVATORSHIP /* Indicates form may not be necessary in all cases.	
PC-300	PETITION FOR APPOINTMENT OF CONSERVATOR
PC-300A	PETITION FOR APPOINTMENT OF CONSERVATOR/SUPPLEMENTAL FORM*
PC-303	PETITION TO TERMINATE TENANCY OR LEASE/CHANGE RESIDENCE/SELL OR DISPOSE OF HOUSEHOLD FURNISHINGS . . *
PC-307	MOTION TO TRANSFER FILE/CONSERVATORSHIP MATTER
PC-310	AFFIDAVIT/APP'T OF COMM. OF SOCIAL SERVICES AS CONSERVATOR*
PC-182A	APP'T OF ATTORNEY FOR INTERESTED PARTY (182A) APP'T OF GUARDIAN AD LITEM FOR INTERESTED PARTY (182B)
PC-320	ORDER OF NOTICE/APPOINTMENT OF CONSERVATOR
PC-330	CITATION & RETURN/APPOINTMENT OF CONSERVATOR
PC-130	NOTICE OF HEARING
CM-31	NOTICE OF PENDING PETITION FOR APPOINTMENT OF CONSERVATOR*
PC-480	PROBATE BOND* (Required for Cons. of Estate; Discretionary for Cons. of Person)
PC-411	ORDER AND AGREEMENT/AUTHORIZATION/RESTRICTION ON ASSETS*/ CM-57 Release of Restriction on Assets*/ PC-413B Order RE Withdrawal of Funds . . .
PC-482	APP'T OF JUDGE OF PROBATE AS AGENT FOR SERVICE* (If Conservator is not a Conn. Resident)
PC-350	NOTICE FOR LAND RECORDS/APP'T OF CONSERVATOR* (To be filed in each town where conserved person has an interest in real estate.)
PC-350A	NOTICE FOR LAND RECORDS/TERMINATION OF CONSERVATORSHIP OF ESTATE
PC-360	DECREE/APPOINTMENT OF CONSERVATOR
PC-364	DECREE RE: WARD'S PLACEMENT OR RESIDENCE/CONSERVATORSHIP
PC-367	DECREE: TRANSFER OF FILE/CONSERVATORSHIP MATTER
PC-370	PHYSICIAN'S EVALUATION/CONSERVATORSHIP
PC-372	PSYCHOLOGIST'S EVALUATION/CONSERVATORSHIP OF PERSON WITH INTELLECTUAL DISABILITY
PC-450C	FIDUCIARY'S PROBATE CERTIFICATE'/CONSERVATORSHIP*
PC-451	CERTIFICATE FOR SURETY* (Send to bonding company/insurance agency when conservatorship of the estate ends.)
PC-440	INVENTORY* (For conservator of the estate - due within two months of appointment.)
PC-400	PETITION TO SELL OR MORTGAGE REAL PROPERTY*
PC-441	FIDUCIARY'S PERIODIC OR FINAL ACCOUNT (SHORT FORM)* (Required for conservator of the estate.)
PC-430	NOTICE/RIGHT TO HEARING ON FIDUCIARY'S PERIODIC ACCOUNT* (Required for conservator of estate.)
PC-461	DECREE/INTERIM ACCOUNT (NON-DECEDENT)* (Required for conservatorship of the estate.)
PC-462	DECREE/FINAL ACCOUNT (NON-DECEDENT)* (Required for termination of conservatorship of the estate.)
PC-213	AFFIDAVIT OF CLOSING OF DECEDENT'S ESTATE* (Adapt for use in termination of conservatorship of the estate.)
PC-331	NOTICE/RIGHT TO HEARING ON CONSERVATORSHIP (Court must mail annually)
PC-371	CONSERVATOR'S REPORT (Due annually)
PC-371A	CONSERVATOR'S REPORT/PLACEMENT OR REQUEST FOR HEARING ON PLACEMENT*
PC-364	DECREE RE: CONSERVED PERSON'S PLACEMENT OR RESIDENCE/CONSERVATORSHIP*
CM-29	PETITION FOR APP'T OF CONSERVATOR FOR NON-DOMICILIARY (Petition by Out-of-State Personal Rep.)*
CM-30	DECREE/ APP'T OF CONSERVATOR FOR NON-DOMICILIARY*
FORMS FOR TRANSFERS OF CONSERVATORSHIP TO AND FROM OTHER STATES	
PC-304	PETITION FOR PROVISIONAL ORDER OF TRANSFER OF CONSERVATORSHIP TO OTHER STATE*
PC-305	PETITION FOR PROVISIONAL ORDER ACCEPTING TRANSFER OF CONSERVATORSHIP FROM OTHER STATE*
PC-333	NOTICE TO CONSERVED PERSON IN PROCEEDINGS TO ACCEPT TRANSFER OF A CONSERVATORSHIP FROM ANOTHER STATE*

PC-365	PROVISIONAL ORDER OF TRANSFER OF CONSERVATORSHIP TO OTHER STATE*
PC-365A	FINAL ORDER OF TRANSFER OF CONSERVATORSHIP TO OTHER STATE*
PC-366	PROVISIONAL ORDER ACCEPTING TRANSFER OF CONSERVATORSHIP FROM OTHER STATE*
PC-366A	FINAL ORDER ACCEPTING TRANSFER OF CONSERVATORSHIP FROM OTHER STATE*
	FORMS FOR REGISTERING CONSERVATORSHIP
PC-306	REQUEST TO REGISTER OUT-OF-STATE CONSERVATORSHIP*
PC-334	NOTICE OF INTENT TO REGISTER CONSERVATORSHIP IN OTHER STATE*
PC-335	NOTICE OF REGISTRATION OF OUT-OF-STATE CONSERVATORSHIP*
	FORMS FOR THREE-YEAR REVIEW OF CONSERVATORSHIP
PC-	APP'T OF ATTORNEY FOR INTERESTED PARTY (182A) APP'T OF GUARDIAN AD LITEM FOR INTERESTED PARTY (182B)
PC-183	APPEARANCE OF ATTORNEY* (If a particular attorney was chosen by the conserved person originally, he should file this form.)
	LETTERS TO CONSERVATOR/ATTORNEY/PHYSICIAN/PSYCHOLOGIST
PC-371	CONSERVATOR'S REPORT – Attach to conservator's letter.
PC-370	PHYSICIAN'S or PSYCHOLOGIST'S EVALUATION/CONSERVATORSHIP – Attach to physician's letter or Version 2 of conservator's letter.
PC-362A	ORDER/REVIEW PROCEEDING/APP'TMENT OF CONSERVATOR* (To be used when a hearing is NOT REQUIRED.)
PC-322	ORDER OF NOTICE OF HEARING AND RETURN/ APP'T OF CONSERVATOR/REVIEW HEARING*
PC-332	NOTICE OF HEARING/APPOINTMENT OF CONSERVATOR/ REVIEW HEARING*
PC-362	DECREE/ REVIEW PROCEEDING/RE APPOINTMENT OF CONSERVATOR*

	FORMS FOR VOLUNTARY CONSERVATORSHIP (* Indicates form may not be necessary in all cases.)
PC-301	PETITION /VOLUNTARY REPRESENTATION BY CONSERVATOR
PC-321	ORDER OF NOTICE/APP'T OF CONSERVATOR VOLUNTARY REP.
PC-130	NOTICE OF HEARING
PC-361	DECREE/APPOINTMENT OF CONSERVATOR/VOLUNTARY REPRESENTATION
CM-34	DECREE/RELEASE FROM VOLUNTARY REPRESENTATION
PC-450C	FIDUCIARY'S PROBATE CERTIFICATE/CONSERVATORSHIP*
	FORMS FOR TEMPORARY CONSERVATORSHIP (* Indicates form may not be necessary in all cases.)
PC-302	PETITION /APPONTMENT OF TEMPORARY CONSERVATOR
PC-300A	PETITION FOR APPOINTMENT OF CONSERVATOR/SUPPLEMENTAL FORM*
PC-303	PETITION TO TERMINATE TENANCY OR LEASE/CHANGE RESIDENCE/SELL OR DISPOSE OF HOUSEHOLD FURNISHINGS . . . *
PC-182 A/B	APP'T OF ATTORNEY FOR INTERESTED PARTY (182A) APP'T OF GUARDIAN AD LITEM FOR INTERESTED PARTY (182B)
PC-170 A/B	REPORT OF COURT-APPT'D ATTY FOR INTERESTED PARTY (PC-170A) REPORT OF COURT-APPT'D GUARDIAN AD LITEM FOR INT. PARTY
PC-323	ORDER OF NOTICE/APP'T OF TEMPORARY CONSERVATOR
PC-130	NOTICE OF HEARING
PC-350	NOTICE FOR LAND RECORDS/APP'T OF CONSERVATOR*
PC-363	DECREE/APPOINTMENT OF TEMPORARY CONSERVATOR
PC-364	DECREE RE: CONSERVED PERSON'S PLACEMENT OR RESIDENCE/CONSERVATORSHIP*
CM-36	DECREE AFTER HEARING TO CONFIRM,REVOKE, OR MODIFY EX PARTE APPOINTMENT OF CONSERVATOR
PC-371A	CONSERVATOR'S REPORT/PLACEMENT OR REQUEST FOR HEARING ON PLACEMENT*
	Forms for Consent to Psychiatric Medication: See specific sections in the <i>Clerk's Manual</i> .



Decedents' Estates – Testate

Temporary Administration – C.G.S. §§ 45a-316 and 45a-317. The Probate Court having jurisdiction over an estate may appoint a temporary administrator, with or without notice, to hold and preserve the estate until the appointment of an administrator or the probating of the will "whenever, upon the application of a creditor or other person interested in the estate of a deceased person, it shall be found by the court that there will be delay in the granting of administration or the probating of the will, or that this action is necessary for the protection of the estate..." Wilhelm, *Settlement of Estates*, Section 13. **NOTE:** Pursuant to the provisions of C.G.S. § 45a-164, the Probate Court may authorize the temporary administrator to sell or mortgage any real property belonging to the estate.

CMS Entry/Date-Stamping

- **PLEASE NOTE:** 1) Items marked with an asterisk (*) are to be entered into CMS and must be scanned/microfilmed.
- 2) Date-stamp each document, except the original will, upon its receipt.
- 3) Enter all petitions and status conferences into CMS.

Estate Examiner for a Limited Purpose. C.G.S. § 45a-317a, as amended by P.A. 13-81, provides for the appointment of an estate examiner who wishes to obtain financial or medical information about a decedent for the limited purpose of: 1) determining if the estate can be settled as a small estate under C.G.S. § 45a-273, 2) investigating a potential cause of action of the estate, surviving spouse, children, heirs or other dependents of the deceased person, **OR** investigating a potential claim for benefits under a workers' compensation act, an insurance policy or other benefits in favor of the estate, surviving spouse, children, heirs or other dependents of the decedent.

The forms to be used are ***PC-207, Application/Estate Examiner for Limited Purposes** (C.G.S. § 45a-316, as amended) and ***PC-267, Decree Appointing Estate Examiner for Limited Purposes**. CMS will generate a fee of \$25.00. If the petitioner/estate examiner has an attorney, the attorney must file an appearance using PC-183. The attorney must certify that a copy of the appearance has been sent to each attorney and self-represented party. Probate Court Rules section 5.5. Follow the usual procedures re hearing notice and scanning (See DE/T p. 32). The court may require a probate bond or may waive this requirement. The court shall limit the estate examiner's authority to disclose any information obtained. The decree includes a certification of appointment. The court does not issue a fiduciary's certificate.

Initial Review. Determine if the estate can be administered under C.G.S. §45a-273. (Affidavit in lieu of administration or "small estates" procedure.)

Safe Deposit Box. 1) Opening Safe Deposit Box to Obtain Will or Cemetery Deed – C.G.S. §45a-284. On the death of any sole owner of a safe deposit box, the court may issue an ex parte order to specifically-enumerated persons to open the decedent's safe deposit box to obtain any will or cemetery deed. Use forms ***PC-203, Petition/Access to Safe Deposit Box to Obtain Will/Cemetery Deed**, and ***PC-269, Decree and Return/Access to Safe Deposit Box to Obtain Will/Cemetery Deed**.

2) Opening Safe Deposit Box to Access Jointly Owned Assets – P.A. 13-212 creates a two-step procedure for accessing jointly owned assets located in a decedent's safe deposit box. It can only be used if the decedent was the sole owner of the box, and no probate proceedings have begun. The assets are limited to jointly owned stocks, bonds, annuities or certificates of deposit. A person may apply to the Probate Court where the decedent resided, stating why he has sufficient interest to open the box.

The Probate Court may approve or deny the petition with or without a hearing. If approved, the court will issue an order directing a bank officer to open the box and inventory the contents. The officer will file a return identifying the contents and

listing the owners and beneficiaries of the jointly owned stocks, bonds, annuities or certificates of deposit.

Upon receipt of the return, the court may authorize removal of the jointly owned assets with or without a hearing. The order must be issued within 10 days. If the court decides to hold a hearing with notice to interested parties, it must be held within 30 days. The order will require the box to be opened in the presence of a bank officer, who must file a written return indicating which items were removed and by whom. The bank may charge the petitioner a reasonable fee for performing these duties.

Forms to be used: ***PC-203A, Petition/Access Jointly Owned Assets in Safe Deposit Box, *PC-269A, Inventory Safe Deposit Box/Jointly Owned Assets, *PC-269B, Decree and Return/Removal of Jointly Owned Assets from Safe Deposit Box**

DEATH CERTIFICATE – A certified copy of the Death Certificate should be required at the time of acceptance of the petition for probate of will, unless the judge is otherwise satisfied of the decedent's death and residence through publication of the obituary or personal knowledge. **Important:** In accordance with Probate Court Rules, Rule 17, SSNs are confidential. The social security number should be redacted from the copy of the death certificate kept in the public section of the file.

DEATH OF A TENANT/LANDLORD FILES AFFIDAVIT WITH COURT. See p. "Miscellaneous-45" for procedures to be followed if a landlord files an affidavit with the court re C.G.S. § 47a-11d after the death of a sole tenant in a dwelling unit.

PROBATE OF WILL. C.G.S. §§45a-250 through 45a-267, 45a-282 through 45a-297

Important Information about Wills

① The original will is filed in court. The cover letter may be date-stamped.

① Execution of will:

1) Two witnesses are required for wills executed after October 1, 1971. Three are required if the will was executed before that date (C.G.S. §45a-251). **NOTE:** "Any will executed according to the laws of the state or country where it was executed may be admitted to probate in this state..." (C.G.S. §45a-251).

2) The will must be signed by the testator, and he or she must have been at least 18 years of age at the time the will was executed. (C.G.S. §45a-250).

① C.G.S. §§ 45a-257 and 45a-257a through 45a-257f discuss implied and express revocation of a will, and the effects of specific situations if a will has been executed on or after January 1, 1997. C.G.S. § 45a-257 states that, except as provided in C.G.S. §45a-257a to C.G.S. §45a-257d, inclusive, a testator cannot revoke a will or codicil in any other manner, **EXCEPT** 1) by burning, canceling, tearing, or obliterating the will or by directing someone else to revoke it in this manner in his or her presence, OR 2) by a later will or codicil. **NOTE:** Wills executed on or after October 1, 1967 and prior to January 1, 1997 are governed by § 45a-257, revision of 1958, revised to January 1, 1995.

1) The testator remarries. If a testator remarries after executing a will, and the will does not provide for the surviving spouse, the surviving spouse's share will be equivalent to that under the provisions for intestate succession UNLESS: 1) the will makes clear that the omission was intentional, or 2) the testator provided for the spouse by transfer outside the will and gave indications, by direct statements or other evidence, that the transfer was in lieu of a testamentary provision.

2 A) A child is born or adopted, and the testator had NO OTHER CHILDREN living at the time the will was executed. The child's share will be equivalent to that received under the provisions for intestate succession UNLESS:

- a) the will devised or bequeathed all or most of the estate to the child's other parent who survives the testator and is entitled to take under the will; OR
- b) the will makes clear that the omission was intentional; OR
- c) the testator provided for the after-born or after-adopted child by transfer outside the will and gave indications, by direct statements or other evidence, that the transfer was in lieu of a testamentary provision.

B) A child is born or adopted, and the testator had ONE OR MORE CHILDREN living at the time the will was

executed. Those children born or adopted after the execution of the will are entitled to share equally in any devises and legacies the testator provided for those children living at the time the will was executed, UNLESS:

- a) the will makes clear that the testator's intent was to make a limited provision that applied specifically to those children alive at the time the will was executed. In this case, those children born or adopted after the will's execution are entitled to shares equivalent to that of intestate succession; OR
- b) the will makes clear that the omission was intentional; OR
- c) the testator provided for the after-born or after-adopted children by transfer outside the will and gave indications, by direct statements or other evidence, that the transfer was in lieu of a testamentary provision.

3. The testator's marriage is terminated by dissolution, divorce, or annulment. The dissolution, divorce, or annulment revokes any disposition or appointment of property, any special power of appointment, or any nomination of the former spouse as fiduciary, UNLESS the will expressly provides otherwise. Provisions concerning property, power of appointment, or nomination concerning the former spouse are to be interpreted as if the former spouse predeceased the testator. However, remarriage to the former spouse will revive the provisions. **NOTE:** A decree of separation that does not terminate the status of husband and wife is not sufficient to make this provision operative.

***AFFIDAVIT IN PROOF OF WILL AND/OR CODICIL, PC-210, OR SELF-PROVING AFFIDAVIT**

C.G.S. §45a-285. To be used if a self-proving affidavit is not executed when the will is signed.

***PETITION/ADMINISTRATION OR PROBATE OF WILL, PC-200**

Note: The petitioner must send a copy of the petition, PC-200, and the purported will to each person required to receive notice under Probate Court Rules, section 30.6, including the decedent's heirs, beneficiaries under the purported will and any current or presumptive remainder beneficiary of a testamentary trust created under the purported will. The petitioner must certify on the petition or on PC-152 that the copies were sent. Probate Court Rules, section § 30.7.

ESTATE OF: (Decedent's name) [Include all names and initials under which any asset was held.]

DATE OF DEATH WRONGFUL DEATH CLAIM SOCIAL SECURITY NUMBER (This is listed on the Confidential Sheet for PC-200.)

DECEDENT'S RESIDENCE AT TIME OF DEATH [Include full address.]

JURISDICTION BASED ON: Domicile in district Other (C.G.S. §45a-287)

ⓘ Check domicile carefully. Domicile is defined as, "A place where a person lives and has his or her home. It is a person's true, fixed, and permanent home, to which he or she has every intention of returning, whenever he or she is absent from it. Two things must occur to constitute a domicile: (1) residence and (2) the intention of making the place of residence the party's home. There must be both the intent and the fact. Domicile is not synonymous with residence, the difference being one of intention. A person may have more than one residence, but not more than one domicile." See Wilhelm, *Connecticut Estates Practice* and Wilhelm, *Jurisdiction and Procedures*, Sections 35-38.

PETITIONER [Name and address]

SURVIVING SPOUSE [Name and address. If there is no surviving spouse, so state.]

HEIRS, BENEFICIARIES, THE DECEDENT'S CONSERVATOR(S) AND TRUSTEES, if any. [Indicate any person who is a minor, in the military service or under conservatorship or legal disability. C.G.S. §§45a-436, 438, 439....]

ⓘ Names and addresses are to be provided for parties listed in sections numbered 1 through 4.

ⓘ Children born out of wedlock may be eligible to inherit, C.G.S. §45a-438.

① **Military** — The petition must indicate whether a party is in the active military service of the United States. Servicemembers Civil Relief Act, 50 U.C.S. App. 521; Probate Court Rules, Section 7.2. A person in active military service must file a special appearance, PC-188, or the court must appoint an attorney for the servicemember. Probate Court Rules, section 8.9.

① **Minors** — The petition must indicate whether a party is a minor and provide the minor's date of birth. The court may need to appoint a guardian ad litem to represent the interest of an heir/beneficiary under the age of 18. Probate Court Rules, sections 7.2 (a) and 30.8.

Note that in the absence of a court-appointed guardian or guardian ad litem, the minor may appeal within 12 months after reaching the age of majority. If guardian or guardian ad litem is appointed, an appeal must be taken within 30 days of the date the decree was mailed. C.G.S. §§ 45a-132(c), 45a-187.

① **Incompetent Person** — For person adjudicated incapable, the petitioner must provide the name, address and position of trust of the legal representative. Probate Court Rules, section 7.2.

① **Missing Person or Unknown Heirs** If the name or address of a party is unknown or if the notice is returned as undeliverable prior to the hearing, the court may give public notice of a hearing, appoint a guardian ad litem for the person or dispense with notice or take other action as deemed appropriate. Probate Court Rules, sections 8.8 (a) and (b).

① **When a guardian ad litem may be appointed**

The court must determine whether the appointment of a guardian ad litem is necessary to protect the interests of the heir or beneficiary. C.G.S. § 45a-132, Probate Court Rules, sections 30.8 (a) (3), 30.9 (a).

The Probate Court may appoint a guardian ad litem for an heir or beneficiary who is a:

1. Minor;
2. Incompetent or appears to be incompetent even if the individual has not been adjudicated incompetent by a court;
3. Undetermined or unborn; or
4. Whose address is unknown.

In a testate estate, the court may appoint a guardian ad litem if it appears that the heir would receive a greater share of the estate if the decedent had died intestate than under the terms of the purported will being offered to probate. The guardian ad litem for missing heirs or beneficiaries must make reasonable efforts to verify that the heir or beneficiary cannot be located but is not required to make an exhaustive search for the heir or beneficiary. Probate Court Rules, section 30.8 (b). A guardian ad litem should verify that the will was duly executed and make inquiry of appropriate persons to determine whether a reasonable basis exists to challenge the validity of the will. Probate Court Rules, section 30.8 (b).

NOTE: PC-182, Appointment of Representative for Interested Party, is retired. Use **PC-182B, Appointment of Guardian Ad Litem for Interested Party**.

① **Foreign Heir or Beneficiary** — Notice should be sent directly to a foreign heir or beneficiary. However, if there is a treaty between the United States and the country of which an heir or beneficiary is a citizen, the court must send a copy of the decree admitting the will to probate or granting administration of an intestate estate to the embassy or consulate of the country of the heir or beneficiary. (See "Addresses" section for embassy addresses in Washington, D.C.) Allow ample time for receipt of such notice by a foreign heir or beneficiary. Probate Court Rules section 30.11.

THE PETITIONER REPRESENTS THAT: • Check appropriate box(es); delete inappropriate italicized words.

Decedent left a will and codicil(s) herewith presented for probate, dated... (C.G.S. §45a-282 requires the delivery of any will or codicil to the court).

Decedent, after making said will and codicils,... (C.G.S. §45a-257).

- The proposed fiduciary named below, is not the primary executor...*
 Decedent left no will.
 One or more of the children listed...are not children...[C.G.S. §45a-437(a)(4)].
 Decedent owned an interest in real estate...

Decedent or spouse or children of the decedent *did* *did not ever receive aid or care from the State of Connecticut..[C.G.S. §45a-355]*

- State of Connecticut*
 Department of Veterans' Affairs C.G.S. §45a-355 (Rocky Hill facility)

① State Assistance (C.G.S. §45a-355)

If the petition indicates that the decedent, spouse, or children of decedent received aid or care from the State of Connecticut or Department of Veterans' Affairs, Rocky Hill facility:

- a) SEND a copy of the **Petition/Administration or Probate of Will, PC-200** (including the Confidential Information Sheet for PC-200), **BY CERTIFIED MAIL*** to the Department of Administrative Services – Financial Services Center and/or Department of Veterans' Affairs, AND
- b) Upon appointment of a fiduciary, SEND a copy of the decree to the DAS – Financial Services Center and/or Department of Veterans' Affairs.

***NOTE 1:** If a copy of a petition to probate a will or administration that indicates receipt of state aid or care is not sent by certified mail in accordance with C.G.S. §§ 45a-355, the period for limitation of claims shall not begin to run against the State of Connecticut. This could cause considerable delay and inconvenience in the settling of an estate and therefore it is **imperative** that the courts follow the statute. The importance of giving accurate information on the petition should be emphasized to all applicants. "State aid" means financial assistance given to a person even though he or she may not be institutionalized. "Care" means care provided in institutions, whether public or private.

NOTE 2: Duplicates of the **Letter of Transmittal, PC-281**, should accompany all copies sent to the Department of Administrative Services. If the department has a claim, they will notify the court, and all future notices, correspondence, etc., should be sent directly to: DAS – Financial Services Center, Suite 5 North — Recovery Unit, 165 Capitol Ave., Hartford, CT 06106.

IMPORTANT: DAS has asked that the courts send them copies of **ALL PC-200s**, including the Confidential Information Sheet, whether or not the receipt of state aid is indicated on the petition. Depending on the size of the court, this may be done daily, weekly, or monthly. See p. Duties-4.

The estimated value of solely-owned assets, excluding real estate is \$.....

Signature of Petitioner

PROPOSED FIDUCIARY. (Fiduciary must sign the acceptance of trust.)

① C.G.S. §45a-290 provides that if the person designated in the will to be the executor has died *or* refuses to accept *or* is incapable of accepting the appointment, OR if during the settlement of the estate, the executor appointed by the court dies *or* resigns *or* is removed from such trust, and the will names an alternate or successor, the court shall appoint such alternate or successor executor as EXECUTOR. This executor has all the powers and duties as provided in the will. The appointment is subject to the provisions of C.G.S. §§45a-286 and 45a-289.

If no person has been designated in the will to be executor, *or* the executor has died, refuses to accept *or* is incapable of accepting, AND NO ALTERNATE OR SUCCESSOR HAS BEEN NAMED, the court SHALL appoint the following persons *or their designees* in the following order, provided such person is entitled to share in the estate:

- 1) surviving spouse;
- 2) any child of the decedent *or* any guardian of such child as the court shall determine;
- 3) any grandchild of the decedent *or* any guardian of such grandchild as the court shall determine;
- 4) the decedent's parents;
- 5) any brother or sister of the decedent; *or*
- 6) the next of kin entitled to share in the estate or upon their refusal, incapacity, or failure to give bond *or* upon the objection of any heir or creditor to such appointment, which objection is found to be reasonable by the court, the court may appoint any other person whom the court deems proper.

If estate administration has already begun, the successor fiduciary appointed is designated "Administrator, c.t.a., d.b.n." (The abbreviation "c.t.a." stands for administrator "cum testamento annexo" – with the will annexed; "d.b.n." stands for "de bonis non" – of goods not administered.) However, if, no fiduciary was previously appointed, the fiduciary is designated "Administrator, c.t.a."

ATTORNEY FOR PROPOSED FIDUCIARY. An attorney must sign as attorney for the proposed fiduciary on the PC-200 or file an appearance, PC-183. Probate Court Rules, section 5.4. If a PC-183 is filed, the attorney must send a copy of the appearance to each attorney and self-represented party and certify to the court that the copies have been sent. Probate Court Rules, section 5.5 (b).

CERTIFICATE – EXISTENCE OF INTER VIVOS TRUST [For testamentary trusts that are created under the will.]

***SPECIAL APPEARANCE OF SERVICEMEMBER, Form PC-188.** A party to a proceeding who is in the active military service of the United States may file a special appearance indicating the address to which notice can be sent. Probate Court Rules, section 8.9(a). If a special appearance is not filed, the court must appoint an attorney for the party in the active military service and send notice of the appointment to each party and attorney of record. Probate Court Rules, section 8.9(b). The court must not issue a final decree unless these requirements have been met. Probate Court Rules, section 8.9(c). Note that if an attorney is not appointed for a person in active military service, a special appearance must be filed for each subsequent petition filed in the estate including allowance of a financial report or account.

***APPOINTMENT OF REPRESENTATIVE FOR INTERESTED PARTY, PC-182A & 182B.** PC-182 was retired effective July 1, 2013 and replaced with PC-182A, Appointment of Attorney, and PC-182B, Appointment of Guardian Ad Litem for Interested Party.

Three Options for the Notice of Hearing on Admission of the Will with an Explanation of the Accompanying Procedures

- **1. Heirs Waive Notice of Hearing on PC-200, Petition/Administration or Probate of Will or on General Waiver, PC-181.** Probate Court Rules, section 8.7 (a)

Space is provided on the lower portion of PC-200 for waiver of notice of hearing. If additional space is needed, the petitioner should use the General Waiver, Form PC-181.

ⓘ **NOTE:** All persons listed in Probate Court Rule, Section 30.6 must sign a waiver.

- **2. If all persons listed under Probate Court Rules, section 30.6, DO NOT Waive Notice of Hearing, the Streamline Notice Procedure Must Be Used.** Probate Court Rules, section 8.6.

If all of the heirs and beneficiaries (including beneficiaries under a purported will in the custody of the probate court that is not being admitted for probate and other persons listed in Probate Court Rules, section 30.6) have not waived notice of hearing,

the court must follow the streamline procedures for decedents' estates, as explained below. Note: See Option 3 for exceptions to the streamline requirement.

- Complete **PC-120A, Order of Notice/Right to Request a Hearing.**

***ORDER OF NOTICE/RIGHT TO REQUEST A HEARING, PC-120A**

The Order of Notice of a right to request a hearing on a petition to admit a purported will to probate shall include all of the following pursuant to Probate Court Rules, section 30.6:

- Each of the decedent's heirs;
- Each beneficiary under the purported will being offered for probate;
- Each current and presumptive remainder beneficiary of a trust established under the purported will being offered for probate;
- The Attorney General, if a beneficiary under a will or any current or presumptive remainder beneficiary of a trust established under the will is a charity or charitable interest;
- The proposed fiduciary;
- The petitioner;
- Each beneficiary under any other purported will of the decedent in the custody of the court;
- Each current or presumptive remainder beneficiary of a testamentary trust under any other purported will of the decedent in the custody of the court;
- Each attorney of record; and
- Other persons as the court determines.

ESTATE OF

PETITIONER

DATE OF ORDER OF NOTICE

HEARING REQUEST DEADLINE (As determined by the court.) The Notice, PC- 236B, must be mailed at least **ten (10)** days before the hearing request deadline. For example, if the hearing request deadline is May 15, form PC-236B must be dated and mailed May 5. Be sure to allow sufficient time for out-of-state parties to return the documents.

- Suggested wording for the Order of Notice:

UPON THE PETITION FOR the admission to probate of an instrument in writing purporting to be the Last Will and Testament [and codicil(s)] of said decedent dated and for the appointment of the proposed fiduciary, as per petition on file more fully appears.

Signature of the judge, clerk, or assistant clerk

- Prepare return section.
- Prepare and mail the notice form, PC-236B.

***NOTICE OF A PETITION TO ADMIT A WILL TO PROBATE, PC-236B**

- Send **PC-236B, Notice of An Petition to Admit a Will to Probate** to all parties listed on the **Order of Notice, PC-120A.**

IN ESTATE OF

HEARING REQUEST DEADLINE (As determined by the court.) *HEARING REQUEST DEADLINE* (As determined by the court.) The Notice, PC- 236B, must be mailed at least **ten (10)** days before the hearing request deadline. For example, if the hearing request deadline is May 15, form PC-236B must be dated and mailed May 5. Be sure to allow sufficient time for out-of-state parties to return the documents.

PETITIONER

DECREE ENTRY DATE (As determined by the court.) The decree must be dated at least one day later than the hearing request deadline. For example, if the hearing request deadline is May 15, the decree entry date cannot be any earlier than May 16.

"The court has received an petition...Will dated....together with Codicil(s) dated...."

*PROPOSED FIDUCIARY**ATTORNEY FOR PROPOSED FIDUCIARY*

Date

court telephone number, fax number, and mailing address

The notice of a right to request a hearing, PC-236B must include a list of all persons receiving the notice.

ⓘ A "Request for a Formal Hearing" form is printed on PC-236B. If the court does not receive a request by the "Hearing Request Deadline," the court may approve a motion or petition without a hearing. The court may not deny a motion or petition without hearing and notice to the parties. Probate Court Rules, section 8.6 (f). **NOTE:** If any of the parties return the form, the court **MUST** proceed with a hearing, using the notice procedures below.

• 3. If a party requests a hearing or the judge determines that a hearing is necessary, follow the procedures as set forth below.

ⓘ A hearing must be held rather than using the streamline notice procedure if:

- The matter is contested or requires legal testimony or argument
- Public notice is required to protect the interest of a party
- The circumstances require a hearing with the attendance of a party
- The matter involves the doctrines of cy pres or equitable deviation, or the construction of a document that affects a charitable beneficiary or interest.

***ORDER OF NOTICE OF HEARING AND RETURN, PC-120**

ⓘ C.G.S. §45a-286; Probate Court Rules, section 8.1.

Notice of hearing on the Petition to Probate Will must be given to all persons listed in Probate Court Rules, section 30.6. See Option 2, Streamline Notice, above for list.

ESTATE OF/IN THE MATTER OF

DATE OF ORDER

PETITIONER

PLACE OF HEARING

DATE OF HEARING

TIME OF HEARING

ⓘ **COMPLIANCE DATE** — The compliance date is the last date a notice may be mailed by the court and still comply with the minimum number of days' notice required under the proceeding involved. Notice must be mailed at least **seven days** prior to the hearing date. In computing the seven days, do not count the day of mailing but do count the day of the hearing. Probate Court Rules, section 9.1. Example: If the hearing date is May 15, and, the compliance date will be May 8.

- Suggested wording for Order of Notice:

UPON THE PETITION OF THE PETITIONER FOR the admission to probate of an instrument in writing purporting to be the Last Will and Testament [and codicil(s)] of said decedent dated _____ and for the appointment of the proposed fiduciary, as per petition on file more fully appears.

Published notice is usually given only when an heir's (or beneficiary's) address is unknown. See Probate Court Rules, section 8.8. Notice is given in a newspaper having a substantial general circulation in the area in which the party was last known to reside. See the "Miscellaneous" section of this manual for a list of newspapers and their addresses. Call the public library or the local newspaper's library for the name and address of out-of-state newspapers. This notice must be published at least **SEVEN (7)** days before the hearing. (**NOTE:** The court may want to consider appointing a guardian ad litem. In some cases, this is less expensive than newspaper publication.)

- Mail such notice, postage prepaid to:
All persons listed in Probate Court Rules, section 30.6. See Option 2, Streamline Notice, above for list.

① For rules regarding failure to deliver notice, see Probate Court Rules, section 8.8.

NOTICE OF HEARING, PC-130

- Prepare and mail as directed in Order of Notice. Each notice of hearing (or conference) must provide the following information:

1. A description of the motion or petition to be heard at hearing;
2. The time and place of the hearing; and
3. The names and addresses of the parties, attorneys or others to whom notice is being sent.

Probate Court Rules, section 8.4.

This concludes the discussion of the three options for notice of the hearing on the admission of a will. The following forms and procedures apply in all cases.

Preparation for hearing

- Prepare Judge's Record of Hearing Sheet. (See sample on p. DE/T-34.)

***APPOINTMENT OF JUDGE OF PROBATE AS AGENT FOR SERVICE, PC-482**

- Prepare if the fiduciary resides outside the State of Connecticut (C.G.S. §§52-60, 52-61). If the fiduciary is a foreign corporation (bank), a receipt must be obtained from the Secretary of State stating that such fiduciary has appointed the Secretary of State to be its agent for service (C.G.S. §45a-206). For reciprocity of foreign corporations, see *Law Digest*, Volume VIII, Martindale-Hubbell at "Banks" or Wilhelm, *Settlement of Estates*, Appendix D.

***REPORT OF REPRESENTATIVE FOR INTERESTED PARTY, PC-170.** See Probate Court Rules, section 30.8

A guardian ad litem who represents an heir or beneficiary whose location is unknown, or who is a minor or incompetent, undetermined or unborn, must advise the court in writing whether the guardian ad litem objects to the admission of the purported will Probate Court Rules, 30.8 (b).

- If a guardian ad litem was appointed for an heir, a beneficiary, or an interested party, indicate on the hearing sheet and in CMS if that report has been received. To insure its return, send the PC-170 form along with the Notice of Hearing.

- If the **Petition for Administration or Probate of Will, PC-200**, indicates the decedent has an interest in real property other than in survivorship, make a notation on the hearing sheet that a **Notice for Land Records/ Appointment of Fiduciary, PC-251**, is needed. It is the fiduciary's responsibility to file the notice on the land records.

- Indicate the number of Fiduciary's Probate Certificates requested by the fiduciary on the Judge's Hearing Sheet and in CMS. The **Fiduciary's Probate Certificate, PC-450**, provides evidence of the fiduciary's authority to transfer, sell or withdraw the assets of the estate. Note the limitations, if any, on the certificate. The certificate is valid for one year from date of issuance (C.G.S. §45a-200).

① After the hearing, the Judge's Record of Hearing Sheet (see p. DE/T-34 or p. DE/T-35) or the judge's notes provide the information for the clerk to prepare the decree, creditor's notice and certificates.

① If a bond is required, the decree may NOT be entered until any required bond is filed and accepted by the court.

PROBATE BONDS

General

A bond is required of an executor unless it is excused by the will (C.G.S. §45a-289). However, if the assets of the estate are less than \$20,000 or if the amount of the estate that is not restricted by probate court order is less than \$10,000, the judge may waive the requirement of a bond. (C.G.S. §45a-139) Additional bond is required on the sale of real estate (C.G.S. §45a-164), unless it is excused by will, or unless the fiduciary is a bank (C.G.S. §45a-169).

Discretionary Powers of the Court

The probate judge shall require a bond amount and security pursuant to C.G.S. §45a-139 and Probate Court Rules, section 35.1.

The court may excuse the requirement of a bond if:

- (1) the value of the assets of the estate or the amount of the estate that is not held in a restricted account is less than the amount under C.G.S. section 45a-139 (c);
- (2) the fiduciary is a corporate fiduciary;
- (3) in a decedent's estate:
 - (A) the will or other governing instrument excuses bond; or
 - (B) each heir or beneficiary of a decedent's estate waives the requirement of a bond.

Bond may be required of an executor even though the will excuses it or the beneficiaries waive bond. If required, the judge must make a finding of need and explain the circumstances forming the basis of the decision. C.G.S. §45a-289; Probate Court Rules, section 35.1 (c).

Amount of Bond — C.G.S. §45a-289; Probate Court Rules, section 35.6.

The Probate Court Rules, section 35.6, permit the court to approve a bond amount that is equal to the value of the assets under the control of the fiduciary and anticipated receipts of income or assets during the applicable accounting period. The amount of a probate bond may be reduced even further if:

- 1) The fiduciary does not have the power to sell or mortgage real property;

- 2) The fiduciary deposits assets into a restricted account;
- 3) All the heirs or beneficiaries request a smaller bond;
- 4) A fiduciary is an heir or beneficiary of the decedent's estate; or
- 5) If the court has approved a structured settlement, bond may be equal to the funds anticipated to come under the fiduciary's control during the applicable accounting period.

Security for a Probate Bond

Bonds filed on or after July 1, 2013 must be secured by a corporate surety. Probate Court Rules, section 35.3 (a).

NOTE: A bond secured by a personal surety before July 1, 2013, remains in effect unless the court requires a corporate surety. Probate Court Rules, section 35.3 (d). A personal surety who is not a resident of Connecticut must file a certificate appointing the judge and his successors in office as the surety's agent for service of process. The certificate of the out-of-state surety must be acknowledged by notary public, Commissioner of the Superior Court, or other officer authorized to take acknowledgements of deeds.

ADJUSTMENTS TO THE AMOUNT OF PROBATE BOND, Probate Court Rules, sections 35.8, 35.9

The court may adjust the amount of the bond to reflect changes in the value of the estate in connection with a review of a periodic or interim financial report or account, a report filed by a fiduciary, or any other time.

If bond is required, a fiduciary must file a report within 30 days of receipt of additional assets or income or recognition of capital gain from the sale of an asset, the aggregate amount of which exceeds 10% of the bond or \$50,000, whichever is greater.

Bond Forms and Execution

*PROBATE BOND, PC-480

This form delineates the function and responsibility of the surety.

Fiduciaries must use PC-480, or a substantially similar form, for contracts of suretyship. All fiduciaries and at least one surety must sign the form.

A contract of suretyship by a corporate surety must be supported by written evidence that the agent is authorized to sign the bond on behalf of the surety. Probate Court Rules, section 35.3 (b).

*BOND WAIVER, PC-280

The court may excuse bond if all beneficiaries sign a waiver of bond

*** ORDER AND AGREEMENT RE RESTRICTION ON ASSETS, PC-411. Alternative To Bond: Restriction On Control Of Assets — To Reduce The Expense Of A Bond** In lieu of bond, the court may authorize a fiduciary to establish a restricted account to hold the assets of the estate. Probate Court Rules, section 35.7. The court shall not issue a decree appointing a fiduciary or issue a probate certificate evidencing the appointment until the fiduciary has filed a fully executed agreement with a financial institution approved by the court. The agreement shall prohibit distributions except with the advance written approval of the court.

***DECREE GRANTING ADMINISTRATION OR PROBATE OF WILL, PC-260**

- "X" out "the granting of letters of administration OR" and "and any codicils" if there are none.
- Type in the judge's name.
- Enter date of death.
- Enter decedent's address at the time of death (street, town and state).
- Insert "X" in applicable boxes.

- All persons ...interested have signed ...written waiver...OR have received notice...right to request a hearing....
- Notice of hearing was given...
- Mail notice was returned.
- Further notice... is dispensed with...
- Military waiver/representation by attorney.
- Primary executor, contingent, administration cum testamento annexo (c.t.a.)...predeceased or has declined...

The fiduciary named above has accepted the position...and

- Probate bond...is fixed at \$
- The assets of the estate are less than \$20,000, or the amount... not restricted by court order is less than \$10,000.
- The fiduciary is excused by the will from giving probate bond or is a bank or trust company duly qualified according to law.
- In order to properly protect the assets of the estate, restriction on the fiduciary's control over the assets...is required.
- Nonresident fiduciary has appointed an agent for service.
- Space for additional finding by the court.

And it is ORDERED and DECREED that:

- The...application is approved, administration of said estate is granted to the fiduciary..., and letters of administration....
- Said will ("X" out "and codicils if any" if there are none) is duly proved...as the Last Will and Testament, etc.
- The fiduciary having presented a probate bond... said probate bond is approved.
- The court dispenses with the requirement of a probate bond.
- The foregoing is subject to, and effective upon, the filing of an agreement to restrict assets in accordance with the proposed Authorization and Agreement RE: Restriction on Assets, PC-441, annexed hereto.

And it is further ORDERED and DECREED that:

Two months from the date hereof, the Inventory is due.

Twelve months from the date hereof, the Final Account is due.

All claims against the above estate be presented pursuant to the provisions...

The fiduciary shall immediately record...

Dated at (town) this (date) day of (month), (year).

Signature of judge.

Within ten days after the date of the decree, a copy of the decree, with the court's seal, must be mailed to each party and attorney who received notice of the hearing. It is important to note that the period for the parties to appeal begins to run on the date of mailing.

- **NOTE:** Complete certification that the decree has been sent to each party and attorney of record. Use PC-152 if certification is not included on pre-printed decree.

***NOTICE OF DECREE ADMITTING WILL TO PROBATE, PC-230**

Two (2) allowed at no charge; \$2.00 each thereafter.

ⓘ If the will is admitted, in addition to sending copies of the decree, PC-230 should be sent to all parties who received notice of the hearing. Thereafter, only beneficiaries under the will and not heirs-at-law should receive notice of any further proceedings, UNLESS special notice is requested under C.G.S. § 45a-127. .

ⓘ **NOTE:** Retain one copy of PC-230 for the purposes of recording. This copy should be signed and dated by the clerk.

ESTATE OF:

LATE OF: (Town), Connecticut

DATE WILL ADMITTED TO PROBATE:

Name of Beneficiary(ies) under will; Current and presumptive remainder beneficiary(ies)

Name and Address of fiduciary and of attorney for fiduciary.

Probate bond was not required of the fiduciary.

Probate bond was required of the fiduciary in the amount of \$_____.

Dated at (town), Connecticut this (date) day of (month) (year).

Signature of judge, clerk, assistant clerk.

For COURT USE ONLY: Date sent. Signature of clerk, assistant clerk.

***NEWSPAPER NOTICE TO CREDITORS AND RETURN, PC-231**

The court must publish this notice in a newspaper having substantial general circulation in the probate district within 14 days after the appointment of the fiduciary.

- Type in CAPS all names used by the decedent, JOHN J. SMITH a.k.a. JOHN JOSEPH SMITH and JOHN SMITH, deceased.

Name of Judge.

District.

Date of hearing.

Name of Clerk.

Fiduciary's name and address if corporate fiduciary, or if individual is not represented by an attorney. Otherwise, send in care of attorney.

ⓘ **NOTE:** The court must clip the newspaper notice (or request a tear sheet) from the newspaper. This must be placed in the appropriate area on the PC-231 and scanned/microfilmed.

NOTICE TO CREDITORS TO PRESENT CLAIMS, PC-234

- The court must provide the fiduciary with at least one copy of this form and should advise the fiduciary that more forms can be obtained from the court.

- The fiduciary completes the form and sends it by certified mail to creditors (who have 90 days to file a claim with the fiduciary).

NOTE: See p. DE/T-50 for a sample notice to the fiduciary regarding creditors' claims.

NOTICE FOR LAND RECORDS/APPOINTMENT OF FIDUCIARY, PC-251 (C.G.S. §45a-322)

- Provide the fiduciary with one **Notice for Land Records/Appointment of Fiduciary, PC-251**, for each town where the decedent owned an interest in real property including a mortgage or lien upon real property, whether in his name alone or as a tenant in common.

FIDUCIARY'S PROBATE CERTIFICATE, PC-450

- Prepare as requested by attorney or fiduciary.
- One Certificate may be given at no charge; there is a charge of \$5.00 for the next five.

NOTICE RE INTEREST ON FEES, PC-238

- Send PC-238 to the fiduciary and his or her attorney, if any. **NOTE:** If needed, form **CM-79, Application/Order for Extension of Time to Pay Probate Fees**, should be used to request an extension of time to pay fees. (See p. DE/T-56.)

ⓘ It is the clerk's responsibility to follow-up on the estate, keeping track of the date of the decree, and the dates on which the inventory, the return and list of claims, and the estate tax are due.

***INVENTORY, PC-440**

The Inventory is due two months from the date of the decree. An extension of an additional two months may be granted upon application of the fiduciary (C.G.S. §45a-341).

The fiduciary must send a copy of the inventory to each party and attorney of record, and certify that the copies have been sent. Probate Court Rules, section 30.12. The certification may be in the space provided on PC-440 or the fiduciary may attached PC-151.

NOTE: C.G.S. §14-16 states that the owner of a motor vehicle may designate a beneficiary on the registration certificate in writing. To obtain ownership of the vehicle after the owner's death, the beneficiary must file an application with the Department of Motor Vehicles within 60 days of the date of death. Please be aware of this law when petitioners ask about transferring title to motor vehicles and/or whether a motor vehicle should be listed on the Inventory.

- Date-stamp the Inventory.
- Check arithmetic.

Billing on Inventory

Although the court may bill on the inventory, the preferred method is to bill on the estate tax return (or succession tax return). The court may bill the attorney (or fiduciary if there is no attorney) when the inventory is filed for charges to date, and compute the fee based on the inventory total.

Billing on Estate Tax Return (or Succession Tax Return for decedents dying on or before January 1, 2005)

Pursuant to C.G.S. §45a-107, billing for statutory fees is based on the GREATER of:

- 1) the gross estate for succession tax purposes

OR

2) the Connecticut taxable estate as defined in C.G.S. §12-391, as amended,

OR

3) the gross estate for estate tax purposes [Ch. 217 and 218 of the Connecticut General Statutes],

OR

4) the inventory.

NOTE 1): Upon receipt of the estate or succession tax return, prepare and send the probate fee invoice to the fiduciary and his or her attorney, if any, **within five (5) business days**.

NOTE 2): Any portion of the basis for costs that is determined by property passing to the surviving spouse shall be reduced by 50%.

NOTE 3): Wrongful death proceeds shall be included in computing probate court costs.

The statutory probate fee in a decedent's estate includes all proceedings in the estate. There is no \$150 entry fee charged in connection with any application, such as an application to sell or mortgage real property, or application to approve compromise of claim. However, in addition to the statutory fee there may be additional fees for:

- Recording documents;
- Notices of hearing in excess of two;
- Cost of giving notice by newspaper or certified mail;
- Providing copies of documents from the court records;
- Certifying copies;
- Retrieval of court records from the archives;
- Copying probate records through use of a hand-held scanner; or
- Providing a digital copy of an audio recording of a hearing.

***RETURN OF CLAIMS AND LIST OF NOTIFIED CREDITORS, PC-237**

This form is due 210 days after the appointment of the fiduciary (C.G.S. §45a-361). Claims are debts owed by the decedent as incurred by the decedent before death. Items such as the funeral bill are not claims, since the debt was incurred after death.

INSOLVENT ESTATES

***APPLICATION/DECLARATION OF INSOLVENT ESTATE, PC-204**

If the petitioner checks the second to last box on the application, PC-204, then set the matter for a hearing:

The court orders the fiduciary to receive and decide upon claims of the creditors of said estate in accordance with C.G.S. §45a-378(a) and (b):

***ORDER OF NOTICE, PC-120**

The court shall give notice to such interested persons as it may direct. This may include beneficiaries, creditors, attorneys, the fiduciary, etc.

- Newspaper notice is required (C.G.S. §45a-376).

***NOTICE OF HEARING, PC-130**

***DECREE/INSOLVENT ESTATE, PC-266**

A copy of this decree with the court seal must be sent to each party and attorney of record (C.G.S. §45a-376). The court must certify that copies have been sent.

***NEWSPAPER NOTICE AND RETURN/INSOLVENT ESTATES, PC-233**

- Within 14 days after the determination of insolvency, the court must publish newspaper notice to notify all creditors to present claims to the fiduciary. Claims must be presented within 150 days from the determination of the insolvency, or they are forever barred.
- Type in CAPS all names used by the decedent, JOHN J. SMITH, a.k.a. JOHN JOSEPH SMITH, and JOHN SMITH, deceased.

Name of Judge.

District.

Date of Hearing.

Type date (which date is 150 days from the date of determination of insolvency).

Name of Clerk.

Fiduciary's name and address.

***NOTICE TO CREDITORS, PC-234**

A 150-day notification period begins on the date of the decree declaring insolvency. No later than **30 DAYS** before the notification period expires, the fiduciary SHALL give notice to known creditors specifying the end of the claims period. [C.G.S. §45a-378(b)].

***APPLICATION FOR SETTLEMENT OF ESTATE WITHOUT CLAIMS PROCEDURES**

PC-204 may also be used as an application for settlement without claims procedures under C.G.S. §45a-383, in which case the following box is checked:

The assets of said estate, exclusive of the articles which may be legally set out to the surviving spouse and the allowances for support of such spouse and that of the family of said deceased, will not be more than sufficient to pay the funeral expenses, the expenses of settling said estate, the expenses of the last sickness, and the lawful taxes and claims due the State of Connecticut and the United States. C.G.S. §45a-383.

Hearing on such application may be held at any time, even as late as the time of the hearing on the administration account. If the court makes the required findings as to the lack of assets, it may order the settlement of the estate without the claims procedures otherwise required under C.G.S. §§45a-376 to 45a-382, and order payment of the preferred claims to the extent shown in the account.

***ORDER OF NOTICE, PC-120**

The court shall send such notice as it may direct. This may include beneficiaries, creditors, attorneys, the fiduciary, etc.

NOTICE OF HEARING, PC-130***DECREE/INSOLVENT ESTATE, PC-266**

The court makes the following finding by checking the appropriate box:

The assets of said estate, exclusive of the articles which may be legally set out to the surviving spouse and the allowance for support of such spouse and that of the family of said deceased, will not be more than sufficient to pay the funeral expenses, the expenses of settling said estate, the expenses of the last sickness, and the lawful taxes and claims due the State of Connecticut and the United States. C.G.S. §45a-383.

• The court then makes the following order:

The fiduciary settle said estate without notice to creditors and the amounts found due above be paid in accordance with C.G.S. §45a-365, and due return make to this court.

NOTE: A copy of this decree with the court seal must be sent to all parties and attorneys of record (C.G.S. §45a-376). The court must certify on the decree or on PC-152 that copies have been sent.

SPECIAL CIRCUMSTANCES**Petition to Approve Claims of Executor or Administrator** (C.G.S. §45a-367) (Manuscripted forms)

A fiduciary shall not pay any personal claim of his or her own until the court has approved the claim after hearing.

Petition to Approve Compromise of Claims (C.G.S. §§45a-151 through 45a-156; ***Decree Settling Doubtful or Disputed Claim, PC-463**)

Upon **PETITION** by the executor (manuscripted), the court may authorize a doubtful or disputed claim (in favor or against).

***APPLICATION AND DECREE FOR SUPPORT ALLOWANCE, PC-202**

The court can grant an allowance for support of the spouse and family during estate administration (C.G.S. §45a-320). The allowance may be granted ex parte. Many courts require a budget to be submitted before acting on this application.

***APPLICATION TO SELL OR MORTGAGE REAL PROPERTY, PC-400**

C.G.S. §45a-164. An application must be made to the court to sell or mortgage real property. The application should be accompanied by a description of the real property and the buy/sell agreement. **NOTE:** If the court learns of potentially higher bidders, consideration should be given to continuing the hearing and establishing a process to review the bids.

NOTE: Probate Bond is generally required unless:

- The value of unrestricted assets is less than \$10,000;
- The fiduciary is a corporate fiduciary;
- The will excuses bond; or
- Each heir or beneficiary waives the requirement of a bond.

(C.G.S. § 45a-169, Probate Court Rules, section 35.1)

- Prepare Judge's Record of Hearing/Sale of Real Estate (Optional, see p. DE/T- 37.)

***APPLICATION TO CONSTRUE A WILL/TRUST or *APPLICATION TO TRY TITLE**

Pursuant to C.G.S. §45a-98 and 45a-98a, the court of probate can construe the meaning of a will or trust agreement if a construction is required in connection with the administration of an estate otherwise within the court's jurisdiction.

Ascertainment of Heirs: Establishment of Paternity after the Death of the Father or Child

The Probate Court's power to ascertain heirs (distributees) is a mere incident of the power to order distribution. Therefore, the ascertainment of heirs must be sought in conjunction with the order of distribution. Wilhelm, *Settlement of Estates*, Section 324. C.G.S. §45a-438 (b) states that the father of a child born out of wedlock shall be considered a parent if "... (4) after the death of either the father or the child, paternity has been established by the Probate Court by clear and convincing evidence that the father has acknowledged in writing that he is the father of the child and has openly treated the child as his." Also note that the father of a child born out of wedlock may be considered the father if he has been adjudicated the father of the child by a court of competent jurisdiction. Section 45-438 (b) (2). See 46b-172a (i) for adjudication of paternity after the death of the father.

Action on a Probate Bond

Under the provisions of C.G.S. §45a-144, any person claiming to be aggrieved by the breach of a probate bond may bring an action in Superior Court or may apply to the Probate Court in which the bond was given to recover for the breach. If the matter is brought in the Probate Court, the following procedure should be used:

***APPLICATION TO RECOVER DAMAGES FOR BREACH OF PROBATE BOND, CM-51** (See form on p. DE/T- 51.)

ESTATE OF (Decedent's name)

PETITIONER [Name, address, and zip code]

RESPONDENT/SURETY [Name, address, and zip code]

If a CORPORATE SURETY, specify the name and address of the Statutory Agent for service of process.

RESPONDENT/FIDUCIARY [Name, address, zip code, and title] (If from a state other than Connecticut, Judge of Probate will be the agent for service of process.)

If a CORPORATE FIDUCIARY, specify the name and address of the Statutory Agent for service of process.

The Petitioner represents that:

- 1. On, the above named respondent/fiduciary...*
- 2. The respondent/fiduciary was duly appointed or approved...*
- 3. The condition of the bond is that...*
- 4. The respondent/fiduciary has breached...*
- 5. The petitioner's interest herein is as...*
- 6. This application is made by...*

ⓘ **NOTE:** The statute requires that if the application is not brought by a party acting as a representative of the estate, and the judge concludes that the action should be brought on behalf of all persons interested in the estate, then the judge may order that the action be brought on behalf of all such persons. [C.G.S. §45a-144(b)].

Wherefore...

Signature of Petitioner

*Signature of endorser **

If application is in order:

- Date-stamp.
- Enter into CMS.

* **ORDER OF NOTICE/SUIT ON A PROBATE BOND, CM-52** (See form on page DE/T- 52.)

ESTATE OF:

PETITIONER:

DATE: PLACE: TIME OF HEARING: COMPLIANCE DATE: 10 DAYS' NOTICE REQUIRED

Certified Mail: *to the surety.*

Regular Mail: *to all other parties and attorneys of record.*

ORDER: ADDITIONAL PARTIES

AND IT APPEARING TO THE COURT THAT THIS APPLICATION WAS FILED BY A PERSON NOT ACTING AS A REPRESENTATIVE OF SAID ESTATE..... [C.G.S. §45a-144(b)].

- The court should list here the names and addresses of all parties who have a litigable interest in the appeal.

RETURN OF NOTICE OF HEARING:

ⓘ If the notice to the respondent/fiduciary is returned, the court must continue the hearing and make every effort to effect service upon that party.

NOTICE OF HEARING, PC-130

Suggested wording: Upon the application of the Petitioner for "the recovery of damages for breach of a probate bond."

① **NOTE:** The statute does not require that the hearing be held within any given time period. It is recommended that the court set the hearing as soon as it is practical to do so, but within 30 days.

*** DECREE/JUDGMENT AWARDING DAMAGES AGAINST THE SURETY ON A PROBATE BOND, CM-54**

(See form on p. DE/T-54.)

• The court makes a finding by checking the appropriate box in the first paragraph:

... a probate bond in the amount of \$..... with sufficient surety is required OR the probate bond of the petitioner already on file is sufficient.

Name of Judge

• The court must make specific written findings detailing the breach of the bond.

The court further finds that \$ is a reasonable sum for the petitioner's disbursements and services...

WHEREFORE, IT IS ORDERED AND DECREED that a judgment for damages in the aggregate amount of \$..... be and is hereby entered.

in favor of the petitioner as representative payee...

in favor of the petitioner in his own right...

allocated between the petitioner and all other interested parties...

Dated at

Signature of Judge

NOTE: The court must send a copy of this decree with the court seal to all parties and attorneys and certify on the decree or PC-152 that copies have been sent.

Options for the Hearing in Special Circumstances: Compromise of Claim, Support Allowance, Sale of Real Estate, Will Construction, Trying Title, Ascertainment of Heirs, etc.

See section on the Three Options for Hearings on Admission of Will, pp. DE/T 6-9. The options are the same for hearing in special circumstances.

***DECREE, PC-160**

① **NOTE:** For probate bond requirements, see pp. DE/T-10 and 11.

***DECREE FOR SALE OR MORTGAGE OF REAL PROPERTY, PC-460**

***DECREE SETTling DOUBTFUL OR DISPUTED CLAIM, PC-463**

NOTE: The court must send a copy of the decree with the court seal to all parties and attorneys and certify on the decree or on PC-152 that copies have been sent.

Release of State Tax Liens

For release of state tax liens, see pp. DE/T-28-30.

Purchase of Property by the Fiduciary – C.G.S. §§45a-162, 45a-163, 45a-164, 45a-167

C.G.S. §§45a-162 and 45a-164 allow the court, after hearing, to authorize the sale of real or personal property *directly* to the fiduciary without the use of a committee. In the alternative, the court may order a public sale. If a public sale is ordered, the court must proceed in accordance with C.G.S. §45a-163. Whether the proposed sale to the fiduciary is public or private, any notice sent to interested parties and the required NOTICE *shall indicate that the fiduciary is the proposed purchaser.*

Restrictions on Sale of Estate Property — Real and Personal

C.G.S. §45a-341 (c). If the court grants administration of a decedent's estate to a person other than (1) the person designated in the will as executor or successor to such executor, (2) the surviving spouse, (3) any child of the decedent or any guardian of such child as the court shall determine, (4) any grandchild of the decedent or any guardian of such grandchild as the court shall determine, (5) the decedent's parents, (6) any brother or sister of the decedent, or (7) the next of kin entitled to share in the estate, the fiduciary appointed by the court shall file an inventory before the sale of any personal property. The fiduciary should send a copy of the inventory to each person interested in the estate and should notify each person that a sale of certain items in the inventory is contemplated. The notice must inform the recipient that he/she may object to the sale by filing a notice of objection in writing with the court of Probate having jurisdiction over the estate of the decedent within **five (5)** days after receipt of the notice of sale. Upon receipt of such notice of objection, the court must set a time and place for a hearing, with notice to all persons interested in the estate. If real estate is sold, the judge may wish to prepare a Judge's Record of Hearing, Sale of Real Estate form. See p. DE/T- 37.

- **NOTE:** Upon application by the fiduciary, the court may order a sale of personal property without a hearing before the filing of an inventory and notice of sale, if the court finds that an expeditious sale is necessary for the protection of the estate, *and* a delay would cause irreparable harm.

ESTATE TAXES C.G.S. Section 12 -391 et seq.

Estate Tax Returns for Decedents Dying : 1) On or after January 1, 2011, AND 2) From January 1, 2005 through December 31, 2009.

Each estate requires an estate tax return.

If the Connecticut Taxable Estate is **over two million dollars**, one copy of the estate tax return, Form CT 706/709, must be filed with the Commissioner of Revenue Services (DRS) and one copy with the Probate Court.

If the Connecticut Taxable Estate is **two million dollars or less**, an estate tax return, Form CT 706 NT, must be filed with the Probate Court *only*. On the basis of such return, if the judge of probate believes that the estate is not subject to tax, the judge shall issue a written opinion (form PC-255).

Be sure copies of deeds are attached as specified in the instructions on the tax return. Valuation of real property should also be attached to the returns as required in Probate Court Rules, section 31.3.

Estate Tax Returns for Decedents Dying in 2010.

Each estate requires an estate tax return.

If the Connecticut Taxable Estate is **over 3.5 million dollars**, one copy of the estate tax return, Form CT-706/709, must be filed with DRS and one copy with the Probate Court.

If the Connecticut Taxable Estate is **3.5 million dollars or less**, an estate tax return, Form CT 706 NT, must be filed with the Probate Court *only*. On the basis of such return, if the judge of probate believes that the estate is not subject to tax, the judge shall issue a written opinion (form PC-255A).

Filing Deadline for Estate Tax Returns – C.G.S. § 12-392 – **within SIX months** from the date of death.

Extension of time to file Estate Tax Returns. A request for extension of time to file a CT-706 NT is filed with the Probate Court on Form CT-706 NT EXT, Application for Extension of Time for Filing CT-706 NT. The application must be filed before the due date for filing the return. If the application is timely, the court may grant one six-month extension to file the CT-706 NT.

A request for extension of time to file a CT-706/709 must be filed on Form CT-706/709 EXT with the Department of Revenue Services. **NOTE:** Estate tax returns are available on the DRS website (www.ct.gov/drs). DRS updates the tax forms every year. To access the forms, click on “Forms,” and then select “Gift/Estate...Tax” forms. DRS contact information for legal questions or process questions concerning the estate tax returns can be found in the “Addresses” section of this manual.

Procedure when Form CT-706 NT is filed but estate may be taxable. If, after review of a Form CT-706 NT, the judge is unable to determine whether the amount of a decedent’s Connecticut Taxable Estate is less than or equal to the Connecticut estate tax exemption amount, the judge should sign the statement at the bottom of the return under the heading *Form CT-706/709 Required to Be Filed* and instruct the estate to file Form CT-706/709 with the Commissioner of Revenue Services. The court should send one copy of the return (without attachments) with the signed statement to the individual(s) who signed the CT-706 NT and the attorney, if any, and a copy to DRS. The individual(s) who filed the return is required to file Form CT-706/709 with DRS, with a copy to the court.

Application for Certificate Releasing Connecticut Estate Tax Lien, PC-205 (Record with Confidential Records).

The fiduciary, or taxpayer, may apply to the Probate Court for release of a Connecticut estate tax lien of a non-taxable estate BEFORE the CT-706 NT is filed in court. The court may issue a Certificate Releasing the Connecticut Estate Tax Lien , **PC-256 or 256A**, if the Connecticut taxable estate is two million dollars or less for decedents dying on or after 1/1/2011 or from 1/1/2005 through 12/31/09. For decedents dying in 2010, the Certificate Releasing the Connecticut Estate Tax Lien may be issued if the Connecticut taxable estate is 3.5 million dollars or less. See DE/T, pp. 28-30 for further discussion of Certificates Releasing Estate Tax Liens. **Note:** The application for Certificate Releasing Connecticut Estate Tax Lien, PC-205, is NOT required if an Estate Tax Return has been filed.

Recording attachments to estate tax returns, PC-208. The court must record Form CT-706 NT and CT-706/709, along with each attachment submitted with the return unless the party filing the return specifies in writing that the attachment need not be recorded. PC-208 may be filed with the tax return to indicate what attachments need not be filed. The court may still record an attachment if it finds that it is necessary to understand the return. Probate Court Rules of Procedure, section 31.7.

Disclosure of estate tax return. C.G.S. § 12-398(c)(1) permits disclosure of an estate tax “return or return information to an executor, administrator, trustee, grantee, donee, beneficiary, surviving joint owner, or any other interested party, when any such person establishes, to the satisfaction of such court, that he or she has a material interest which will be affected by information contained in such return.” Similar access to the return or return information may be given to the authorized representative of an executor, administrator, trustee, grantee, donee, beneficiary, surviving joint owner, or other interested party. Courts may limit access to that portion of the return to which the requesting individual or authorized representative has a direct interest.

Probate Court Rules of Procedure, section 31.8, permits the court to disclose the estate tax return or return information, without notice and hearing, if the person seeking disclosure is a fiduciary of the estate, an heir of an intestate estate or a beneficiary of a testate estate. A hearing must be held before the court may disclose an estate tax return or return information to other persons listed in C.G.S. § 12-398 (c)(1). See C.G.S. § 12-398(c)(1), Probate Court Rules of Procedure, section 31.8, and CM Appendix 11-9 for further information and rules regarding the confidentiality and disclosure of succession and estate tax returns. Also see CM Appendix 11-10 for a discussion of changes to the estate tax and probate procedures.

Succession Taxes (S-1 and S-2) – C.G.S. §§12-340

Succession Tax Returns must be filed only for decedents who died before January 1, 2005

Form S-1 is filed if the gross amount passing to any class of beneficiaries exceeds the exemption for the class. **Form S-2** is filed if the gross amount passing to all classes is less than the exemption for the classes. **NOTE:** If the sole asset is wrongful death proceeds, a Succession Tax Return need not be filed.

Be sure copies of deeds are attached as specified in the instructions on the tax return. Information on deeds is needed later for preparation of the **Tax Certificate for Land Records, PC-252S/PC-253S**, and/or **Certificate of Devise, Descent, or Distribution, PC-250**. (See p. DE/T-29 for further explanation.) The court seal is impressed on the return, and the judge signs the certification of “No Tax Due” and/or certification that it is a true copy of the return on file in the court. The clerk or assistant clerk may also sign the “true copy” certification. Make sure that all copies of necessary attachments are included.

- Send original tax return to Inheritance Tax Division within 10 days (C.G.S. §12-359). Retain a copy of the return in the decedent's file
- The fiduciary must send a payment for the estimated amount of tax due to the Commissioner of Revenue Services to prevent having to pay interest. A final report is issued when all the tax is paid. The fiduciary should be instructed to send the check directly to the Inheritance Tax Department and **NOT** to attach it to the return.
- The Inheritance Tax Division issues a “Succession Tax Computation” for those estates that have a tax due.
- Please see pp. DE/T- 30 for a discussion of the Certificate of No Succession Tax.
- Please see CM Appendix 11-9 for a discussion of the confidentiality of succession and estate tax returns. Also see Probate Court Rules, section 31.8.

Closing a Full Estate with an Affidavit in Lieu of Administration

If a decedent estate is opened as a full estate but it is subsequently determined to be eligible for settlement of a small estate under C.G.S. section 45a-273, the fiduciary may request that the court excuse a financial report or final account (inventory and return of claims) and approve an affidavit in lieu of administration and request for order of distribution to conclude the settlement of the estate. Probate Court Rules, section 30.23. It is recommended that the court schedule a hearing on the fiduciary's request with notice to each party and attorney of record.

Advance Distributions — Interim Financial Reports/Accounts

The fiduciary may distribute personal property to the beneficiaries at any time *at his own risk*. If the fiduciary overpays or pays the wrong parties or if additional taxes or debts are due, the fiduciary is personally responsible. The fiduciary may file an interim financial report or account and petition for an order of partial distribution to receive court approval before the advance distribution. The court should set a hearing and give notice to all parties.

Final Financial Reports and Accounts

1) FINANCIAL REPORT. The fiduciary of a decedent estate may file a final financial report instead of a final account, unless:

1. The will provides for a distribution to a trustee of a trust that has differing income and principal interests.
2. The will establishes a life interest in intangible personal property.

3. The surviving spouse elects against the will under C.G.S. section 45a-436.

4. On the motion of a party, or the courts own motion, made before the approval of a financial report, the court requires the fiduciary to file a final account instead of a financial report. Probate Court Rules, sections 36.3, 38.1

*** FINANCIAL REPORT –PC-246**

Note: The fiduciary must certify that a copy of the Financial Report was sent to each party and attorney of record on the Financial Report or on PC-151.

***ACCEPTANCE AND WAIVER RE: FINANCIAL REPORT PC-244A**

***DECREE/ FINANCIAL REPORT PC-263A** (For estates of decedents who died after 1/1/05); **PC-263A-S** (For estates of decedents who died before 1/1/05) (**C.G.S. §45a-176**) **Note:** The court must certify on the decree, or PC-152, that a copy of the decree, with court seal, was sent to each party and attorney of record.

Three Options for Notice of a Hearing on the Financial Report

■ **1)** If all of the parties sign the ***Acceptance and Waiver Re: Financial Report, PC-244A**, the court may issue the **Decree/Financial Report, PC-263A/PC-263A-S**, approving the Financial Report without a hearing.

■ **2)** If the waiver, PC-244A, is not filed, the court must use the streamline procedures, and send form **Notice Re: Probate Application, PC-236C**, to each party and attorney of record. See Probate Court Rules, Section 8.8, for a discussion of when the court must schedule a hearing instead of using the streamline procedure. See DE/T, p. 8.

■ **3)** If a party objects to, or has questions concerning, the Financial Report, the party may request a hearing or the filing of an account. The court on its own motion may also require a hearing and/or an accounting.

***ORDER OF NOTICE OF HEARING, PC-120**

The Order of Notice also includes the Return of Notice of Hearing to be completed by the clerk/assistant clerk

NOTICE OF HEARING, PC-130

The list of persons receiving notice of hearing must be included on the notice of hearing.

(**NOTE:** Newspaper notice is sometimes used when the whereabouts of a beneficiary are unknown.)

Review of Financial Report

- Upon receipt of a Financial Report, check:
 - 1) Assets and income received
 - 2) Administration expenses including fiduciary fees, attorney fees and probate fees,
 - 3) The amount reported on the Return of Claims and List of Notified Creditors,
 - 4) Estate or succession taxes, and
 - 5) Distributions and proposed distributions.

Hearing on Financial Report–

- Is the financial report/account correct?
- Does proposed distribution agree with the terms of the will?
- Is there a mutual distribution? (See p. DE/T-45.)
- Is the beneficiary a minor who will be receiving a bequest over \$10,000? If so, a guardian of the estate must be appointed by the Probate Court for the district where the minor resides. (C.G.S. §§45a-629 and 45a-631). **NOTE:** If the minor resides in

another state, the criteria for appointment of a guardian of the estate in that other state may be different.

- Is the beneficiary an incapable person? A conservator of the estate must be appointed by the Probate Court for the district where the incapable person is domiciled (C.G.S. § 45a-648).
 - Is there a testamentary trust? Has the court issued a decree appointing the trustee? Has the trustee accepted?
 - Is a PC-255S (decendent's date of death [DOD] before 1/1/05), PC-255 (DOD 1/1/05 through 12/31/09 AND on or after 1/1/2011), or PC-255A (DOD in 2010) required? (See pp. DE/T- 28-30.)
 - Has a PC-256S(DOD before 1/1/05) or PC-256/PC-256A(DOD on or after 1/1/05) been issued? (See pp. DE/T-28–31.)
 - Has the guardian ad litem submitted a Report of Representative for Interested Party, PC-170?
 - Is a Tax Certificate for Land Records, PC-252S/PC-253S (decendent died before 1/1/05) required? See p. DE/T-29.
 - Is a Certificate of Devise, Descent, or Distribution, PC-250, necessary? (See p. DE/T-27.)
 - For decedents who died before 1/1/05, is a Certificate of Devise, Descent, or Distribution/Mobile Manufactured Home, CM-33S, or Tax Certificate for Land Records (Mobile Manufactured Home: C.G.S. §21-67a), PC-254S, required? (See pp. DE/T-29 and 46.)
 - For decedents who died on or after 1/1/05, is a CM-33, Certificate of Devise, Descent, or Distribution Mobile Manufactured Home required? (See pp. DE/T-29 and 47.)
- Prepare Judge's Record of Hearing. (See p. DE/T-36.)
 - Bill the attorney or the fiduciary for any additional costs incurred by the estate for recording (for each page in excess of five pages of any document, the recording cost is \$3.00 per page), exemplified copies, certified copies, fiduciary certificates, notices, etc. (C.G.S. §45a-109).
 - Prepare **Decree/Financial Report, PC-263A/PC-263A-S** and send a copy, with a court seal, to each party and attorney of record and certify on the decree or on PC152 that a copy was sent to each party and attorney of record.
 - Prepare and send applicable forms to fiduciary or attorney for fiduciary as follows:

Decedents who died ON OR AFTER 1/1/2005:

- 1) Original Certificate of Devise, Descent or Distribution, PC-250
- 2) Original Certificate of Devise, Descent, or Distribution of Mobile Manufactured Home, CM-33
- 3) Opinion of No CT Estate Tax Due, PC-255 (or PC-255A for decendent's dying in 2010)
- 4) Original Certificate Releasing Conn. Estate Tax Lien, PC-256
- 5) Original Certificate Releasing Conn. Estate Tax Lien (Non-Solely-Owned Property), PC-256A

Decedents who died BEFORE 1/1/2005:

- 1) Original Certificate of Devise, Descent or Distribution, PC-250
- 2) Original Certificate of Devise, Descent or Distribution of Mobile Manufactured Home, CM-33S, OR Tax Certificate for Land Records (Mobile Manufactured Home: C.G.S. §21-67a), PC-254S
- 3) Original Tax Certificate for the Land Records, PC-252S/ PC-253
- 4) Certificate of No Succession Tax, PC-255S
- 5) Original Certificate Releasing Conn. Succession & Estate Tax Liens, PC-256S

See DE/T pp. 27-31 for explanation of these forms.

- Record PC-246, PC-244A, PC-263A, PC-263A-S and any applicable certificates. An Affidavit of Closing may be required if there is a reserve.

2) FINAL ACCOUNT. If the fiduciary files a final account or is required to do so under the Probate Court Rules, sections 36.3 and 38.1, as noted in the section on Financial Reports, the following forms must be filed.

***FINAL ACCOUNT: COVER SHEET/ADMINISTRATION ACCOUNT, DECEDENT'S ESTATE, PC-241, OR DECEDENT'S ESTATE/ADMINISTRATION ACCOUNT (Short Form), PC-242**

NOTE: Fiduciaries often manuscript or use computer account forms.

The Administration Account provides the court with a financial accounting of the income received and expenses incurred during administration of the estate. It begins with the assets on the date of death as listed in the Inventory on file in the court as well as any after-discovered assets. Income from rents, interest, dividends, refunds and other sources should be accounted for to show the total amount available to the fiduciary of the estate (C.G.S. §45a-431). The expenses of administration, funeral expenses, debts owed by the decedent as of the date of death, and any other expenses allowed should be reported. The court then has the total amount available, the total expenses, the amount available for distribution, and a proposed distribution. Probate Court Rules 36 to 38 and section 38.1

Upon receipt of the final account:

- Enter into CMS.
- Check arithmetic: figures on the Inventory, claims, and tax figures, etc. must agree with the figures in other documents on file.
- Review Cash Account. Amount on hand as of date of death, plus income, plus assets converted to cash; minus expenses (claims, funeral, administration, etc.) should be amount of cash on hand for distribution.

① **NOTE:** It may be helpful to mark the items on the Inventory “S” for sold or “D” for distributed, to be sure all items are properly accounted for. Proceeds from the sale of specifically devised real property sold by a conservator are distributed to the devisee (C.G.S. §45a-660).

Bequests and legacies should be shown as paid on the account. *Cleary v. Estate of White*, 134 Conn. 367 (1948). Interest on bequest after one year at the legal rate (C.G.S. §45a-542(d))(3).

- Check to see if the proposed distribution agrees with terms of the will or mutual distribution.
- Does the will provide for a testamentary trust? If so, the trustee must sign an **Acceptance of Trust, PC284**, and the court must issue a Decree appointing the trustee before distribution can be made.

Three Options for the Notice of Hearing on the Final Account, PC-241 or PC-242

See section on the Three Options for Notice of Hearing on Financial Report, PC-246, DE/T p. 24. The options are the same for a hearing on the Final Account.

- Prepare Judge's Record of Hearing. (See p. DE/T-36.)
- Bill the attorney or the fiduciary for any additional costs incurred by the estate for recording (for each page in excess of five pages of any document, the recording cost is \$3.00 per page), exemplified copies, certified copies, fiduciary certificates, notices, etc. (C.G.S. §45a-109).

Hearing on Final Account & Distribution – See section on Hearing for Financial Report, DE/T p. 24

***DECREE APPROVING ADMINISTRATION ACCOUNT...AND ORDERING DISTRIBUTION, PC-262 (For decedents who died on or after 1/1/05) and PC-262S (For decedents who died before 1/1/05)**

- Send copy of decree with court seal to each party and attorney of record and certify that copies have been sent on decree or on PC-152.
- Prepare and send applicable forms to fiduciary or attorney for fiduciary as follows:

Decedents who died ON OR AFTER 1/1/2005:

- 1) Original Certificate of Devise, Descent or Distribution, PC-250
- 2) Original Certificate of Devise, Descent, or Distribution of Mobile Manufactured Home, CM-33
- 3) Opinion of No CT Estate Tax Due, PC-255 (or PC-255A for decedent's dying in 2010)
- 4) Original Certificate Releasing Conn. Estate Tax Lien, PC-256
- 5) Original Certificate Releasing Conn. Estate Tax Lien (Non-Solely-Owned Property), PC-256A

Decedents who died BEFORE 1/1/2005:

- 1) Original Certificate of Devise, Descent or Distribution, PC-250
- 2) Original Certificate of Devise, Descent or Distribution of Mobile Manufactured Home, CM-33S, OR Tax Certificate for Land Records (Mobile Manufactured Home: C.G.S. §21-67a), PC-254S
- 3) Original Tax Certificate for the Land Records, PC-252S/ PC-253
- 4) Certificate of No Succession Tax, PC-255S
- 5) Original Certificate Releasing Conn. Succession & Estate Tax Liens, PC-256S

See below for explanation of these forms.

Certificates and Other Documents to be Sent to the Fiduciary/Attorney

***CERTIFICATE OF DEVISE, DESCENT OR DISTRIBUTION, PC-250.**

C.G.S. § 45a-450. This is a certificate issued to the fiduciary that contains a description of the property and the name(s) of person(s) to whom real property is distributed or descends. The Certificate is normally issued after approval of the final account. However, upon the request of the fiduciary, and after such notice and hearing as the court may order, the court may issue the Certificate before the acceptance of the final account, if the judge finds it to be in the best interests of the parties.

Obtain the name of the devisee(s) (distributee(s) in intestate estates), and the address and description of the real property from the Inventory (include volume, page number and date of deed from the land records). The description need not be repeated if it is the same as on the inventory.

- Impress court seal.
- Signature of the judge.
- Original for land records.
- Copy for court should be recorded

***CERTIFICATE OF DEVISE, DESCENT OR DISTRIBUTION OF MOBILE MANUFACTURED HOME, CM-33S OR CM-33. See p. DE/T-46 & 47. [NOTE 1): For decedents who died before 1/1/05, CM-33S is to be used for *solely-owned* mobile manufactured homes and PC-254S, Tax Certificate for Land Records (Mobile Manufactured Home: C.G.S. §21-67a), is to be used for *jointly-owned* mobile manufactured homes.**

NOTE 2): For decedents who died on or after 1/1/05, the forms to be used are CM-33, Certificate of Devise, Descent. . Mobile Manufactured Home. . . and PC-256, Cert. Rel. Conn. Estate Tax Lien/PC-256A Cert. Rel. Conn. Estate Tax (Non-Solely-Owned Property).]

- Delete the word "Devise" on the Certificate if the estate is an intestate estate.

C.G.S. §21-67a. This is a certificate the court issues to the fiduciary. It contains a description of the mobile manufactured home and the name(s) of person(s) to whom the mobile manufactured home is distributed or descends. The Certificate is normally issued after approval of the final account. However, upon the request of the fiduciary, and after such notice and hearing as the court may order, the court may issue the certificate before the acceptance of the final account, if it finds it to be in the best interests of the parties.

The certificate should contain the name and address of the devisee or distributee and a description of the mobile home from the Inventory (include name of manufacturer, model number, serial number, and name and address of mobile home park).

- Impress court seal.
- Signature of the judge.
- Original for land records.
- Copy for court should be recorded.

This section applies to estates of decedents who died ON OR AFTER JANUARY 1, 2005:

***CERTIFICATE RELEASING CONNECTICUT ESTATE TAX LIEN, PC-256**

***CERTIFICATE RELEASING CONNECTICUT ESTATE TAX LIEN (Non-Solely-Owned Property), PC-256A**

These forms are to be used in connection with C.G.S. §12-398(e), as amended, and Regulation 12-398-1 of the regulations promulgated by the Department of Revenue Services concerning the release of liens.

• **PC-256:** The Probate Court will issue form PC-256 in cases where a resident or a nonresident's gross taxable estate includes any solely-owned interest in real property situated in Connecticut. The judge must find that the value of the Connecticut taxable estate is **either two million dollars or less** (decedents dying 1/1/05 through 12/31/09 AND on or after 1/1/2011) OR 3.5 million dollars or less (decedents dying in 2010) and that there is no Connecticut estate tax due.

NOTE: The application for Certificate Releasing Connecticut Estate Tax Lien, PC-205, is NOT required if an Estate Tax Return has been filed.

✓ Impress court seal on PC-256. ✓ Signature of the judge. ✓ Send the original certificate with the seal to the fiduciary/attorney for recording in the land records in the town in which real property is located. A certificate should be issued for each piece of real property in Connecticut and it should be recorded in the town where the real property is located.

✓ Make a copy of the Certificate (PC-256) for the court file. This copy should be recorded. Also record PC-205.

• **Form PC-256A:** The Probate Court will issue form PC-256A in cases where a resident or a nonresident's gross taxable estate includes any non-solely-owned interest (i.e. jointly owned, a retained life use, etc.) in real property situated in Connecticut. The judge must find that the value of the estate is as stated above and that there is no Connecticut estate tax due. PC-256A will be filed with the town clerk in the town where the real property is located.

✓ Impress court seal on PC-256A. ✓ Signature of the judge. ✓ Make a copy of PC-256A for the court file. This copy should be recorded.

NOTE: The finding of no tax due shall not affect the responsibility of any person to file a return, or to collect or pay any tax subsequently found to be due.

***OPINION OF NO CONNECTICUT ESTATE TAX DUE, PC-255 applies to decedents dying on or after 1/1/11 AND from 1/1/05 through 12/31/09** (PC-255A – for estates of decedents dying in 2010). C.G.S. §12-392(3)(B).

The statute states that the judge “shall issue a written opinion to the estate representative in each case in which the judge determines that the estate is not subject to tax” When issuing the opinion, the judge must certify either:

1. The decedent resided in the district at the time of his or her death, the decedent’s Connecticut taxable estate is 2 million dollars or less, and a copy of the Connecticut estate tax return has been filed with the court.

OR

2. The decedent died a nonresident of Connecticut; his or her Connecticut taxable estate is 2 million dollars or less; the real property or tangible personal property of the decedent is situated in this probate district; and a copy of the Connecticut estate tax return has been filed with the court.

This section applies only to estates of decedents who died BEFORE JANUARY 1, 2005:

***TAX CERTIFICATE FOR LAND RECORDS, PC-252S/PC-253S.** [Important: Use these forms only for estates of decedents who died **before 1/1/05**.. Use form PC-256, Certificate Releasing Connecticut Estate Tax Lien/PC-256A Certificate Releasing Connecticut Estate Tax Lien (Non-Solely-Owned Property) instead.]

This is a certificate issued by the court in the case of land held by the decedent jointly with the rights of survivorship or reserved life interest or life tenancy (C.G.S. §12-363). A similar certificate, **PC-254S, Tax Certificate for Land Records (Mobile Manufactured Home)**, is issued with respect to jointly-owned mobile manufactured homes. (C.G.S. §21-67a.) The certificate is completed based on information received from the tax department. It shows that taxes have been paid or that no taxes are due. The tax certificate is recorded on the land records. The State of Connecticut has a lien on the property until the Probate Court issues the tax certificate stating that there is no tax due or that the taxes have been paid to the Inheritance Tax Division of the Connecticut Department of Revenue Services (C.G.S. §12-364). The tax certificate may be issued before the final account if a release of lien is required for the sale of real estate. Pursuant to C.G.S. §12-366 and 12-378, **the judge must sign PC-252S or PC-253S.**

Date of deed, volume, page, grantor/grantee information is taken from the deed attached to the succession tax return.

The original certificate will be used for the land records. The copy for the court should be recorded. Please note that the release of lien issued by the Department of Revenue Services and/or the Probate Court, pursuant to DRS Regulations 12-364-1, 12-366-1, 12-382-1, and 12-398-1, on real estate owned solely by the decedent is recorded directly on the land records.

***APPLICATION FOR CERTIFICATE RELEASING CONNECTICUT SUCCESSION AND ESTATE TAX LIENS, PC-205S**

***CERTIFICATE RELEASING CONNECTICUT SUCCESSION AND ESTATE TAX LIENS, PC-256S**

These forms are to be used in connection with the regulations promulgated by the Department of Revenue Services concerning the release of liens and requirements for the consent to transfer.

Form PC-205S and the top portion of PC-256S will be completed by either the fiduciary/survivor OR the attorney/authorized representative. The forms will be filed in the probate court for each property location in Connecticut for which a release of lien is requested. As explained below, there are three sections of the DRS regulations that pertain to the use of these forms **in estates of decedents who died before 1/1/05**. **NOTE:** The finding of no tax due shall not affect the responsibility of any person to file a return or to collect or pay any tax subsequently found to be due.

1) Section 12-364-1, Release of SUCCESSION TAX LIENS by the Probate Court/REAL PROPERTY OWNED in JOINT TENANCY with RIGHT of SURVIVORSHIP. [For estates of decedents who died before 1/1/05.]

The Probate Court will issue form PC-256S in cases where a resident or nonresident's gross taxable estate includes an interest in real property held in joint tenancy with the right of survivorship. The judge must find that there is no Connecticut succession, transfer, or estate tax due from the estate. This finding shall be based on satisfactory evidence that either:

- a) the surviving joint tenant is an exempt beneficiary, OR that b) no succession, transfer, or estate tax is likely to be due, given the value of the decedent's gross taxable estate and the beneficiaries to whom the estate will pass. The judge must sign the Certificate.

2) Section 12-366-1, Release of SUCCESSION TAX LIENS by the Probate Court/REAL PROPERTY NOT OWNED in JOINT TENANCY with RIGHT of SURVIVORSHIP. [For estates of decedents who died before 1/1/05.]

The Probate Court will issue form PC-256S in cases where a resident or nonresident's gross taxable estate includes an interest in real property held **OTHER THAN** in joint tenancy with the right of survivorship. The judge must find that there is no Connecticut succession, transfer, or estate tax due from the estate. This finding shall be based on satisfactory evidence that either: a) each of the beneficiaries of the decedent's estate is an exempt beneficiary, OR that b) no succession, transfer, or estate tax is likely to be due, given the value of the decedent's gross taxable estate and the beneficiaries to whom the estate will pass. The judge must sign the Certificate.

3) Section 12-398-1. Release of ESTATE TAX LIENS by the Probate Court. [For estates of decedents who died before 1/1/05.]

The Probate Court will issue form PC-256S in cases where a resident or a nonresident's gross taxable estate includes any interest in real property situated in Connecticut. The judge must find that there is no Connecticut estate tax due. This finding shall be based on satisfactory evidence that no federal estate tax will be imposed on the decedent's estate under 26 USC 2001, after taking the credit allowed under 26 USC 2010. (See the box concerning federal form 706 on PC-205S.)

- Impress court seal on PC-256S.
- Signature of the judge.
- Send the original certificate with the seal to the fiduciary/attorney for recording in the land records in the town in which real

property is located. A certificate should be issued for each piece of real property in Connecticut, and it should be recorded in the town where the real property is located.

- Make a copy of the Certificate (PC-256S) for the court file. This copy should be recorded. Also record PC-205S.

***CERTIFICATE OF NO SUCCESSION TAX, PC-255S. [For estates of decedents who died before 1/1/05.]** In 1997, the responsibility for issuing opinions of no tax shifted from the Commissioner of the Department of Revenue Services to the Probate Court. The Certificate of No Succession Tax, PC-255, was developed for probate records to show a finding of no tax because succession tax returns cannot be microfilmed. (The form is used by the court in all matters [tax purposes only (TPO) and full estates] for both real and personal property. It is issued *only if no succession tax is due, 30 days (C.G.S. § 12-378) have elapsed, the Commissioner has not filed an objection, the appraised value or the extent of taxability of any property has not increased, and there are no additional assets discovered.* It should be sent by the court to the attorney/fiduciary with a request to file the Administration Account, PC-241 or PC-242, or the Financial Report, PC-246.

- There is one other document that must be filed by the fiduciary to close the estate:

***AFFIDAVIT OF CLOSING OF DECEDENT'S ESTATE, PC-213**

This accounts for 1. the reserve shown in the final financial report or account and 2. any other activity since the final financial report or account was filed other than the distribution.

- The court should release the bond (**Certificate for Surety, PC-451**) when the affidavit is filed..

Miscellaneous Documents to Close an Estate

STATUS UPDATE, PC-286

If the final financial report or account is not filed within three months of the first anniversary of the appointment of an executor or administrator and on each anniversary date thereafter, the fiduciary must submit an update of the status of the estate. The status update must include the approximate amount of 1. the distributions already made to heirs or beneficiaries, 2. the estate on hand and 3. the reasons why the administration has not been completed. Probate Court Rules, section 30.21.

* DECREE RE: ADMINISTRATIVE CLOSING OF ESTATE, PC-268

When, despite the court's request(s), the fiduciary fails to file documents, such as the Return and List of Claims, estate tax return, financial report or account, AND the estate has been open for an unreasonable period of time, the court may, after notice and hearing, consider closing the estate administratively for failure of the fiduciary to complete administration of the estate.

The court may, without notice and hearing, reopen an estate that has been closed administratively. Probate Court Rules, section 30.24 and p. CM App. - 74.

CLOSING ESTATE FOR DORMANCY, C.G.S. section 45a-331 (b)

The court may close an estate for dormancy under the provisions of C.G.S. section 45a-331 (b) if the estate has been open for 10 years or more. Public notice is required.

***NOTICE OF INTENT TO CLOSE ESTATE, (CM-2, DE/T-43)**

If an **Affidavit of Closing, PC-213**, has not been filed within an appropriate period of time, the court may send the heirs and beneficiaries a Notice of Intent to Close Estate.

***DECREE CLOSING ESTATE (CM-3, DE/T-44)**

This form is to be completed by the court and closes the estate.

***CERTIFICATE FOR SURETY, PC-451**

This releases the corporate surety bond if one was required for the estate.

- Send the original to the surety company, and retain a copy.

Scanning Preparation

- Scan each original document not later than 30 days after completion of all proceedings. See Regulations 10.3 and 10.4 for a list of documents to be scanned. Be sure to separate confidential and non-confidential documents.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5.

Retention and Disposition of Documents – See Regulation 10.9.**After-Discovered Assets**

The following is the suggested procedure to be used when assets are discovered after the final financial report or final account has been approved.

***SUPPLEMENTAL INVENTORY, PC-440**

***AMENDED TAX RETURN** - Estate Tax Return, CT-706 NT or CT-706/709, or Succession Tax Return, S-4.

SUPPLEMENTAL FINANCIAL REPORT, PC-246, OR FINAL ACCOUNT, PC-PC-241 or PC-242*NOTICE OF HEARING**

The three options for Notice of Hearing are the same as the options for a hearing on the Financial Report. See DE/T p. 24.

NOTE: Have addresses or status of distributees changed? Have all creditors been paid?

***DECREE, PC-160**

- Send copy of decree, with the court seal, to each party and attorney of record and certify on the decree or PC-152 that copies have been sent.

- Enter into CMS.

***CERTIFICATE OF DEVISE, DESCENT OR DISTRIBUTION, PC-250**

- If real estate is involved, issue certificate.

***CERTIFICATE RELEASING ESTATE TAX LIENS**

***OPINION OF NO ESTATE TAX DUE**

CERTIFICATE OF DEVISE, DESCENT, OR DISTRIBUTION/MOBILE MANUFACTURED HOME, CM-33S or CM-33

These forms are for **solely-owned** mobile manufactured homes or mobile home held as tenants in common. **NOTE:** For decedents who died before 1/1/05, use CM-33S, p. DE/T-46. For decedents who died on or after 1/1/05, use CM-33, p. DE/T-47.

For mobile homes that are **jointly-owned** with rights of survivorship , use **TAX CERTIFICATE FOR LAND RECORDS (Mobile Manufactured Home: C.G.S. §21-67a), PC-254S** for decedents who died before 1/1/05. Use **PC-205/256** for jointly owned mobile manufactured homes if the decedent died on or after 1/1/05.

- If a mobile manufactured home is involved, issue the certificate.

***SUPPLEMENTAL AFFIDAVIT OF CLOSING OF DECEDENTS' ESTATE, PC-213.**

Judge's Record of Hearing

ESTATE/IN RE:

TYPE OF HEARING:

DATE AND TIME:

PERSONS PRESENT:
(INDICATE CAPACITY)

OBJECTION:

NAME(S):

REASON(S):

RULING BY JUDGE:

INSTRUCTIONS AND REMARKS:

GROSS TAXABLE ESTATE:

BOND:

FIDUCIARY CERTIFICATES REQUIRED:

CERTIFICATE FOR LAND RECORDS(?):

CERTIFICATE OF DEVISE/DESCENT/DISTRIBUTION(?):

TAX CERTIFICATE FOR LAND RECORDS(?):

TAX CERTIFICATE FOR MOBILE MANUFACTURED HOME (?):

CERTIFICATE RELEASING CT ESTATE TAX LIEN(?):

SIGNATURE OF JUDGE: _____

Judge's Record of Hearing
Admission of Will/Intestate Administration/Temporary Administration

ESTATE:

TYPE OF HEARING:

DATE AND TIME:

- FILE:
- ✓ Will Outline?
 - ✓ Death Certificate?
 - ✓ Obituary?
 - ✓ GAL?
 - ✓ Fiduciary – Primary or Contingent?
 If Contingent – Reason?
 – Proof?
 - ✓ Appointment of Judge as Agent for Service?
 - ✓ Notice Requirements?

PERSONS PRESENT:
(Indicate Capacity)

OBJECTION:

Name(s):

Reason(s):

Ruling by Judge:

INSTRUCTIONS AND REMARKS:

GROSS TAXABLE ESTATE:

BOND(?):

FIDUCIARY CERTIFICATES REQUIRED:

CERTIFICATE FOR LAND RECORDS:

Judge's Record of Hearing
Final Administration Account/Financial Report

ESTATE:

DATE AND TIME:

- FILE: Probate Fee Paid?
 Tax Clearance?
 706 Closing Letter?
 Fiduciary/Attorney Fees Acceptable?
 Notice Requirements?
 Trust Established?

PERSONS PRESENT:
(Indicate Capacity)

OBJECTION:

Name(s):

Reason(s):

Ruling by Judge:

RESERVE IN ACCOUNTING?:

CERTIFICATE FOR SURETY?:

CERTIFICATE OF DEVISE?:

TAX CERTIFICATE FOR LAND RECORDS?:

CERTIFICATE RELEASING CT ESTATE TAX LIEN?:

**Judge's Record of Hearing
Sale of Real Estate**

ESTATE:

DATE AND TIME:

- FILE: Inventory Filed?
 Buy/Sell Agreement?
 Legal Description of Property?
 Notice Requirements?
 Public Notice?

PERSONS PRESENT:
(Indicate Capacity)

IS REAL PROPERTY SPECIFICALLY DEvised?:

DID DECEDENT OWN FULL OR FRACTIONAL INTEREST?

BOND REQUIREMENT? INCREASE IN CURRENT BOND?

FAIR MARKET VALUE/COMPARABLE SALES INFORMATION:

DOES WILL GRANT SPECIFIC AUTHORITY TO SELL WITHOUT COURT APPROVAL?

INSTRUCTIONS:

STATE OF CONNECTICUT)

Probate Court, District of

COUNTY OF)

Date

Estate of _____, late of

in said District, deceased.

Present, Hon. _____ Judge,

_____, spouse of decedent, files in court in writing,

his or her election to take his or her statutory share of the estate of said decedent in lieu of the provisions of the will

of said decedent, which the court accepts and orders to be recorded and placed on file.

Judge

A true copy

Attest: _____

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Decedents' Estates – Intestate

12/2014: Only pp. 1 and 2 (for 2013) and the Rules of Descent and Distribution on pp. 20 and 21 (for 12/14) of this section have been updated. For all other 2013 changes to estate procedures, refer to the “Decedents’ Estates/Testate” section.

Temporary Administration – C.G.S. sections 45a-316 and 45a-317. The Probate Court having jurisdiction over an estate may appoint a temporary administrator, with or without notice, to hold and preserve the estate until the appointment of an administrator "whenever, upon the application of a creditor or other person interested in the estate of a deceased person, it shall be found by the court that there will be delay in the granting of administration or the probating of the will, or that this action is necessary for the protection of the estate..." Wilhelm, *Settlement of Estates*, Section 13. **NOTE:** Pursuant to the provisions of C.G.S. section 45a-164, the Probate Court may authorize the temporary administrator to sell or mortgage any real property belonging to the estate.

CMS Entry/Date-Stamping

- **PLEASE NOTE:** 1) Items marked with an asterisk (*) are to be entered into CMS and must be scanned/microfilmed.
- 2) Date-stamp each document upon its receipt.
- 3) Enter all applications and informal status conferences in CMS.

Estate Examiner for a Limited Purpose. C.G.S. section 45a-317a amended by P.A. 13-81, provides for the appointment of an estate examiner who wishes to obtain financial or medical information about a decedent for the limited purpose of: 1) determining if the estate can be settled as a small estate under C.G.S. section 45a-273, 2) investigating a potential cause of action of the estate, surviving spouse, children, heirs or other dependents of the deceased person, **OR** investigating a potential claim for benefits under a workers' compensation act, an insurance policy or other benefits in favor of the estate, surviving spouse, children, heirs or other dependents of the decedent.

The forms to be used are ***PC-207, Application/Estate Examiner for Limited Purposes** (C.G.S. section 45a-316, as amended) and ***PC-267, Decree Appointing Estate Examiner for Limited Purposes**. CMS will generate a fee of \$25.00. If the petitioner/estate examiner has an attorney, the attorney must file an appearance using PC-183. The attorney must certify that a copy of the appearance has been sent to each attorney and self-represented party. Probate Court Rules of Procedure section 5.5. Follow the usual procedures re hearing notice and scanning (See p. DE/T - 32). The court may require a probate bond or may waive this requirement. The court shall limit the estate examiner's authority to disclose any information obtained. The decree includes a certification of appointment. The court does not issue a fiduciary's certificate.

Initial Review – Can the estate be administered under C.G.S. section 45a-273? ("Small estates" procedure.)

Safe Deposit Box. 1) Opening Safe Deposit Box to Obtain Will or Cemetery Deed – C.G.S. section 45a-284. On the death of any sole owner of a safe deposit box, the court may issue an ex parte order to specifically-enumerated persons to open the decedent's safe deposit box to obtain any will or cemetery deed. Use forms ***PC-203, Petition/Access to Safe Deposit Box to Obtain Will/Cemetery Deed**, and ***PC-269, Decree and Return/Access to Safe Deposit Box to Obtain Will/Cemetery Deed**.

2) Opening Safe Deposit Box to Access Jointly Owned Assets – P.A. 13-212 creates a two-step procedure for accessing jointly owned assets located in a decedent's safe deposit box. It can only be used if the decedent was the sole owner of the box, and no probate proceedings have begun. The assets are limited to jointly owned stocks, bonds, annuities or certificates of deposit. A person may apply to the Probate Court where the decedent resided, stating why he has sufficient interest to open the box.

The Probate Court may approve or deny the petition with or without a hearing. If approved, the court will issue an order directing a bank officer to open the box and inventory the contents. The officer will file a return identifying the contents and listing

the owners and beneficiaries of the jointly owned stocks, bonds, annuities or certificates of deposit.

Upon receipt of the return, the court may authorize removal of the jointly owned assets with or without a hearing. The order must be issued within 10 days.

If the court decides to hold a hearing with notice to interested parties, it must be held within 30 days. The order will require the box to be opened in the presence of a bank officer, who must file a written return indicating which items were removed and by whom. The bank may charge the petitioner a reasonable fee for performing these duties.

Forms to be used: ***PC-203A, Petition/Access Jointly Owned Assets in Safe Deposit Box, *PC-269A, Inventory Safe Deposit Box/Jointly Owned Assets, *PC-269B, Decree and Return/Removal of Jointly Owned Assets from Safe Deposit Box**

DEATH CERTIFICATE

A certified copy of the Death Certificate should be required upon acceptance of the application for administration, unless the judge is otherwise satisfied of the decedent's death and residence, through publication of the obituary or personal knowledge.

ⓘ Important: In accordance with C.G.S. section 7-62b, SSNs are recorded on death certificates. The death certificate should be kept in the **confidential section** of the decedent's estate file or, in the alternative, it may be kept in the public section **if the social security number has been redacted.**

DEATH OF A TENANT/LANDLORD FILES AFFIDAVIT WITH COURT.

See p. "Miscellaneous-45" for procedures to be followed if a landlord files an affidavit with the court pursuant to C.G.S. 47a-11d after the death of a sole tenant in a dwelling unit.

***PETITION/ADMINISTRATION OR PROBATE OF WILL, PC-200** – C.G.S. section s 45a-250 – 45a-267, 45a-282 – 45a-297.

ESTATE OF: (Decedent's name) [*Include all names and initials under which any asset was held.*]

DATE OF DEATH *WRONGFUL DEATH CLAIM* *SOCIAL SECURITY NUMBER (On Confidential Information Sheet for PC-200.)*

DECEDENT'S RESIDENCE AT TIME OF DEATH [*Include full address*]

JURISDICTION BASED ON: *Domicile in district* *Other (C.G.S. section 45a-287)*

ⓘ See p. DE/T-3 for definition and other information.

PETITIONER [*Name, and address*] *SURVIVING SPOUSE* [*Name and address. If no surviving spouse, so state.*]

HEIRS, NEXT OF KIN, BENEFICIARIES, THE DECEDENT'S CONSERVATOR(S) AND TRUSTEES, if any. [*Indicate any person who is a minor, in the military service or under conservatorship or legal disability. C.G.S. section 45a-436, 438, 439.*]

ⓘ Names and addresses are to be provided for parties listed in section s numbered 1 through 4.

ⓘ Children born out of wedlock may be eligible to inherit, C.G.S. section 45a-438.

ⓘ Military, Minors, Incompetent Person, Missing Person or Unknown Heirs, When a Guardian ad Litem may be appointed — See p. DE/T -4

Form: Appointment of Guardian Ad Litem for Interested Party, PC-182B. See p. DE/T-4.

STOP. The remainder of this section is still being revised. Please refer to the "Decedents' Estates/Testate" section for the rest of the review of form PC-200 and other estate procedures revised as of July and October 2013.

① **Foreign Heir** – Send notice to a foreign heir directly to that heir. Also send notice to the regional consular office of the foreign country where the heir resides. If a country does not have a consular office, notice is sent to its embassy address in Washington, D.C. (See "Addresses" section .) Allow ample time for receipt of such notice by a foreign heir.

① **Incapable Person** – If an heir has been adjudged incapable, notice should be sent to the conservator. If there has been no adjudication of incapacity, but the court has reason to believe that an heir may not be capable of representing himself/herself, the court should appoint a guardian ad litem to represent the incapable's or incompetent's interest in the decedent's estate, pursuant to C.G.S. section 45a-132, and such guardian ad litem should receive notice. **Form: Appointment of Guardian Ad Litem for Interested Party, PC-182B.**

THE PETITIONER REPRESENTS THAT: (Check appropriate box(es); delete inappropriate italicized words.)

Decedent left a will and codicil(s) dated...(C.G.S. section 45a-282 requires the delivery of any will or codicil to the court).

Decedent, after making said will and codicils,...(C.G.S. section 45a-257).

The proposed fiduciary named below, is not the primary executor...

Decedent left no will.

One or more of the children listed...are not children...[C.G.S. section 45a-437(a)(4)].

Decedent owned an interest in real estate...

Decedent or spouse or children of the decedent *did* *did not ever receive public assistance...*[C.G.S. section 45a-355)]

State of Connecticut

Department of Veterans' Affairs. C.G.S. section 45a-355 (Rocky Hill facility)

• State aid received by decedent, spouse, or children of decedent. (C.G.S. section 45a-355). There are two options:

1) If notice has **NOT** been waived by **ALL** parties AND if a decedent or spouse or child of a decedent has received state aid OR has been a patient in a state hospital or institution OR has been a patient in the State Veteran's Home and Hospital in Rocky Hill, do the following:

a) SEND a copy of the Petition/Administration or Probate of Will, PC-200, (including the Confidential Information Sheet for PC-200) **BY CERTIFIED MAIL*** to the Department of Veterans' Affairs and/or Department of Administrative Services/Collections – Recovery.

b) SEND a Notice of Hearing, PC-130, ~~or the combined Order of Notice of Hearing, Notice, and Return, PC-133,~~ to the Department of Veterans' Affairs/Department of Administrative Services.

① **NOTE 1:** If the copy of an application that indicates receipt of state aid or care is not sent in accordance with C.G.S. sections 45a-355 and 45a-394, the period for limitation of claims shall not begin to run against the State of Connecticut. This could cause considerable delays and inconvenience in the settling of an estate and therefore it is **imperative** that the courts follow the statute. The importance of giving accurate information on the application should be emphasized to all applicants. "State aid" means financial assistance given to a person even though he or she may not be institutionalized. "Care" means care provided in institutions, whether public or private.

① **NOTE 2:** Duplicates of the Letter of Transmittal, PC-281, should accompany all copies sent to the Department of Administrative Services. If the department has a claim, they will notify the court, and all future notices, correspondence, etc., should be sent directly to: DAS – Financial Services Center, Suite 5 North — Recovery Unit, 165 Capitol Ave., Hartford, CT 06106.

c) Upon appointment of a fiduciary, send a copy of the decree to the Department of Veterans' Affairs and/or the DAS – Financial Services Center.

2) If notice **HAS BEEN WAIVED BY ALL PARTIES**, send the DAS – Financial Services Center a **Notice of Decree Admitting Will to Probate, PC-230, by certified mail, with a copy of the application.***

***IMPORTANT:** DAS has asked that the courts send them copies of **ALL PC-200s**, including the Confidential Information

Sheet, whether or not the receipt of state aid is indicated on the application. Depending on the size of the court, this may be done daily, weekly, or monthly.

The estimated value of solely-owned assets, excluding real estate is \$.....

Signature of Petitioner **PROPOSED FIDUCIARY.** (Fiduciary must sign the acceptance of trust.)

① The court **MUST** grant administration of the estate to any one or more persons **OR THEIR DESIGNEES** appointed in the following order, provided such person is entitled to share in the estate: (C.G.S.section 45a-303)

- 1) surviving spouse;
- 2) any child of the decedent *or* any guardian of such child as the court shall determine;
- 3) any grandchild of the decedent *or* any guardian of such grandchild as the court shall determine;
- 4) the decedent's parents;
- 5) any brother or sister of the decedent;
- 6) the next of kin entitled to share in the estate, or upon their refusal, incapacity, or failure to give bond *or* upon the objection of any heir or creditor to such appointment, which objection is found to be reasonable by the court, the court may appoint any other person whom the court deems proper.

Attorney for proposed fiduciary.

CERTIFICATE – EXISTENCE OF INTER VIVOS TRUST [For trusts that are beneficiaries under the will.]

***APPEARANCE AND WAIVER OF NOTICE/MILITARY (p. DE/T-39.)**

***APPOINTMENT OF REPRESENTATIVE FOR INTERESTED PARTY, PC-182**

Three Options for the Hearing on Administration of a Decedent's Estate with an Explanation of the Accompanying Procedures

• 1. Heirs Waive Notice of Hearing on PC-200, Application/Administration or Probate of Will or on General Waiver, PC-181. (*Connecticut Probate Practice Book, Rule 1.5.*)

Space is provided on the lower portion of PC-200 for the heirs to waive notice of a formal hearing. If additional space is needed, they should use the **General Waiver, PC-181**.

① **NOTE:** A waiver does not waive the hearing; it merely waives *notice* of the hearing.

① If all interested parties have signed waivers, the clerk does not need to complete the Order, PC-120, Notice, PC-130, or Return, PC-131. A hearing will still be held, even though no one attends. The hearing will consist of the judge reviewing the file and signing the decree, PC-260.

• 2. Judge Determines that a Formal Hearing is Necessary. Follow formal hearing procedures, as set forth below.

***ORDER OF NOTICE OF HEARING, PC-120, OR *ORDER OF NOTICE OF HEARING, NOTICE AND RETURN, PC-133**

① C.G.S. section 45a-286; *Connecticut Probate Practice Book, Rule 1, Notice.*

Rule 1.2 – On application for Probate of Will or for Letters of Administration, MAIL NOTICE of proceedings shall be given to all HEIRS whose addresses are known to, or reasonably ascertainable by, the party giving notice, unless notice has been waived or unless cause is shown for not giving notice. The petitioner shall provide the court with the names and addresses of all heirs.

ESTATE OF/IN THE MATTER OF

DATE OF ORDER

PETITIONER

PLACE OF HEARING

DATE OF HEARING

TIME OF HEARING

① **COMPLIANCE DATE** — The compliance date is the last date a notice may be mailed by the court and still comply with the

minimum time for notice required under the proceeding involved. Notice must be mailed at least **seven (7) days** before the hearing date. In computing the seven days, do not count the day of mailing or the day of the hearing (*Connecticut Probate Practice Book*, Rule 1.1.04). Example: If the hearing date is May 15, and Rule 1 requires seven days' notice, the compliance date will be May 7.

- Suggested wording for Order of Notice:

UPON THE APPLICATION OF THE PETITIONER praying that administration of said estate be granted as per application on file more fully appears, etc.

Published notice is usually given only when an heir's address is unknown. (See *Connecticut Probate Practice Book*, Rule 1.3 and 1.10.) Notice is given in a newspaper having a substantial general circulation in the area in which he or she was last known to reside. See the "Miscellaneous" section of this manual for a list of newspapers and their addresses. Call the public library or the local newspaper's library for the name and address of out-of-state newspapers. This notice must be published **SEVEN (7)** days before the hearing. (**NOTE:** The court may want to consider appointing a guardian ad litem. In some cases, this is less expensive than newspaper publication.)

- Mail such notice to:

(The following parties are those listed on the **Order of Notice, PC-120**. Mail notice **ONLY** to those as required by statute or the Rules of Practice and Procedure.)

- each fiduciary.*
- each attorney of record.*
- each heir-at-law, and the surviving spouse, if any.*
- ...each representative of an interested party [guardian ad litem under C.G.S. section 45a-132, conservator, etc..].*
- ...each surety on the probate bond.*
- Dept. of Admin. Services, Financial Services Center.* [Certified Mail –State aid or state institution (C.G.S.section 45a-355).]
- the Comm. of Social Services*
- the Commissioner of Revenue Services.*
- the Department of Veterans' Affairs (C.G.S.section 45a-355).* (Certified Mail – For patients at Rocky Hill Facility.)
- the Administrator of Veterans' Affairs in Connecticut (C.G.S. section 45a-593).* (Requires 10 days' notice.)
- the Attorney General (C.G.S.section 3-125).*
- the following parties in interest or persons entitled to notice:* [These are other interested parties as determined by the court . For example, the fiduciary for an heir (i.e., conservator, trustee, guardian) or a foreign consular office.]

ⓘ The notice required must be given by the judge, clerk or assistant clerk of the court (*Connecticut Probate Practice Book*, Rule 1.4). For rules regarding failure to deliver notice, see *Connecticut Probate Practice Book*, Rule 1.10.

Signature of judge, clerk, or assistant clerk.

NOTICE OF HEARING, PC-130, OR *ORDER OF NOTICE OF HEARING, NOTICE AND RETURN, PC-133

- Prepare and mail as directed in Order of Notice.

***RETURN OF NOTICE OF HEARING, PC-131**

- Prepare and enter date of return.

•3. The Heirs DO NOT Waive Notice of Hearing on the Application/Administration or Probate of Will, PC-200, or on General Waiver, PC-181, and the Streamline Procedures Must Be Used.

If all of the heirs do not waive notice of hearing on PC-200 or PC-181, the court must follow the streamline procedures for decedents' estates, as explained below.

- Complete **PC-120A, Order of Notice/Right to Request a Hearing.**
- Send **PC-236A, Notice of an Application for the App'tment of a Fiduciary (No Will Submitted)** to heirs-at-law.

ORDER OF NOTICE/RIGHT TO REQUEST A HEARING, PC-120AESTATE OF**PETITIONER**DATE OF ORDER OF NOTICE*

HEARING REQUEST DEADLINE (As determined by the court .) It is suggested that the Notice, PC- 236A, be mailed at least **seven (7)** days before the hearing request deadline. For example, if the hearing request deadline is May 15, form PC-236A must be dated and mailed May 7. If any of the parties live in another state, be sure to allow sufficient time for them to return the documents.

- Suggested wording for the Order of Notice:

UPON THE APPLICATION OF THE PETITIONER praying that administration of said estate be granted....

① Note: If the address of an heir is unknown, the court must give published notice of the right to request a hearing, as explained on page DE/T-6. The judge may wish to consider using the regular notice procedure in these cases.

- The following parties are listed on the **Order of Notice, PC-120A**. Notice of the right to request a hearing must be sent to the heirs, as required by statute or the Rules of Practice and Procedure. However, regular mail notice may also be sent to any other party, as determined by the court . In addition to the heirs, the parties may include:

- the petitioner.*
- each fiduciary.*
- each attorney of record.*
- each heir-at-law.*
- the surviving spouse, if any.*
- each representative of an interested party .*
- each surety on the probate bond.*
- the Department of Administrative Services, Financial Services Center.*
- the Comm. of Social Services.*
- the Commissioner of Revenue Services.*
- the Department of Veterans' Affairs.*
- the Administrator of Veterans' Affairs in Connecticut.*
- the Attorney General.*
- other interested parties.*

Signature of the judge, clerk, or assistant clerk

- Prepare return section .
- Prepare and mail the notice form, PC-236A.

***NOTICE OF AN APPLICATION FOR THE APPOINTMENT OF A FIDUCIARY (NO WILL SUBMITTED), PC-236A**

IN THE MATTER OF

HEARING REQUEST DEADLINE (As determined by the court .) It is suggested the Notice be mailed at least **seven (7)** days before the hearing request deadline. For example, if the hearing request deadline is May 15, form PC-236A must be dated and mailed May 7. If any of the parties live in another state, be sure to allow sufficient time for them to return the documents.

PETITIONER

DECREE ENTRY DATE (As determined by the court .) The decree must be dated at least one day later than the hearing request deadline. For example, if the hearing request deadline is May 15, the decree entry date cannot be any earlier than May 16. (**NOTE:** This date may be as late as one week after the hearing request deadline.)

ⓘ **Please remember:** In setting both the hearing request deadline and the decree entry date, the court should allow extra time for parties who live in another state.

PROPOSED FIDUCIARY

ATTORNEY FOR PROPOSED FIDUCIARY

...Date

court telephone number, fax number, and mailing address

ⓘ A “Request for a Formal Hearing” form is printed on the reverse side of PC-236A. If the court does not receive any of these forms by the “Hearing Request Deadline,” the hearing will consist of the judge reviewing the file and signing the decree, PC-260, on the “Decree Entry Date.” **NOTE:** If any of the parties returns the form, the court **MUST** proceed with a formal hearing, using the notice procedures explained on p. DE/I-4.

This concludes the discussion of the three options for the hearing on administration of a decedent's estate. The following forms and procedures apply in all cases.

Preparation for Hearing

- Prepare Judge's Record of Hearing Sheet. (See sample on p. DE/T-35.)

***APPOINTMENT OF JUDGE OF PROBATE AS AGENT FOR SERVICE, PC-482**

- Prepare if the fiduciary resides outside the State of Connecticut (C.G.S. section 45a-206, 52-60, 52-61).
- An out-of-state corporation (bank) may not serve as administrator (C.G.S. section 45a-206).

***REPORT OF REPRESENTATIVE FOR INTERESTED PARTY, PC-170**

- If a guardian ad litem or an attorney was appointed for an heir or interested party, indicate on the hearing sheet if that report has been received. To insure its return, try to send the PC-170 form along with the Notice of Hearing.
 - If the **Application for Administration or Probate of Will, PC-200**, indicates the decedent had an interest in real property other than in survivorship, make a notation on the hearing sheet that a **Notice for the Land Records/App't of Fiduciary, PC-251**, is needed. It is the fiduciary's responsibility to file the notice on the land records.
 - Estimate the gross taxable estate using information from the application, correspondence from the attorney, and/or from information obtained at the hearing.
 - Indicate the number of Fiduciary's Probate Certificates requested by the fiduciary on the Judge's Hearing Sheet. The **Fiduciary's Probate Certificate, PC-450**, provides evidence of the fiduciary's authority to transfer, sell or withdraw the assets of the estate. Note the limitations, if any, (i.e. Restriction on Control of Assets) on the Certificate. The Certificate is valid for one year from date of issuance (C.G.S. section 45a-200).
- ⓘ After the hearing, the Judge's Record of Hearing Sheet (see p. DE/T- 34 or 35) or the judge's notes provide the information for the clerk to prepare the decree, creditors' notices (PC-234), and certificates.
- ⓘ If a bond is required, the decree may NOT be entered until any required bond is filed and accepted by the court .

PROBATE BONDS***PROBATE BOND, PC-480**

This form delineates the function and responsibility of the surety. BOND IS ALWAYS REQUIRED OF AN ADMINISTRATOR, UNLESS THE ADMINISTRATOR IS A CONNECTICUT BANK. C.G.S. section 45a-303(d), 36a-250. However, the court may permit a personal surety in appropriate cases. The minimum amount of bond required is \$1,000(*Connecticut Probate Practice Book*, Rule 2.4.01). For more specific information, including procedures for action on a probate bond, refer to the "Decedents' Estates/Testate" section pp. DE/T - 10 and 11.

***BOND WAIVER, PC-280**

- ⓘ If ALL heirs sign, the court can require only a minimum bond.

***DECREE GRANTING ADMINISTRATION OR PROBATE OF WILL, PC-260**

- "X" out "Or for the admission to probate of an instrument in writing...and purported codicils thereto...and the issuance of letters testamentary."
- Type in judge's name.
- Enter date of death.
- Enter decedent's address at the time of death (street, town and state).
- Insert "X" in applicable boxes.
- All persons known to be interested* *have signed ...written waiver...OR* *have received notice of their right to request a hearing.*

- Notice of hearing was given...*
- Mail notice was returned.*
- Further notice... is dispensed with... (See Connecticut Probate Practice Book, Rule 1.10.)*
- Military waiver/representation by attorney.*
- Primary executor, contingent, administration cum testamento annexo (c.t.a.)...predeceased or has declined...*

Fiduciary named above has accepted the position...and

- Probate bond...is fixed at \$*
- The assets of the estate are less than \$20,000, or the amount...not restricted by court order is less than \$10,000.*
- The fiduciary is excused by the will from giving probate bond or is a bank or trust company duly qualified according to law.*
- In order to properly protect the assets of the estate, restriction on the fiduciary's control over the assets...is required.*
- Nonresident fiduciary has appointed an agent for service.*
- Space for additional finding by the court .*

And it is ORDERED and DECREED that:

- The said application is approved, administration of said estate is granted to the fiduciary named above, and letters of administration are hereby issued to the fiduciary.*
- The fiduciary having presented a probate bond...said probate bond is approved.*
- The court dispenses with the requirement of a probate bond.*
- The foregoing is subject to, and effective upon, the filing of an agreement to restrict assets in accordance with the proposed Authorization and Agreement RE: Restriction on Assets, PC-441, annexed hereto.*

And it is further ORDERED and DECREED that:

Two months from the date hereof, the Inventory is due.

Twelve months from the date hereof, the Final Account is due.

All claims against the above estate be presented pursuant to the provisions...

The fiduciary shall immediately record...

Dated at (town) this (date) day of (month), (year).

Signature of judge.

***NEWSPAPER NOTICE TO CREDITORS AND RETURN, PC-231**

- The court must publish this notice in a newspaper having substantial general circulation in the probate district within 14 days after the appointment of the fiduciary.

- Type in CAPS all names used by the decedent, JOHN J. SMITH a.k.a. JOHN JOSEPH SMITH and JOHN SMITH, deceased.

Name of Judge.

District.

Date of hearing.

Name of Clerk.

Fiduciary's name and address if corporate fiduciary or if individual is not represented by an attorney. Otherwise, send in care of attorney.

ⓘ NOTE: The court must clip the newspaper notice (or request a tear sheet) from the newspaper. This must be placed in the appropriate area on the PC-231 and scanned/microfilmed.

NOTICE TO CREDITORS TO PRESENT CLAIMS, PC-234

- The court must provide the fiduciary with at least one copy of this form and should advise the fiduciary that more forms can be obtained from the court.
- The fiduciary completes the form and sends it by certified mail to creditors (who then have 90 days to file a claim with the fiduciary). A sample notice to the fiduciary regarding creditors' claims is located on page DE/T-50.

NOTICE FOR LAND RECORDS/APPOINTMENT OF FIDUCIARY, PC-251 (C.G.S. section 45a-322)

- Provide the fiduciary with one **Notice for Land Records/Appointment of Fiduciary, PC-251**, for each town where the decedent owned an interest in real property, including a mortgage or lien upon real property, whether in his name alone or as a tenant in common.

FIDUCIARY'S PROBATE CERTIFICATE, PC-450

- Prepare as requested by attorney or fiduciary. ⓘ One Certificate at no charge; \$5.00 for the next five.

Copies and Mailing

1) **Decree Granting Administration or Probate of Will, PC-260.** Copy and send to fiduciary or his attorney, any other parties entitled to notice, and all attorney(s) of record (C.G.S. section 51-53.) If state aid is involved, the parties will include the Department of Administrative Services (DAS) – Financial Services Center and/or the Department of Veterans' Affairs. **NOTE:** Also send the **Fiduciary's Probate Certificates, PC-450**, and the **Notice for Land Records/Appointment of Fiduciary, PC-251** to the fiduciary or his attorney.

2) Send **PC-238, Notice Re Interest on Fees**, to the fiduciary and his or her attorney, if any. **NOTE:** If needed, form **CM-79, Application/Order for Extension of Time to Pay Probate Fees**, should be used to request an extension of time to pay fees. (See p. DE/T-56.)

3) **Newspaper Notice to Creditors and Return, PC-231.** Send to newspaper for publication. Clip the creditors' notice from the newspaper when it is published and attach it to the original Newspaper Notice and Return, PC-231, in the space provided and enter the date mailed, name of newspaper, and date published. Sign Return of Notice.

ⓘ It is the clerk's responsibility to follow-up on the estate, keeping track of the date of the decree, and the dates on which the inventory, the return and list of claims, and the succession or estate tax are due.

ALL ORIGINAL DOCUMENTS are retained in the court files subject to the Probate Court Administrator's Regulations. The only exception to this is the **Certificate of Devise, Descent or Distribution, PC-250**, and **Tax Certificates for Land Records, PC-252S* or PC-253S**. **NOTE:** Use **PC-252S** or **PC-253S** for estates of decedents who died before January 1, 2005. Use **PC-256, Certificate Releasing Connecticut Estate Tax Lien/PC-256A, Certificate Releasing Connecticut Estate Tax Lien (Non-Solely-Owned Property)** for estates of decedents dying on or after January 1, 2005. These forms are recorded on the land records, and a copy is recorded on the court records. All supporting evidence (original documents and exhibits) should be returned to the fiduciary or attorney at the completion of the estate.

*The "S" indicates that the form is for use in estates where the succession tax applies.

ⓘ **The information in this paragraph pertains only to decedents who died before January 1, 2005.** Due to the succession tax phase-out, the Department of Revenue Services revised its procedures. The department will no longer register estates until the Succession Tax Return is received. Therefore, **DO NOT MAIL APPLICATIONS (PC-200) ALONE.** Instead, mail certified** copies of applications for decedents' estates, PC-200, (if applicable) and attachments **with the Succession Tax Return**, to the Commissioner of Revenue Services, Inheritance Tax Division (C.G.S. section 12-358) within 10 days of filing, if and when a return is received.

The judge/clerk must "certify" the application. Use rubber stamp, sign, and seal. It is helpful to send a transmittal letter listing the documents enclosed in order to have a record of **IF and **WHEN** they were sent. Retain a copy for the court records.

***INVENTORY, PC-440**

The Inventory is due two months from the date of the decree. An extension of an additional two months may be granted upon application of the fiduciary (C.G.S. section 45a-341). **NOTE:** C.G.S. section 14-16 states that the owner of a motor vehicle may designate a beneficiary on the registration certificate in writing. To obtain ownership of the vehicle after the owner's death, the beneficiary must file an application with the Department of Motor Vehicles within 60 days of the date of death. Please be aware of this law when petitioners ask about transferring title to motor vehicles and/or whether a motor vehicle should be listed on the Inventory.

- Date-stamp the Inventory. ⓘ Check arithmetic.

Billing on Inventory

Although the court may bill on the inventory, the preferred method is to bill on the succession/estate tax. The court may bill the attorney (or fiduciary if there is no attorney) when the inventory is filed for charges to date, and compute the fee based on the inventory total.

Billing on Succession/Estate Tax Return

Pursuant to C.G.S. section 45a-107, billing for statutory fees is based on the GREATER of:

- 1) the gross estate for succession tax purposes [Form S-1, Schedule 3, Recapitulation and Estimation of Tax, Line 13],
OR
- 2) the Connecticut taxable estate as defined in C.G.S. section 12-391, as amended,
OR
- 3) the gross estate for estate tax purposes [Ch. 217 and 218 of the Connecticut General Statutes],
OR
- 4) the inventory.

NOTE 1): Upon receipt of the succession or estate tax return, prepare and send the probate fee invoice to the fiduciary and his or her attorney, if any, **within five (5) business days.**

NOTE 2): Any portion of the basis for costs that is determined by property passing to the surviving spouse shall be reduced by 50%.

NOTE 3): Wrongful death proceeds shall be included in computing probate court costs for any decedent who died on or after July 1, 1983. The controlling factor is the date of death, *not* the date the application was filed.

When the court 's billing is done (whether at the time the Inventory is filed or when the tax return is filed), send a blank administration account form, PC-241, PC-243, or PC-242, along with the court 's bill, to encourage the fiduciary to file the final account.

***RETURN OF CLAIMS AND LIST OF NOTIFIED CREDITORS, PC-237**

This form is due 210 days after the appointment of the fiduciary (C.G.S. section 45a-361). Claims are debts owed by the decedent as incurred by the decedent before death. Items such as the funeral bill are not claims, since the debt was incurred after death.

INSOLVENT ESTATES

NOTE: "Streamline" procedures *are not to be used* in insolvent estates.

***APPLICATION/DECLARATION OF INSOLVENT ESTATE, PC-204**

If the petitioner checks the second to last box on the application, PC-204, then set the matter for a hearing:

The court orders the fiduciary to receive and decide upon claims of the creditors of said estate in accordance with C.G.S. section 45a-378(a) and (b):

***ORDER OF NOTICE, PC-120 OR *COMBINED ORDER NOTICE/RETURN, PC-133**

The court shall give notice to such interested persons as it may direct. This may include heirs, creditors, attorneys, the fiduciary, etc.

- Newspaper notice is required (C.G.S. section 45a-376)

***NOTICE OF HEARING, PC-130**

***RETURN OF NOTICE OF HEARING, PC-131**

***DECREE/INSOLVENT ESTATE, PC-266**

A copy of this decree must be sent to all persons in interest (C.G.S. section 45a-376). **NOTE:** It is not necessary to send the decree to the Department of Revenue Services.

***NEWSPAPER NOTICE AND RETURN/INSOLVENT ESTATES, PC-233**

- Within 14 days after the determination of insolvency, the court must publish newspaper notice to notify all creditors to present claims to the fiduciary. Claims must be presented within 150 days from the determination of the insolvency, or they are forever barred.
- Type in CAPS all names used by the decedent, JOHN J. SMITH, a.k.a. JOHN JOSEPH SMITH, and JOHN SMITH, deceased.

Name of Judge

District

Date of Hearing

Type date (which date is 150 days from the date of determination of insolvency)

Name of Clerk

Fiduciary's name and address

***NOTICE TO CREDITORS, PC-234**

A 150-day notification period begins on the date of the decree declaring insolvency. No later than **30 DAYS** before the notification period expires, the fiduciary SHALL give notice to creditors specifying the end of the claims period.

[C.G.S. section 45a-378(b)].

***APPLICATION FOR SETTLEMENT OF ESTATE WITHOUT CLAIMS PROCEDURES**

PC-204 may also be used as an application for settlement without claims procedures under C.G.S. section 45a-383, in which case the following box is checked:

The assets of said estate, exclusive of the articles which may be legally set out to the surviving spouse and the allowances for support of such spouse and that of the family of said deceased will not be more than sufficient to pay the funeral expenses, the expenses of settling said estate, the expenses of the last sickness, and the lawful taxes and claims due the State of Connecticut and the United States. C.G.S. section 45a-383.

Hearing on such application may be held at any time, even as late as the time of the hearing on the administration account. If the court makes the required findings as to the lack of assets, it may order the settlement of the estate without the claims procedures otherwise required under C.G.S. section 45a-376 to 45a-382, and order payment of the preferred claims to the extent shown in the account.

***ORDER OF NOTICE, PC-120, OR *COMBINED ORDER NOTICE/RETURN, PC-133**

The court shall send such notice as it may direct. This may include heirs, creditors, attorneys, the fiduciary, etc.

NOTICE OF HEARING, PC-130

***RETURN OF NOTICE OF HEARING, PC-131**

***DECREE/INSOLVENT ESTATE, PC-266**

The court makes the following finding by checking the appropriate box:

The assets of said estate, exclusive of the articles which may be legally set out to the surviving spouse and the allowance for support of such spouse and that of the family of said deceased, will not be more than sufficient to pay the funeral expenses, the expenses of settling said estate, the expenses of the last sickness, and the lawful taxes and claims due the State of Connecticut and the United States. C.G.S. section 45a-383.

• The court then makes the following order:

The fiduciary settle said estate without notice to creditors, and the amounts found due above be paid in accordance with C.G.S. section 45a-365 and due return make to this court .

SPECIAL CIRCUMSTANCES

Claims of Executor or Administrator (C.G.S. section 45a-403) (Manuscripted forms)

Compromise of Claims (C.G.S. section 45a-151 through 45a-156; ***Decree Settling Doubtful or Disputed Claim, PC-463**)

Upon **APPLICATION** by the administrator (manuscripted), the court may authorize a doubtful or disputed claim (in favor or against).

***APPLICATION AND DECREE FOR SUPPORT ALLOWANCE, PC-202**

The court grants an allowance for support of the spouse and family during estate administration (C.G.S. section 45a-320). This may be an ex parte procedure. Many judges require a budget to be submitted before acting on this application.

***APPLICATION TO SELL OR MORTGAGE REAL PROPERTY, PC-400**

C.G.S. section 45a-164. An application must be made to the court to sell or mortgage real property. The application should be accompanied by a description of the real property and the buy/sell agreement. **NOTE:** If the court learns of potentially higher bidders, consideration should be given to continuing the hearing and establishing a process to review the bids.

ⓘ **NOTE:** Probate bond is required in a sale of real estate unless excused by the court or unless there is a bond waiver from all heirs. (C.G.S. section 45a-169; *Connecticut Probate Practice Book*, Rules 2.16, 2.17) **There is one other exception to this bonding requirement.** If the assets of the estate are less than \$20,000, or if the amount of the estate not restricted by probate court order is less than \$10,000, the judge may waive the requirement of a bond.

- Prepare Judge's Record of Hearing/Sale of Real Estate. (Optional, see p. DE/T-37.)

***APPLICATION TO CONSTRUE A WILL/TRUST or *APPLICATION TO TRY TITLE**

Pursuant to C.G.S. section 45a-98 and 45a-98a, the court of probate can construe the meaning of a will or trust agreement if a construction is required in connection with the administration of an estate otherwise within the court's jurisdiction.

There is no separate \$150.00 entry fee for these petitions in decedents' estates. However, there are additional fees as follows:

- Providing a digital copy of any audio recording of a hearing – \$25.00
- Copying probate records with a hand-held scanner – \$20.00 per day
- Rescheduling hearing at request of party or due to failure to appear – \$50.00 plus actual costs (court may waive.)

Ascertainment of Heirs: Establishment of Paternity after the Death of the Father or Child

The Probate Court's power to ascertain heirs (distributees) is a mere incident of the power to order distribution. Therefore, the ascertainment of heirs must be sought in conjunction with the order of distribution. Wilhelm, *Settlement of Estates*, Section 324. C.G.S. section 45a-438 (b) states that the father of a child born out of wedlock shall be considered a parent if "... (4) after the death of either the father or the child, paternity has been established by the Probate Court by clear and convincing evidence that the father has acknowledged in writing that he is the father of the child and has openly treated the child as his."

Options for the Hearing in Special Circumstances: Compromise of Claim, Application for Support Allowance, Sale of Real Estate, Will Construction, Trying Title, and Ascertainment of Heirs, etc.

1. Heirs/Interested Parties Waive Notice of Hearing on General Waiver, PC-181

If all interested parties have signed waivers, the clerk does not have to complete the **Order of Notice, PC-120**, or the Combined Form, PC-133, or the Return, PC-131. A hearing will still be held, even though no one attends. The hearing will consist of the judge reviewing the file and signing the decree.

2. Judge Determines that a Formal Hearing is Necessary. (If, for example, a sale of real estate is contested.)

The court must follow the procedures for scheduling a formal hearing, as set forth below. Please see pp. DE/I-4 and 5 for further explanation.

*ORDER OF NOTICE OF HEARING, PC-120, OR COMBINED FORM, PC-133

A hearing will be held with such notice as ordered by the court. Mail notice is recommended for the attorneys of record and the fiduciary. If the matter is disputed, consider sending notice by certified mail.

*RETURN OF NOTICE OF HEARING, PC-131.

- Prepare and enter date of return.

3. Heirs/Interested Parties DO NOT Waive Notice of Hearing on General Waiver, PC-181, and the Streamline Procedures Must Be Used.

If all of the heirs/interested parties do not waive notice of hearing on the **General Waiver, PC-181**, and the judge has not determined that a formal hearing is necessary, the court *must* follow the streamline procedures, as explained below.

- Complete **PC-120A, Order of Notice/Right to Request a Hearing**. The instructions for PC-120A are on page DE/I-6.
- Send **PC-236C, Notice RE: Probate Application** to heirs-at-law/interested parties.

*PC-236C, NOTICE RE: PROBATE APPLICATION

IN THE MATTER OF

HEARING REQUEST DEADLINE (As determined by the court.) It is suggested the Notice be mailed at least **seven (7)** days before the hearing request deadline. For example, if the hearing request deadline is May 15, form PC-236C must be dated and mailed May 7. If any of the parties live in another state, be sure to allow sufficient time for them to return the documents.

DECREE ENTRY DATE (As determined by the court.) The decree must be dated at least one day later than the hearing request deadline. For example, if the hearing request deadline is May 15, the decree entry date cannot be any earlier than May 16. (**NOTE:** This date may be as late as one week after the hearing request deadline.)

ⓘ Please remember: In setting both the hearing request deadline and the decree entry date, allow extra time for parties who live in another state.

APPLICATION FOR: (Insert appropriate language.)

FIDUCIARY [Name, address, zip code, and telephone number]

ATTORNEY FOR FIDUCIARY [Name, address, zip code, and telephone number]

Date

court telephone number, fax number, and mailing address

① A “Request for a Formal Hearing” form is printed on the reverse side of PC-236C. If the court does not receive any of these forms by the “Hearing Request Deadline,” the hearing will consist of the judge reviewing the file and signing the decree on the “Decree Entry Date.” **NOTE:** If any of the parties returns the form, the court **MUST** proceed with a formal hearing, using the notice procedures explained on p. DE/I-15.

This concludes the discussion of the three options for the hearing in special circumstances. To complete the procedure, use the applicable decree and other forms, as listed below.

***DECREE, PC-160**

① **NOTE:** For probate bond requirements, see pp. DE/T-10 and 11.

***DECREE FOR SALE OR MORTGAGE OF REAL PROPERTY, PC-460**

***DECREE SETTLING DOUBTFUL OR DISPUTED CLAIM, PC-463**

For release of state tax liens, see C.G.S. section 12-364, and 12-366.

Purchase of Property by the Fiduciary – C.G.S. section 45a-162, 45a-163, 45a-164, 45a-167

C.G.S. section 45a-162 and 45a-164 allow the court, after hearing, to authorize the sale of real or personal property *directly* to the fiduciary without the use of a committee. In the alternative, the court may order a public sale. If a public sale is ordered, the court must proceed in accordance with C.G.S. section 45a-163. Whether the proposed sale to the fiduciary is public or private, any notice sent to interested parties and the required **NOTICE shall indicate that the fiduciary is the proposed purchaser.**

Restrictions on Sale of Estate Property — Real and Personal

C.G.S. section 45a-341 (c) If the court grants administration of a decedent's estate to a person other than (1) the person designated in the will as executor or successor to such executor, (2) the surviving spouse, (3) any child of the decedent or any guardian of such child as the court shall determine, (4) any grandchild of the decedent or any guardian of such grandchild as the court shall determine, (5) the decedent's parents, (6) any brother or sister of the decedent, or (7) the next of kin entitled to share in the estate, the fiduciary appointed by the court shall file an inventory before the sale of any personal property.

The fiduciary should send a copy of the inventory to each person interested in the estate and should notify each person that a sale of certain items in the inventory is contemplated. The notice must inform the recipient that he/she may object to the sale by filing a notice of objection in writing with the court of Probate having jurisdiction over the estate of the decedent within **five (5)** days after receipt of the notice of sale. Upon receipt of such notice of objection, the court must set a time and place for a hearing, with notice to all persons interested in the estate. If real estate is sold, the judge may wish to prepare a Judge's Record of Hearing, Sale of Real Estate form. See p DE/T-37.

① **NOTE:** Upon application by the fiduciary, the court may order a sale of personal property without a hearing before the filing of an inventory and notice of sale, if the court finds that an expeditious sale is necessary for the protection of the estate *and* that a delay would cause irreparable harm.

Succession Tax (S-1 and S-2) – C.G.S. section 12-340

Succession tax information applies to estates of decedents who died before January 1, 2005.

Please see pp. DE/T – 22 & 23 for information about the succession tax.

Estate Tax for Decedents Dying in 2010. Each estate requires an estate tax return. **See the “NOTE” on p. DE/T- 32 re the disclosure of estate tax returns.**

Filing Deadline* – C.G.S. 12-392: SIX months from the date of death for deaths occurring on or after July 1, 2009.

In estates of over 3.5 million dollars, one copy of the estate tax return must be filed with the DRS and one copy with the probate court.

In estates not over 3.5 million dollars, returns (Form CT 706 NT*) must be filed with the probate court *only*. On the basis of such return, if the judge of probate believes that the estate is not subject to tax, the judge shall issue a written opinion (form PC-255A) setting forth the reasons for this opinion. The probate court is to submit quarterly reports to the commissioner of revenue services about returns filed during the quarter. The Department of Revenue Services will provide the report forms.

Estate Tax for Decedents Dying : 1) January 1, 2005 through December 31, 2009 AND 2) On or after January 1, 2011. Each estate requires an estate tax return. See the “NOTE” on p.DE/T-32 re the disclosure of estate tax returns. **Please see CM Appendix 11-10 for a discussion of changes to the estate tax and probate procedures.**

Filing Deadlines* – C.G.S. 12-392: **NINE** months from the date of death for deaths occurring on or after January 1, 2005 and prior to July 1, 2009. **SIX** months from the date of death for deaths occurring on or after July 1, 2009.

In estates of **over two million dollars**, one copy of the estate tax return must be filed with DRS and one copy with the probate court.

In estates **not over two million dollars**, returns (Form CT 706 NT**) must be filed with the probate court *only*. On the basis of such return, if the judge of probate believes that the estate is not subject to tax, the judge shall issue a written opinion (form PC-255) setting forth the reasons for this opinion. The probate court must submit quarterly reports to the commissioner of revenue services about returns filed during the quarter. The Department of Revenue Services will provide the report forms.

***NOTE – Extension of Time to File.** A request for extension of time to file a CT-706 NT is filed with the probate court on Form CT-706 NT EXT, Application for Extension of Time for Filing CT-706 NT. The application must be filed before the expiration of the statutory time for filing the return. Upon the receipt of a timely application, the court may grant one six month extension for the filing of the CT-706 NT.

A request for extension of time to file a CT-706/709 must be filed with the Department of Revenue Services.

** The DRS updates these forms every year. If there are any questions about the revision date, please check the DRS Web site (www.ct.gov/drs – click on “Forms,” and then select “Estate and Gift Tax” forms) to verify the latest revision date.

Advance Distributions — Interim Accounts

The fiduciary may distribute personal property to the beneficiaries at any time *at his own risk*. If he overpays or pays the wrong parties or if additional taxes or debts are due, he is personally responsible. The fiduciary may file an interim account and petition for an order of partial distribution to receive court approval before advance distribution. The court should set a hearing and give notice to all interested parties. The interim account may not conclude matters contained therein, and such matters may be challenged at the hearing on the final account (Locke and Kohn, *Connecticut Probate Practice*, Section 151).

Procedures for Closing the Estate

1) The estate may be closed **without the filing of a formal final account** if certain conditions are met. See below.

* **STATEMENT IN LIEU OF ACCOUNT, PC-243**

* **ACCEPTANCE AND WAIVER RE: STATEMENT IN LIEU OF ACCOUNT, PC-244**

* **DECREE/STATEMENT IN LIEU OF ACCOUNT, PC-263S** (For estates of decedents who died before 1/1/05)/**PC-263**
(For estates of decedents who died on or after 1/1/05)

A **Statement in Lieu of Account, PC-243**, may be filed in an intestate estate when **any fiduciary is one of the heirs of the decedent's estate**.

Three Options for a Hearing on the Statement in Lieu of Account

1) If all of the heirs sign the **Acceptance and Waiver Re: Statement in Lieu of Account, PC-244**, and it is returned to the court with the Statement, the court may issue the **Decree/Statement in Lieu of Account, PC-263S/PC-263**, without a formal hearing.

2) If PC-244 is not returned, the court must use the streamline procedures, and send each heir a copy of form **PC-236C, Notice Re: Probate Application**. Please see p. DE/I-15 for instructions.

3) If any of the heirs objects to the Statement in Lieu of Account, he or she may request a hearing. The heir(s) may also request the filing of an account, or the court, for cause shown, may refuse to accept the Statement in Lieu of Account and may require a formal hearing and/or an accounting.

- Upon receipt of a Statement in Lieu of Account, check: 1) probate fees; 2) the amount reported on the Return of Claims and List of Notified Creditors; 3) succession or estate taxes; and 4) attorney's fees and disbursements
- Prepare the **Decree/Statement in Lieu of Account, PC-263S/PC-263**. (As noted above, no hearing is necessary unless any of the interested parties requests one, or the court objects to the Statement.)
- Prepare one or more of the following forms, as required by the specific circumstances:

Decedents Who Died Before 1/1/2005:

Certificate of Devise, Descent, or Distribution, PC-250;
Certificate of Devise, Descent, or Distribution of Mobile
Manufactured Home, CM-33S, OR Tax Certificate for
Land Records PC-254S(Mobile. . . Home: C.G.S.section 21-67a),
Tax Certificate for Land Records PC-252S/253S;
Certificate of No Succession Tax, PC-255S; and/or
Cert. Releasing Conn. Succ. & EstateTax Liens, PC-256S

Decedents Who Died on or after 1/1/2005:

Certificate of Devise, Descent, or Distribution, PC-250;
Certificate of Devise, Descent, or Distribution of Mobile
Manufactured Home, CM-33,
Opinion of No CT Estate Tax Due, PC-255*; and/or
Certificate Releasing Conn. Estate Tax Lien, PC-256
Certificate Releasing Conn. Estate Tax Lien(Non-Solely-
Owned Property), PC-256A
***PC-255A for decedents dying on or after 1/1/10.**

See pp. DE/T- 29 – 31 for explanations of these forms.

- Send applicable forms to fiduciary or attorney for fiduciary as follows:

Decedents Who Died Before 1/1/2005:

- 1) Photocopy of Decree/Statement in Lieu of Account, PC-263S;
- 2) Original Certificate of Devise, Descent or Distribution, PC-250;
- 3) Original Certificate of Devise, Descent or Distribution of Mobile Manufactured Home, CM-33S, OR Tax Certificate for Land Records (Mobile Manufactured Home: C.G.S. section 21-67a), PC-254S;
- 4) Orig. Tax Certificate for the Land Records, PC-252S/ PC-253S;
- 5) Orig. Certificate of No Succession Tax, PC-255S;
- 6) Orig. Cert. Releasing Conn. Succ. & Estate Tax Liens, PC-256S.

Decedents Who Died on or after 1/1/2005:

- 1) Photocopy of Decree/Stmt. in Lieu of Account, PC-263;
- 2) Orig. Cert. of Devise, Descent or Distribution, PC-250;
- 3) Orig. Cert. of Devise, Descent, or Distribution of Mobile Manufactured Home, CM-33,
- 4) Orig. Opinion of No CT Estate Tax Due, PC-255*; and/or
- 5) Orig. Certificate Releasing Conn. Estate Tax Lien, PC-256
- 6) Orig. Certificate Releasing Conn. Estate Tax Lien (Non-Solely-Owned Property), PC-256A

***PC-255A for decedents dying on or after 1/1/10.**

- Record PC-243/ PC-263S/PC-263 and any applicable certificates. An Affidavit of Closing may be required at the judge's discretion.

2) If the circumstances do not fit the criteria for use of the Statement in Lieu of Account procedure, A FORMAL FINAL ACCOUNT MUST BE FILED IN ORDER TO CLOSE THE ESTATE.

***FINAL ACCOUNT: COVER SHEET/ADMINISTRATION ACCOUNT, DECEDENT'S ESTATE, PC-241, OR DECEDENT'S ESTATE/ADMINISTRATION ACCOUNT (Short Form), PC-242**

NOTE 1: Fiduciaries often manuscript or use computer account forms.

NOTE 2: See page DE/I -21 for an explanation of the three options for the final account hearing.

The Administration Account provides the court with a financial accounting of the income received and expenses incurred during administration of the estate. It begins with the assets on the date of death as listed in the Inventory on file in the court as well as any after-discovered assets. Income from rents, interest, dividends, refunds, and other sources should be accounted for to show the total amount available to the fiduciary of the estate (C.G.S. section 45a-431).

The expenses of administration, funeral expenses, debts owed by the decedent as of the date of death, and any other expenses allowed should be reported (*Connecticut Probate Practice Book*, Rule 6, Model Account). The court then has the total amount available, the total expenses, the amount available for distribution, and a proposed distribution (*Connecticut Probate Practice Book*, Rule 6, Model Account).

Upon receipt of the Final Account:

- Enter into CMS.
- Check arithmetic: be sure the figures on the Inventory, claims, and tax figures, etc. agree with the figures in the other documents on file.
- Prove the cash. Amount on hand as of date of death, plus income, plus assets converted to cash; minus expenses (claims, funeral, administration, etc.) should be amount of cash on hand for distribution.

NOTE: It may be helpful to mark the items on the Inventory "S" for sold or "D" for distributed, to be sure all items are properly accounted for.

The proposed distribution should agree with distribution under Connecticut's intestacy laws, which are discussed below.

Rules of Descent and Distribution — Connecticut

(C.G.S. sections 45a-437, 45a-438, 45a-439)

Decedent Dies

Intestate

Survived by:

Descent and Distribution

Spouse only	Spouse takes ALL property [C.G.S. section 45a-437].
Spouse and Issue ¹ .	<p>A. If all of decedent's issue are ALSO issue of spouse, spouse takes \$100,000 and one-half of the remainder of ALL property^{2,3}. Issue take the other one-half (1/2) of the remainder in equal shares per stirpes.</p> <p>B. If one or more of the decedent's issue ARE NOT issue of spouse, spouse takes one-half (1/2) of ALL PROPERTY. Issue takes one-half (1/2) of ALL property in equal shares per stirpes (C.G.S. sections 45a-433, 45a-437(a)(3),(4)).</p>
Spouse and Parent(s) but no Issue	Spouse takes \$100,000 ³ and three-quarters of remainder of ALL property. Parent or parents take the other one-quarter (1/4) of the remainder [C.G.S. section 45a-437(a)(2)].
Issue but no Spouse	ALL property goes to the issue in equal shares per stirpes (C.G.S. section 45a-438).
Parent or Parents ⁴ but neither Spouse nor issue	ALL property goes to the parent(s) (C.G.S. section 45a-439), except that no parent(s) who have abandoned a minor and continued such abandonment until the time of the child's death shall share in such child's estate or be deemed a parent with respect to subdivisions (2) to (4) of C.G.S. section 45a-439(a).
Brothers and Sisters	ALL property goes to the decedent's brothers and sisters and their issue in equal shares, per stirpes (C.G.S. section 45a-439).
None of the Above	ALL property goes in equal shares to the next of kin in equal degree. If there is no next of kin, the residue of the estate shall be distributed equally to the stepchildren and those who legally represent them. Next of kin shall include the kindred of a deceased father of a child born out of wedlock if the father would have qualified for inheritance from or through the child under C.G.S. section 45a-438b, as amended, had the father survived the child.

-
1. By "issue" we refer to children and/or their descendants. An adopted child and his or her descendants take the same share as does a natural child and his or her descendants [C.G.S. section 45a-731(4)]. As to children born out-of-wedlock, see C.G.S. section 45a-438. Such children inherit from their mothers just as any other children would. A child born out of wedlock and the child's legal representative shall qualify for inheritance from or through the father if the father's paternity:
 - a) was established by a written acknowledgment of paternity under section 46b-172 or b) paternity has been established by court of competent jurisdiction under chapter 815y of the Connecticut General Statutes. (For the procedure to establish paternity, see the discussion of paternity claims in the "Miscellaneous" section of this *Manual*.)
 2. There is no curtesy (husband's right to part of his deceased wife's property) or dower (wife's right to part of her deceased husband's property) in Connecticut.
 3. The \$100,000 amount applies to the estate of anyone dying on or after July 1, 1985. For a date of death before July 1, 1985, see the chart on p. DE/I -26.

4. The father of a child born out-of-wedlock shall be considered a parent provided the father's paternity:
- was established by a written acknowledgment of paternity under section 46b-172 or
 - paternity has been established by court of competent jurisdiction under chapter 815y of the Connecticut General Statutes. (For the procedure to establish paternity, see the discussion of paternity claims in the "Miscellaneous" section of this *Manual*.)

Three Options for the Hearing on the Final Account, PC-241 or PC-242

1. *ACCEPTANCE AND WAIVER RE: FINAL ACCOUNT, PC-245

If all parties sign form PC-245, and it is returned to the court with the Final Account, the court may issue the decree without a formal hearing.

2. If form PC-245 is not submitted, the court must use the streamline procedures, and send form PC-236C, Notice Re: Probate Application, to each party. Please see p. DE/I-15 for instructions.

3. If any of the heirs objects to the Final Account, he or she may request a formal hearing, or the court, for cause shown, may also require a formal hearing. The notice requirements for a formal hearing are explained below.

*ORDER OF NOTICE OF HEARING, PC-120 OR *COMBINED FORM — ORDER OF NOTICE OF HEARING, NOTICE AND RETURN, PC-133.

Suggested wording for the Order of Notice:

Upon the application of the petitioner for allowance of the final account, ascertainment of distributees, and an order of distribution, as per application on file more fully appears.

• Mail such notice to:

- | | |
|--|---|
| <input type="checkbox"/> <i>Heirs-at-law/surviving spouse.</i> | <input type="checkbox"/> <i>Guardian ad litem for minor or incapable.</i> |
| <input type="checkbox"/> <i>Fiduciaries.</i> | <input type="checkbox"/> <i>Trustee.</i> |
| <input type="checkbox"/> <i>Attorneys of record.</i> | <input type="checkbox"/> <i>Other interested parties.</i> |

NOTICE OF HEARING, PC-130

(NOTE: Newspaper notice is sometimes used when the whereabouts of an interested party are unknown or the list of heirs is incomplete.)

*RETURN OF NOTICE OF HEARING, PC-131

Notice of Hearing was mailed ... persons (List names and addresses of persons who received notices.)

• Prepare Judge's Record of Hearing, Final Administration Account. (See p. DE/T-36.)

• If it has not already been done, bill the attorney or the fiduciary the statutory fee, and mail the bill with Notice of Hearing. Also, bill for any additional costs incurred by the estate for recording (for each page in excess of five of each document, the recording cost is \$3.00 per page), exemplified copies, certified copies, fiduciary certificates, notices, etc. (C.G.S. section 45a-109).

Wrongful Death

For any decedent who died on or after July 1, 1983, net wrongful death proceeds shall be included in computing probate court costs under C.G.S. section 45a-107(b)(1). It is the date of the death, NOT the date the application is filed that determines if wrongful death proceeds are included in computing court costs.

Hearing on Final Account and Distribution

Locke & Kohn, *Connecticut Probate Practice*, Section 608.

- Is the account correct?
- Does proposed distribution agree with the laws of intestacy? (See p. DE/I -20.)
- Is there a mutual distribution? C.G.S.section 45a-433. (See page DE/T-45.)
- Are any of the heirs minors who will be receiving an amount over \$10,000? If so, a guardian of the estate must be appointed by the Probate Court for the district where the minor(s) resides. (C.G.S. section 45a-629 and 45a-631). **NOTE:** If the minor resides in another state, the criteria for appointment of a guardian of the estate in that other state may be different.
- Is the heir an incapable person? If so, a conservator of the estate must be appointed by the Probate Court for the district where the incapable person is domiciled (C.G.S. section 45a-648).
- Is a PC-255S (decedent's date of death [DOD] before 1/1/05), PC-255 (DOD 1/1/05 through 12/31/09 AND on or after 1/1/2011) or PC-255A (DOD in 2010) required? (See p. DE/T- 31.)
- Has a PC-256S(DOD before 1/1/05) or PC-256/PC-256A(DOD on or after 1/1/05) been issued? (See pp. DE/T-30 and 31.)
- Has the guardian ad litem submitted a Report of Representative for Interested Party, PC-170?
- Is a Tax Certificate for Land Records, PC-252S/PC-253S (decedent died before 1/1/05) required? See p. DE/T-29.
- Is a Certificate of Devise, Descent, or Distribution, PC-250, necessary? (See p. DE/T-29.)
- For decedents who died before 1/1/05, is a Certificate of Devise, Descent, or Distribution/Mobile Manufactured Home, CM-33S, or Tax Certificate for Land Records (Mobile Manufactured Home: C.G.S.section 21-67a), PC-254S, required? (See pp. DE/T-29 and 46.)
- For decedents who died on or after 1/1/05, is a CM-33, Certificate of Devise, Descent, or Distribution Mobile Manufactured Home required? (See pp. DE/T-29 and 47.)

***DECREE APPROVING ADMINISTRATION ACCOUNT...AND ORDERING DISTRIBUTION, PC-262S (For decedents who died before 1/1/05) OR PC-262 (For decedents who died on or after 1/1/05).** **NOTE:** The two forms only differ with respect to the boxes for taxes, as marked with an asterisk below.

At a court of Probate ... application for allowance of the final administration account ...

After due hearing THE COURT finds that: (Check appropriate boxes.)

- All persons known to be interested in said proceedings* *have signed and filed in court an Acceptance and Waiver...*
 have received a Notice Re: Probate Application, PC-236C.
- Notice was given...*
- *There is no succession tax... (PC-262S) OR* **There is no Connecticut estate tax... (PC-262)*
- *All succession taxes due...have been paid. (PC-262S) OR* **All Connecticut estate taxes due...have been paid. (PC-262)*
- This being an intestate estate, heirs of said deceased are as listed on the* *application for administration*
 affidavit of heirs on file in the court.
- The distributees...are as set forth in the schedule of proposed distribution.*
- The distributees...are as follows, together with name, relationship, and proportionate share.*
- Reasonable efforts were made...and such property is presumed abandoned.*

And it is ordered and decreed that: (Check appropriate boxes.)

Said account is allowed and approved.

Any unpaid bequests or legacies shall be paid over to those legally entitled thereto.

The rest, residue, and remainder of said estate be distributed...

- by the fiduciary of the estate:*
- in accordance with the findings of the court as indicated above.*
 - as set forth in the schedule of proposed distribution of said account.*
 - according to the statutes of the State of Connecticut covering intestate estates.*
 - in accordance with the mutual distribution on file.*
 - in accordance with the provision of the will...*
 - Any property found above to be abandoned shall be delivered to the State Treasurer...*
 - The court hereby appoints the following distributors...*

Dated at (town) this (date) day of (month), (year).

Signature of the judge.

- Prepare Judge's Record of Hearing, Final Administration Account (optional, see DE/T-36.)
- Send applicable forms to the fiduciary or the attorney for the fiduciary:
 - 1) Photocopy of Decree Approving Administration Account, Ascertain Heirs and Distributees and Ordering Distribution, PC-262;
 - 2) Original Certificate of Devise, Descent or Distribution, PC-250;
 - 3) Original Certificate of Devise, Descent or Distribution of Mobile Manufactured Home, CM-33, OR Tax Certificate for Land Records (Mobile Manufactured Home: C.G.S. section 21-67a), PC-254;
 - 4) Original Tax Certificate for the Land Records, PC-252/ PC-253;
 - 5) Affidavit of Closing Decedent's Estate, PC-213.

The Affidavit of Closing must be returned to the court.

ⓘ As noted in the cross-references on p. DE/I-22, please consult the "Decedents' Estates — Testate" section for complete information about the certificates listed above.

- In addition to the certificates, there are two other documents on the list above that must be sent to the fiduciary or the attorney for the fiduciary.

***AFFIDAVIT OF CLOSING OF DECEDENT'S ESTATE, PC-213**

This accounts for the reserve shown in the final account and any other activity since the final account was filed other than the distribution.

- The court should release bond when the affidavit is filed. This closes the estate.

Miscellaneous Documents Necessary for the Closing of an Estate

***CERTIFICATE FOR SURETY, PC-451**

This releases the corporate surety bond if one was required for the estate.

- Send the original to the surety company, and retain a copy.

***NOTICE OF INTENT TO CLOSE ESTATE, (CM-2, DE/T- 43.)**

If an **Affidavit of Closing, PC-213**, has not been filed within an appropriate period of time, the court may send the heirs and beneficiaries a Notice of Intent to Close Estate.

***DECREE CLOSING ESTATE (CM-3, DE/T- 44.)**

- This form is to be completed by the court and closes the estate.

Administrative Closing of Estate (Dormancy)

In any inactive matter where the fiduciary does not respond to the court's request(s) for further documentation, including the Return and List of Claims and final accounts, AND the estate has been open for an unreasonable period of time, AND there is no real estate in the decedent's name alone, the court should consider an Administrative Closing of Estate, which is explained in CM Appendix 11-25. The appendix contains a decree to be used in these circumstances.

Scanning Preparation

- Scan each original document not later than 30 days after completion of all proceedings. See Regulations 10.3 and 10.4 for a list of documents to be scanned. Be sure to separate confidential and non-confidential documents.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5.

Retention and Disposition of Documents – See Regulation 10.9.

After-Discovered Assets

The following is the suggested procedure to be used when an estate is closed and the appeals period has run.

References:

- Wilhelm, *Settlement of Estates*, Section s 91 and 92
- Locke and Kohn, *Connecticut Probate Practice*, Section s 363 and 471
- Wilhelm, *Death Taxes*, Section 60; and C.G.S. section 12-367(e), 12-376a, 12-388.

***SUPPLEMENTAL INVENTORY, PC-440**

If the value of the assets is over \$500.00, a Supplemental Inventory must be filed. [See *Moore v. Holmes*, 32 Conn. 558, (1865)].

SUPPLEMENTAL ACCOUNT, PC-241**ORDER OF NOTICE OF HEARING, PC-120 OR *COMBINED ORDER, PC-133****NOTICE OF HEARING, PC-130****RETURN OF NOTICE OF HEARING, PC-131*****DECREE, PC-160**

NOTE: Have addresses or status of distributees changed? Have all creditors been paid?

- Enter into CMS.

***CERTIFICATE OF DEVISE, DESCENT OR DISTRIBUTION, PC-250**

- If real estate is involved, issue certificate.

CERTIFICATE OF DEVISE, DESCENT, OR DISTRIBUTION/MOBILE MANUFACTURED HOME, CM-33S or CM-33

These forms are for **solely-owned** mobile manufactured homes. **NOTE:** For decedents who died before 1/1/05, use CM-33S, p. DE/T-46. For decedents who died on or after 1/1/05, use CM-33, p. DE/T-47.

For **jointly-owned** mobile homes, use **TAX CERTIFICATE FOR LAND RECORDS (Mobile Manufactured Home: C.G.S.section 21-67a), PC-254S** for decedents who died before 1/1/05. Use **PC-205/256** for jointly owned mobile manufactured homes if the decedent died on or after 1/1/05.

- If a mobile manufactured home is involved, issue the certificate.

***AFFIDAVIT OF CLOSING OF DECEDENTS' ESTATE, PC-213.**

Intestate Succession Upon Death of Husband or Wife

C.G.S. section 45a-436

Decedent Survived by Spouse and:	Effective Dates:	Surviving Spouse Takes:
1) Issue	– on or before 12/31/73	– one-third absolutely
2) Issue, all of whom are also issue of surviving spouse	– on or after 1/1/74 – on or after 7/1/85	– first \$50,000 plus 1/2 of remainder – first \$100,000 plus 1/2 of remainder
3) Issue, one or more of whom are not also issue of surviving spouse	– on or after 1/1/74	– one-half of estate absolutely
4) Parent(s), no issue	– before 1949 – 1949 to 12/31/73 – on or after 1/1/74 – on or after 7/1/85	– first \$2,000 plus 1/2 remainder – first \$5,000 plus 1/2 remainder – first \$50,000 plus 3/4 remainder – first \$100,000 plus 3/4 remainder
5) No issue, no parent(s)		– entire estate absolutely



Decedents' Estates – Other

Estate Examiner for a Limited Purpose

C.G.S. § 45a- 317a provides for the appointment of an estate examiner who wishes to obtain financial or medical information about a decedent for the limited purpose of investigating a potential cause of action of the estate, surviving spouse, children, heirs or other dependents of the deceased person, **OR** a potential claim for benefits under a workers' compensation act, an insurance policy or other benefits in favor of the estate, surviving spouse, children, heirs or other dependents of the decedent.

The forms to be used are ***PC-207, Application/Estate Examiner for Limited Purposes** (C.G.S. § 45a- 316, as amended) and ***PC-267, Decree Appointing Estate Examiner for Limited Purposes**. CMS will generate a fee of \$25.00. If the petitioner/estate examiner has an attorney, he or she may file an appearance using PC-183. Follow the usual procedures re hearing notice and scanning (See p. DE/T-32). The court may require a probate bond or may waive this requirement. The court shall limit the estate examiner's authority to disclose any information obtained. The decree includes a certification of appointment. The court does not issue a fiduciary's certificate. To reduce expenses, the estate examiner may wish to show the original decree to the holder of the information and leave a copy.

Affidavit In Lieu of Administration – Small Estates – C.G.S. §45a-273.

ⓘ This procedure may be used in the following circumstances:

- 1) The decedent's assets consist of solely-owned **personal property** valued at less than \$40,000. (This can include an unreleased interest in a mortgage with or without value.)
- 2) The **ONLY** type of **real property** owned by the decedent was **real property held jointly in survivorship**.

This procedure may **not** be used to transfer real property [C.G.S. §45a-273(b)].

ⓘ Is there a will? If the answer is "Yes," the original (and codicils, if any) must be filed within 30 days of the date of death, and an **Affidavit for Filing Will Not Submitted to Probate, PC-211**, must be filed.

ⓘ If there is a wrongful death claim or if litigation is anticipated, a fiduciary **must** be appointed, and this "small estates" procedure should not be used. See the discussion of form PC-200 in the "Decedents' Estates – Testate" section of this manual.

ⓘ The petition may be filed by the surviving spouse, or, if there is no surviving spouse, it may be filed by any of the next of kin. If there is no next of kin, or the surviving spouse or next of kin refuses, then any suitable person whom the Court deems to have a sufficient interest may file the petition. (For example, the funeral director or the physician in attendance during the decedent's last illness). C.G.S. §45a-273(d).

DEATH CERTIFICATE

A certified copy of the death certificate should be required upon acceptance of the Affidavit in Lieu of Administration, unless the judge is otherwise satisfied of the decedent's death and residence via publication of the obituary or personal knowledge.

ⓘ **Important:** In accordance with C.G.S. § 7-62b, SSNs are recorded on death certificates. The death certificate should be kept in the **confidential section** of the decedent's estate file or, in the alternative, it may be kept in the public section **if the social security number has been redacted**.

DEATH OF A TENANT/LANDLORD FILES AFFIDAVIT WITH COURT

Please see p. "Miscellaneous-45" for procedures to be followed if a landlord files an affidavit with the Court pursuant to C.G.S. § 47a-11d after the death of a sole tenant in a dwelling unit.

CMS Entry/Date-Stamping

- PLEASE NOTE:** 1) Items marked with an asterisk (*) are to be entered into CMS and must be scanned/microfilmed.
- 2) Date-stamp each document, except the original will, upon its receipt.
- 3) Enter all applications and informal status conferences into CMS.

*AFFIDAVIT IN LIEU OF PROBATE OF WILL/ADMINISTRATION, PC-212

IN THE MATTER OF [Include all names under which assets were held.] SOCIAL SECURITY NO. (**NOTE:** This is listed on the Confidential Information Sheet for PC-212.)

DECEDENT'S RESIDENCE AT TIME OF DEATH

DATE OF DEATH

PETITIONER [Name, address and petitioner's telephone number]

RELATIONSHIP TO DECEDENT, if any

Insert an "x" in the appropriate box:

- The petitioner is the surviving spouse of said decedent.
- Decedent died leaving no spouse, and petitioner is a next of kin of said decedent.
- Decedent died leaving no spouse...and petitioner is a suitable person for the following reason...

The decedent did did not receive aid or care from the State of Connecticut. (If affirmative, check appropriate box(es) below.) (If the decedent received public assistance, a copy of the affidavit, PC-212, including its Confidential Information Sheet, should be sent by certified mail along with PC-8 to the Director, DAS – Financial Services Center, Suite 5 North – Recovery Unit, 165 Capitol Ave., Hartford, CT 06106. Use the **Letter of Transmittal, PC-281.**)

- State of Connecticut Department of Veterans' Affairs. C.G.S. § 45a-355. (Rocky Hill facility). **NOTE:** If the Department of Veterans' Affairs is involved, forward a copy of the Affidavit, PC-212, including the Confidential Information Sheet for PC-212, to the department along with PC-8. The state allows \$1,200.00 for burial, plus a Social Security death benefit, if applicable. (C.G.S. §17b-84)

NOTES: 1) If the decedent received public assistance or institutional care from the State of Connecticut/Department of Veterans' Affairs, the Court may **NOT** issue a decree until 30 days after notice to the State/Department of Veterans' Affairs. (In the interim, the State may file for a C.G.S. §4a-16 estate, p. DE/O-13.)

2) The Department of Administrative Services has asked the courts to send them copies of **ALL PC-212 forms**, including the Confidential Information Sheet for PC-212, whether or not the receipt of state aid is indicated on the application.

- Decedent left a will dated (If checked, **PC-211, Affidavit for Filing Will Not Submitted for Probate**, must be filed.)
- Decedent left no will.

The decedent died owning the following solely-owned assets: (Include description and fair market value.)

NOTES: 1) The property description should be as specific as possible [i.e., include serial number, motor vehicle identification numbers, check numbers, etc.]. 2) Pursuant to C.G.S. § 14-16, the owner of a motor vehicle may designate a beneficiary on the registration certificate in writing. In order to obtain ownership of the vehicle after the owner's death, the beneficiary must file an application with the Department of Motor Vehicles within 60 days of the date of death. Since the Court will not need to issue a decree transferring ownership, the vehicle does not need to be listed on PC-212.

C.G.S. § 45a-273(c) permits the release of a mortgage using this form, provided the proceeds of the mortgage and all other property listed thereunder do not exceed \$40,000. A detailed description of the mortgage should be inserted, including the volume and page number of the land records. The petitioner is permitted to execute the release (C.G.S. §49-11).

NATURE OF CLAIM

CLAIMANT/CREDITOR

AMOUNT

Funeral Expenses

Debts Due for Last Sickness

Other Claims

- The funeral director has not been paid...
- The creditors to whom debts are due for the last sickness have not been paid and the Court is requested to order payment from assets listed above by a) direct transfer or b) sale of assets.

NOTE: C.G.S. §45a-273(c) permits the Court to order a sale or transfer of the decedent's property. The Court may order a sale with the proceeds to be paid directly to the funeral director or creditors from the last sickness when there are insufficient liquid assets to pay these creditors.

- The above listed debts or claims have been paid in the manner prescribed by C.G.S. §45a-365. [Note: Each payor NOT seeking reimbursement must sign the waiver on Form PC-212A.]*
- Listed assets exceed listed debts and claims and all heirs-at-law and proposed distributees are listed on form PC-212A.*
- One or more of the children listed on PC-212A are not also issue of the surviving spouse.*

Signature of Petitioner; Date; Signature of Judge, etc.

- Enter into CMS.
- **NOTE:** It is no longer necessary to send a certified copy of PC-212 to the Department of Revenue Services.

***REQUEST FOR ORDER OF DISTRIBUTION, PC-212A.** C.G.S. §45a-273(e) establishes a procedure to be followed when the assets of the estate are less than \$40,000 and consist of only personal property, *and* the assets listed on PC-212 exceed the listed debts and claims.

ESTATE OF [Include all names and initials under which any asset was held.] DATE OF DEATH

DECEDENT'S RESIDENCE AT TIME OF DEATH [Include full address.]

PETITIONER [Name, address, zip code, and telephone number] RELATIONSHIP TO DECEDENT, if any

The amount of personal property of said decedent.... The heirs-at-law of said decedent are: [Give names, addresses ...]

Insert an "x" in the appropriate box:

- One or more of the issue of the decedent listed above or on Second Sheet, PC-180, are **not** also issue of the surviving spouse.*
- The decedent left no will, and the petitioner requests an order of distribution to said heirs at law in accordance with the laws of intestacy.*
- The decedent left a will dated which provides for distribution **equivalent** to that under the laws of intestacy. [If this box is checked, skip Sections A and B below.]*
- The decedent left a will dated and the distribution thereunder is **different** from that under the laws of intestacy AND [If this box is checked report persons entitled to distribution...and choose either Section A or B below.]*

The persons entitled to distribution under the will are . . .

Section A. Distribution in Accordance with the Will.. . .

Section B. Distribution in Accordance with the Laws of Intestacy.. .

The undersigned payor(s) of the claims listed on form PC-212 waive reimbursement..

WHEREFORE...

Signature of petitioner, Date, Signature of Judge, etc.

Billing on Succession/Estate Tax Return

Pursuant to C.G.S. §45a-107, billing for statutory fees is based on the GREATER of:

1) the gross estate for succession tax purposes [Form S-1, Schedule 3, Recapitulation and Estimation of Tax, Line 13],

OR

2) the Connecticut taxable estate as defined in C.G.S. §12-391, as amended,

OR

3) the gross estate for estate tax purposes [Ch. 217 and 218 of the Connecticut General Statutes].

NOTE 1): Upon receipt of the succession or estate tax return, prepare and send the probate fee invoice to the fiduciary and his or her attorney, if any, **within five (5) business days.**

NOTE 2): Any portion of the basis for costs determined by property passing to the surviving spouse shall be reduced by 50%.

NOTE 3): See p. DE/T- 23 for information about estate tax forms, filing requirements, and extensions of time to file.

***DECREE: TRANSFER OF PERSONAL PROPERTY WITHOUT PROBATE PROCEEDINGS, PC-264S (For decedents who died before 1/1/05), OR PC-264 (For decedents who died on or after 1/1/05). NOTE 1)** The two forms only differ with respect to the boxes for taxes, as marked with an asterisk below.

NOTE 2) There is no final account hearing in the "affidavit" estates procedure. This decree should **not** be issued until at least 30 days after the date of death (C.G.S. §45a-275). If the decedent received public assistance, (see Application, PC-212), the decree shall not be rendered until 30 days after notice to the Department of Administrative Services.

IN THE MATTER OF (**NOTE:** Include all names under which assets were held.)

PRESENT: Hon., Judge

Ⓜ Make appropriate deletions in the following sentences:

The affidavit indicated that the decedent *did* *did not receive state aid . . .*

The Commissioner of Revenue Services *has* *has not issued a finding . . .**

The Court *has* *has not issued a finding...**

The decedent left a will dated . . . which is not being presented for probate.

An allowance of . . . is necessary for the support of . . .

NOTE: C.G.S. §45a-320 permits the Court to authorize a family allowance in an "affidavit" estate.

It is necessary to sell personal property to pay the funeral director and/or the last sickness creditor(s) and a probate bond is required of the petitioner in the amount of..

The fair value of the property of the decedent does not exceed the total amount of the claims.

The fair value of the property of the decedent does exceed the total amount of the claims, the proposed distribution on file with the Court is approved, and the petitioner is ordered to make distribution. . .

WHEREFORE, it is ORDERED AND DECREED . . .

NOTE: C.G.S. §45a-273(c) permits the Court to order a transfer or sale of the decedent's property with proceeds from a sale to be paid directly to the funeral director or last sickness creditor when there are insufficient liquid assets to pay such creditors.

. . . transfer the same or pay the amount thereof to the following party(ies).

<i>A. DESCRIPTION OF PROPERTY</i>	<i>PARTY TO WHOM PROPERTY SHALL BE TRANSFERRED OR PAID [Name, address, zip code]</i>	<i>AMOUNT OF PAYMENT</i>
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. . . sell such property and pay the proceeds from such sale directly to the following parties.

<i>B. DESCRIPTION OF PROPERTY</i>	<i>PARTY TO WHOM SALE PROCEEDS SHALL BE PAID [Name, address, zip code]</i>	<i>AMOUNT OF PAYMENT</i>
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Date, Court Seal, "TO HOLDER OR REGISTRANT," Signature of Judge.

• **SEND PC-238, Notice Re Interest on Fees**, to the survivor/petitioner and his or her attorney, if any. **NOTE:** If needed, form **CM-79, Application/Order for Extension of Time to Pay Probate Fees**, should be used to request an extension of time to pay fees. (See p. DE/T-56.)

PETITIONER'S PROBATE CERTIFICATE, PC-212B

ESTATE OF/IN THE MATTER OF (Include all names under which assets were held.) *DATE OF CERTIFICATE*

PETITIONER'S NAME AND ADDRESS

The undersigned hereby certifies that the petitioner . . . has been authorized . . . to sell or transfer the following:

NOTE: C.G.S. §45a-273(c) authorizes the Probate Court to issue certificates authorizing the holder of property to transfer title to the decedent's property (stock, bank accounts). **DO NOT USE** such certificates to transfer motor vehicles. C.G.S. §14-16 permits the Department of Motor Vehicles to transfer vehicles with a copy of form PC-264. (As explained on page 2 of this section, if a motor vehicle is transferred to a beneficiary upon death of the owner pursuant to C.G.S. §14-16, the Court will not need to issue a decree transferring ownership.)

IN TESTIMONY WHEREOF . . .

Court Seal, Signature of Judge

① **STOCKS** – Usually, to transfer **survivorship stocks**, the petitioner needs an affidavit of domicile (provided by the broker's office) and a death certificate.

To transfer **solely-owned stocks**, the petitioner needs a copy of the **Decree of Personal Property without Probate Proceedings, PC-264S OR PC-264**, and the **Petitioner's Probate Certificate, PC-212B**.

① **MOTOR VEHICLES** – If the car was held in two or more names, and the registration reads "AND", then each party held an undivided 1/2 interest. If the car was held in two or more names and the registration reads "OR", then the car was owned in survivorship.

If the car was solely owned or owned as a tenant in common and is listed on PC-212, the person transferring will need to bring the following documents to the Motor Vehicle Department:

- | | |
|--|--|
| <ul style="list-style-type: none"> 1) Death Certificate 2) Title 3) Certified copy of either PC-212B, Petitioner's Probate Certificate, or PC-264, Decree Transfer of Personal Property without Probate Proceedings, as applicable 4) Registration 5) Proof of No Fault Insurance | <ul style="list-style-type: none"> 6) An acceptable form of identification, per the DMV Web site. [Valid Connecticut Operator License, Connecticut issued Non-Driver's Identification Card, or U.S. Military ID (Active or Dependand)] Parties may consult the DMV website for further information: www.ct.gov/dmv. |
|--|--|

The Department of Motor Vehicles also requires that Section 6 of the Application for Registration and Certificate of Title (form H-13) be completed. The DMV website listed above contains further information.

Release of State Tax Liens

For release of state tax liens, see p. DE/T-31.

Certificates

Please see pp. DE/T-29 through 31 for a discussion of the certificates listed below. **NOTE:** Use forms with an "S" designation after the "PC" number for estates of decedents who died before 1/1/05. Use forms without the "S" designation for estates of decedents who died on or after 1/1/05. (The "S" indicates that the succession tax was in effect when the decedent died.)

***TAX CERTIFICATE FOR LAND RECORDS, PC-252S/PC-253S.**

***APPLICATION FOR CERTIFICATE RELEASING CONNECTICUT SUCCESSION AND ESTATE TAX LIENS, PC-205S**

***APPLICATION FOR CERTIFICATE RELEASING CONNECTICUT ESTATE TAX LIEN PC-205** and the

***CERTIFICATE RELEASING CONNECTICUT SUCCESSION AND ESTATE TAX LIENS, PC-256S**

***CERTIFICATE RELEASING CONNECTICUT ESTATE TAX LIEN, PC-256**

***CERTIFICATE RELEASING CONNECTICUT ESTATE TAX LIEN (Non-Solely-Owned Property), PC-256A.**

***CERTIFICATE OF DEVISE, DESCENT, OR DISTRIBUTION OF MOBILE MANUFACTURED HOME, CM-33S/CM-33.** (See p. DE/T- 46 or 47.) **NOTE:** This certificate is to be used for **SOLELY-OWNED** mobile manufactured homes. For **JOINTLY-OWNED** mobile manufactured homes, use **PC-254S, Tax Certificate for Land Records (Mobile Manufactured Home: C.G.S. §21-67a)**, or **PC-205/256**, depending on the decedent's date of death, as explained above.

***CERTIFICATE OF NO SUCCESSION TAX, PC-255S/OPINION OF NO CONNECTICUT ESTATE TAX DUE, PC-255/OPINION OF NO CONNECTICUT ESTATE TAX DUE, PC-255A**

Scanning Preparation

- Scan each original document not later than 30 days after completion of all proceedings. See Regulations 10.3 and 10.4 for a list of documents to be scanned. Be sure to separate confidential and non-confidential documents.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5.

Retention and Disposition of Documents – See Regulation 10.9.

NOTE: See p. DE/T – 32/ DE/I -24 for information about the disclosure of estate tax returns.

ANCILLARY PROBATE or ADMINISTRATION or ORIGINAL JURISDICTION for NONRESIDENTS

C.G.S. §§45a-287, 45a-288, 45a-303, 45a-309; Wilhelm, *Settlement of Estates in Connecticut 3d*, Chapter 5.

NOTE: If there is no will, or if the will offered has not been probated at the domicile, the ancillary statute has no application, and the procedure to be followed in obtaining the grant of administration or probate would be the same as in the estates of residents. The Court would thus have ORIGINAL jurisdiction based on property in the district, and **PC-200, Application for Administration or Probate of Will**, should be used. If, for example, a resident of Florida dies leaving no assets in Florida that require Florida probate, but she leaves real property in Connecticut, the probate court for that Connecticut district would have jurisdiction. (C.G.S. §§45a-287, 45a-303).

STATE OF CONNECTICUT DOMICILE DECLARATION (Form C-3 in “Court Forms” section of CMS program.)

The Domicile Declaration must be completed if the decedent is claimed to be a nonresident. In these cases, the court should supply the petitioner with the Declaration. The petitioner will complete the form and file it with the Application.

***APPLICATION/ANCILLARY PROBATE OF WILL, PC-201**

ESTATE OF: [Include all names and initials under which any asset was held.] SOCIAL SECURITY NO. (**NOTE:** This is listed on the Confidential Sheet for PC-201.) DATE OF DEATH

DECEDENT'S RESIDENCE AT TIME OF DEATH [Include full address.]

PETITIONER [Name, address, and zip code.] SURVIVING SPOUSE [Name, address, and zip code. If none, so state.]

Jurisdiction... based on: [Appropriate box(es) to be checked.]

- The decedent last resided ...
 The decedent has real or tangible personal property...
 The decedent has maintained bank accounts ...
 The executor or trustee named in the will resides...
 A cause of action in favor of the decedent arose ...

HEIRS, NEXT OF KIN, BENEFICIARIES, THE DECEDENT'S CONSERVATORS AND TRUSTEES, if any. [Indicate any person who is under disability or in the military service. C.G.S. §§ 45a-436, 438, 439.]

① Names and addresses are to be provided for parties listed in sections numbered 1 through 3.

① **Minor (C.G.S. §45a-132).** An heir under the age of eighteen *may* need to have a guardian ad litem appointed by the Court to represent the minor's interest in the decedent's estate. *Connecticut Probate Practice Book*, Rule 4, Guardian Ad Litem; Memorandum from Probate Court Administrator dated March 20, 1985. "It is suggested that the facts of the individual case be reviewed rather than appointing a guardian ad litem automatically whenever a minor appears on an application." When a guardian ad litem is deemed necessary, the Court will usually appoint a parent, provided the parent is a disinterested party. (Form: **Appointment of Representative for Interested Party, PC-182.**)

① **Military Service.** An heir in the military service must sign an appearance and waiver form or be represented by an attorney.

① **Missing Person.** In most cases, if an heir's whereabouts is unknown, he or she must be represented by an attorney appointed by the Court. (Form: **Appointment of Representative for Interested Party PC-182.**) Newspaper notice may be used for a missing heir, (PC-132), but consider the size of the estate, since publication is expensive. *Connecticut Probate Practice Book*, Rule 1.

① **Foreign Heirs.** Notice to a foreign heir should be sent directly to that heir. If the foreign country has several consular offices in the United States, notice should also be sent to the regional consular office. If the country does not have consular offices, send the notice to the embassy address in Washington, D.C. Allow ample time for receipt of such notice by a foreign heir. (Note: The "Addresses" section lists consular office information for a number of foreign countries and provides information about obtaining more consular and embassy addresses over the Internet.)

① **Incapable Person.** If an heir has been adjudged incapable, notice should be sent to the conservator. If there has been no adjudication of incapacity, but the Court has reason to believe that an heir may not be capable of representing himself/herself, the Court should appoint a guardian ad litem to represent the incapable's or incompetent's interest in the decedent's estate. (C.G.S. §45a-132. Form: **Appointment of Representative for Interested Party, PC-182.**)

THE PETITIONER REPRESENTS that: [Appropriate box(es) must be checked.]

Decedent or spouse or children did did not receive aid or care from the State of Connecticut.

State of Connecticut Department of Veterans' Affairs

THE PETITIONER HEREWITH PRESENTS to the court...and REPRESENTS that the time for taking an appeal therefrom has

has not expired ...

Signature of petitioner under penalties of false statement.

Signature, address and telephone number of proposed fiduciary.

Attorney for proposed fiduciary.

***COPY OF WILL, APPLICATION AND DECREE**

ⓘ A duly authenticated and exemplified copy of the will, application, and court decree appointing the fiduciary must be presented to the Court for filing and recording (C.G.S. §45a-288).

NEW 12/98: Three Options for the Hearing on Ancillary Probate of Will with an Explanation of the Accompanying Procedures

■ 1. Heirs Waive Notice of Hearing on PC-201, Application/Ancillary Probate of Will or on General Waiver, PC-181. (Connecticut Probate Practice Book, Rule 1.5.)

Space is provided on the lower portion of PC-201 for the heirs to waive notice of a formal hearing. If additional space is needed, use the General Waiver, PC-181.

NOTE: A waiver does not waive the hearing; it merely waives *notice* of the hearing. If all of the heirs have signed waivers, the clerk does not need to complete the Order, PC-120, Notice, PC-130, or Return, PC-131. A hearing will still be held, even though no one attends. The hearing will consist of the judge reviewing the file and signing the decree, PC-261.

■ 2. Judge Determines that a Formal Hearing is Necessary.

Follow the procedures for scheduling a formal hearing, as set forth below.

***ORDER OF NOTICE, PC-120, OR COMBINED ORDER OF NOTICE OF HEARING, NOTICE AND RETURN, PC-133**

Suggested wording for Order of Notice:

UPON THE APPLICATION OF THE PETITIONER FOR this Court to order the duly authenticated and exemplified copy of the Last Will and Testament and the record of the proceedings proving and establishing the same in the state of _____ to be recorded and for the appointment of the proposed ancillary fiduciary.

NOTICE OF HEARING, PC-130

- Prepare and mail as directed in Order of Notice.

ⓘ Notice must be sent to the Commissioner of Revenue Services [with a copy of the application, will, and Domicile Affidavit, if applicable, (see pp. DE/O-12 – 14), each attorney of record, the executor or trustee, the heirs-at-law and other persons as the Court may order [C.G.S. §45a-287(b)].

RETURN OF NOTICE OF HEARING, PC-131

- Prepare and enter date of return.

■ 3. The Heirs DO NOT Waive Notice of Hearing on the Application/Ancillary Probate of Will, PC-201, or on General Waiver, PC-181, and the Streamline Procedures Must Be Used.

If all of the heirs do not waive notice of hearing on PC-201 or PC-181, the Court must follow the streamline procedures for decedents' estates, as explained below.

- Complete **PC-120A, Order of Notice/Right to Request a Hearing.**
- Send **PC-236B, Notice of An Application to Admit a Will to Probate**, to heirs-at-law *and beneficiaries*.*

* **NOTE:** The instruction directing the Court to send form PC-236B to both heirs *and beneficiaries* is a deviation from Rule 1 of the *Connecticut Probate Practice Book*. Rule 1 only requires the heirs to receive notice of every application. Beneficiaries are only required to receive notice of the decree. However, in order to truly “streamline” the decedent’s estate process, the members of the Streamline Committee believe that it is important to notify heirs and beneficiaries at the start of the proceedings.

***ORDER OF NOTICE/RIGHT TO REQUEST A HEARING, PC-120A**

*Estate of
Petitioner*

Date of Order of Notice

Hearing Request Deadline, as determined by the Court. (It is suggested that the Notice, PC- 236B, be mailed at least seven days prior to the hearing request deadline. For example, if the hearing request deadline is May 15, form PC-236B must be dated and mailed May 7. If any of the parties live in another state, be sure to allow sufficient time for them to return the documents.)

- Suggested wording for the Order of Notice:

UPON THE APPLICATION OF THE PETITIONER for the admission to probate of an instrument in writing purporting to be the Last Will and Testament (and codicil) of said decedent dated.....and for the appointment of the proposed fiduciary, as per application on file more fully appears.

NOTE: If the address of an heir or beneficiary is unknown, the Court must give published notice of the right to request a hearing, as explained on page DE/T- 6. The judge may wish to consider using the regular notice procedure in these cases.

The following parties are listed on the **Order of Notice, PC-120A**. Notice of the right to request a hearing must be sent to the heirs, as required by statute or the Rules of Practice and Procedure. And, as explained above, notice must also be sent to the beneficiaries. Regular mail notice may also be sent to any other party, as determined by the Court. In addition to the heirs and beneficiaries, the parties may include:

- the petitioner*
- each fiduciary*
- each attorney of record*
- each heir-at-law*
- the surviving spouse, if any*
- each representative of an interested party*
- each surety on the probate bond*
- the Bureau of Collection Services, Department of Administrative Services*
- the Comm. of Social Services*
- the Commissioner of Revenue Services*
- the Department of Veterans' Affairs*
- the Administrator of Veterans' Affairs in Connecticut*
- the Attorney General*
- other interested parties*

Signature of the judge, clerk, or assistant clerk

- Prepare return section.
- Prepare and mail the notice form, PC-236B.

NOTICE OF AN APPLICATION TO ADMIT A WILL TO PROBATE, PC-236BIn the Matter of*

Hearing Request Deadline, as determined by the Court. It is suggested the Notice be mailed at least seven days prior to the hearing request deadline. For example, if the hearing request deadline is May 15, form PC-236B must be dated and mailed May 7. If any of the parties live in another state, be sure to allow sufficient time for them to return the documents.

Petitioner

Decree Entry Date, as determined by the Court. The decree must be dated at least one day later than the hearing request deadline. For example, if the hearing request deadline is May 15, the decree entry date cannot be any earlier than May 16. (**NOTE:** This date may be as late as one week after the hearing request deadline.)

NOTE: Please remember: In setting both the hearing request deadline and the decree entry date, the Court should allow extra time for parties who live in another state.

The Court has received an application...Will dated....together with Codicils dated....

Proposed Fiduciary

Attorney for Proposed Fiduciary

Date

Court telephone number, fax number, and mailing address

NOTE: A "Request for a Formal Hearing" form is printed on the reverse side of PC-236B. If the Court does not receive any of these forms by the "Hearing Request Deadline," the hearing will consist of the judge reviewing the file and signing the decree, PC-261, on the "Decree Entry Date."

NOTE: If any of the parties returns the form, the Court MUST proceed with a formal hearing, using the notice procedures explained in No. 2 above.

This concludes the discussion of the three options for the hearing in ancillary proceedings. The forms and procedures that follow apply in all cases.

Finding of Domicile

The court shall make a finding as to domicile when the will is admitted or administration is granted. C.G.S. § 45a-309. The finding of domicile is subject to subsequent determination of domicile for estate tax purposes in accordance with the provisions of C.G.S. § 12-395.

The court should make its finding of domicile for each ancillary estate after reviewing Form C-3, the Domicile Declaration, which is filed with the application. Line 25 of Form C-3, which asks for the amount of the gross estate wherever located, should be reviewed carefully in determining whether the estate may be taxable. If the estate is taxable, the court should send Form C-3 to the Department of Revenue Services (**NOTE:** Form C-3 should not be sent to DRS if the estate is non-taxable.)

Agent for Service of Process

- If the executor resides outside the State of Connecticut, prepare **Appointment of Judge of Probate as Agent for Service PC-482** (C.G.S. §§52-60, 52-61). If the executor is a foreign corporation, a receipt must be obtained from the Secretary of State stating that such fiduciary has appointed the Secretary of State to be its agent for service (C.G.S. §45a-206). For reciprocity, see Connecticut Estates Practice, Settlement of Estates, Appendix D.

DECREE GRANTING ANCILLARY PROBATE OF WILL, PC-261Estate of: Decedent's name**Fiduciary's Name and Address* *Position of Trust**After due hearing THE COURT FINDS that:* [Appropriate information should be filled in.]

Insert "x" in applicable boxes:

- All persons known to be interested* *have signed...written waiver...OR* *have received notice of their right to request a hearing...*
- Notice was given...*
- Mail notice to the following was returned...*
- Further notice...*
- Military waiver and appearance.*
- Primary executor has died.*
- Decedent has his domicile in...*
- The Court makes no finding as to domicile...*

The fiduciary named above has accepted the position of trust ... and

- Probate bond ... is fixed at*
- The assets of the estate are less than \$20,000, or the amount of the estate that is not restricted by Court order is less than \$10,000.*
- The fiduciary is excused by will from giving probate bond or is a bank or trust company...*
- In order to properly protect the assets of the estate, restriction on the fiduciary's control over the assets is required.*
- Nonresident fiduciary...*

And it is ORDERED AND DECREED that: ...

- Fiduciary having presented a bond ...*
- The Court dispenses with the requirement of a bond.*
- The foregoing is subject to, and effective upon, the filing of an agreement to restrict assets...*

...The fiduciary shall immediately record a Notice for Land Records/Appointment of Fiduciary, PC-251, in the land records of each town where the decedent owned or had an interest in real property.

Dated at (town), Connecticut this (date) day of (month), (year)

- Impress Court seal.
- Signature of judge.

The court should then follow the procedures for a testate estate.

• **SEND PC-238, Notice Re Interest on Fees**, to the survivor/petitioner and his or her attorney, if any. **NOTE:** If needed, form **CM-79, Application/Order for Extension of Time to Pay Probate Fees**, should be used to request an extension of time to pay fees. (See p. DE/T-56.)

NOTICE FOR LAND RECORDS/APPOINTMENT OF FIDUCIARY, PC-251 (C.G.S. §45a-322)

• Provide the fiduciary with one **Notice for Land Records/Appointment of Fiduciary, PC-251**, for each town where the decedent owned an interest in real property including a mortgage or lien upon real property, whether in his name alone or as a tenant in common.

Commissioner of Revenue Services
State of Connecticut
Inheritance/Estate Tax Section
25 Sigourney St.
P.O. Box 2972
Hartford, Connecticut 06105-2972

Re: **Estate of John Doe, Late of Anytown, Massachusetts**

Dear Commissioner:

Enclosed herewith please find Notice of Hearing on an application for ancillary proceeding filed with this court in connection with the above estate. The decedent on the date of his death, resided at:

123 Main Street
Anytown, Massachusetts 01234

Will you please advise this Court of your position as to whether the decedent was, in fact, a resident of another state, which would result in the necessity of commencing ancillary proceedings in the State of Connecticut.

Very truly yours,

Enclosures: Copy of Application, Will, Proceedings, Notice of Hearing and Domicile Affidavit (C-3), if applicable

SECTION 4a-16 ESTATES

C.G.S. §§ 4a-16, 17-83g

Disposition of the estates of beneficiaries of public assistance or patients in state institutions.

Items starred (*) are to be scanned and microfilmed.

***APPLICATION FOR CERTIFICATE UNDER SECTION 4a-16, (CC-788)**

This form is filed with the court by the Commissioner of Administrative Services of the State of Connecticut. It states that the decedent died leaving no real estate, but left personal property of less than \$40,000.

This one form contains both the application and certificate. The judge signs the certificate, which states the name of the authorized representative.

Send a copy to the Commissioner of Administrative Services, State of Connecticut. Keep original to be recorded.

ⓘ **NOTE:** If the court has received a PC-212 application, a Decree: Transfer of Personal Property without Probate Proceedings, PC-264, cannot be issued for 30 days. (C.G.S. § 45a-275) If a 4a-16 application (CC-788) is filed during the 30-day period, it takes precedence over the PC-212. The court shall grant the 4a-16 application and send a copy of its decree to the petitioner who filed the PC-212. If, however, a decree (PC-264) has been issued after the 30-day period, and the Bureau of Collection Services files a 4a-16 application (CC-788), the application should be returned to the Commissioner of Administrative Services with copies of the PC-212, including the Confidential Information Sheet for PC-212, and PC-264.

- Enter into CMS.

***ACCOUNT**

The Commissioner of Administrative Services will file the accounting and pay court charges (CC-789). Twenty-five (\$25.00) dollars minimum, \$255 maximum, calculated using table found in C.G.S. §45a-107(b)(2).

PC-8/8B – These forms contain the appropriate information re the opening and closing of the estate. Courts will enter this information on the computer, and it will be transferred electronically.

ⓘ **A Tax Return is Not Required.**

Scanning Preparation

• Scan each original document not later than 30 days after completion of all proceedings. See Regulations 10.3 and 10.4 for a list of documents to be scanned. Be sure to separate confidential and non-confidential documents.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5.

Retention and Disposition of Documents – See Regulation 10.9.

TAX PURPOSES ONLY (TPO) ESTATES

A TPO estate may be opened in the following circumstances:

1) The decedent's estate consists of survivorship property. There is no property passing by will or intestate succession, and there are no assets in the decedent's name alone, nor did the decedent own any assets as a tenant in common.

AND/OR

2) The decedent's estate consists of property that passes by terms of contract, such as a qualified benefit plan, life insurance payable to a named beneficiary, property held subject to an inter vivos trust agreement, or assets in an IRA account. These types of transfers are taxable. In addition, if the decedent retained a life use in property, the fair market value of the property at date of death is taxable.

AND/OR

3) Lifetime gifts were made on or after 1/1/05 for which a gift tax return is required to be filed.

[References: Wilhelm's *Settlement of Estates in Connecticut*, 3d, § 2-37 (2010) and C.G.S. §§ 12-391 and 392]

- Enter into CMS.
- Items marked with an asterisk must be entered into CMS. They must also be scanned/microfilmed.

***AFFIDAVIT FOR FILING WILL NOT SUBMITTED FOR PROBATE, PC-211**

The original will (if there is one) should be filed with the court within 30 days of the date of death.

- Stamp the date received on the will.
- Send **PC-238, Notice Re Interest on Fees**, to the survivor and his or her attorney, if any, upon receipt of PC-211 and/or the filing of the succession or estate tax return.

Billing on Succession/Estate Tax Return

Pursuant to C.G.S. §45a-107, billing for statutory fees is based on the GREATER of:

1) the gross estate for succession tax purposes [Form S-1, Schedule 3, Recapitulation and Estimation of Tax, Line 13],

OR

2) the Connecticut taxable estate as defined in C.G.S. §12-391, as amended,

OR

3) the gross estate for estate tax purposes [Ch. 217 and 218 of the Connecticut General Statutes].

NOTE 1): Upon receipt of the succession or estate tax return, prepare and send the probate fee invoice to the fiduciary and his or her attorney, if any, **within five (5) business days**.

NOTE 2): Any portion of the basis for costs determined by property passing to the surviving spouse shall be reduced by 50%.

NOTE 3): See p. DE/T- 23 for information about estate tax forms, filing requirements, and extensions of time to file.

Release of State Tax Liens

For release of state tax liens, see p. DE/T- 29 –31 (forms).

Certificates

Please see pp. DE/T-29 through 31 for a discussion of the certificates listed below. **NOTE:** Use forms with an “S” designation after the “PC” number for estates of decedents who died before 1/1/05. Use forms without the “S” designation for estates of decedents who died on or after 1/1/05. (The “S” indicates that the succession tax was in effect when the decedent died.)

***TAX CERTIFICATE FOR LAND RECORDS, PC-252S/PC-253S.**

***APPLICATION FOR CERTIFICATE RELEASING CONNECTICUT SUCCESSION AND ESTATE TAX LIENS, PC-205S**

***APPLICATION FOR CERTIFICATE RELEASING CONNECTICUT ESTATE TAX LIEN PC-205** and the

***CERTIFICATE RELEASING CONNECTICUT SUCCESSION AND ESTATE TAX LIENS, PC-256S**

***CERTIFICATE RELEASING CONNECTICUT ESTATE TAX LIEN, PC-256**

***CERTIFICATE RELEASING CONNECTICUT ESTATE TAX LIEN (Non-Solely-Owned Property), PC-256A.**

***CERTIFICATE OF DEVISE, DESCENT, OR DISTRIBUTION OF MOBILE MANUFACTURED HOME, CM-33S/CM-33.** (See p. DE/T- 46.) **NOTE:** This certificate is to be used for **SOLELY-OWNED** mobile manufactured homes. For **JOINTLY-OWNED** mobile manufactured homes, use **PC-254S, Tax Certificate for Land Records (Mobile Manufactured Home: C.G.S. §21-67a)**, or **PC-205/256**, depending on the decedent's date of death, as explained above.

***CERTIFICATE OF NO SUCCESSION TAX, PC-255S/OPINION OF NO CONNECTICUT ESTATE TAX DUE, PC-255/OPINION OF NO CONNECTICUT ESTATE TAX DUE, PC-255A**

① Probate fees are based on gross taxable estate (C.G.S. §45a-107).

- Bill person filing return.



Custody, Removal, and Guardianship

- 1) In addition to the statutes referred to in this section, also see the Probate Court Rules of Procedure, generally, regarding rules for all case types and rules for hearings and Rules 34 and 40 – 42 for children’s matters.**
- 2) See CMS Tools for the forms referred to in this section.**

Confidentiality of Custody and Removal Hearings and Other Children’s Matters

C.G.S. section 45a-754 states that all records of cases related to termination of parental rights, removal of a parent as guardian, appointment of a statutory parent, adoption matters, temporary guardianship and emancipation of a minor (see “Miscellaneous” section) are confidential, and shall not be open to inspection by or disclosed to any third party, except that (1) such records shall be available to (A) the parties in any such case and their counsel; (B) the Department of Children and Families; (C) any licensed child-placing agency involved in any such case; (D) any judge or employee of a court in this state who, in the performance of his or her duties, requires access to such records; (E) the office of the Probate Court Administrator; and (F) courts of other states under the provisions of sections 46b-115a to 46b-115gg, inclusive; and (2) access to and disclosure of adoption records shall be in accordance with subsection (b) of C.G.S. section 45a-754.

It should also be remembered that in dealing with the files concerning the above matters, papers should not be left in any area where members of the public might view the same.

Since we are dealing with children, it is important to keep the proceedings moving cautiously and expeditiously, not allowing the matter to remain unresolved for a lengthy period of time, unless there is a sound reason for delay.

Interstate Compact on the Placement of Children Act (C.G.S. section 17a-175)

Please see CM Appendix 11-11 for further information on the Interstate Compact.

Program of Criminal Records Checks

The Office of the Probate Court Administrator has the ability to conduct criminal records checks in children’s matters. Please see CM Appendix 11- 12 for complete information.

Address Confidentiality Program

Please see p. Duties -14 for information about the Address Confidentiality Program re those persons who may wish to keep their whereabouts confidential.

Pages 2 and 3 provide an overview of the types of actions involving guardianship of minors. Page 4 is a summary of the forms and procedures required in Immediate Temporary Custody and Temporary Custody.

Please refer to the appropriate page numbers below for a detailed review of each matter. **A chart showing the forms to be used in various guardianship and custody proceedings appears on p. Guardianship-64.**

NOTE: Transfer of Contested Matters to Superior Court. Before a hearing is held on the merits of a contested removal or guardianship matter under C.G.S. section 45a-602 to 622, the Probate Court *shall* transfer the case to the Superior Court at the request of any party except the petitioner in a removal matter. The court *may*, on its own motion or on the motion of the petitioner in a contested removal matter, transfer the matter to the Superior Court. If the case is transferred, the clerk will transfer the original files and papers in the case to the clerk of the Superior Court that will hear the matter. See Probate Court Rules of Procedure, Section 40.16.

NOTE: Transfer to a Regional Children’s Probate Court. On its own motion or that of any interested party, the Probate Court may transfer any guardianship or custody matter under C.G.S. section 45a-603 to 622 to a regional children’s Probate Court. This includes cases involving removal of guardianship, immediate temporary custody, temporary custody, temporary guardianship, and co-guardianship. If the case is transferred, the clerk will transfer the original files and papers in the case to the regional children’s Probate Court that will hear the matter.

1. A. REMOVAL (See pp. Guardian- 6 – 14.) C.G.S. sections 45a-609, 45a-610

This procedure should be used when a parent or guardian is to be removed as guardian of the person of a minor. The procedure may take several months because the Department of Children and Families is required to conduct an investigation.

Note: This section includes an explanation of SPECIAL IMMIGRANT JUVENILE STATUS. (See p. Guardian – 13.)

P.A. 14-104, sections 8 and 9. This procedure may be initiated by a party to a removal of guardian, termination of parental rights, adoption or appointment of a guardian matter (C.G.S. section 45a-616) to request additional findings for an immigration proceeding involving the child.

1. B. REMOVAL – COURT INITIATION (See pp. Guardian-14 – 17.)**1 C. PERMANENT GUARDIANSHIP (See pp. Guardian 17 – 20.)**

This procedure allows Probate Courts to appoint permanent guardians of minors in lieu of terminating parental rights. The guardianship lasts until the minor reaches the age of majority. C.G.S. sections 45a-616a and 45a-617.

2. IMMEDIATE TEMPORARY CUSTODY, TEMPORARY CUSTODY AND REMOVAL

(See pp. Guardian-20 – 33.) C.G.S. sections 45a-607, 45a-609, 45a-610

This procedure should be used when there is an **EMERGENCY** situation. The following requirements must be met:

- a) the child must be in the custody of a person **other than the parent or guardian AND**
- b) the child must not have been **taken or kept from the parent or guardian.**

The court must further find that:

- a) that there is a substantial likelihood that the child will be removed from the jurisdiction before a hearing is held **OR**
- b) to return the child to the parent(s) would result in serious injury or physical danger (C.G.S. section 45a-607). See Probate Court Rules of Procedure, Sections 40.3 and 40.4.

To initiate this procedure, the court **must** have a petition for immediate temporary custody (PC-501) **and** either a petition for removal of guardian (PC-500) **or** a petition for termination of parental rights (PC-600); **or** a petition for guardian where the child has no parent or guardian (CM-22.)

The **immediate** temporary custody petition **automatically** necessitates a temporary custody hearing within 5 business days of the immediate (ex parte) temporary custody order. The petitioner need **not** complete a separate petition for temporary custody.

2 A. IMMEDIATE TEMPORARY CUSTODY (Ex parte proceeding – no hearing held) See p. Guardian – 20.**2 B. TEMPORARY CUSTODY PROCEEDING FOLLOWING ORDER OF IMMEDIATE TEMPORARY CUSTODY (See p. Guardian-25.)****2 C. REMOVAL OF PARENT AS GUARDIAN FOLLOWING IMMEDIATE TEMPORARY CUSTODY AND TEMPORARY CUSTODY PROCEEDINGS (See p. Guardian - 30.)****3. TEMPORARY CUSTODY AND REMOVAL (See pp. Guardian-33 – 45.)**

C.G.S. sections 45a-607 45a-609, 45a-610

This procedure should be used when the child is not in imminent danger and there does not appear to be an emergency situation. However, the petitioner believes the child should be taken from the parent/guardian before the removal hearing, which may take several months. To initiate the procedure, the court must have petition for temporary custody (PC-502) **and** a petition for removal of guardian (PC-500) **or** a petition for termination of parental rights (PC-600); **or** a petition for appointment of guardian where the child has no guardian (CM-22.)

3 A. Removal of Parent as Guardian (See pp. Guardian-42 – 45.)**4. TEMPORARY GUARDIANSHIP (See pp. Guardian-45 – 48.)** C.G.S. section 45a-622

This procedure is **purely voluntary** on the part of the custodial parent. It is to be used when a parent is ill, absent from the jurisdiction (armed forces), or unable to care for a child for **any other reason(s)**.

The grant of temporary guardianship shall not exceed a period of one year. There is **no** removal of the parent, and the Probate Court may waive an investigation by the Department of Children and Families for cause shown. The temporary guardian will cease to serve when the parent notifies the court and guardian to that effect. It would appear that either parent may initiate the petition, but if the other parent objects, the petition should not be granted without a hearing.

5. GUARDIAN OF THE ESTATE (See pp. Guardian - 48 – 54.) C.G.S. section 45a-629

This procedure is to be used where a minor is to receive property valued in excess of \$10,000.00 **OR** when a payor of funds or property to a minor requires a guardianship of the minor's estate. See Probate Court Rules of Procedure, Rule 34.

6. STANDBY GUARDIAN OF A MINOR (See pp. Guardian - 54– 55.)**7. COGUARDIANS OF A MINOR (See pp. Guardian – 55 – 56.)**

NOTE: Transfer of a Guardianship File between Probate Courts. Pursuant to C.G.S. section 45a-599, files for guardianship of the person or estate of a minor may be transferred from one district to another if a minor under guardianship becomes a resident of a town in a probate district other than the one in which the guardian was appointed. Any person deemed by the court to have sufficient interest in the minor's welfare, including, but not limited to, the guardian or a relative of the minor, may make a motion for transfer to the court in the district that has the file. The court may approve the motion if it finds that the transfer of the file is in the minor's best interest. The forms used are **Motion to Transfer File, Guardianship of Person of Minor, PC-507**, and **Decree/Transfer File Guardianship of Person/Estate of Minor, PC-566**.

Upon approval of the transfer, the court that originally granted the guardianship will make certified copies of all documents in the court and deliver them to the new district. When the transfer is completed, the new district shall assume jurisdiction over the guardianship, and all petitions and accounts shall be filed in the new district.

Immediate Temporary Custody/Temporary Custody/Removal of Guardianship

Statutes: C.G.S. sections 45a-607, 609, 610. Folsom, Wilhelm, *Incapacity, Powers of Attorney, and Adoption in Conn.*, 3d, section 3:9.

Forms & Procedures: IMM. TEMPORARY CUSTODY (EX PARTE PROCEEDING — NO NOTICE REQUIRED):

PC-500 Petition/Removal of Guardian **OR**
PC-600 Petition/Termination of Parental Rights
PC-501 Petition/Immediate Temporary Custody
PC-510 Custodian's Affidavit/Imm. Temp. Custody* (1) **OR**
PC-550 Physician's Certificate/Imm. Temp. Custody* (2)
PC-610 Affidavit/Temp Custody, Removal, Termination, or Adoption (Must be signed/dated as of day of ex parte order.)
PC-561 Decree/Immediate Temporary Custody

NOTES: *(1) If the box, "The minor child is in the custody of a person other than the parent or guardian," is checked, PC-510 **MUST** be filed with the petition.

*(2) If the box, "The minor child is hospitalized as a result of serious physical illness..." is checked, certificates (PC-550) from **2** physicians **MUST** be filed with the petition.

APP'T OF ATTORNEY [Respondent has right to request an attorney; court must appoint counsel for child if abuse or neglect; may appoint counsel in other matters — C.G.S. section 45a-607(c) & 45a-620] and/or **GUARDIAN AD LITEM** [One **MUST BE APPOINTED** for a minor parent or incompetent parent — C.G.S. section 45a-621] & for minor if abuse or neglect; court may appoint for minors in other matters. C.G.S. section 45a-620.

PC-182A/B, App't of Atty.(A) or GAL (B) for Interested Party

PC-184A, Request/Order Waiver of Fees/Respondent**

PC-170A/170B, Report of Court-appt'd Atty(170A), Report of Court-App't'd GAL (170B)

PRACTICE POINTERS (Please Note: This information is not a substitute for a careful review of the statutes & *Clerk's Manual* .)

1. REMEMBER: Imm. Temporary Custody can only be granted if conditions listed in C.G.S. section 45a-607 (b)(1) exist.

2. JURISDICTION is in the Probate Court in the district where the minor physically resides. The minor's "residence" refers to the *actual residence* and not that attributed to the minor by the residence of the parents or guardian.

3. A PROPER PETITIONER is a) any adult relative of the minor, by blood or marriage, b) the court, on its own motion (form CM-6) or counsel for the minor. C.G.S. section 45a-614.

4. If there is a compelling need, and the matter is NOT within Probate Court jurisdiction, refer the petitioner to DCF for a 96-hour protective custody hold [C.G.S. section 17a-101(g)]. If a crime is being committed, notify the police immediately.

5. The court may order examination of the child (or parent or custodian in some cases) by a physician, psychiatrist, or psychologist, under C.G.S. section 45a-609(d). See p. 9 of this section for payment information.

7. Temporary custody hearing **REQUIRED within 5 business days** of ex parte order of immediate temporary custody.

8. NOTE: Immediate temporary custody (ITC) may be granted to one parent to the exclusion of the other if all statutory requirements are met. The parent to be awarded ITC must have physical custody & must not have taken/kept child from other parent.

* In all three types of matters, the court may request a criminal records check on prospective guardians, custodians, or other household member. CM Appendix 11-12.

Forms & Procedures: TEMPORARY CUSTODY

PC-500 Petition/Removal of Guardian **OR**
PC-600 Petition/Termination of Parental Rights
PC-502 Petition/Temporary Custody
PC-633 Waiver of Personal or Abode Service/Parental Rights Matter* (1)
PC-682 Court Order/.../Investigation of Parental Rts Matter* (2)
PC-520 Order of Notice/Temporary Custody or Removal and Appointment of Guardian
PC-631 Notice of Hearing/Parental Rights Matters
PC-531 Citation& Return/Temp. Custody/Removal of Guardian
PC-131 Return of Notice of Hearing
PC-610 Affidavit/Temp. Custody, Removal, Termination or Adoption
PC-562 Decree/Temporary Custody

APPOINTMENT OF ATTORNEY [Respondent has the right to request an attorney; court must appoint counsel for child if abuse or neglect; may appoint counsel in other matters — C.G.S. section 45a-607(c) & 45a-620] and/or **GUARDIAN AD LITEM** [One **MUST BE APPOINTED** for a minor parent or incompetent parent — C.G.S. section 45a-621] & for minor if abuse or neglect; court may appoint for minors in other matters. C.G.S. section 45a-620.

PC-182A/B, App't of Atty.(A) or GAL (B) for Interested Party

PC-184A Request/Order Waiver of Fees/Respondent**

PC-170A/170B, Report of Court-appt'd Atty(170A), Report of Court-App't'd GAL (170B)

Forms & Procedures: REMOVAL OF GUARDIANSHIP

The removal hearing must be held **within 30 days of receipt of the Petition** (PC-500), **UNLESS** the court requests an investigation, in which case the hearing must be held **within 30 days of receipt of the investigation report**.

PC-520 Order of Notice/Temporary Custody or Removal and Appointment of Guardian
PC-610 Affidavit/Temp Custody, Removal, Termination, or Adoption (Must be signed/dated the day the order is issued.)
PC-560 Decree/Removal of Guardian and Appointment
PC-570 Guardian's Report/Gdnship of the Person of a Minor

NOTES: *(1) If the parent(s) [or father of a child born out of wedlock] consents to temporary custody and wishes to waive notice by personal or abode service, PC-633 must be signed. Give notice by first class mail.

(2)*To expedite the process, request the DCF investigation **BY FAX**. Also send a request by first class mail.

PRACTICE POINTERS (Please Note: This information is not a substitute for a careful review of the statutes & *Clerk's Manual* .)

1. May transfer to Sup. Ct. or other probate judge if contested.

2. Hearing is a **CLOSED** hearing. Records are confidential.

3. See No. 5 at left.

4. Evidence required for temporary custody: C.G.S. section 45a-610.

5 Visitation rights of removed parties: C.G.S. section 45a-612.

6. Modification/revocation of temp. custody order: C.G.S. section 45a-607(e).

7. Notify guardian of programs for kinship and respite grants. See p. Guardian – 62 for notice form.

8. Reinstatement: C.G.S. section 45a-611.

**SEE PCA Policy Manual, Policy No. 507, for more information, including standards for indigency.

Issues to be Considered in Temporary Custody and Guardianship Matters

1. Jurisdiction. (C.G.S. section 45a-614, 45-603)
2. Standing of petitioner. (C.G.S. section 45a-614)
3. Factors necessary to enter ex parte order. [C.G.S. section 45a-607(a)(b)]
4. Department of Children and Families (DCF) notification and report. (C.G.S. section 45a-619)
5. Notice requirements for hearing on temporary custody. [C.G.S. section 45a-607(c)]
6. Criminal records check. (See CM Appendix 11- 12)
7. Appointment of counsel for:
 - parents. (C.G.S. section 45a-620)
 - the child, in any proceeding in which abuse or neglect, as defined in section 46b-120, is alleged by the applicant or reasonably suspected by the court and in all cases where the court deems it appropriate. (C.G.S. section 45a-620)
8. Appointment of guardian ad litem (G.A.L.) for:
 - minor or incompetent parent(s). (C.G.S. section 45a-621)
 - the child, in all cases involving abuse and neglect and in all cases where the court deems the appointment appropriate. The attorney for the minor child cannot also serve as G.A.L, and the G.A.L. need not be an attorney, but he or she should be knowledgeable about the needs and protection of children. (C.G.S. section 45a-620 and federal law.)
9. Possible petition of the Uniform Child Custody Jurisdiction and Enforcement Act. (C.G.S. section 46b-90)
(For child custody matters involving courts of other states.)
10. Standard of evidence and factors for temporary custody. (C.G.S. section 45a-607(d))
11. Suitability of proposed custodian and/or guardian. (C.G.S. section 45a-617) [Note: CM Appendix 11- 12 discusses the procedure for obtaining a criminal records check on a prospective guardian, custodian, or other household member.]
12. Parental visitation during pendency of removal action. (C.G.S. section 45a-612)
13. Notice for hearing on removal of guardian(s). [C.G.S. section 45a-609(b)]
14. Court-ordered examination of allegedly incapable party to the action by a physician, psychiatrist, or psychologist.
[C.G.S. section 45a-609(d)]
15. Standard of evidence and factors for removal of guardian(s). (C.G.S. section 45a-610)
16. Parental visitation after removal. (C.G.S. section 45a-612)
17. Standard of evidence and factors for reinstatement of guardian(s). (C.G.S. section 45a-611)
18. Is there a pre-existing child support order?

1A. REMOVAL of the PARENT as GUARDIAN and APPOINTMENT of GUARDIAN of the PERSON

C.G.S. section 45a-603 et seq. This procedure is to be used **only** when adoption is **not** contemplated, and the parent's guardianship rights may be restored.

The father and mother of every minor child are joint guardians of the person of the minor. If either dies or is removed as guardian, the other parent is the sole guardian of the person. The father and mother of a child born out of wedlock are also joint guardians, provided the father's paternity has been determined under the laws of this state.

Jurisdiction

Jurisdiction is in the Probate Court district where the minor resides. **NOTE:** The minor's residence is defined as the actual residence. It is not that imputed to the minor by the residence of the parents or guardian.

Who May Petition the Court for Removal of Guardianship – C.G.S. section 45a-614

- 1) Any adult relative of the minor by blood or marriage.
- 2) The court on its own motion. (See form on p. Guardian-65.)
- 3) Counsel for the minor. (If the situation is serious, the court may appoint counsel to investigate and file the petition.)

There is a penalty for filing a false or malicious petition — a fine of not more than \$1,000 or imprisonment of not more than one year or both (C.G.S. section 45a-615)

Birth Certificate

Before initiating the proceedings, the clerk may have the petitioner submit a birth certificate for the child. (Please see p. "Duties – 5" for an important note re birth certificates.)

Items marked with an asterisk (*) are to be entered into CMS and must be scanned/microfilmed **as confidential**.

*PETITION FOR REMOVAL OF GUARDIAN, PC-500

IN THE MATTER OF [Name, address where residing, zip code, and telephone number.]

MINOR CHILD'S BIRTH DATE

TRIBE AND RESERVATION of minor child if an Indian child . . .

PETITIONER: [Name, address, zip code, telephone number, and legal status of petitioner. . . **If adult relative, also give date of birth. . .**]

PERSON(S) TO BE REMOVED AS GUARDIAN: [Name(s), address(es), zip code(s), telephone number(s). . . **If parent, also give date of birth.**]

RELATIONSHIP TO MINOR CHILD

OTHER PERSONS WITH GUARDIANSHIP RIGHTS [Name(s), address(es), zip code(s), telephone number(s). . .]

RELATIONSHIP TO MINOR CHILD

The petitioner alleges that the whereabouts of the respondent are unknown. The last-known address(es) of the respondent(s) are: [C.G.S. section 45a-609(b)] • The petitioner must give the respondent's last known address.

THE PETITIONER STATES that the following efforts have been made to obtain a current address for the respondent(s).

• If the petitioner checked the previous box, he or she **MUST** also check this box and state what efforts have been made to obtain a current address.

THE PETITIONER REPRESENTS that..

The petitioner will check one or more of the following boxes.

- The respondent(s) consent... The minor child has been denied the care... The minor child has been abandoned . . .
 The minor child has had physical injury . . . The minor child has been neglected or uncared for . . .

THE PETITIONER FURTHER REPRESENTS..

- The petitioner must indicate whether or not the respondent is under a legal disability or in the military service and must state whether or not there is any other proceeding pending or contemplated in another court that will affect the custody of the minor child. The petitioner must complete and attach **form JD-FM-164, Affidavit Concerning Children. NOTE:** The existence of another proceeding does not automatically preclude the court from acting. The issue is whether the proceedings conflict. C.G.S. section 52-231a. See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters. The petitioner must also complete the boxes re child support orders, the existence of DCF safety/service agreements, protective or restraining orders and the length of time the child has resided in Connecticut.

WHEREFORE THE PETITIONER requests that this court remove the respondent(s) as guardian(s)..and petitions the court to

- The petitioner must check one of the following boxes:
 - Appoint a guardian...*
 - Affirm, is the sole guardian.*

NOTE: The court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11- 12

Signature of petitioner

- The proposed guardian must sign and complete the acceptance section — name, address, telephone number, date of birth.
- **Consent section:** The consents must be individually signed, and each signature must be acknowledged.
- If the minor is at least 12 years of age, he or she must consent to the guardianship by signing the form.

***Affidavit Concerning Children, Form JD-FM- 164. Required in Cases Involving the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA – C.G.S. section 46b-115, et. seq.) and Other Children’s Matters**

The affidavit form JD-FM-164, Affidavit Concerning Children is designed for use in either the Superior Court or the Probate Court. In removal matters involving the UCCJEA **or** in any other children’s matter, the petitioner must attach form JD-FM-164 to PC-500 or other relevant petition. (Copies of JD-FM-164 are available from the Probate Court Administrator's office.) **NOTE:** The existence of another proceeding does not automatically preclude the court from acting. The issue is whether the proceedings conflict. C.G.S. section 52-231a. As noted above, see the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

The affidavit requests the following information if it is "reasonably ascertainable and not confidential under state law": 1) the child's present address or location, 2) the places where the child has lived during the past five years, and 3) the names and addresses of the persons with whom the child has lived during the past five years. The person completing the affidavit must also state information about other custody cases involving the child, the physical custody of the child, and other children born to the respondent mother.

***WAIVER OF PERSONAL OR ABODE SERVICE/PARENTAL RIGHTS MATTER, PC-633**

If the parent(s) (or father of a child born out of wedlock) being removed wishes to waive notice by personal or abode service, then the PC-633 must be signed.

- If personal or abode service is waived, send notice by first class mail at least 10 days before the date of the hearing.

If the petition is in order:

- Date-stamp.
- Entry fee \$150.00. The judge may waive or postpone the entry fee. See C.G.S. section 45a-111(c).

Note: Additional Fees (C.G.S. section 45a-106)

– There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party’s failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.

– There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.

– There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

- Enter into CMS.
- Prepare file folder.

Preparation for the Hearing

- As previously noted, the court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11-12.

Counsel

For the respondent. C.G.S. section 45a-609 (b). The respondent has the right to representation by an attorney. If he or she is unable to obtain or pay for an attorney, the respondent may ask the court to appoint an attorney. If the respondent is unable to pay for counsel, the Probate Court Administration Fund will pay upon proper certification. **The form to be used is Request/Order Waiver of Fees – Respondent, PC-184A.** (See *PCA Policy Manual*, Policy No. 507 for more information, including standards for indigency.)

For the child. The court is required to appoint counsel for the child in any proceeding brought under C.G.S. section 45a-603 to 45a-622, inclusive, in which abuse or neglect, as defined in C.G.S. section 46b-120, is alleged by the applicant or reasonably suspected by the court. If the court determines that the minor is unable to express his or her wishes to the attorney, the court may appoint an attorney to serve as both attorney and guardian ad litem. Probate Court Rules of Procedure, Section 40.2

Counsel may be appointed for a minor under G.G.S. section 45a-620 to advocate for the minor in other circumstances.

If the child is unable to pay for counsel, payment will be made by the Probate Court Administration Fund upon proper certification. When appointing counsel or a guardian ad litem for the child, Rules 13 and 40.2 of the Probate Court Rules of Procedure should be considered.

The attorney may be appointed from the attorneys' list (CM Appendix 11-4) or from the panel of attorneys maintained by the court under Regulation 13B. At the time of appointment, forward to the attorney a CO-17 form for payment, a schedule of the fees and a sample invoice.

Guardian Ad Litem

For an incompetent or minor parent. **The court MUST appoint a guardian ad litem under C.G.S section 45a-621 to represent an incompetent or minor parent being removed.**

For the minor child. The court may appoint a guardian ad litem to represent the interests of a minor child under C.G.S. section 45a-132. The guardian ad litem does not have to be an attorney but shall be knowledgeable about the needs and protection of children.

Section 13.1 of the Rules of Probate Court Procedure provides that the court shall appoint a guardian ad litem for a party in a proceeding under any statute or rule that requires the appointment of a guardian ad litem. Federal law requires the appointment of a guardian ad litem in removal or guardian cases in which abuse or neglect is alleged. As noted above, state statutes require the appointment of counsel for the minor in these circumstances. The attorney appointed under C.G.S. section 45a-620 in these cases may serve as both attorney and guardian ad litem unless the court determines that the minor is able to express his or her wishes, which, if followed, could lead to substantial physical, financial or other harm to the minor. See Section 40.2.

In any other case in which an attorney has been appointed and the court determines that the minor's wishes, if followed, could lead to substantial harm to the minor, the court may appoint another individual as guardian ad litem. See Section 40.2.

NOTE: There is no provision for payment from the Probate Court Administration Fund of a guardian ad litem for **minor children except if abuse or neglect is alleged.**

*APPOINTMENT OF ATTORNEY FOR INTERESTED PARTY, PC-182A

*APPOINTMENT OF GUARDIAN AD LITEM FOR INTERESTED PARTY, PC-182B

- If there are allegations of child abuse or neglect, check the box "a minor(s) where child abuse or neglect... is alleged...."

* REPORT OF COURT-APPT'D ATTORNEY (PC-170A), REPORT OF COURT APPT'D GAL (PC-170B)

- The attorney is not required to file a report. If a report is filed, it is to be limited to the statement that the attorney's client objects, does not object or has not expressed a position.

- The guardian ad litem should file a PC-170B as required by the court.

The court shall send a copy of any appointment of attorney or guardian ad litem to each party and attorney.

EXAMINATION BY PHYSICIANS, PSYCHIATRISTS, OR PSYCHOLOGISTS APPOINTED PURSUANT TO C.G.S. section 45a-609 (d). Pursuant to this statute, the court may order the examination of the child by a physician, psychiatrist, or licensed clinical psychologist. The court may also order the examination of a parent or custodian whose competency or ability to care for the child is at issue. The applicant will pay the expenses of any examination ordered by the court on its own motion; the expenses of any examination requested by another party shall be paid by the party making the request. If such applicant or the party requesting the examination is unable to pay for the examination, payment will be made by the Probate Court Administration Fund. If the matter has been transferred to Superior Court, payment will be made from funds appropriated to the Judicial Branch. Payment shall be made in accordance with Regulations, Sec. 20. Court staff should provide a CO-17 form, a copy of the regulations, and a sample invoice.

***NOTICE/RECEIPT OF PETITION FOR REMOVAL OF GUARDIAN, PC-530**

- Send to respondents by first class mail as soon as possible if they are not consenting or waiving notice.

Hearing Date — The removal hearing must be held within 30 days of receipt of the petition unless the court requests an investigation, in which case the hearing must be held not more than 30 days following receipt of the results of the investigation.

DEPARTMENT OF CHILDREN AND FAMILIES INVESTIGATION — C.G.S. section 45a-619

***COURT ORDER/REQUEST/RETURN INVESTIGATION OF PARENTAL RIGHTS MATTER/EMANCIPATION OF MINOR, PC-682.**

- Send two copies of PC-682 to the program supervisor in your region, along with a copy of the petition (including the Confidential Information Sheet), pursuant to instructions on the form.

① The court **shall** request an investigation by the Department of Children and Families or any organization, agency, or individual licensed or approved by the commissioner, **unless** the court waives the requirement for cause shown. If it is waived, the court **must** make a finding, pursuant to C.G.S. section 45a-619.

NOTES: 1) If the box on the petition concerning child support was checked, the court must be sure that the cover letter asks DCF to address the child support issue in its investigation. 2) If an allegation of abuse or neglect is involved, the court must check the last box, which directs DCF to reflect the findings required in C.G.S. section 45a-619 in the report.

Please Note



When the request for investigation is made, DCF should provide the court with a "link number." This number should be included on all future correspondence with DCF and should be referred to whenever court personnel verbally request further information on the matter.

***ORDER OF NOTICE/TEMPORARY CUSTODY OR REMOVAL AND APPOINTMENT OF GUARDIAN, PC-520**

IN THE MATTER OF: (Insert minor's name.) *DATE OF BIRTH OF MINOR CHILD:* *DATE OF ORDER OF NOTICE:*

PETITIONER (Name only): *COMPLIANCE DATE:* Notice must be sent at least 10 days before the hearing.

PLACE OF HEARING: *DATE OF HEARING:* *TIME OF HEARING:*

UPON THE PETITION OF THE PETITIONER FOR

- Check the box *Removal of the Guardian...* and either *appointment of a guardian* OR *affirmation that the remaining...*

1. *SERVED BY LEAVING THE SAME WITH OR AT THE USUAL PLACE OF ABODE OF THE FOLLOWING PERSON(S):*

[Check the appropriate box(es)]:

- the minor child, if over twelve years of age*

*the parent(s) or the guardian(s) of the minor child, **if in this state, who is not the petitioner and who has not signed a written waiver of personal or abode service.***

2. *GIVEN BY THE CLERK by mailing the same by FIRST CLASS mail to:*

- the parent(s) or guardian(s) of the minor child, if out of state*
- the parent(s)...who is either a petitioner or who signs under oath a written waiver of personal or abode service.*
- the father of a child born out of wedlock who is either a petitioner or who signs under oath a written waiver of personal or abode service.*
- the Commissioner of Children and Families. (Include Confidential Information Sheet.)*
- the attorney for the child.*
- the attorney for the parent(s) or guardian(s).*
- the petitioner.*
- relatives and other persons...*

AND IT APPEARING to the court that the whereabouts ofa parent, is unknown, it is FURTHER ORDERED that the notice of the pendency of said petition and the time and place set for said hearing be given to such parent by publishing notice of said petition and of the date, time and place of hearing thereon in, a newspaper having a circulation in the last-known place of residence on or before the compliance date as indicated above.

NOTE: C.G.S. section 45a-609(b) provides that if the whereabouts of a respondent are unknown, the allegation must be made under penalty of false statement, and the last known address and the efforts that the petitioner has made to locate the respondent must be stated on **PC-500**. If this is the case, newspaper notice **MUST** be given.

- Use **Notice of Hearing (Newspaper)/Temporary Custody/Removal of Guardian, PC-532**, for this newspaper notice.

PAYMENT FOR PUBLICATION: The petitioner is responsible for the cost of publication. If the petitioner is indigent, the cost of publication shall be paid by the Probate Court Administration Fund [Sec. 45a-111(c)].

- The judge or clerk will sign the form in the places indicated and complete the Return section.
- Impress court seal.

NOTICE OF HEARING/PARENTAL RIGHTS MATTERS, PC-631

- Prepare and mail the Notice of Hearing, PC-631, as directed in the order of notice. The judge, clerk, or assistant clerk of the court must send the notice. If mail notice is sent to the parents in lieu of personal or abode service, include a copy of the petition and notice concerning the right to counsel.

***CITATION AND RETURN/REMOVAL OF GUARDIAN, PC-531**

- Prepare the citation as directed in the order of notice.

NOTE: On the second page, check **ONLY** the removal of guardianship rights box. Enter the telephone number of the court.

Along with the citation (and a copy of reverse side) the respondent [parent(s), guardian(s)] being removed must receive the following: 1) an attested copy of the petition for removal, 2) any other documents filed by the petitioner, and 3) any request for investigation by the Department of Children and Families or any other person or agency.

- Give the state marshal attested copies of the forms listed above for service, along with the original citation, PC-531, for completion and return.
- Enter the number of notices sent and the amount of postage.
- Prepare the Judge's Record of Hearing Sheet — petitioner, type of hearing, date and time. (See p. Guardian-61.)

Hearing

The standard for removal of guardianship is **clear and convincing evidence**.

As discussed on the first page of this section, the hearing should be a **closed hearing**. (C.G.S. section 45a-754)

Grounds for removal — C.G.S. section 45a-610

- 1) The parent consents to his or her removal as guardian; or
- 2) The minor child has been abandoned by the parent in the sense that the parent has failed to maintain a reasonable degree of interest, concern or responsibility for the minor's welfare; or
- 3) The minor child has been denied the care, guidance, or control necessary for his or her physical, educational, moral or emotional well-being, as a result of acts of parental commission or omission, whether the acts are the result of the physical or mental incapability of the parent or conditions attributable to parental habits, misconduct or neglect, **AND** the parental acts or deficiencies support the conclusion that the parent cannot exercise, or should not in the best interests of the minor child be permitted to exercise, parental rights and duties at this time; or
- 4) The minor child has had physical injury or injuries inflicted upon him by a person responsible for such child's health, welfare or care, or by a person given access to such child by such responsible person, other than by accidental means, or has injuries which are at variance with the history given of them or is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment; or
- 5) The minor child has been found to be neglected or uncared for, as defined in C.G.S. section 46b-120.

***AFFIDAVIT/TEMPORARY CUSTODY, REMOVAL, TERMINATION OR ADOPTION, PC-610**

NOTE: The Affidavit must be signed and dated the day of the HEARING.

***DECREE/REMOVAL OF GUARDIAN AND APPOINTMENT, PC-560**

IN THE MATTER OF: (Insert name of minor.) *DATE OF BIRTH:*

PERSONS TO BE REMOVED:

PARENT TO BECOME THE SOLE GUARDIAN/GUARDIAN OF THE PERSON

PRESENT: Hon. (Insert name of judge.)

After due hearing, THE COURT FINDS that: (Check appropriate boxes.)

- Any person entitled to notice...*
- The guardian ad litem...*
- The minor child...*
- An investigation has been waived...*
- An investigation has been made...*

An affidavit has been filed in court...

- There is no proceeding...*
- There is a proceeding...*

THE COURT FURTHER FINDS that the petitioner has failed to sustain his or her burden of proving the grounds for removal... by clear and convincing evidence.

THE COURT FURTHER FINDS by clear and convincing evidence that placement is in the best interests... and : [Check one or more applicable box(es).]

- The parent(s)/guardian(s) of the minor child consent...*
 The minor child has been abandoned.. *The minor child has been denied the care...*
 The minor child has had physical injury... *The minor child has been found to be neglected or uncared for...*

WHEREFORE, IT IS ORDERED AND DECREED that

-is/are removed as guardian(s) of the person of the minor.*
 ...is/are appointed as guardian(s) of the person of the minor.
parent, is the sole guardian of the person of the minor.
 The petition for removal of guardian is withdrawn denied.

Dated at (town) this (date) day of (month), . Signature of judge.

- The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian - 61.)

Procedures to Follow if a Guardian is Appointed

- 1) If the minor child is the subject of a pre-existing child support order, the guardian must contact the Support Enforcement Services Unit of the Dept. of Social Services at 1-800-228-5437 to see if the child support order is affected by the decree.
- 2) If the Commissioner of DCF is appointed guardian of the minor child, form **CM-63, Court Determination Re Efforts Made by Department of Children and Families to Prevent Removal** must be issued either at the time of the decree or within 60 days of the decree.
- 3) Inform the guardian of the availability of kinship and respite grants. **See p. Guardian-62 for notice form.**
- 4) The court must inform the guardian of the need to report annually to the court, pursuant to the instructions below.

***Guardian's Report/Guardianship of the Person of a Minor, PC-570.**

The guardian of the person of a minor appointed under C.G.S. section 45a-603 to 45a-624g, inclusive, must present an annual report about the minor's condition to the court that appointed the guardian.* This report form, PC-570, should be given to the guardian at the time of the appointment with instructions to submit the report to the court one year from the date of the appointment. The court should send a reminder (either a post card or form letter) to the guardian before the due date of the report.

*** If a natural parent remains as sole parent, that parent DOES NOT have to file PC-570.**

- 5) A copy of the Decree must be sent to: a) the parent(s) of the minor [C.G.S. section 45a-613(c)], b) the attorneys of record (C.G.S. section 51-53), c) the guardian, and d) the Department of Children and Families.
- 6) The court may wish to give the guardian a **Fiduciary's Probate Certificate/Non-Estate Matters, PC-450**, which the guardian can present to schools, physicians, etc., as proof of appointment in lieu of presenting a copy of the decree.

Enforcement of Decree

The court may enforce its decree and award of custody by warrant directed to a proper officer (police officer, state marshal, or constable) who shall deliver the minor to the person or organization entitled to custody (C.G.S. section 45a-618).

Visitation Rights of Parents Who Have Been Removed as Guardians

Pursuant to C.G.S. section 45a-612, the Probate Court may grant visitation rights to any person who has been removed as guardian of any minor child or children, any relative of the minor child or children, or any parent who has been denied temporary custody of any minor child or children pending a removal or pending a termination of parental rights hearing. An order to this effect must be made after a hearing. The court must be guided by the best interests of the minor, giving consideration to the minor's wishes if he or she is of sufficient age and capable of forming an intelligent opinion.

***Special Circumstances – Removal of Guardian: Special Immigrant Juvenile Status**

At any time while a petition to remove a parent or other person as guardian is pending (C.G.S. section 45a-609 or 610) **OR** after such a petition has been granted, a party may file a separate ***Petition/Special Immigrant Juvenile Findings under 8 USC 1101 (a) (27)(J), PC-609.**

In the petition, the party is asking the court to make findings in to be used in connection with a petition to the United States Citizenship and Immigration Service (USCIS) asking that the child be granted special immigrant juvenile status under 8 USC 1101(a)(27)(J). According to USCIS, some children who are in the United States without legal immigration status “may be in need of humanitarian protection because they have been abused, abandoned, or neglected by a parent. Special immigrant juvenile (SIJ) status is an immigrant classification that may allow . . .these vulnerable children to immediately apply for lawful permanent residency status (“LPR” status or a “Green Card.”)

A child cannot apply to USCIS for special immigrant status without a court order. As stated in the USCIS material, the Probate Court’s role is to “make factual findings based on state law about the abuse, neglect, or abandonment; family reunification; and whether it is in best interests of the child to return to his or her country of nationality or last habitual residence. The court order is ***Decree/Special Immigrant Juvenile Findings, PC-666.**

Notice: Notice shall be by first-class mail to each person listed in C.G.S. section 45a-609(b) using ***PC-520, Order of Notice/Temporary Custody or Removal and Appointment of Guardian**, and the hearing may be held at the same time as the underlying petition for removal or appointment.

Written Findings on *PC-666, Decree/Special Immigrant Juvenile Findings. If the Probate Court grants the petition to remove the parent or other person as guardian or appoint a guardian or coguardian, and the petition for special immigrant status is to proceed, the Probate Court must make written findings on the following:

- 1) the minor child’s age **and** marital status
- 2) whether the minor child is “dependent on the court”, which means that the court has: a) removed a parent or other person as the minor child’s guardian, b) appointed a guardian or coguardian for the minor child, c) terminated the parental rights of a parent of the minor child or d) approved the minor child’s adoption
- 3) whether reunification of the minor child with one or both parents is not viable due to the grounds for removal set forth in C.G.S. section 45a-610 (2) to (5), inclusive. **NOTE:** Consent (the first ground for removal listed in C.G.S. section 45a-610) is not a sufficient ground for special immigrant juvenile status.
- 4) whether it is not in the minor child’s best interests to be returned to the minor child’s or parents’ country of nationality or last habitual residence

Proceeding if a removal petition has already been granted. A parent, guardian, or attorney for the minor child may file the ***Petition/Special Immigrant Juvenile Findings under 8 USC 1101 (a) (27)(J), PC-609.**

Notice of Hearing on the Petition: The Probate Court will give notice by first-class mail to each parent, guardian, and attorney for the minor child, to the minor child if he or she is 12 years of age or older and to other persons as the court determines.

Hearing: As noted, the court will make written findings on ***PC-666, Decree/Special Immigrant Juvenile Findings.**

Reinstatement

A parent who has been removed as guardian may apply **to the Probate Court that removed him or her** for reinstatement. The form to be used is ***PC-506, Petition/Reinstatement of Parent as Guardian of Minor.** The court must hold a hearing following notice to the guardian, the parent and the minor if he or she is over 12 years of age. An investigation by the Department of Children and Families is recommended. Counsel shall be appointed for the person requesting reinstatement if that person notifies the court that he or she is unable to obtain or pay for counsel (C.G.S. section 45a-620). The court can grant reinstatement if it determines that the factors that resulted in removal have been resolved satisfactorily. (C.G.S. section 45a-611).

- The judge should prepare a Judge’s Record of Hearing Sheet immediately after the hearing. (See p. Guardian-61.)

Closing of File — C.G.S. section 45a-754.

Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings. **These forms should be recorded as confidential records.**

- 1) PC-500, Petition/Removal of Guardian
- 2) JD-FM-164, Affidavit Concerning Children (If applicable)
- 3) PC-182A/182 B, Appointment of Atty. (182A) Guardian ad Litem (182B) for Interested Party
- 4) PC-170A/170B, Report of Court-App't'd Atty(PC-170A) / Report of Court App't'd GAL (PC-170B)
- 5) PC-520, Order of Notice/Temporary Custody or Removal and Appointment of Guardian
- 6) PC-530, Notice/Receipt of Petition for Removal of Guardian
- 7) PC-531, Citation and Return/Temporary Custody/Removal of Guardian
- 8) PC-631, Notice of Hearing/Parental Rights Matters
- 9) PC-633, Waiver of Personal or Abode Service/Parental Rights Matter
- 10) PC-610, Affidavit/Temporary Custody, Removal, Termination, or Adoption
- 11) PC-560, Decree/Removal of Guardian and Appointment
- 12) PC-570, Guardian's Report/Guardianship of the Person of a Minor (**NOTE:** The report will not be filed until one year after appointment.)
- 13) CM-63, Court Determination Re: Efforts Made by the Department of Children and Families to Prevent Removal (**NOTE:** If required. See #1 on p. G-12.)
- 14) Investigation report
- 15) PC-609, Petition/Special Immigrant Juvenile Findings Under 8 USC 1101, if applicable
- 16) PC-666, Decree/Special Immigrant Juvenile Findings, if applicable
- 17) PC-506, Petition/Reinstatement of Parent as Guardian of the Minor

● Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

● Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

1B. COURT INITIATION: REMOVAL of GUARDIANSHIP and/or APPOINTMENT of GUARDIAN

1. Under C.G.S. section 45a-614. The statute provides that the court may initiate a removal proceeding on its own motion or that counsel for the child may be a petitioner. Before the court initiates any such action on its own motion, it is recommended that the court require an affidavit, under oath, by some knowledgeable person, setting forth the facts on which the court may act. At this point, the court could begin the process by setting a hearing, or can simply appoint counsel to decide if a petition should be filed.

2. Under C.G.S. section 45a-616. The court may appoint a guardian on its own motion when the court learns that the minor has no parents or guardian.

3. Any interested person may also petition the court on behalf of a minor who has no parents or guardian. Form CM-22, Petition for Appointment of Guardian of Person Where Parents are Deceased may be used under these circumstances.

NOTE 1) If applicable, see the information on Special Immigrant Juvenile Status in section 1 A.

NOTE 2) Follow the same procedures as explained in the preceding section on removal procedures (sending notice, decree, etc.)

***PETITION FOR COURT INITIATION/REMOVAL OF GUARDIANSHIP, CM-6.**

NOTES – 1) This form should be completed by the person who is asking the court to initiate removal proceedings.

2) If immediate temporary custody is requested, make sure **PC-510, Custodian's Affidavit/Immediate Temporary Custody**, or **PC-550, Physician's Certificate/Immediate Temporary Custody**, is attached.

IN THE MATTER OF: (Name and address of minor) *A MINOR CHILD BORN ON*

Presently residing at:

PERSONS WHO HAVE GUARDIANSHIP RIGHTS...

MOTHER *FATHER [If unknown, so state. Include unwed father...]*

DATE OF MARRIAGE OF GENETIC PARENTS

PERSONS TO BE REMOVED AS GUARDIAN(S): [If guardian to be removed is not parent, so indicate and give date of appointment of guardian and Court making appointment.]

PETITIONER [Name, address, and zip code.]

Manner in which information regarding the child came to the petitioner: [e.g. relative, neighbor, physician, nurse, social worker, etc.]

Describe events...which...require the court to initiate proceedings to remove guardian(s)...

If immediate temporary custody or temporary custody is requested, explain why.

Signature of petitioner.

Preparation for the Hearing

- The court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix -12.

Counsel

For the respondent. C.G.S. section 45a-609. The respondent has the right to representation by an attorney. If he or she is unable to obtain or pay for an attorney, the respondent may ask the court to appoint an attorney. If the respondent is unable to pay for counsel, the Probate Court Administration Fund will pay upon proper certification. The form to be used is **Request/Order Waiver of Fees – Respondent, PC-184A**. (See *PCA Policy Manual*, Policy No. 507 for more information, including standards for indigency.)

For the minor child. The court may appoint a guardian ad litem to represent the interests of a minor child under C.G.S. section 45a-132. The guardian ad litem does not have to be an attorney but shall be knowledgeable about the needs and protection of children.

FEDERAL LAW requires the appointment of a guardian ad litem **in all cases of child abuse or neglect**. Section 13.1(5) of the Rules of Probate Court Procedure provides that the court shall appoint a guardian ad litem for a party in a proceeding under “any other statute or rule that requires the appointment of a guardian ad litem.” Therefore, **child abuse or child neglect** must be considered as **cause for the appointment of a guardian ad litem** for the child under Section 13.1 in any removal of guardian proceeding, termination of parental rights proceeding, or in any other proceeding in your court involving such abuse or neglect. As noted above, state statutes require the appointment of counsel for the minor in these circumstances. If the court determines that the minor is unable to express his or her wishes to the attorney, the court may appoint the attorney to serve as both attorney and guardian ad litem. See Section 40.2.

In any other case in which an attorney has been appointed and the court determines that the minor's wishes, if followed, could lead to substantial harm to the minor, the court may appoint another individual as guardian ad litem. See Section 40.2.

NOTE: There is no provision for payment from the Probate Court Administration Fund of a guardian ad litem for **minor children or minor respondents except if abuse or neglect is alleged.**

***APPOINTMENT OF ATTORNEY FOR INTERESTED PARTY, PC-182A**

***APPOINTMENT OF GUARDIAN AD LITEM FOR INTERESTED PARTY, PC-182B**

- If there are allegations of child abuse or neglect, check the box "a minor(s) where child abuse or neglect... is alleged...."

*** REPORT OF COURT-APPT'D ATTORNEY (PC-170A), REPORT OF COURT APPT'D GAL (PC-170B)**

• The attorney is not required to file a report. If a report is filed, it is to be limited to the statement that the attorney's client objects, does not object or has not expressed a position.

- The guardian ad litem should file a PC-170B as required by the court.

The court shall send a copy of any appointment of attorney or guardian ad litem to each party and attorney.

***ORDER OF NOTICE, PC-520**

***NOTICE OF HEARING, PC-631**

***AFFIDAVIT/TEMPORARY CUSTODY, REMOVAL, TERMINATION, OR ADOPTION, PC-610**

***DECREE/REMOVAL OF GUARDIAN AND APPOINTMENT, PC-560**

NOTE: For court-initiated cases, insert "Court on own motion" in the "Petitioner" box.

- If the minor child is the subject of a pre-existing child support order, the guardian must contact the Support Enforcement Services Unit of the Dept. of Social Services at 1-800-228-5437 to see if the child support order is affected by the decree.
- If the Commissioner of DCF is appointed guardian of the minor child, form **CM-63, Court Determination Re Efforts Made by Department of Children and Families to Prevent Removal**, must be issued either at the time of the decree or within 60 days of the decree.
- The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian - 61.)
- The court may wish to give the guardian a **Fiduciary's Probate Certificate, PC-450**, which the guardian can present to schools, physicians, etc., as proof of appointment in lieu of presenting a copy of the decree.
- Inform the guardian of the availability of kinship and respite grants. **See p. Guardian-62 for notice form.**

Closing of File – C.G.S. section 45a-754

Prepare Documents and Scan/Microfilm

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings. **These forms should be recorded as confidential records.**

- 1) CM-6, Petition for Court Initiation/Removal of Guardianship
 - 2) PC-182, Appointment of Representative for Interested Party
 - 3) PC-170A/170B, Report of Court-appt'd Atty(PC-170A), Report of Court-Appt'd GAL
 - 4) PC-510, Custodian's Affidavit/Immediate Temporary Custody, or PC-550, Physician's Certificate/Immediate Temporary Custody. (If either of these forms was used.)
 - 5) PC-520, Order of Notice/Temporary Custody or Removal and Appointment of Guardian
 - 6) PC-631, Notice of Hearing/Parental Rights Matters
 - 7) PC-610, Affidavit/Temporary Custody, Removal, Termination, or Adoption
 - 8) PC-560, Decree/Removal of Guardian and Appointment
 - 9) PC-570, Guardian's Report/Guardianship of the Person of a Minor (**NOTE:** To be filed one year after appointment.)
 - 10) CM-63, Court Determination Re: Efforts Made by the Department of Children and Families to Prevent Removal (**NOTE:** If required.
 - 11) Investigation report.
- Place all documents in proper order. Check signatures. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
 - Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

1C. PERMANENT GUARDIANSHIP

A permanent guardian is a guardian of the person of a minor appointed by a court on a permanent basis until the child reaches the age of majority. Permanent guardianship may, in some situations, provide an alternative to the termination of parental rights. It permits the placement of a child with a guardian on a permanent basis without the need to terminate the parental rights of the child's parents. Following appointment of a permanent guardian, a removed parent may not seek reinstatement or petition for removal of the permanent guardian. C.G.S. sections 45a-616a and 45a-617.

When a Permanent Guardianship May be Established

The court may establish a permanent guardianship when the Probate Court appoints a guardian of the person of a minor under C.G.S. section 45a-616 **OR** at any time after such appointment.

Items marked with an asterisk (*) are to be entered into CMS and **must be scanned/microfilmed as confidential**.

*PETITION/APPOINTMENT OF PERMANENT GUARDIAN, PC-505

IN THE INTEREST OF [Name, present address, zip code, sex] PLACE OF BIRTH OF MINOR CHILD DATE OF BIRTH . . .

PETITIONER [Name, address, zip code and telephone number] . . .

PARENTS OF MINOR CHILD [Name(s), addresses, and Indian tribe and reservation, if a member as defined by P.L. 95-608, 23 USC 1901, et. seq.]

The petitioner alleges that the whereabouts of the respondent are unknown. The last-known address(es) of the respondent(s) are: [C.G.S. section 45a-609(b)]

- The petitioner must give the respondent's last known address.

IF THE PARENT(S) IS A MINOR, LIST THE PARENT OR GUARDIAN OF THE MINOR PARENT [Name(s), address(es), zip code(s), telephone number(s) and relationship.]

- The mother was removed as guardian of the person of the minor child by the Probate Court, District of . . . by decree dated. . .*
 The father was removed as guardian of the person of the minor child by the Probate Court, District of . . . by decree dated. . .
 a petition to remove the mother/father as guardian of the person of the minor child accompanies this petition for appointment of a permanent guardian of the person of the minor.

THE PETITIONER FURTHER REPRESENTS to the best of his or her knowledge and belief:

- The petitioner must indicate whether or not the respondent is under a legal disability or in the military service and must state whether or not there is any other proceeding pending or contemplated in another court that will affect the custody of the minor child. The petitioner must complete and attach **form JD-FM-164, Affidavit Concerning Children. NOTE:** The existence of another proceeding does not automatically preclude the court from acting. The issue is whether the proceedings conflict. C.G.S. section 52-231a. See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters. The petitioner must also complete the boxes re child support orders, and the existence of DCF safety/service agreements, and protective or restraining orders

THE PETITIONER REPRESENTS that the appointment of as permanent guardian of the person of the minor child is in the best interests of the minor child. . . . OR at least one of the following statements is true:

- The child has been abandoned by*
 The child has been denied the care, guidance, or control. . .
 There has been non-accidental. . .
 There has been sexual molestation and exploitation
 There is no ongoing parent/child relationship. . .
 The child is found to be neglected or uncared for AND. . .
 The child has been found in a prior proceeding. . . by the Probate Court. . . or the Superior Court.
 The child is under seven years of age AND. . .
 The parent has killed. . .
 The parent was convicted. . .

THE PETITIONER FURTHER REPRESENTS that;

The minor child has resided with the proposed permanent guardian for at least one year.

Adoption of the minor child is not possible or appropriate.

The minor child is at least twelve years old and consents. . .

The minor child is under twelve years old. . .

The proposed guardian is committed to assuming the rights and responsibilities as permanent guardian for the minor child. . .

WHEREFORE, the petitioner requests that the court appoint as permanent guardian of the person of the minor child.

Signature of petitioner.

- The proposed permanent guardian must sign and complete the acceptance section — name, address, telephone number, date of birth.
- **Consent section:** The consents must be individually signed, and each signature must be acknowledged.
- If the minor is at least 12 years of age, he or she must consent to the guardianship by signing the form.
- If the petition is in order:
 - Date-stamp.
 - Entry fee \$150.00. The judge may waive or postpone the entry fee. See C.G.S. section 45a-111(c).

Note: Additional Fees (C.G.S. section 45a-106)

– There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.

– There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.

– There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

- Enter into CMS.
- Prepare file folder.

Notice Procedures

Follow the same notice procedures as for removal of guardianship. These notice forms now include provision for permanent guardianship:

1. **PC-520, Order of Notice/Temporary Custody or Removal and Appointment of Guardian**
2. **PC-530, Notice of Receipt of Petition for Removal of Guardian/Appointment of Permanent Guardian**
3. **PC-631A, Notice of Hearing/Appointment of Permanent Guardianship**
4. **PC-531, Citation and Return/Temporary Custody/Removal of Guardian/Permanent Guardian (Note:** This form contains the notice informing the parent that he or she may not petition for reinstatement as guardian or petition to remove the permanent guardianship.)

Hearing

In order to make the appointment, the court must:

- 1) provide notice to the parent that he or she may not petition for reinstatement as guardian or petition to terminate the permanent guardianship, except as provided by law., OR indicate on the record why such notice could not be provided
- 2) find by clear and convincing evidence that permanent guardianship is in the best interests of the child, AND
- 3) find by clear and convincing evidence that the following have been proven:
 - a) one of the statutory grounds for termination of parental rights exists or the parents have voluntarily consented to the guardianship;
 - b) adoption is not possible or appropriate;
 - c) the child, if over age 12, consents to the appointment or, if he or she is younger, the proposed permanent legal guardian is (a) a relative or (b) already a sibling's or siblings' permanent legal guardian;
 - d) the child has lived with the applicant for at least a year; and
 - e) the person seeking this status is a suitable and worthy person, committed to remaining the child's permanent legal guardian and assuming the right and responsibilities for the child until he or she reaches age

*DECREE APPOINTING PERMANENT GUARDIAN, PC-565

The findings follow the representations made on the petition and include checkboxes re the notice to the parents about petitioning for reinstatement.

If a permanent guardian becomes unable or unwilling to serve, the court may appoint a successor permanent guardian. The court may also reinstate the parent in this situation if the court finds that the factors that resulted in the removal have been resolved satisfactorily and that it is in the child's best interests to reinstate the parent as guardian.

Closing of File – C.G.S. section 45a-754

Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings. **These forms should be recorded as confidential records.**

- 1) PC-505, Petition/Appointment of Permanent Guardian
- 2) PC-182, Appointment of Representative for Interested Party, if applicable
- 3) PC-170A/170B, Report of Court-appt'd Atty.(PC-170A)/ Report of Court-appt'd GAL (PC-170B), as applicable
- 4) PC-520, Order of Notice/Temporary Custody or Removal and Appointment of Guardian
- 5) PC-530, Notice of Receipt of Petition for Removal of Guardian/Appointment of Permanent Guardian
- 6) PC-531, Citation and Return/Temporary Custody/Removal of Guardian/Permanent Guardian
- 7) PC-631A, Notice of Hearing/Appointment of Permanent Guardianship
- 8) PC-565, Decree Appointing Permanent Guardian

- Place all documents in proper order. Check signatures. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

2. IMMEDIATE TEMPORARY CUSTODY followed by TEMPORARY CUSTODY and REMOVAL

C.G.S. section 45a-603 et seq. and Probate Court Rules of Procedure, Rule 40.

NOTE: a petition for immediate temporary custody may **NOT** be accepted unless it is accompanied by a petition for **removal or termination**. A removal petition is to be used **ONLY** when adoption is *not contemplated*. Under certain conditions, a parent may be restored to guardianship.

2 A. Immediate Temporary Custody Proceeding

(Ex parte proceeding — no hearing held)

Jurisdiction

Jurisdiction is in the Probate Court district where the minor resides.

NOTE: The minor's residence is defined as the actual residence. It is not that imputed to the minor by the residence of the parents or guardian.

Who May Petition the Court for Immediate Temporary Custody — C.G.S. section 45a-614

- 1) Any adult relative of the minor by blood or marriage.
 - 2) The court on its own motion (See form CM-6.)
 - 3) Counsel for the minor (If the situation is serious, the court may appoint counsel to investigate and file the petition, if needed.)
- ① There is a penalty for filing a false or malicious petition — a fine of not more than \$1,000 or imprisonment of not more than one year or both (C.G.S. section 45a-615).

Birth Certificate

Before initiating the proceedings, the clerk may have the petitioner submit a birth certificate for the child. (Please see p. "Duties – 5" for an important note re birth certificates.)

Items marked with an asterisk (*) are to be entered into CMS **and must be scanned/microfilmed as confidential**.

NOTE: The court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11-12.

***PETITION FOR REMOVAL OF GUARDIAN, PC-500**

IN THE MATTER OF [Name, address where residing, zip code, and telephone number.]

MINOR CHILD'S BIRTH DATE TRIBE AND RESERVATION of minor child if an Indian child . . .

*PETITIONER: [Name, address, zip code, telephone number, and legal status of petitioner. . . **If adult relative, also give date of birth...**]*

*PERSON(S) TO BE REMOVED AS GUARDIAN: [Name(s), address(es), zip code(s), telephone number(s). . . **If parent, also state date of birth.**]*

RELATIONSHIP TO MINOR CHILD

OTHER PERSONS WITH GUARDIANSHIP RIGHTS [Name(s), address(es), zip code(s), telephone number(s). . .]

RELATIONSHIP TO MINOR CHILD

The petitioner alleges that the whereabouts of the respondent are unknown. The last-known address(es) of the respondent(s) are: (C.G.S. section 45a-610)

- The petitioner must give the respondent's last known address.

THE PETITIONER STATES that the following efforts have been made to obtain a current address for the respondent(s).

- If the petitioner checked the previous box, he or she **MUST** also check this box and state what efforts have been made to obtain a current address.

THE PETITIONER REPRESENTS that. . .

The petitioner will check one or more of the following boxes.

- The respondent(s) consent...*
- The minor child has been abandoned...*
- The minor child has been denied the care...*
- The minor child has had physical injury...*
- The minor child has been neglected or uncared for . . .*

THE PETITIONER FURTHER REPRESENTS...

- The petitioner must indicate that the respondent is not under a legal disability or in the military service and must state whether or not there is any other proceeding pending or contemplated in another court that will affect the custody of the minor child. **Form JD-FM-164, Affidavit Concerning Children**, must be attached. **NOTE:** The existence of another proceeding does not automatically preclude the court from acting. The issue is whether the proceedings conflict. C.G.S. section 52-231a. See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

The petitioner must also complete the boxes re child support orders, the existence of DCF safety/service agreements, protective or restraining orders and the length of time the child has resided in Connecticut.

WHEREFORE THE PETITIONER requests that this Court remove the respondent(s) as guardian(s)...and petitions the court to

- The petitioner must check any of the boxes that apply:

- Appoint a guardian...*
- Affirm, is the sole guardian.*

NOTE: The court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11-12.

Signature of petitioner

- The proposed guardian must sign and complete the acceptance section — name, address, telephone number, date of birth.*
- **Consent section:** The consents must be individually signed, and each signature must be acknowledged.
- If the minor is at least 12 years of age, he or she must consent to the guardianship by signing the form.

***Affidavit Concerning Children, Form JD-FM-164. Required in Cases Involving the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA – C.G.S. section 46b-115, et. seq.) and Other Children’s Matters**

The affidavit form JD-FM-164, Affidavit Concerning Children is designed for use in either the Superior Court or the Probate Court. In removal matters involving the UCCJEA **or** in any other children’s matter, the petitioner must attach form JD-FM-164 to PC-500 or other relevant petition. (Copies of JD-FM-164 are available from the Probate Court Administrator's office.) **NOTE:** The existence of another proceeding does not automatically preclude the court from acting. The issue is whether the proceedings conflict. C.G.S. section 52-231a. See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

The affidavit requests the following information if it is "reasonably ascertainable and not confidential under state law": 1) the child's present address or location, 2) the places where the child has lived during the past five years, and 3) the names and addresses of the persons with whom the child has lived during the past five years. The person completing the affidavit must also state information about other custody cases involving the child, the physical custody of the child, and other children born to the respondent mother.

If the petition is in order:

- Date-stamp.
- Entry fee \$ 300.00 (\$150.00 for the immediate temporary custody petition and \$150.00 for the removal petition, unless waived.) The judge may waive or postpone the entry fee. See C.G.S. section 45a-111(c).

Note: Additional Fees (C.G.S. section 45a-106)

– There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party’s failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.

– There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.

– There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

- Enter into CMS.
- Prepare file folder.

The petitioner will indicate on the removal petition that immediate temporary custody of the child is being sought by checking the appropriate box. A petition **for Immediate Temporary Custody, PC-501, AND** either a **Custodian's Affidavit, PC-510, OR** a **Physician's Certificate, PC-550,** must be filed with the removal petition. See the instructions below.

NOTE: If there is a compelling need, and the matter is not within Probate Court jurisdiction, refer the family to the Department of Children and Families for a 96-hour protective custody hold [C.G.S. section 17a-101(e)]. If a crime is being committed, the police department must be notified immediately.

***PETITION/IMMEDIATE TEMPORARY CUSTODY, PC-501**

IN THE MATTER OF: [Name, address where residing, and zip code.]

MINOR CHILD'S BIRTH DATE: *TRIBE AND RESERVATION of minor child, if an Indian child. . .*

PETITIONER: [Name, address, zip code, telephone number, and legal status of petitioner. If adult relative, also give date of birth. If counsel for minor, also list juris number.]

PARENT(S)/GUARDIAN(S): [Name(s), address(es), zip code(s) and telephone number(s). Indicate parent/guardian to be removed or terminated. If parent, give date of birth.]

- The petitioner should cross out the word “PARENT” or “GUARDIAN,” whichever is inapplicable.

MINOR CHILD IS PRESENTLY IN THE CUSTODY OF: [Name, address, zip code, and telephone number. State relationship to minor child.]
THE PETITIONER REPRESENTS that:

- The petitioner must check one of the three boxes:

- a petition is pending...for removal...*
- a petition is pending...for termination...*
- The petitioner has reasonable grounds to believe...*

THE PETITIONER FURTHER REPRESENTS that:

NOTE: In this section, the petitioner must check either the FIRST box OR the FIFTH box.

- The minor child is in the custody of a person other than the parent...AND*

- If this box is checked, the petitioner **MUST** also attach form **PC-510, Custodian's Affidavit/Immediate Temporary Custody**, and one of the three indented boxes under this heading (see below) must be checked. If the last box is checked, two physicians **MUST** file the **Physician's Certificate/Immediate Temporary Custody, PC-550**.

- The child was not taken or kept...*
- To return the child...*
- The minor child is hospitalized as a result of serious physical illness or serious physical injury...*

OR (Fifth box)

- The minor child is in the custody of the parent(s) or guardian(s) AND*

THE PETITIONER FURTHER REPRESENTS that:

- The minor child has been abandoned by the parent...*

OR

- The minor child has been denied the care...*

- The petitioner must allege specific dates, times and places where actions occurred that placed the minor in danger.
- The petitioner must indicate that the respondent is not under a legal disability or in the military service and must state whether or not there is any other proceeding pending or contemplated in another court that will affect the custody of the minor child. **Form JD-FM-164, Affidavit Concerning Children**, must be attached. **NOTE:** The existence of another proceeding does not automatically preclude the court from acting. The issue is whether the proceedings conflict. C.G.S. section 52-231a. See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

The petitioner must also complete the boxes re child support orders, the existence of DCF safety/service agreements, protective or restraining orders and the length of time the child has resided in Connecticut.

- The petitioner must fill in the name of the person to whom custody should be granted.

Petitioner's Signature

PROPOSED TEMPORARY CUSTODIAN:

- *Signature*
- *Name*
- *Address*
- *Telephone*

NOTE: The court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11-12.

NOTE: ANY PETITION FOR IMMEDIATE (ex parte) TEMPORARY CUSTODY MAY ONLY BE GRANTED IF:

1) The minor is in the custody of a person other than the parent, **AND** the child was not taken or kept from the parent, **AND** there is a substantial likelihood the child will be removed from the jurisdiction **OR** to return the child to the parent will place the child in circumstances that would result in serious physical illness or injury, or threat thereof, **OR** imminent physical danger.

2) The minor is in the custody of the parent or other person, and the minor is hospitalized as a result of serious illness or injury, **AND** the child needs immediate treatment, the delay of which would be life-threatening, **AND** the parent refuses to consent (or is unable), and determination of the need for temporary custody cannot await notice of hearing.

See Probate Court Rules of Procedure, Sections 40.3 and 40.4.

NOTICE: No notice is required before the immediate (ex parte) temporary custody hearing.***AFFIDAVIT/TEMPORARY CUSTODY, REMOVAL, TERMINATION OR ADOPTION, PC-610**

NOTE: The Affidavit must be signed and dated the day the ex parte order is issued.

***DECREE/IMMEDIATE TEMPORARY CUSTODY, PC-561**

IN THE MATTER OF: (Insert name of minor child.) *DATE OF BIRTH:*

PRESENT: *Hon.* (Insert name of judge.)

THE COURT FURTHER FINDS...

- There is no proceeding...
- There is a proceeding in another court...

THE COURT FURTHER FINDS...

- The minor child has no guardian...*
- The minor child is in the custody of a person other than the parent or guardian...AND*
- The child was not taken or kept from the parent*
- OR*
- To return the child to the parent(s)...OR*
- The minor child is in the custody of the parent(s)...AND has suffered from serious physical injury...AND*

WHEREFORE...

- Insert the name, address, and telephone number of the person to whom temporary custody is to be given.

DATED AT:

- Signature of judge.
- Make copies of decree.
- Impress Court seal.
- Send decree to temporary custodian.
- If the minor child is the subject of a pre-existing child support order, the guardian must contact the Support Enforcement Services Unit of the Dept. of Social Services at 1-800-228-5437 to see if the child support order is affected by the decree.
- The court may wish to give the temporary custodian a **Fiduciary's Probate Certificate, PC-450**, which he or she can present to schools, physicians, etc., as proof of appointment in lieu of presenting a copy of the decree.

2B. Temporary Custody Proceeding following Order of Immediate Temporary Custody

If an order of immediate temporary custody is issued ex parte (without a hearing):

1) Notice for the hearing on temporary custody must be given immediately, and the hearing for temporary custody must be held within 5 business days of the date of the ex parte order. This hearing **CANNOT** be continued, unless the respondent consents to the continuance.

2) **A separate petition for temporary custody need NOT be filed.** The granting of immediate temporary custody automatically necessitates a hearing on temporary custody.

Counsel

For the respondent. C.G.S. section 45a-609 (b). The respondent has the right to representation by an attorney. If he or she is unable to obtain or pay for an attorney, the respondent may ask the court to appoint an attorney. If the respondent is unable to pay for counsel, the Probate Court Administration Fund will pay upon proper certification. **The form to be used is Request/Order Waiver of Fees – Respondent, PC-184A.** (See *PCA Policy Manual*, Policy No. 507 for more information, including standards for indigency.)

For the child. The court is required to appoint counsel for the child in any proceeding brought under C.G.S. section 45a-603 to 45a-622, inclusive, in which abuse or neglect, as defined in C.G.S. section 46b-120, is alleged by the applicant or reasonably suspected by the court. If the court determines that the minor is unable to express his or her wishes to the attorney, the court may appoint an attorney to serve as both attorney and guardian ad litem. Probate Court Rules of Procedure, Section 40.2

Counsel may be appointed for a minor under G.G.S. section 45a-620 to advocate for the minor in other circumstances.

If the child is unable to pay for counsel, payment will be made by the Probate Court Administration Fund upon proper certification. When appointing counsel or a guardian ad litem for the child, Rules 13 and 40.2 of the Probate Court Rules of Procedure should be considered.

The attorney may be appointed from the attorneys' list (CM Appendix 11-4) or from the panel of attorneys maintained by the court under Regulation 13B. At the time of appointment, forward to the attorney a CO-17 form for payment, a schedule of the fees and a sample invoice.

Guardian Ad Litem

For a minor parent. **The court MUST appoint a guardian ad litem under C.G.S section 45a-621 to represent a minor or incompetent parent being removed.**

For the minor child. The court may appoint a guardian ad litem to represent the interests of a minor child under C.G.S. section 45a-132. The guardian ad litem does not have to be an attorney but shall be knowledgeable about the needs and protection of children.

Section 13.1 of the Rules of Probate Court Procedure provides that the court shall appoint a guardian ad litem for a party in a proceeding under any statute or rule that requires the appointment of a guardian ad litem. Federal law requires the appointment of a guardian ad litem in removal or guardian cases in which abuse or neglect is alleged. As noted above, state statutes require the appointment of counsel for the minor in these circumstances. The attorney appointed under C.G.S. section 45a-620 in these cases may serve as both attorney and guardian ad litem unless the court determines that the minor is able to express his or her wishes, which, if followed, could lead to substantial physical, financial or other harm to the minor. See Section 40.2.

In any other case in which an attorney has been appointed and the court determines that the minor's wishes, if followed, could lead to substantial harm to the minor, the court may appoint another individual as guardian ad litem. See Section 40.2.

NOTE: There is no provision for payment from the Probate Court Administration Fund of a guardian ad litem for **minor children except if abuse or neglect is alleged.**

***APPOINTMENT OF ATTORNEY FOR INTERESTED PARTY, PC-182A**

***APPOINTMENT OF GUARDIAN AD LITEM FOR INTERESTED PARTY, PC-182B**

- If there are allegations of child abuse or neglect, check the box "a minor(s) where child abuse or neglect... is alleged...."

*** REPORT OF COURT-APPT'D ATTORNEY (PC-170A), REPORT OF COURT APPT'D GAL (PC-170B)**

- The attorney is not required to file a report. If a report is filed, it is to be limited to the statement that the attorney's client objects, does not object or has not expressed a position.
- The guardian ad litem should file a PC-170B as required by the court.

The court shall send a copy of any appointment of attorney or guardian ad litem to each party and attorney.

EXAMINATION BY PHYSICIANS, PSYCHIATRISTS, OR PSYCHOLOGISTS APPOINTED PURSUANT TO C.G.S. section 45a-609 (d). Pursuant to this statute, the court may order the examination of the child by a physician, psychiatrist, or licensed clinical psychologist. The court may also order the examination of a parent or custodian whose competency or ability to care for the child is at issue. The expenses of any examination ordered by the court on its own motion will be paid by the applicant; the expenses of any examination requested by another party shall be paid by the party making the request. If such applicant or the party requesting the examination is unable to pay for the examination, payment will be made by the Probate Court Administration Fund. If the matter has been transferred to Superior Court, payment will be made from funds appropriated to the Judicial Branch. Payment shall be made in accordance with Section 20 of the Regulations. Court personnel should provide a CO-17 form, a copy of the regulations, and a sample invoice.

Department of Children and Families' Investigation — C.G.S. section 45a-619

The Probate Court **SHALL** request an investigation by DCF on both the temporary custody and the removal petition(s). This investigation may only be waived for cause shown. If it is waived, the court must make a finding, pursuant to C.G.S. section 45a-619.

The clerk should phone the regional DCF office **immediately** and advise the DCF staff that immediate temporary custody has been granted and that a temporary custody hearing has been set. This verbal request should be followed by a faxed and written request (PC-682) to the DCF regional office.

Please Note



When the request for investigation is made, DCF should provide the court with a "link number." This number should be included on all future correspondence with DCF and should be referred to whenever court personnel verbally request further information on the matter.

This investigative report must be presented to the court at the temporary custody hearing, or the DCF worker must be prepared to testify. If not, the court must still hold the hearing. DCF personnel should be reminded that this is a serious matter, that the investigation is required by statute, and that it is, in effect, a Court order. If a DCF worker informs you that an investigation cannot be completed within the statutory time limit, the supervisor should be contacted. In addition, a letter explaining the situation should be sent to the Commissioner of Children and Families with a copy to the Probate Court Administrator's office.

Notice Requirements

C.G.S. section 45a-607(c) mandates that the court give notice by personal or abode service to the parent(s) or guardian, and to the minor if he or she is over the age of 12. However, a parent or the father of a child born out of wedlock who is a petitioner or who signs form **PC-633, Waiver of Personal or Abode Service/Parental Rights Matters**, under oath need only receive notice by first class mail.

If personal or abode service is required for the temporary custody hearing, the court may combine the notice of hearing on temporary custody with the notice of hearing on the removal proceedings, thus eliminating personal or abode service a second time.

If immediate temporary custody is granted (ex parte proceeding), notice for the temporary custody hearing must be given **immediately** — if possible, on the same day that ex parte temporary custody is granted. The statute requires notice at least **5** days before the hearing on temporary custody. The state marshal should be told to attempt service up to the day of the hearing.

The respondent or his or her attorney must consent to any request for a continuance of the hearing.

***ORDER OF NOTICE/TEMPORARY CUSTODY OR REMOVAL AND APPOINTMENT OF GUARDIAN, PC-520**

C.G.S. section 45a-609(b) provides that the court must give notice by personal or abode service to the parent(s) being removed, unless a waiver of personal or abode service is signed. However, in this case there is a petition for temporary custody pending. Therefore, as noted above, the court may **combine** the notice of removal proceedings with notice of the temporary custody proceeding, thus eliminating personal or abode service a second time. The notice for the removal hearing then may be sent by first class mail.

As stated above, if immediate temporary custody is granted (ex parte proceeding), notice for the temporary custody hearing must be given **immediately** — if possible, on the same day that ex parte temporary custody is granted. The statute requires notice at least **5** days before the hearing on "regular" temporary custody. The state marshal should be told to attempt service up to the day of the hearing.

① **Payment for Publication:** The petitioner is responsible for costs of publication. If the petitioner is indigent, the costs of publication shall be paid by the Probate Court Administration Fund [C.G.S. section 45a-111(c)].

IN THE MATTER OF: (Insert minor's name.) *DATE OF BIRTH OF MINOR CHILD:* *DATE OF ORDER OF NOTICE:*

PETITIONER (Name only): *COMPLIANCE DATE:* Notice must be sent at least 10* days before the hearing.
 (***NOTE:** This will be 5 days in the case of a temporary custody hearing following the granting of immediate temporary custody.)

PLACE OF HEARING: *DATE OF HEARING:* *TIME OF HEARING:*

UPON THE PETITION OF THE PETITIONER FOR

- Check the box(es) *Temporary custody of the minor child, immediate temporary custody having been granted.*
- Removal of the Guardian...* AND either *appointment of a guardian* OR *affirmation that the remaining...*

1. *SERVED BY LEAVING THE SAME WITH OR AT THE USUAL PLACE OF ABODE OF THE FOLLOWING PERSON(S):*

[Check the appropriate box(es)]:

- the minor child, if over twelve years of age*
- the parent(s) or the guardian(s) of the minor child, **if in this state, who is not the petitioner and who has not signed a written waiver of personal or abode service.***

2. *GIVEN BY THE CLERK by mailing the same by FIRST CLASS mail to:*

- the parent(s) or guardian(s) of the minor child, if out of state*
- the parent(s)...who is either a petitioner or who signs under oath a written waiver of personal or abode service.*
- the father of a child born out of wedlock who is either a petitioner or who signs under oath a written waiver of personal or abode service.*
- the Commissioner of Children and Families.(Include Confidential Information Sheet.)*
- the attorney for the child.*
- the attorney for the parent(s) or guardian(s).*
- the petitioner.*
- relatives and other persons...*

AND IT APPEARING to the court that the whereabouts ofa parent, is unknown, it is FURTHER ORDERED that the notice of the pendency of said petition and the time and place set for said hearing be given to such parent by publishing notice of said petition and of the date, time and place of hearing thereon in, a newspaper having a circulation in the last-known place of residence on or before the compliance date as indicated above.

NOTE: C.G.S. section 45a-609(b) provides that if the whereabouts of a respondent are unknown, the allegation must be made under penalty of false statement, and the last known address and the efforts that the petitioner has made to locate the respondent must be stated on **PC-500**. If this is the case, newspaper notice **MUST** be given.

- Use **Notice of Hearing (Newspaper)/Temporary Custody/Removal of Guardian, PC-532**, for this newspaper notice.

PAYMENT FOR PUBLICATION: The petitioner is responsible for costs of publication. If the petitioner is indigent, the cost of publication shall be paid by the Probate Court Administration Fund [Sec. 45a-111(c)].

- The judge or clerk will sign the form in the places indicated and complete the return section.
- Impress court seal.

NOTICE OF HEARING/PARENTAL RIGHTS MATTERS, PC-631

Prepare and mail notice of hearing as directed in the order of notice. The judge, clerk, or assistant clerk of the court must send notice.

***CITATION AND RETURN/TEMPORARY CUSTODY/REMOVAL OF GUARDIAN, PC-531**

Prepare citation as directed in order.

NOTE: On the reverse side, the temporary custody box **AND** one of the two boxes beneath it (removal or termination) must be checked.

• In addition to the citation, the respondent [parent(s), guardian(s)] being removed or terminated **must** receive the following:

- 1) an attested copy of the petition for removal or petition for termination of parental rights,
- 2) a copy of the petition for temporary custody,
- 3) any affidavit or verified petition filed with the petition for temporary custody,
- 4) any other documents filed by the petitioner,
- 5) any other orders or notices made by the Probate Court, and
- 6) any request for investigation by the Department of Children and Families or any other person or agency.

• Give attested copies of the items on this list to the state marshal for service along with the original Citation, PC-531, for completion and return.

- Enter number of notices sent.
- Prepare **Return of Notice of Hearing, PC-131**.

Prepare for Temporary Custody Hearing

- The court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11-12.
- Enter name, type of hearing, date, and time on court calendar or diary book.
- Make sure that DCF has a report to present at (or before) the hearing or that DCF personnel will testify.
- The state marshal or indifferent person must return the citation before the hearing. Make sure that this has been done. The citation must be signed by the state marshal or an indifferent person.

Hearing – C.G.S. section 45a-607(d)

The **standard of evidence** is a fair preponderance, which means by a greater weight of evidence in terms of quality (believability and greater weight of important facts proved), not quantity (number of witnesses or facts). This standard is not as strict as the clear and convincing evidence standard. The burden of proof rests with the petitioner.

Evidence required:

- 1) The parent(s) must have performed acts of omission or commission as set forth in C.G.S. section 45a-610 [unless parent(s) consent]
- AND**
- 2) Because of the acts, the child is suffering from serious physical illness, serious physical injury or the immediate threat thereof, or is in immediate physical danger.

The following parties may be appointed temporary custodian(s):

- 1) Commissioner of the Department of Children and Families,
- 2) board of managers of any child-care institution,

- 3) any children's home or similar institution, or
4) any other person.

***AFFIDAVIT/TEMPORARY CUSTODY, REMOVAL, TERMINATION OR ADOPTION, PC-610**

NOTE: The Affidavit must be signed and dated the day of the temporary custody HEARING.

***DECREE/TEMPORARY CUSTODY, PC-562**

IN THE MATTER OF: (Insert name of minor child.) *DATE OF BIRTH:*

THE COURT FURTHER FINDS that:

- An investigation has been waived for cause shown...*
 An investigation has been made and a written report...filed

An affidavit has been filed...

- There is no proceeding...*
 There is a proceeding...

THE COURT FURTHER FINDS by a fair preponderance of the evidence that placement is in the best interests of... (Check the first OR third box in this section OR the second box and the applicable indented box.)

- The minor child has no guardian....*
 The parent(s) have performed acts of omission or commission as set forth in C.G.S. Sec. 45a-610:
 The minor child has been abandoned...
 The minor child has been denied...
 The minor child has had physical injury or injuries....
 The parent(s) ...consent(s)...

WHEREFORE, ...it is ORDERED AND DECREED that TEMPORARY CUSTODY...is given to

- Commissioner of Children and Families** *The Board of Managers of...* *...Name of individual.*

Date *Signature of Judge*

- Make copies of decree.
- Impress court seal.
- Send a copy of the decree to the temporary custodian and attorney(s).
- If the minor child is the subject of a pre-existing child support order, the guardian must contact the Support Enforcement Services Unit of the Dept. of Social Services at 1-800-228-5437 to see if the child support order is affected by the decree.
- The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian-62.)
- If the Commissioner of DCF is appointed temporary custodian of the minor child, form **CM-63, Court Determination Re Efforts Made by Department of Children and Families to Prevent Removal** must be issued either at the time of the decree or within 60 days of the decree.
- The court may wish to give the temporary custodian a **Fiduciary's Probate Certificate, PC-450**, which he or she can present to schools, physicians, etc., as proof of appointment in lieu of presenting a copy of the decree.
- Inform the guardian of the availability of kinship and respite grants. **See p. Guardian-62 for notice form.**

NOTE: The order for temporary custody is effective until the disposition of the petition for removal of guardianship or the termination of parental rights.

Modification or Revocation of a Temporary Custody Order

At any time, the respondent, temporary custodian, or attorney for the minor child may petition the court for modification or revocation of the temporary custody order. [C.G.S. section 45a-607(e)]

2C. Removal of Parent as Guardian following Immediate Temporary Custody & Temporary Custody Proceedings

The removal hearing must be held within 30 days of receipt of the petition unless the court requests an investigation, in which case the hearing must be held not more than 30 days following receipt of the results of the investigation.

- As previously noted, the court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11-12.

*ORDER OF NOTICE/TEMPORARY CUSTODY OR REMOVAL AND APPOINTMENT OF GUARDIAN, PC-520

NOTE: If notice of petition for temporary custody and removal has already been made by PERSONAL OR ABODE SERVICE for the temporary custody hearing, the court need not repeat notice by personal or abode service. First class mail notice may then be used for the removal hearing. If the parents reside out of, or are absent from this state, the court may order notice by first class mail at least five days before the date of the hearing. If the whereabouts of the parent(s) are unknown or delivery cannot be reasonably effected, notice may be given by publication.

First class mail notice may be given to: 1) A parent of a minor child who is either a petitioner **OR** who signs under oath a written waiver of personal or abode service (PC-633) **AND** 2) the father of a child born out of wedlock who is either a petitioner or who signs under oath a written waiver of personal or abode service (PC-633).

The notice for removal to the parents must contain the following documents:

- 1) the notice of hearing,
- 2) the petition for removal of parent as guardian,
- 3) any supporting documents and affidavits filed with such petition,
- 4) any other orders or notice made by the court of probate, and
- 5) any request for investigation by the Department of Children and Families or any other person or agency.

NOTE: C.G.S. section 45a-609(b) provides that if the whereabouts of a respondent are unknown, the allegation must be made under penalty of false statement, and the last known address and the efforts that the petitioner has made to locate the respondent must be stated on **PC-500**. If this is the case, newspaper notice **MUST** be given.

- Use **Notice of Hearing (Newspaper)/Temporary Custody/Removal of Guardian, PC-532**, for this newspaper notice. The newspaper notice need only contain such information as the court may direct.

PAYMENT FOR PUBLICATION. The petitioner is responsible for costs of publication. If the petitioner is indigent, the cost of publication shall be paid by the Probate Court Administration Fund [Sec. 45a-111(c)].

Hearing

The standard for removal is **clear and convincing evidence**.

The grounds for removal are listed in C.G.S. section 45a-610:

- 1) The parent consents to his or her removal as guardian; or
- 2) The minor child has been abandoned by the parent in the sense that the parent has failed to maintain a reasonable degree of interest, concern or responsibility for the minor's welfare; or
- 3) The minor child has been denied the care, guidance, or control necessary for his or her physical, educational, moral, or emotional well-being, as a result of acts of parental commission or omission, whether the acts are the result of the physical or mental incapability of the parent or conditions attributable to parental habits, misconduct or neglect, and the parental acts or deficiencies support the conclusion that the parent cannot exercise, or should not in the best interests of the minor child be permitted to exercise, parental rights and duties at this time; or

4) The minor child has had physical injury or injuries inflicted upon him by a person responsible for such child's health, welfare or care, or by a person given access to such child by such responsible person, other than by accidental means, or has injuries which are at variance with the history given of them or is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment; or

5) The minor child has been found to be neglected or uncared for, as defined in C.G.S. section 46b-120.

***AFFIDAVIT/TEMPORARY CUSTODY, REMOVAL, TERMINATION OR ADOPTION, PC-610**

NOTE: The Affidavit must be signed and dated the day of the hearing.

***DECREE/REMOVAL OF GUARDIAN AND APPOINTMENT, PC-560**

IN THE MATTER OF: (Insert name of minor.) *DATE OF BIRTH:*

PERSONS TO BE REMOVED AS GUARDIANS:

PARENT TO BECOME THE SOLE GUARDIAN/GUARDIAN OF THE PERSON

PRESENT: Hon. (Insert name of judge.)

After due hearing, THE COURT FINDS that: (Check appropriate boxes.)

Any person entitled to notice.

The guardian ad litem...

The minor child...

An investigation has been waived...

An investigation has been made...

An affidavit has been filed in court ...

There is no proceeding...

There is a proceeding...

THE COURT FURTHER FINDS that the petitioner has failed to sustain his or her burden of proving the grounds for removal... by clear and convincing evidence.

THE COURT FURTHER FINDS by clear and convincing evidence that placement is in the best interests... and: [Check one or more applicable box(es).]

The parent(s)/guardian(s) of the minor child consent...

The minor child has been abandoned...

The minor child has been denied the care...

The minor child has had physical injury...

The minor child has been found to be neglected or uncared for ...

WHEREFORE, IT IS ORDERED AND DECREED that

.....is/are removed as guardian(s) of the person of the minor.

.....is/are appointed as guardian(s) of the person of the minor.

.....parent, is the sole guardian of the person of the minor.

The petition for removal of guardian is withdrawn denied.

Dated at (town) this (date) day of (month), 20 .

Signature of judge.

- The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian-62.)

Procedures to Follow if a Guardian is Appointed

1) If the minor child is the subject of a pre-existing child support order, the guardian must contact the Support Enforcement Services Unit of the Dept. of Social Services at 1-800-228-5437 to see if the child support order is affected by the decree.

- 2) If the Commissioner of DCF is appointed guardian of the minor child, form **CM-63, Court Determination Re Efforts Made by Department of Children and Families to Prevent Removal**, must be issued either at the time of the decree or within 60 days of the decree.
- 3) The court must inform the guardian of the need to report annually to the court, pursuant to the instructions on the form.
- 4) A copy of the decree must be sent to: a) the parent(s) of the minor [C.G.S. section 45a-613(c)], b) the attorneys of record (C.G.S. section 51-53), c) the guardian, and d) the Department of Children and Families.
- 5) The court may wish to give the guardian a **Fiduciary's Probate Certificate, PC-450**, which the guardian can present to schools, physicians, etc., as proof of appointment in lieu of presenting a copy of the decree.
- 6) Inform the guardian of the availability of kinship and respite grants. **See p. Guardian-62 for notice form.**

Enforcement of Decree

The court may enforce its decree and award of custody by warrant directed to a proper officer (police officer, state marshal, or constable) who shall deliver the minor to the person or organization entitled to custody (C.G.S. section 45a-618).

*Guardian's Report/Guardianship of the Person of a Minor, PC-570

The guardian of the person of a minor appointed under C.G.S. section 45a-603 to 45a-624g, inclusive, must present an annual report about the minor's condition to the court that appointed the guardian.* This report form, PC-570, should be given to the guardian at the time of the appointment with instructions to submit the report to the court one year from the date of the appointment. The court should send a reminder (either a post card or form letter) to the guardian before the due date of the report. * **If a natural parent remains as sole parent, that parent DOES NOT have to file PC-570.**

Visitation Rights of Parents who have been Removed as Guardians

Pursuant to C.G.S. section 45a-612, the Probate Court may grant visitation rights to any person who has been removed as guardian of any minor child or children, any relative of the minor child or children, or any parent who has been denied temporary custody of any minor child or children pending a removal or pending a termination of parental rights hearing. An order to this effect must be made after a hearing. The court must be guided by the best interest of the minor, giving consideration to the minor's wishes if he or she is of sufficient age and capable of forming an intelligent opinion.

Reinstatement

A parent who has been removed as guardian may apply **to the court of probate that removed him or her** for reinstatement. The form to be used is ***PC-506, Petition/Reinstatement of Parent as Guardian of Minor**. The court must hold a hearing following notice to the guardian, the parent and the minor if over 12 years of age. An investigation by the Department of Children and Families is recommended. Counsel shall be appointed for the person requesting reinstatement if that person notifies the court that he or she is unable to obtain or pay for counsel (C.G.S. section 45a-620). The court can grant reinstatement if it determines that the factors that resulted in removal have been resolved satisfactorily (C.G.S. section 45a-611).

- The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian-62.)

Closing of File – C.G.S. section 45a-754 -- Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings. **These forms should be recorded as confidential records.**

- 1) PC-500, Petition/Removal of Guardian
- 2) PC-501, Petition/Immediate Temporary Custody
- 3) PC-182A/182B, Appointment of Atty (PC-182A)/Guardian Ad Litem (PC-182B) for Interested Party
- 4) PC-170A/170B, Report of Court-appt'd Atty(PC-170A), Report of Court Appt'd GAL (PC-170B)
- 5) PC-510, Custodian's Affidavit/Immediate Temporary Custody*
- 6) PC-520, Order of Notice/Temporary Custody or Removal and Appointment of Guardian
- 7) PC-531, Citation and Return/Temporary Custody/Removal of Guardian
- 8) PC-532, Notice of Hearing (Newspaper)/Temporary Custody/Removal of Guardian**
- 9) PC-550, Physician's Certificate/Immediate Temporary Custody*

- 10) PC-610, Affidavit/Temporary Custody, Removal, Termination, or Adoption
- 11) PC-631, Notice of Hearing/Parental Rights Matters
- 12) PC-633, Waiver of Personal or Abode Service/Parental Rights Matter
- 13) PC-560, Decree/Removal of Guardian and Appointment
- 14) PC-561, Decree/Immediate Temporary Custody
- 15) PC-570, Guardian's Report. . . **(NOTE:** The report will not be filed until one year after appointment.)
- 16) CM-63, Court Determination Re: Efforts Made by the Department of Children and Families to Prevent Removal **(NOTE:** If required. See #1 on p. G-32.)
- 17) JD-FM-164, Affidavit Concerning Children (If applicable)
- 18) PC-506, Petition/Reinstatement of Parent as Guardian of the Minor

*Either PC-510 or PC-550 is filed with the removal petition. **This form will only be used if newspaper notice is required.

- Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

3. REMOVAL of GUARDIANSHIP and TEMPORARY CUSTODY

C.G.S. section 45a-603 et seq.

Jurisdiction

Jurisdiction is in the Probate Court district where the minor resides.

NOTE: The minor's residence is defined as the actual residence. It is not that imputed to the minor by the residence of the parents or guardian.

Who May Petition the Court for Removal of Guardianship — C.G.S. section 45a-614

- 1) Any adult relative of the minor by blood or marriage.
- 2) The court on its own motion. (See form CM-6.)
- 3) Counsel for the minor. (If the situation is serious, the court may appoint counsel to investigate and file the petition, if needed.)

① There is a penalty for filing a false or malicious petition — a fine of not more than \$1,000 or imprisonment of not more than one year or both (C.G.S. section 45a-615).

Birth Certificate

Before initiating the proceedings, the court may have the petitioner submit a birth certificate for the minor child.

Counsel

For the respondent. C.G.S. section 45a-609 (b). The respondent has the right to representation by an attorney. If he or she is unable to obtain or pay for an attorney, the respondent may ask the court to appoint an attorney. If the respondent is unable to pay for counsel, the Probate Court Administration Fund will pay upon proper certification. **The form to be used is Request/Order Waiver of Fees – Respondent, PC-184A.** (See *PCA Policy Manual*, Policy No. 507 for more information, including standards for indigency.)

For the child. The court is required to appoint counsel for the child in any proceeding brought under C.G.S. section 45a-603 to 45a-622, inclusive, in which abuse or neglect, as defined in C.G.S. section 46b-120, is alleged by the applicant or reasonably suspected by the court. If the court determines that the minor is unable to express his or her wishes to the attorney, the court may appoint an attorney to serve as both attorney and guardian ad litem. Probate Court Rules of Procedure, Section 40.2

Counsel may be appointed for a minor under G.G.S. section 45a-620 to advocate for the minor in other circumstances.

If the child is unable to pay for counsel, payment will be made by the Probate Court Administration Fund upon proper certification. When appointing counsel or a guardian ad litem for the child, Rules 13 and 40.2 of the Probate Court Rules of Procedure should be considered.

The attorney may be appointed from the attorneys' list (CM Appendix 11-4) or from the panel of attorneys maintained by the court under Regulation 13B. At the time of appointment, forward to the attorney a CO-17 form for payment, a schedule of the fees and a sample invoice.

Guardian Ad Litem

For a minor parent. **The court MUST appoint a guardian ad litem under C.G.S section 45a-621 to represent a minor or incompetent parent being removed.**

For the minor child. The court may appoint a guardian ad litem to represent the interests of a minor child under C.G.S. section 45a-132. The guardian ad litem does not have to be an attorney but shall be knowledgeable about the needs and protection of children.

Section 13.1 of the Rules of Probate Court Procedure provides that the court shall appoint a guardian ad litem for a party in a proceeding under any statute or rule that requires the appointment of a guardian ad litem. Federal law requires the appointment of a guardian ad litem in removal or guardian cases in which abuse or neglect is alleged. As noted above, state statutes require the appointment of counsel for the minor in these circumstances. The attorney appointed under C.G.S. section 45a-620 in these cases may serve as both attorney and guardian ad litem unless the court determines that the minor is able to express his or her wishes, which, if followed, could lead to substantial physical, financial or other harm to the minor. See Section 40.2.

In any other case in which an attorney has been appointed and the court determines that the minor's wishes, if followed, could lead to substantial harm to the minor, the court may appoint another individual as guardian ad litem. See Section 40.2.

NOTE: There is no provision for payment from the Probate Court Administration Fund of a guardian ad litem for **minor children except if abuse or neglect is alleged.**

***APPOINTMENT OF ATTORNEY FOR INTERESTED PARTY, PC-182A**

***APPOINTMENT OF GUARDIAN AD LITEM FOR INTERESTED PARTY, PC-182B**

- If there are allegations of child abuse or neglect, check the box "a minor(s) where child abuse or neglect... is alleged...."

*** REPORT OF COURT-APPT'D ATTORNEY (PC-170A), REPORT OF COURT APPT'D GAL (PC-170B)**

- The attorney is not required to file a report. If a report is filed, it is to be limited to the statement that the attorney's client objects, does not object or has not expressed a position.
- The guardian ad litem should file a PC-170B as required by the court.

The court shall send a copy of any appointment of attorney or guardian ad litem to each party and attorney.

Items marked with an asterisk (*) are to be entered into CMS **and must be scanned/microfilmed as confidential.**

***PETITION FOR REMOVAL OF GUARDIAN, PC-500** (The form includes a Confidential Information Sheet for listing names and social security numbers.)

IN THE MATTER OF [Name, address where residing, zip code, and telephone number.]

MINOR CHILD'S BIRTH DATE . . .

TRIBE AND RESERVATION OF CHILD, if an Indian child. . .

*PETITIONER: [Name, address, zip code, telephone number, and legal status of petitioner... **If adult relative, also give date of birth....**]*

PERSON(S) TO BE REMOVED AS GUARDIAN: [Name(s), address(es), zip code(s), telephone number(s)...**If parent, also state date of birth.**]

RELATIONSHIP TO MINOR CHILD

OTHER PERSONS WITH GUARDIANSHIP RIGHTS [Name(s), address(es), zip code(s), telephone number(s)...]

RELATIONSHIP TO MINOR CHILD

The petitioner alleges that the whereabouts of the respondent are unknown. The last-known address(es) of the respondent(s) are: [C.G.S. section 45a-609(b)]

- The petitioner must give the respondent's last known address.

THE PETITIONER STATES that the following efforts have been made to obtain a current address for the respondent(s).

- If the petitioner checked the previous box, he or she **MUST** also check this box and state what efforts have been made to obtain a current address.

THE PETITIONER REPRESENTS that...

The petitioner will check one or more of the following boxes.

- The respondent(s) consent...*
- The minor child has been abandoned...*
- The minor child has been denied the care...*
- The minor child has had physical injury...*
- The minor child has been neglected or uncared for. . .*

THE PETITIONER FURTHER REPRESENTS...

- The petitioner must indicate that the respondent is not under a legal disability or in the military service and must state whether or not there is any other proceeding pending or contemplated in another court that will affect the custody of the minor child. The petitioner must also complete and attach **form JD-FM-164, Affidavit Concerning Children**. **NOTE:** The existence of another proceeding does not automatically preclude the court from acting. The issue is whether the proceedings conflict. C.G.S. section 52-231a. See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

The petitioner must also complete the boxes re child support orders, the existence of DCF safety/service agreements, protective or restraining orders and the length of time the child has resided in Connecticut.

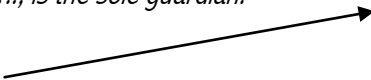
WHEREFORE THE PETITIONER requests that this Court remove the respondent(s) as guardian(s)..and petitions the court to

- The petitioner must check the following boxes:

Appoint a guardian...

OR

Affirm, is the sole guardian.

Signature of petitioner 

•The court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11-12.

- The proposed guardian must sign and complete the acceptance section — name, address, telephone number, date of birth.
- **Consent section:** The consents must be individually signed, and each signature must be acknowledged.

- If the minor is at least 12 years of age, he or she must consent to the guardianship by signing the form.

***Affidavit Concerning Children, Form JD-FM-164. Required in Cases Involving the Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA – C.G.S. section 46b-115, et. seq.) and Other Children's Matters**

The affidavit form JD-FM-164, Affidavit Concerning Children is designed for use in either the Superior Court or the Probate Court. In removal matters involving the UCCJEA **or** in any other children's matter, the petitioner must attach form JD-FM-164 to PC-500 or other relevant petition. (Copies of JD-FM-164 are available from the Probate Court Administrator's office.) **NOTE:** The existence of another proceeding does not automatically preclude the court from acting. The issue is whether the proceedings conflict. C.G.S. section 52-231a. See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

The affidavit requests the following information if it is "reasonably ascertainable and not confidential under state law": 1) the child's present address or location, 2) the places where the child has lived during the past five years, and 3) the names and addresses of the persons with whom the child has lived during the past five years. The person completing the affidavit must also state information about other custody cases involving the child, the physical custody of the child, and other children born to the respondent mother.

***PETITION/TEMPORARY CUSTODY, PC-502**

If the petitioner requests temporary custody and there is no immediate danger, this form should be filed with the petition for removal, or termination and guardianship. It may also be filed if the child has no parent or guardian.

IN THE MATTER OF: [Name, address where residing, and zip code.]

MINOR CHILD'S BIRTH DATE: *TRIBE AND RESERVATION OF CHILD, if an Indian child. . .*

PETITIONER: [Name, address, telephone number, and legal status of petitioner...**If adult relative, also give date of birth.**]

PARENT(S)/GUARDIAN(S): [Name(s), address(es), zip code(s) and telephone number(s). **Indicate parent/guardian to be removed/terminated.** If parent, state date of birth.]

- The petitioner should place the word "removed" after the name(s) of those to be removed or terminated.

MINOR CHILD IS PRESENTLY IN THE CUSTODY OF: [Name, address, zip code, and telephone number. Give relationship to minor child.]

THE PETITIONER REPRESENTS THAT: (The petitioner must check one of the first three boxes. **NOTE:** The fourth box must also be checked if the parent or guardian consents to the removal. No further allegations are necessary if the fourth box is checked.)

- a petition is pending in this court for the removal. . . .*
- a petition is pending in this court for the termination....*
- The petitioner has reasonable grounds to believe...no guardian. . . .*
- The parent(s) or other guardian(s) consents to the. . . .temporary removal. . . .*

THE PETITIONER FURTHER REPRESENTS that . . . :

- The minor child has been abandoned. . . .*
- The minor child has been denied the care....*
- The minor child has had physical injuries. . . .*

NOTE: The petitioner must allege and prove one of the above and prove that, *because of such acts*, the child is suffering from serious physical illness, serious physical injury, or the immediate threat thereof, or is in immediate physical danger.

THE PETITIONER ALLEGES:

Specific actions, omissions, etc. that cause the minor child to suffer serious physical illness etc. **must** be spelled out, including dates, times, and places.

THE PETITIONER FURTHER REPRESENTS:

• The petitioner must indicate that the respondent is not under a legal disability or in the military service and must state whether or not there is any other proceeding pending or contemplated in another court that will affect the custody of the minor child. The petitioner must complete and attach **form JD-FM-164, Affidavit Concerning Children.** **NOTE:** The existence of another proceeding does not automatically preclude the court from acting. The issue is whether the proceedings conflict. C.G.S. section 52-231a. See the Inter-

agency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters. The petitioner must also complete the boxes re child support orders, the existence of DCF safety/service agreements, protective or restraining orders and the length of time the child has resided in Connecticut.

...WHEREFORE, THE PETITIONER REQUESTS...

- The petitioner will list the name of the person who is to receive temporary custody.
- Signature of Petitioner.

PROPOSED TEMPORARY CUSTODIAN:

- Signature
- Name
- Address
- Telephone Number
- Date of Birth

•The court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11-12.

CONSENT TO TEMPORARY CUSTODY

- **Consent section:** The consents must be individually signed, and each signature must be acknowledged.

***WAIVER OF PERSONAL OR ABODE SERVICE/PARENTAL RIGHTS MATTER, PC-633**

If the parent(s) (or father of a child born out of wedlock) being removed wishes to waive notice by personal or abode service, form PC-633 must be signed.

- If personal or abode service is waived, send notice by first class mail at least five days before the hearing date.

If the petitions are in order:

- Date-stamp.
- Entry fee \$ 300.00 (\$150.00 for the temporary custody petition and \$150.00 for the removal petition, unless waived.) The judge may waive or postpone the entry fee. See C.G.S. section 45a-111(c).

Note: Additional Fees (C.G.S. section 45a-106)

- There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.
- There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.
- There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.
- Enter into CMS.
- Prepare file folder.

Counsel

For the respondent. C.G.S. section 45a-609 (b). The respondent has the right to representation by an attorney. If he or she is unable to obtain or pay for an attorney, the respondent may ask the court to appoint an attorney. If the respondent is unable to pay for counsel, the Probate Court Administration Fund will pay upon proper certification. **The form to be used is Request/Order Waiver of Fees – Respondent, PC-184A.** (See *PCA Policy Manual*, Policy No. 507 for more information, including standards for indigency.)

EXAMINATION BY PHYSICIANS, PSYCHIATRISTS, OR PSYCHOLOGISTS APPOINTED PURSUANT TO C.G.S. section 45a-609 (d). Pursuant to this statute, the court may order the examination of the child by a physician, psychiatrist, or licensed clinical psychologist. The court may also order the examination of a parent or custodian whose competency or ability to care for the child is at issue. The applicant will pay the expenses of any examination ordered by the court on its own motion; the expenses of any examination requested by another party shall be paid by the party making the request. If such applicant or the party requesting the examination is unable to pay for the examination, payment will be made by the Probate Court Administration Fund. If the matter has been transferred to Superior Court, payment will be made from funds appropriated to the Judicial Branch. Payment shall be made in accordance with Section 20 of the Regulations. Court personnel should provide a CO-17 form, a copy of the regulations, and a sample invoice.

DEPARTMENT OF CHILDREN AND FAMILIES INVESTIGATION — C.G.S. section 45a-619

***COURT ORDER/REQUEST/RETURN INVESTIGATION OF PARENTAL RIGHTS MATTER/EMANCIPATION OF MINOR, PC-682.**

- Send two copies of PC-682 to the Department of Children and Families' program supervisor in your region, along with a copy of the Petition, pursuant to instructions on the form. See the "ADDRESSES" section of this manual for the location of the regional office.

① The court **shall** request an investigation by the Department of Children and Families or any organization, agency, or individual licensed or approved by the commissioner **unless** the court waives the requirement for cause shown. An investigation is required for **both** the temporary custody and the removal petitions. If the investigation is waived, the court must make a finding, pursuant to C.G.S. section 45a-619.

NOTES: 1) If the box on the petition concerning child support was checked, the court must be sure that the cover letter asks DCF to address the child support issue in its investigation. 2) If an allegation of abuse or neglect is involved, the court must check the last box, which directs DCF to reflect the findings required in C.G.S. section 45a-619 in the report.

Please Note



When the request for investigation is made, DCF should provide the court with a "link number." This number should be included on all future correspondence with DCF and should be referred to whenever court personnel verbally request further information on the matter.

NOTICE REQUIREMENTS

C.G.S. section 45a-607(c) mandates that the court give notice by personal or abode service to the parent(s) or guardian, and to the minor if he or she is over the age of 12. However, a parent or the father of a child born out of wedlock who is a petitioner or who signs form **PC-633, Waiver of Personal or Abode Service/Parental Rights Matters**, under oath need only receive notice by first class mail.

If personal or abode service is required for the temporary custody hearing, the court may combine the notice of hearing on temporary custody with the notice of hearing on the removal proceedings, thus eliminating personal or abode service a second time.

The statute is silent as to time frames for a temporary custody hearing if immediate (ex parte) temporary custody has not been granted. However, by statute, the removal hearing must be set within 30 days unless an investigation is requested, in which case, the removal hearing will be held not more than 30 days following receipt of the results of the investigation.

If it appears that the granting of temporary custody is critical, the hearing should be set as soon as possible, allowing 5 days' notice to the respondent(s). If it appears that the matter is not critical in nature, the hearing should be set allowing the traditional 10 days' notice for the respondent.

***ORDER OF NOTICE/TEMPORARY CUSTODY OR REMOVAL AND APPOINTMENT OF GUARDIAN, PC-520**

NOTE: If publication is required, the petitioner is responsible for costs of publication. If the petitioner is indigent, the cost of publication will be paid by the Probate Court Administration Fund [C.G.S. section 45a-111(c)]. Court personnel should try to use a local newspaper and keep the costs as low as possible.

IN THE MATTER OF: (Insert minor's name.)

DATE OF BIRTH OF MINOR CHILD:

DATE OF ORDER OF NOTICE:

PETITIONER (Name only): COMPLIANCE DATE: (Notice must be sent at least 5 days before the hearing.)

PLACE OF HEARING: DATE OF HEARING: TIME OF HEARING:
UPON THE PETITION OF THE PETITIONER FOR

- Check the boxes: Temporary custody of the minor child. Removal of the guardian... AND either appointment of a guardian OR affirmation that the remaining...

1. SERVED BY LEAVING THE SAME WITH OR AT THE USUAL PLACE OF ABODE OF THE FOLLOWING PERSON(S):

[Check the appropriate box(es)]:

- the minor child, if over twelve years of age.
- the parent(s) or the guardian(s) of the minor child, **if in this state, who is not the petitioner and who has not signed a written waiver of personal or abode service.**

2. GIVEN BY THE CLERK by mailing the same by FIRST CLASS mail to:

- the parent(s) or guardian(s) of the minor child, if out of state.
- the parent(s)...who is either a petitioner or who signs under oath a written waiver of personal or abode service.
- the father of a child born out of wedlock who is either a petitioner or who signs under oath a written waiver of personal or abode service.
- the Commissioner of Children and Families. (Include Confidential Information Sheet.)
- the attorney for the child.
- the attorney for the parent(s) or guardian(s).
- the petitioner.
- relatives and other persons...

AND IT APPEARING to the court that the whereabouts ofa parent, is unknown, it is FURTHER ORDERED that the notice of the pendency of said petition and the time and place set for said hearing be given to such parent by publishing notice of said petition and of the date, time and place of hearing thereon in, a newspaper having a circulation in the last-known place of residence on or before the compliance date as indicated above.

- Use **Notice of Hearing (Newspaper)/Temporary Custody/Removal of Guardian, PC-532**, for this newspaper notice.

PAYMENT FOR PUBLICATION: The petitioner is responsible for costs of publication. If the petitioner is indigent, the cost of publication shall be paid by the Probate Court Administration Fund [C.G.S. C.G.S. section 45a-111(c)].

- The judge or clerk will sign the form in the places indicated and complete the Return section.
- Impress court seal.

NOTICE OF HEARING/PARENTAL RIGHTS MATTERS, PC-631

- Prepare and mail notice of hearing, PC-631, as directed in the order of notice. The judge, clerk, or assistant clerk of the court must send the notice. If first class mail notice is sent to the parents in lieu of personal or abode service, include a copy of the petition and notice concerning the right to counsel.
- The court should amend the form as follows: "Notice is hereby given that:
 - Said petition for temporary custody...**
 - The hearing on the **removal of guardianship** has been set."

***CITATION AND RETURN/REMOVAL OF GUARDIAN, PC-531**

- Prepare citation and return as directed in order of notice.

NOTE: On the reverse side, the court must check the Temporary Custody box and one of the two boxes beneath it. (Removal of Guardian or Termination.) Enter the court's telephone number.

Along with the citation (and a copy of reverse side) the respondent [parent(s), guardian(s)] being removed or terminated must receive the following:

- 1) an attested copy of the petition for removal or petition for termination of parental rights,
 - 2) the motion for temporary custody,
 - 3) any affidavit or verified petition filed with the motion for temporary custody,
 - 4) any other documents filed by the petitioner,
 - 5) any other orders or notices made by the court of probate, and
 - 6) any request for investigation by the Department of Children and Families or any other person or agency.
- Give the original citation, PC-531, and attested copies of the documents listed above to the state marshal for completion and return.
 - Enter the number of notices sent.
 - Prepare **Return of Notice of Hearing, PC-131**.

Prepare for Temporary Custody Hearing

- As previously noted, the court may request a criminal records check on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11-12.
- Enter name, type of hearing, date and time on court calendar or diary book.
- Make sure that DCF has a report to present at, or before, the hearing OR that DCF personnel will testify. The state marshal or indifferent person must return the citation before the hearing, and it must be signed by the state marshal or indifferent person.

Hearing — C.G.S. section 45a-607(d)

The **standard of evidence** is a fair preponderance, which means by a greater weight of evidence in terms of quality (believability and greater weight of important facts proved), not quantity (number of witnesses or facts). This standard is not as strict as the clear and convincing evidence standard.

The **burden of proof** rests on the petitioner.

Evidence Required:

- 1) Parent(s) must have performed acts of omission or commission as set forth in C.G.S. section 45a-610, unless the parent(s) consents to the temporary custody petition.

AND

- 2) Because of the acts, the child is suffering from serious physical illness, injury, or the threat thereof, or is in immediate physical danger.

The following parties may be appointed temporary custodian(s):

- 1) Commissioner of the Department of Children and Families,
- 2) board of managers of any child-care institution,
- 3) any children's home or similar institution, or
- 4) any other person.

*AFFIDAVIT/TEMPORARY CUSTODY, REMOVAL, TERMINATION OR ADOPTION, PC-610

NOTE: The affidavit must be signed and dated the day of the HEARING.

*DECREE/TEMPORARY CUSTODY, PC-562

IN THE MATTER OF: (Insert name of minor child.)

DATE OF BIRTH:

THE COURT FURTHER FINDS:

- An investigation has been waived for cause shown...
- An investigation has been made and a written report...filed.

An affidavit has been filed...

- There is no proceeding...
- There is a proceeding...

THE COURT FURTHER FINDS by a fair preponderance of the evidence that placement is in the best interests of... (Check the first OR third box in this section OR the second box and the applicable indented box.)

- The minor child has no guardian. . . .
- The parent(s) have performed acts of omission or commission as set forth in C.G.S. Sec. 45a-610:
- The minor child has been abandoned. . .
- The minor child has been denied. . .
- The minor child has had physical injury or injuries. . . .
- The parent(s) ...consent(s)...

WHEREFORE, ...it is ordered and decreed that temporary custody...

- Commissioner of Children and Families The Board of Managers of... ...Name of individual

Date Signature of judge.

• If the minor child is the subject of a pre-existing child support order, the guardian must contact the Support Enforcement Services Unit of the Dept. of Social Services at 1-800-228-5437 to see if the child support order is affected by the decree.

- Make copies of decree.
- Impress court seal.
- Send to temporary custodian, and attorney(s).
- The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian - 61.)
- If the Commissioner of DCF is appointed temporary custodian of the minor child, form **CM-63, Court Determination Re Efforts Made by Department of Children and Families to Prevent Removal** must be issued either at the time of the decree or within 60 days of the decree.
- The court may wish to give the temporary custodian a **Fiduciary's Probate Certificate, PC-450**, which he or she can present to schools, physicians, etc., as proof of appointment in lieu of presenting a copy of the decree.
- Inform the guardian of the availability of kinship and respite grants. **See p. Guardian-62 for notice form.**

NOTE: The order for temporary custody is effective until the disposition of the petition for removal or the termination.

Modification/Revocation of a Temporary Custody Order

At any time, the respondent, temporary custodian, or attorney for the minor child may petition the court for modification or revocation of the temporary custody order [C.G.S. section 45a-607(e)].

3A. Removal of Parent as Guardian

The removal hearing must be held within 30 days of receipt of the petition, unless the court requests an investigation, in which case the hearing must be held not more than 30 days following receipt of the results of the investigation.

Prepare the Judge's Record of Hearing Sheet listing the petitioner, the type of hearing, and date and time (see p. Guardian-62.)

- As previously noted, the court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11-12.

***ORDER OF NOTICE/TEMPORARY CUSTODY OR REMOVAL AND APPOINTMENT OF GUARDIAN, PC-520**

NOTE: If notice has already been made by **PERSONAL** or **ABODE SERVICE** for a temporary custody hearing, the court need not repeat notice by personal or abode service. First class mail notice may then be used for the removal hearing. If the parents reside out of, or are ab-

sent from this state or their whereabouts are unknown, the court may order notice by first class mail or by publication using form **PC-532, Notice of Hearing (Newspaper)/Temporary Custody/Removal of Guardian.**

- First class mail notice may be given to:
 - 1) A parent of a minor child who is either a petitioner **OR** who signs under oath a written waiver of personal or abode service (PC-633) **AND**
 - 2) the father of a child born out of wedlock who is either a petitioner or who signs under oath a written waiver of personal or abode service (PC-633).
- Give notice by publication when the whereabouts of a parent are unknown.

The notice for removal to the parents must contain the following documents:

- 1) the notice of hearing,
- 2) the petition for removal of parent as guardian,
- 3) any supporting documents and affidavits filed with such petition,
- 4) any other orders or notice made by the Probate Court, and
- 5) any request for investigation by the Department of Children and Families or any other person or agency.

Newspaper notice need only contain such information as the court may direct.

Hearing

The standard for removal is **clear and convincing evidence.**

The grounds for removal are listed in C.G.S. section 45a-610:

- 1) The parent consents to his or her removal as guardian; or
- 2) The minor child has been abandoned by the parent in the sense that the parent has failed to maintain a reasonable degree of interest, concern or responsibility for the minor's welfare; or
- 3) The minor child has been denied the care, guidance or control necessary for his or her physical, educational, moral, or emotional well-being, as a result of acts of parental commission or omission, whether the acts are the result of the physical or mental incapability of the parent or conditions attributable to parental habits, misconduct or neglect, and the parental acts or deficiencies support the conclusion that the parent cannot exercise, or should not in the best interests of the minor child be permitted to exercise, parental rights and duties at this time; or
- 4) The minor child has had physical injury or injuries inflicted upon him or her by a person responsible for such child's health, welfare or care, or by a person given access to such child by such responsible person, other than by accidental means, or has injuries which are at variance with the history given of them or is in a condition which is the result of maltreatment such as, but not limited to, malnutrition, sexual molestation, deprivation of necessities, emotional maltreatment or cruel punishment; or
- 5) The minor child has been found to be neglected or uncared for, as defined in C.G.S. section 46b-120.

*AFFIDAVIT/TEMPORARY CUSTODY, REMOVAL, TERMINATION OR ADOPTION, PC-610

NOTE: The affidavit must be signed and dated the day of the HEARING.

*DECREE/REMOVAL OF GUARDIAN AND APPOINTMENT, PC-560

IN THE MATTER OF: (Insert name of minor.) *DATE OF BIRTH:*

PERSON(S) TO BE REMOVED:

PARENT TO BECOME THE SOLE GUARDIAN/GUARDIAN OF THE PERSON

PRESENT: Hon. (Insert name of judge)

After due hearing, THE COURT FINDS that: (Check appropriate boxes.)

- Any person entitled to notice.*
- The guardian ad litem...*
- The minor child...*
- An investigation has been waived...*
- An investigation has been made...*

An affidavit has been filed in court...

- There is no proceeding...*
- There is a proceeding...*
- THE COURT FURTHER FINDS that the petitioner has failed to sustain his or her burden of proving the grounds for removal... by clear and convincing evidence.*

THE COURT FURTHER FINDS by clear and convincing evidence that placement is in the best interests... and: [Check one or more applicable box(es).]

- The parent(s)/guardian(s) of the minor child consent...*
- The minor child has been abandoned...*
- The minor child has been denied the care...*
 - The minor child has had physical injury...*
 - The minor child has been found to be neglected or uncared for*

WHEREFORE, IT IS ORDERED AND DECREED that

-is/are removed as guardian(s) of the person of the minor.*
- ...is/are appointed as guardian(s) of the person of the minor.*
-parent, is the sole guardian of the person of the minor.*
- The petition for removal of guardian is* *withdrawn* *denied.*

Dated at (town) this (date) day of (month), . . .

Signature of judge.

- The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian-62.)

Procedures to Follow if a Guardian is Appointed

1) If the minor child is the subject of a pre-existing child support order, the guardian must contact the Support Enforcement Services Unit of the Dept. of Social Services at 1-800-228-5437 to see if the child support order is affected by the decree.

2) If the Commissioner of DCF is appointed guardian of the minor child, form **CM-63, Court Determination Re Efforts Made by Department of Children and Families to Prevent Removal** must be issued either at the time of the decree or within 60 days of the decree.

3) Give the guardian a copy of ***Guardian's Report/Guardianship of the Person of a Minor, PC-570**, with instructions to submit the report to the court one year from the date of the appointment.* (The guardian of the person of a minor appointed under C.G.S. section 45a-603 to 45a-624g, inclusive, must present an **annual report about the minor's condition** to the court that appointed the guardian.) The court should send a reminder (a post card or form letter) to the guardian before the due date of the report. *** If a natural parent remains as sole parent, that parent DOES NOT have to file PC-570.**

4) Send a copy of the decree to the parent(s) of the minor [C.G.S. section 45a-613(c)], and the attorneys of record (C.G.S. section 51-53).

5) The court may wish to give the guardian a **Fiduciary's Probate Certificate, PC-450**, which the guardian can present to schools, physicians, etc., as proof of appointment in lieu of presenting a copy of the decree.

6) Inform the guardian of the availability of kinship and respite grants. **See p. Guardian-62 for notice form.**

Enforcement of Decree

The court may enforce its decree and award of custody by warrant directed to a proper officer (police officer, state marshal or constable) who shall deliver the minor to the person or organization entitled to custody (C.G.S. section 45a-618).

Visitation Rights of Parents Who Have Been Removed as Guardians

Pursuant to C.G.S. section 45a-612, the Probate Court may grant visitation rights to any person who has been removed as guardian of any minor child or children, any relative of the minor child or children, or any parent who has been denied temporary custody of any minor child or children pending a removal or pending a termination of parental rights hearing. An order to this effect must be made after a hearing. The court must be guided by the best interest of the minor, giving consideration to the minor's wishes if he or she is of sufficient age and capable of forming an intelligent opinion.

Reinstatement

A parent who has been removed as guardian may apply for reinstatement to the Probate Court that removed him or her. The form to be used is ***PC-506, Petition/Reinstatement of Parent as Guardian of Minor**. The court must hold a hearing following notice to the guardian, the parent(s) and the minor if he or she is over 12 years of age. A Department of Children and Families investigation is recommended. Counsel shall be appointed for the person requesting reinstatement if that person notifies the court that he is unable to obtain or pay for counsel (C.G.S. section 45a-620). The court can grant reinstatement if it determines that factors that resulted in removal have been resolved satisfactorily (C.G.S. section 45a-611).

- The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian-61.)

Closing of File — C.G.S. section 45a-754

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings. . **These forms should be recorded as confidential records.**

- 1) PC-500, Petition/Removal of Guardian
- 2) PC-502, Petition/Temporary Custody
- 3) PC-182A/182B, Appointment of Atty (PC-182A)/Guardian Ad Litem (PC-182B) for Interested Party
- 4) PC-170A/170B, Report of Court-appt'd Atty(PC-170A), Report of Court Appt'd GAL (PC-170B)
- 5) PC-520, Order of Notice/Temporary Custody or Removal and Appointment of Guardian
- 6) PC-531, Citation and Return/Temporary Custody/Removal of Guardian
- 7) PC-532, Notice of Hearing (Newspaper)/Temporary Custody/Removal of Guardian**
- 8) PC-610, Affidavit/Temporary Custody, Removal, Termination, or Adoption
- 9) PC-631, Notice of Hearing/Parental Rights Matters
- 10) PC-633, Waiver of Personal or Abode Service/Parental Rights Matter
- 11) PC-560, Decree/Removal of Guardian and Appointment
- 12) PC-562, Decree/Temporary Custody
- 13) PC-570, Guardian's Report/Guardianship of the Person of a Minor (**NOTE:** Will be filed one year after appointment.)
- 14) CM-63, Court Determination Re: Efforts Made by the Department of Children and Families to Prevent Removal (**NOTE:** If required. See #1 on p. G-44.)
- 15) JD-FM-164, Affidavit Concerning Children (If applicable)
- 16) Investigation report.
- 17) PC-506, Petition/Reinstatement of Parent as Guardian of the Minor

- Place all documents in proper order. Check signatures. Scan.
- Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

4. TEMPORARY GUARDIANSHIP

C.G.S. section 45a-622

This procedure may be used when a parent voluntarily agrees to allow another party to become guardian of his or her minor child. There is **no** removal proceeding, and the decree is effective for a maximum of one year. It may be renewed upon the filing of a subsequent petition. The guardianship can be revoked **at any time** upon notification by the parent to the Probate Court and the temporary guardian.

Petitioner

The parent or the guardian of the person of the minor may file the petition.

Jurisdiction

Jurisdiction is in the Probate Court district where the minor resides.

NOTE: The minor's residence is defined as the actual residence. It is not that imputed to the minor by the residence of the parents or guardian.

Term of Appointment

The temporary guardian's term cannot exceed **ONE YEAR**, unless it is renewed with the court's permission.

Reasons for Appointment of Temporary Guardian

Illness, absence from jurisdiction, etc.

NOTE: A parent should not use this mechanism to send the minor to another state to avoid criminal prosecution.

Items marked with an asterisk (*) are to be entered into CMS and **scanned/microfilmed as confidential**.

***PETITION/APPOINTMENT OF TEMPORARY GUARDIAN, PC-504**

IN THE MATTER OF: (Name of minor child — where presently residing — birth date—

PETITIONER: [Name, address, zip code, telephone number, and legal status of petitioner. . .]

① C.G.S. section 45a-622 requires that the petitioner be either the parent or guardian.

PERSONS WHO HAVE GUARDIANSHIP RIGHTS WITH RESPECT TO SAID MINOR CHILD: [If any is a minor, give date of birth. . . Give last known address and zip code. . .]

MOTHER *FATHER* *GUARDIAN(S) OF THE PERSON*

Explain why the parent(s) or guardian(s) is/are unable to care for the minor.

THE PETITIONER REPRESENTS . . .

• The petitioner must state whether or not there is any proceeding pending or contemplated in another court that will affect the custody of the minor child. **Form JD-FM-164, Affidavit Concerning Children**, must be attached. **NOTE:** The existence of another proceeding does not automatically preclude the court from acting. The issue is whether the proceedings conflict. C.G.S. section 52-231a. See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

WHEREFORE, THE PETITIONER REQUESTS that this court appoint a temporary guardian...to commence on the date of the decree and to terminate one year from the date of said decree OR. . . In no event shall the guardianship exceed the period of one year.

Petitioner's signature

PROPOSED TEMPORARY GUARDIAN: →

Signature of proposed guardian.

Name, address, zip code, and telephone number.

NOTE: The court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11-12

If petition is in order:

- Date-stamp.
- Enter into CMS.
- Prepare file folder.
- Entry fee – \$150.00

***COURT ORDER/REQUEST/RETURN INVESTIGATION PARENTAL RIGHTS MATTER/EMANCIPATION OF MINOR, PC-682**

C.G.S. section 45a-619 **requires** an investigation by DCF unless the court waives it for cause shown.

NOTES: 1) If the box on the Petition concerning child support was checked, the court must be sure that the cover letter asks DCF to address the child support issue in its investigation. 2) If an allegation of abuse or neglect is involved, the court must check the last box, which directs DCF to reflect the findings required in C.G.S. section 45a-619 in the report.

Please Note



When the request for investigation is made, DCF should provide the court with a "link number." This number should be included on all future correspondence with DCF and should be referred to whenever court personnel verbally request further information on the matter.

***ORDER OF NOTICE, PC-120**

- Give notice by first class mail to:
 - 1) petitioner,
 - 2) spouse,
 - 3) minor (if over age 12),
 - 4) proposed temporary guardian, and
 - 5) other interested persons.

NOTICE OF HEARING, PC-130

- Prepare and mail as directed in Order of Notice PC-120.
- Enter number of notices.
- Prepare Judge's Record of Hearing Sheet (See p. Guardian-62 for sample form.)

***AFFIDAVIT/REMOVAL TERMINATION OR ADOPTION, PC-610. The Affidavit must be signed and dated the day of the hearing.**

NOTE: As previously stated, the court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11-12.

Hearing

The proposed guardian must be a proper adult person, able to act responsibly and capably.

***DECREE/APPOINTMENT OF TEMPORARY GUARDIAN, PC-564**

IN THE MATTER OF, A MINOR CHILD BORN ON

PRESENT: Hon. (Insert judge's name.)

After due hearing, *THE COURT FINDS that:*

... *Evidence has been presented to this Court that the parent(s) or guardian(s) is/are unable to care for the minor for the following reasons:*

Absence from the jurisdiction

Illness

- Check either of the first two boxes or complete the third box if the reason is one other than absence or illness.

THE COURT FURTHER FINDS that:

The Commissioner...report of an investigation

The court has waived the requirement of an investigation....

AND IT IS ORDERED AND DECREED that: (Insert name and address of the temporary guardian) *be appointed temporary guardian...*

Said guardianship shall commence on (date) and shall terminate on (date).

Dated at (town) this (date) day of (month) (year).

Signature of judge

- If the minor child is the subject of a pre-existing child support order, the guardian must contact the Support Enforcement Services Unit of the Dept. of Social Services at 1-800-228-5437 to see if the child support order is affected by the decree.
- Send a copy of the decree to:
 - 1) temporary guardian and
 - 2) attorneys of record, if any.
- The court may wish to give the guardian a **Fiduciary's Probate Certificate, PC-450**, which the guardian can present to schools, physicians, etc., as proof of appointment in lieu of presenting a copy of the decree.
- Inform the guardian of the availability of kinship and respite grants. **See p. Guardian-62 for notice form.**

NOTE re Revocation of Guardianship: The temporary guardianship will cease when the appointing parent or guardian notifies the Probate Court and the temporary guardian to that effect. This notice must be in writing.

- The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian - 61.)

Closing of File – C.G.S. section 45a-754

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings. . **These forms should be recorded as confidential records.**

- 1) PC-504, Petition/Appointment of Temporary Guardian
- 2) JD-FM-164, Affidavit Concerning Children (If applicable)
- 3) PC-120, Order of Notice
- 4) PC-610, Affidavit/Removal, Termination, or Adoption
- 5) PC-564, Decree/Appointment of Temporary Guardian

• Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

• Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

5. GUARDIAN of the ESTATE of a MINOR

C.G.S. section 45a-629, et seq.; Probate Court Rules of Procedure, Sections 4.2, 18.1 and **34**,

Appointment of a guardian of the estate is required in cases where a minor's estate is valued in excess of \$10,000 or a payor requires the appointment of a guardian. Parents or guardians of the person cannot give valid or binding releases for amounts in excess of \$10,000 (C.G.S. section 45a-631).

NOTE: Guardianship is not necessary to obtain social security benefits; the Social Security office can designate a representative payee.

Who May Petition the Court for Guardianship of the Estate

- 1) an interested party,
- 2) the minor, if he or she is over the age of 12, or
- 3) the court on its own motion.

Jurisdiction

- 1) The minor resides in the probate district where the petition is filed.

NOTE: The minor's residence is defined as the actual residence. It is not that imputed to the minor by the residence of the parents or guardian.

- 2) A nonresident minor owns property in the probate district (C.G.S. section 45a-632).

Items marked with an asterisk (*) are to be entered into CMS and **must be scanned/microfilmed**.

*PETITION FOR APPOINTMENT OF GUARDIAN OF ESTATE, PC-503

IN THE MATTER OF: [Name, actual residence, zip code]

ATTORNEY FOR THE MINOR *DATE OF BIRTH OF MINOR*

PETITIONER: [Name, address, zip code and telephone number...] *RELATIONSHIP OF PETITIONER TO MINOR:*

PARENT(S) OF MINOR: [Name(s), address(es), zip code(s), and telephone. ... If deceased, so state., and attach death certificates.]

- If the parents are deceased, the petitioner should list their dates of death.

COURT-APPOINTED GUARDIAN OF THE PERSON OF MINOR: [Name, address, zip code, and telephone number.]

PROPOSED GUARDIAN OF THE ESTATE: [Name, address, zip code, and telephone number]

ATTORNEY FOR PROPOSED FIDUCIARY [Name, address, zip code, telephone number, and Conn. Bar Juris No.]

THE PETITIONER STATES...:

- The monetary amounts should be filled in, and the petitioner should check the appropriate boxes in this section. If the minor has received or is receiving aid or care from the state, a copy of the petition must be sent to the Commissioner of Administrative Services **ten (10) days before** the hearing.

Signature of Petitioner

*PROPOSED GUARDIAN(S) OF THE ESTATE**Acceptance of appointment.* *Signature of proposed guardian.**MINOR'S CHOICE OF GUARDIAN* (If the minor is 12 years of age or over.)*Signature of minor.* *Signature of witness.*

- If the petition is acceptable:
 - Date-stamp.
 - Enter into CMS.
 - Prepare file folder.
 - Entry Fee – \$150.00, unless waived.

Preparation for Hearing:

- A minor 12 years of age or older may express his or her choice of guardian — C.G.S. section 45a-629(b).
- **If the parents of the minor are deceased**, check to see if a guardian or coguardian of the estate of an unmarried minor has been appointed by will (or by another writing signed by the parent and attested by at least two witnesses). **NOTE:** A parent who has been removed as guardian **CANNOT** make this appointment. If two or more instruments, whether by will or other writing, contain an appointment, the latest effective appointment made by the last surviving parent will have priority. However, such appointment shall not supersede the previous appointment of a guardian made by the Probate Court having jurisdiction. A parental appointment becomes effective when the guardian's written acceptance is filed in the court in which the will is probated or, in the case of a nontestamentary instrument, in the Probate Court district where the minor resides. C.G.S. section 45a-596.
NOTE: Notwithstanding a guardianship nomination by will or other writing, a hearing must still be held under C.G.S. section 45a-616, 45a-629.
- If all interested parties have not signed a **General Waiver, PC-181**, then set the matter for a hearing. Notice of hearing should be given 7 days before the date of the hearing (not counting the day of mailing or the day of the hearing).
- Calendar the hearing date.
- See Probate Court Rules of Procedure, Rule 8 for further information about notice requirements.

ORDER OF NOTICE OF HEARING, PC-120ESTATE OF/ IN THE MATTER OF:* (Insert minor's name and add the phrase, "a minor.")*DATE OF ORDER:* *COMPLIANCE DATE:**PETITIONER:**PLACE, DATE, TIME OF HEARING:*

Suggested wording: "UPON THE PETITION OF THE PETITIONER FOR the appointment of a guardian of the estate of said minor, AS IN SAID PETITION ON FILE MORE FULLY APPEARS."

IT IS ORDERED THAT:... Mail such notice to: (Check applicable boxes.)

- Each attorney of record.
- The Administrator of Veteran's Affairs.
- The following parties in interest or persons entitled to notice: **Department of Administrative Services, Collections – Recovery** [Notes: 1) Also send a copy of the petition. 2) Ten (10) days' notice is required, pursuant to C.G.S. section 45a-630]; **petitioner; minor, if over 12 years of age; proposed guardian; parents; siblings, if over 18; other relatives** (aunts, uncles, grandparents), if necessary.

- Impress court seal.
- Signature of judge, clerk, or assistant clerk.

NOTICE OF HEARING, PC-130

- Prepare and mail **Notice of Hearing, PC-130**, as directed in the order of notice.
- Enter number of notices sent on ledger sheet.

RETURN OF NOTICE OF HEARING, PC-131

- Prepare and enter return date, and names and addresses of persons to whom notice was sent.
- Prepare Judge's Record of Hearing Sheet (see p. Guardian-62 for sample form) — Name of minor, type of hearing, date, and time.
- Prepare **Probate Bond form, PC-480** (C.G.S. section 45a-629, 45a-632; Probate Court Rules of Procedure, Section 35. **NOTE** : There is an exception to the bonding requirement. If the minor's assets are less than \$20,000, the judge may waive the bond. The court should, however, consider requiring a restriction of assets. If necessary, also prepare an **Order and Agreement/ Restriction on Control of Assets, PC-411** .

Hearing

Is the proposed guardian a proper adult person, able to act responsibly and capably in a fiduciary capacity? See Section 13.5 for a discussion of who may serve as guardian. The court may appoint a bank as guardian of the estate.

The probate bond amount should be the amount of the personal property to be received by the guardian, plus the anticipated earnings for the period of time until the accounting is due, which is usually three years, unless there is a restriction on the control of assets, PC-411.

- Prepare **Fiduciary's Probate Certificates, PC-450**, if needed.
- Prepare a certificate of notice for land records, if needed by modifying the **Conservator's Certificate of Notice for Land Records, PC-350**.
- The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian - 61.)

***DECREE FOR APPOINTING GUARDIAN OF ESTATE, PC-563**

IN THE MATTER OF: (Insert minor's name.)

DATE OF BIRTH OF MINOR:

GUARDIAN'S NAME AND ADDRESS:

RESIDENCE OF MINOR:

PRESENT: Hon. (Insert judge's name.):

After due hearing, THE COURT FINDS that:

- ... Notice was given.

- All persons known to be interested...have signed and filed in Court a written waiver of notice of hearing...
- Said minor, being twelve years of age or over, has made choice...
- Bond of said guardian(s) required by statute is fixed in the amount of \$.
- The said guardian(s) is a bank or trust company...
- The assets of the estate are less than \$20,000.
- In order to properly protect the assets of the estate, restriction on the guardian's control over the assets is required.

And it is **ORDERED AND DECREED** that: ...

- The guardian(s) having presented a bond...
- The court dispenses with the requirement of a bond.
- The foregoing is subject to, and effective upon, the filing of an agreement to restrict assets in accordance with...PC-411...
- Dated at (town) this (date) day of (year) .
- Signature of judge.
- Bill attorney or petitioner for notices, certificates, recording postage, etc.

***AGREEMENT OF FIDUCIARY (IES)/GUARDIANSHIP OF A MINOR'S ESTATE, PC-571**

By signing this form, the fiduciary(ies) of a minor's estate agrees to follow certain procedures for presenting accounts to the court and requesting withdrawals of funds. The fiduciary(ies) also agrees to notify the court of any changes of address for the guardian or the ward.

***INVENTORY, PC-440**

The inventory is **DUE TWO MONTHS FROM THE DATE OF APPOINTMENT**. (C.G.S. section 45a-634; Probate Court Rules of Procedure, Section 34.3.

- Calendar the due date. **NOTE:** The court should verify that the bank accounts, securities, etc. read as follows: "Jane Doe, Guardian of the Estate of John Doe."
- Record the petition, orders and returns of notice, waivers, bond, and inventory after acceptance.

Special Circumstances

NOTE: Each of these petitions requires a \$150.00 filing fee.

Compromise of Claim (C.G.S. section 45a-151). Probate Court Rules of Procedure, Section 34.5

A guardian is often required for the settlement of a negligence action. Probate Court approval of the settlement is required. Upon petition by the guardian, the court may authorize a doubtful or disputed claim (in favor or against). A hearing shall be held with such notice as ordered by the court. Mail notice is recommended for interested parties.

Sale/Mortgage of Real Estate (C.G.S. section 45a-164). Probate Court Rules of Procedure, Section 34.6

A hearing shall be held with such notice as ordered by the court.

Lease of Real Estate (C.G.S. section 45a-633).

A hearing is required with public and mail notice.

Release of Funds from Restricted Account in Estate of Minor. C.G.S. section 45a-139 (c), Probate Court Rules of Procedure, Section 35.7(f)

The Probate Court may authorize disbursement of funds from a restricted account upon request of the fiduciary. Note that the court may act on this request **without notice and hearing**. If the disbursement is authorized without a hearing, it is subject to review in connection with the fiduciary's financial report or account covering the period in which the disbursement is made.

Reports and Accounts of Guardian of Estate – C.G.S. section 45a-177, Probate Court Rules of Procedure, Rules 36 – 38

1) In General. (Probate Court Rules of Procedure, rule 36.11 with reference to section 34.8) A guardian of the estate of a minor shall submit an annual financial report or account for the first year after the guardian's appointment or, with prior court approval, for the first year after the guardian's first receipt of funds on behalf of the estate.

After submitting the first annual financial report or account the guardian shall thereafter submit a periodic financial report or account at least once in each three-year period, unless the Probate Court requests more frequent accounts.

The guardian shall submit a final financial report or account when the minor reaches the age of 18 or when the guardian seeks to resign or is removed by the court.

If the guardian dies while administering the estate, the executor or administrator of his or her estate shall file a final financial report or account for the guardianship estate on behalf of the deceased guardian.

2) Notice and Hearing. C.G.S. section 45a-177, Probate Court Rules of Procedure, Section 8. A hearing on the first annual account or financial report is required. A hearing on each triennial report or account thereafter is also required.

If annual financial reports or accounts are filed after the first annual report or account, notice may be given to all interested parties that the report or account has been filed, and a hearing may be held upon request. The form for notice is **PC-430, Notice/Right to Hearing/Periodic Account**. Upon receipt of a periodic report or account, the Probate Court shall notify interested parties of its availability for examination at the court. Any party receiving notice may request a hearing on the report or account. Note that the streamline procedure may be used per the Probate Court Rules of Procedure, Section 8.6.

3) Financial Reports – Probate Court Rules of Procedure, Rules 36 – 38, more specifically Sections 37.3 and 37.4

These rules set forth the requirements for financial reports and explain how to report distributions.

Forms: FINANCIAL REPORT/CONSERVATOR/GUARDIAN, PC-442

***DECREE/INTERIM FINANCIAL REPORT (NON-DECEDENT), PC-461A**

***DECREE/FINAL FINANCIAL REPORT (NON-DECEDENT), PC-462A**

SCHEDULE A: PROPOSED DISTRIBUTION/FINAL FINANCIAL REPORT/CONSERVATOR/GUARDIAN, PC-442A

3) Financial Accounts – Probate Court Rules of Procedure, Rules 36 – 38

Forms: FIDUCIARY'S PERIODIC OR FINAL ACCOUNT/CONSERVATOR/GUARDIAN, PC-441

***DECREE/INTERIM ACCOUNT (NON-DECEDENT), PC-461**

*

DECREE/FINAL ACCOUNT (NON-DECEDENT), PC-462

- Follow the same procedure in setting up a hearing as in decedents' estates. Notice should also be sent to the attorney for the ward.
- Issue the appropriate decree.
- Prepare Judge's Record of Hearing/Accountings (Non-Decedent's Estate).[Optional. See "Miscellaneous" section.
- Enter into CMS.
- Bill fiduciary or attorney for filing or hearing (C.G.S. section 45a-108).

Termination of Guardianship — Minor attains the age of 18.

Final Account/Final Financial Report and Hearing

A final account (PC-441) or final financial report (PC-442 with PC-442A) **MUST** be filed. The minor (now known as the "ward") **may also sign a Receipt and Release of Guardian of Estate, PC-580**. As noted above, the hearing may be streamlined under the Probate Court Rules of Procedure, section 8.6

Follow hearing procedures as discussed above under "Reports and Accounts of Guardian of Estate."

- Issue a decree approving the final financial report, **Decree/Final Financial Report (Non-Decedent), PC-462A** or final account, **PC-462, Decree: Final Account (Non-Decedent)**.
- Prepare Judge's Record of Hearing/Accountings (Non-Decedent's Estate) [Optional – in "Miscellaneous" section.

***AFFIDAVIT OF CLOSING OF DECEDENT'S ESTATE, PC-213**

This is a decedent's estate form, and it must be adapted for use in guardians' estates.

***CERTIFICATE FOR SURETY, PC-451**

PC-451 is sent to the bonding company to release the bond.

Closing of File — C.G.S. section 45a-754

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) PC-503, Petition/Appointment of Guardian of Estate
- 2) PC-120, Order of Notice of Hearing
- 3) PC-130, Notice of Hearing
- 4) PC-563, Decree For Appointing Guardian of the Estate
- 5) PC-440, Inventory
- 6) PC-441, Fiduciary's Periodic or Final Account/Conservator/Guardian
- 7) PC-461, Decree: Interim Account (Non-Decedent)
- 8) PC-461A, Decree: Interim Financial Report (Non-Decedent)
- 9) PC-462, Decree: Final Account (Non-Decedent)
- 10) PC-462A, Decree: Final Financial Report (Non-Decedent)
- 11) PC-213, Affidavit of Closing of Decedent's Estate
- 12) PC-451, Certificate for Surety
- 13) PC-580, Receipt and Release of Guardian of the Estate
- 14) CM-60, Agreement of Fiduciary(ies)/Guardianship of a Minor's Estate (optional form)

• Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

• Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

6. STANDBY GUARDIAN of a MINOR

C.G.S. section 45a-624, et.seq.

C.G.S. section 45a-624 permits a parent, as principal, to designate a standby guardian of a minor who will be empowered to act upon the occurrence of a specified contingency, including, but not limited to, the mental incapacity, physical debilitation, or death of the principal. The Probate Court has no initial involvement in the proceedings regarding the nomination of the standby guardian.

If both parents are alive, **both** parents must sign the "Nomination of Standby Guardian" form, CM-27. If one parent has been removed or has had his/her parental rights terminated, then the remaining parent, as sole parent and natural guardian, may execute the nomination.

If both parents **do not consent** to the standby guardianship, then the principal must seek Probate Court relief in the form of a removal petition brought pursuant to C.G.S. section 45a-609 or a termination of parental rights petition brought pursuant to C.G.S. section 45a-715.

The standby guardianship becomes effective when:

- 1) The standby guardian has completed an affidavit indicating that the specified contingency, including mental incapacity or physical debilitation has occurred; or
- 2) The death of the principal has occurred as evidenced by a death certificate; or
- 3) Another contingency (as specified by the principal) has occurred.

The standby guardianship is effective for one year. The authority and obligations of a standby guardian cease when the specified contingency no longer exists or after the expiration of the one-year period, **whichever is sooner**.

The principal may renew the standby guardianship if the one-year period has expired by completing form CM-27, Nomination of Standby Guardian.

If the standby guardianship is in effect at the time of the death of the principal, then it will remain in effect for 90 days after the death. During that time, the guardian should apply to the Probate Court in the district where the minor resides for guardianship (C.G.S. section 45a-609 or 45a-616) or temporary guardianship (C.G.S. section 45a-622).

Forms

The forms should be reproduced for persons requesting copies.

- 1) **Nomination of Standby Guardian**, CM-27
- 2) **Statement Initiating Standby Guardianship**, CM-28

Scanning/Microfilming

- Scan all required documents in accordance with Probate Regulations, Section 10. Scan each original document not later than 30 days after completion of all proceedings. Record the Nomination of Standby Guardian and the Statement Initiating Standby Guardianship as **confidential**.

(Put documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

7. COGUARDIANS of a MINOR

C.G.S. section 45a-616

Jurisdiction

The Probate Court in the district where the child resides has jurisdiction.

Petitioner

The following parties may petition the court for the appointment of one or more persons to serve as coguardian(s):

- 1) a parent or guardian who is the sole guardian of the person of a minor child.
- 2) The Commissioner of the Department of Children and Families may also make such petition with regard to a child in the department's care, providing the child's parent/guardian consents to the petition.

Investigation and Report

Upon receipt of a petition for the appointment of a coguardian(s), the court will, in most cases, order an investigation and report to be completed by the Department of Children and Families as required by C.G.S. section 45a-619.

- The court may request a **criminal records check** on a prospective guardian(s), custodian(s) or other household member. See CM Appendix 11 -12.

Hearing

The hearing will be held within 30 days of receipt of the results of the investigation. If the court waives the investigation requirement for cause shown, the hearing will be held within 30 days of the receipt of the petition.

- The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian-62.)

Notice

PC-120, ORDER OF NOTICE/PC-130, NOTICE of HEARING

- If the minor child is over 12 years of age, the court will order notice to him or her by **first class mail**, at least **10 days** before the hearing date. (Notice to a minor who is under 12 years of age is not required by the statute.)
- The court will notify the petitioner and all other interested parties by **first class mail**. Use forms **PC-120 and PC-130** to give notice, making sure to add the mail requirements for minors who are over 12 years of age.

When appointing a coguardian(s), the court will take into consideration the standards set forth in C.G.S. section 45a-617, as set forth below. The court **MUST** consider these factors:

- 1) the ability of the prospective coguardian(s) to meet the physical, emotional, moral, and educational needs of the minor on a continuing day-to-day basis;
- 2) the minor's wishes if he or she is over the age of 12 OR is of sufficient maturity and capable of forming an intelligent preference;
- 3) the existence or nonexistence of an established relationship between the minor and the prospective coguardian(s); and
- 4) the best interests of the child.

When the appointment takes effect, the coguardian(s) have the obligation of care and control and the authority to make major decisions affecting the minor's welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric, or surgical treatment. **These rights and obligations are to be shared with the parent or the previously-appointed guardian of the person of the minor, and they may be exercised independently by the parent/guardian or the**

coguardian(s). In the event of a dispute between a parent/guardian and the coguardian(s), the matter may be submitted to the Probate Court that appointed the coguardian(s).

The appointment of the coguardian(s) may take effect immediately after the hearing or, if requested by the parent/guardian, it may take effect upon the occurrence of a specified contingency. The specified contingency may include, but is not limited to, the mental incapacity, physical debilitation, or death of the parent or guardian. When the contingency occurs, the prospective co-guardian(s) must notify the court by written affidavit. The court may hold a hearing to verify the occurrence of the contingency. Upon verification, the appointment will take effect and will continue until further order of the court. The coguardian(s) must accept the appointment in writing. If the court deems it necessary, a probate bond may be required.

Upon the death of the parent/guardian, any appointed coguardian(s) of the person of a minor child shall become the sole guardian(s) of the person of the minor child.

Forms:

The forms should be reproduced for persons requesting copies.

- 1) CM-38, Petition/Appointment of Coguardian(s) of the Person of a Minor (\$150.00 entry fee)
- 2) CM-39, Decree/Appointment of Coguardian(s) of the Person of a Minor

Pursuant to the provisions of C.G.S. section 46b-231, the petition contains a check-off box regarding pre-existing child support orders. The decree contains instructions for contacting the Support Enforcement Services Unit of the Dept. of Social Services (Tel. 1-800-228-5437) if the child is subject to such an order so that a determination can be made about the effect of the Probate Court decree.

- 3) CM-40, Statement Initiating Coguardian Appointment

Scanning/Microfilming

- Scan all required documents in accordance with Probate Regulations, Section 10. Scan each original document not later than 30 days after completion of all proceedings. Record the Petition, Decree, and Statement Initiating Coguardian Appointment as **confidential**.

(Put documents in proper order. Check Signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.)

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

DCF/NONCOMMITTED TREATMENT PROGRAM for MENTALLY ILL or EMOTIONALLY DISTURBED CHILDREN

C.G.S. section 17a-11, as amended.

Reason for Hearing

A law passed in 1997 (P.A. 97-272, which is now codified at C.G.S. section 17a-11) significantly increased the Probate Courts' jurisdiction over children who are mentally ill or who suffer from emotional disturbances. The Probate Courts have exclusive jurisdiction over the judicial review of the cases described in the statute. In 2002, the legislature approved changes in the timing and nature of the required court hearings.

The statute allows the Department of Children and Families to provide treatment for children admitted on a voluntary basis beyond the current 90-day limit set by Federal requirements *without* taking legal custody of the child. Before the passage of the 1997 law, parents were required to relinquish their guardianship rights in long-term treatment situations. In addition to eliminating the custody problem, the law also benefits parents by allowing them to be part of a "child specific team" that will coordinate the child's care plan.

Under the provisions of C.G.S. section 17a-11, as amended, a parent or guardian of a child under the age of 14 may apply to the Commissioner of the Department of Children and Families for the child's voluntary admission to the Department's care for the purpose of receiving services such as residential treatment programs, therapeutic foster care programs, and extended day treatment programs. If the child (defined as a person under the age of 16) or youth (defined as a person 16 to 18 years of age) is 14 years of age or older, only he or she may make the petition. Within **120 days of admission**, the Department must petition the Probate Court for the district in which a parent or guardian of the child/youth resides for a determination as to whether continuing care is in the child's best interests, and, if so, whether there is an appropriate permanency plan.

This determination is made at a **permanency hearing**, which must be held within 30 days of the petition, unless the court continues it for cause shown. A second permanency hearing must be held **10 months** after the child or youth is admitted on a voluntary basis and every year thereafter, as long as the child/youth remains in the custody of DCF. As explained below, the notice requirements differ slightly for each hearing (i.e., 5 days' notice for the initial permanency hearing and 10 days' notice for the subsequent hearings.) Please also note that the hearings are to be held within 30 days of the petition or motion. As noted above, the court may continue the initial permanency hearing for cause shown. However, the subsequent permanency hearings "shall be held not later than 30 days" following DCF's filing of a motion for review of the permanency plan.

NOTE: All forms/documents marked with an asterisk are to be entered into CMS and scanned/microfilmed **as confidential**.

* PETITION/MOTION FOR PERMANENCY HEARING ON CONTINUANCE OF CARE OR PLACEMENT OF CHILD/YOUTH, CM- 48

The petitioner (Department of Children and Families) will complete the form.

Jurisdiction

For the initial permanency hearing, jurisdiction is based on residence of a parent or guardian in the probate district. The subsequent permanency hearing(s) will be held in the same court.

In the Matter of: *Sex:* *Date of Birth:* *Place of Birth:*

Child/Youth Resides with: (Location where child is physically residing at the time of the petition).

Date child/youth was admitted to DCF:

Date of last permanency hearing (if any):

- The petitioner should list all persons to whom notice should be given, as listed in C.G.S. section 17a-11(c):
 - 1) the DCF Regional Administrator, 2) the Program Supervisor who signed the petition, 3) the parents/guardians, 4) the minor child if he or she is over the age of 12, and 5) the child's attorney and/or guardian ad litem.

All of the relevant information on the bottom half of the form must be completed.

Date: _____ *Signature:* _____

If the petition is in order:

- Date-stamp
- \$150.00 entry fee. This amount may be billed to DCF at the Regional Office. It will then be forwarded to the central office for payment. (C.G.S. section 45a-112). Additional fees are listed below.

Note: Additional Fees (C.G.S. section 45a-106)

- There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.
- There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.
- There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

- Enter into CMS.
- Prepare file folder.

ATTORNEY/GUARDIAN AD LITEM

The statute does not mandate the appointment of counsel for the minor. The judge may consider appointing an attorney/guardian ad litem for the minor if the permanency plan is contested by any party, or if the judge, after review of the permanency plan, is not assured that the plan is in the best interests of the child.

NOTE: C.G.S. section 17a-11 makes no provision for payment of an attorney or guardian ad litem.

*** APPOINTMENT OF ATTORNEY FOR INTERESTED PARTY, PC-182A***** APPOINTMENT OF GUARDIAN AD LITEM FOR INTERESTED PARTY, PC-182B**

(To be used for appointment of attorney or guardian ad litem.)

*** REPORT OF COURT-APPT'D ATTORNEY (PC-170A), REPORT OF COURT APPT'D GAL (PC-170B)**

- The attorney is not required to file a report. If a report is filed, it is to be limited to the statement that the attorney's client objects, does not object or has not expressed a position.
- The guardian ad litem should file a PC-170B as required by the court.

The court shall send a copy of any appointment of attorney or guardian ad litem to each party and attorney.

*** ORDER OF NOTICE, PC- 120**

C.G.S. section 17a-11 (c) – Initial Permanency Hearing. The hearing must be scheduled within 30 days of receipt of the petition, unless it is continued for cause shown. **Five days' notice** is required.

- Prepare the order of notice. Suggested wording: "Upon the petition of petitioner for an initial permanency hearing on continuance of care or placement of a child/youth."

C.G.S. section 17a-11 (d) – Subsequent Permanency Hearing(s). The hearing must be scheduled within 30 days of receipt of the motion. **Ten days' notice** is required.

- Prepare the order of notice. Suggested wording: “Upon the petition of petitioner for a permanency hearing on continuance of care or placement of a child/youth.”

Notice must be given by *FIRST CLASS MAIL*, at least **5 days** before the initial permanency hearing [**10 days** for subsequent hearing(s)], to the DCF Program Supervisor who signed the petition (CM-48). Please note: It is possible that any one of the program supervisors listed for a particular region may handle these matters. Therefore, please send notice to the Program Supervisor who “signs off” on the petition. **Addresses of the DCF area offices are available on the DCF website: www.ct.gov/DCF.**

Notice must also be given by *FIRST CLASS MAIL* to:

- 1) the parent(s) or guardian(s), and
- 2) the minor if over 12 years of age

NOTE: The child's attorney or guardian ad litem should also be given notice by first class mail.

- If delivery cannot be reasonably effected, notice shall be by publication.
- Signature of judge, clerk, assistant clerk.
- Impress court seal.

NOTICE OF HEARING, PC-130

- Prepare notice of hearing. Suggested wording: “Upon the petitioner's petition for a permanency hearing on continuance of care or placement for a child/youth.”
- Enter number of notices sent on ledger or **Cost Sheet, PC-282**, and amount of postage.

Prepare for Hearing:

- Enter name, type of hearing, date, and time on court calendar or diary book.

NOTE: Make sure the permanency plan is on file for the judge to review before the hearing.

Hearing

C.G.S. section 17a-11 (c) requires that the initial permanency hearing be held not more than 30 days after receipt of the petition unless it is continued for cause shown. **C.G.S. section 17a-11 (d)** requires that subsequent permanency hearings be held not more than 30 days after the motion is filed.

Evidence Required:

- The statute requires that a permanency plan be provided by DCF for the child/youth. **This report is confidential and must be recorded in a confidential volume.** Information about the permanency plan appears below.
- Other DCF personnel and the parent(s)/guardian(s) may present evidence.
- Examination of an incapable party: The court may order an examination of any alleged incapable party by a physician, psychiatrist or psychologist. Those fees will be assessed against the petitioner or the party requesting the examination. If any party is unable to pay, reasonable compensation will be paid from the Probate Court Administration Fund, pursuant to C.G.S. section 45a-132 and section 19 of the Probate Regulations).

PC-170A/170B, REPORT OF COURT-APPT'D ATTY(PC-170A), REPORT OF COURT APPT'D GAL, (if applicable).

Permanency Plan:

The court shall approve a permanency plan that is in the best interests of the child/youth and takes into consideration the child/youth's need for permanency. The health or safety of the child/youth shall be of paramount concern in formulating the plan.

As set forth in C.G.S. section 17a-11 (d), the permanency plan may include the goal of: 1) placement of the child or youth with the parent or guardian, 2) transfer of guardianship, 3) long-term foster care with a relative licensed as a foster parent or certified as a relative caregiver, 4) termination of parental rights and adoption, or 5) such other planned permanent living arrangement* ordered by the court, provided the Commissioner has documented a compelling reason why it would not be in the best interests of the child or youth for the permanency plan to

include the goals stated above. *Other planned permanent living arrangements may include, but not be limited to, placement of a child or youth with an independent living program or long-term foster care with an identified foster parent.

The court must consider the following at the hearing:

- 1) the appropriateness of the Department's plan for service to the child/youth and his family,
- 2) treatment and support services that have been offered and provided to the child/youth to strengthen and reunite the family,
- 3) if return home is not likely, the efforts that have been made or should be made to evaluate and plan for other modes of care,
- 4) any further efforts that have been or will be made to promote the best interests of the child/youth.

In addition, the court shall review the status of the child and the progress being made to implement the permanency plan, determine a timetable for attaining the permanency prescribed by the plan, and determine whether the Commissioner has made reasonable efforts to achieve the permanency plan.

At the conclusion of the hearing, the court may: 1) direct that the services being provided, or the placement of the child or youth and reunification efforts, be continued, if the court determines that continuation of the child or youth in services or placement is in the child's or youth's best interests, **OR** 2) direct that the child's or youth's services or placement be modified to reflect the child's or youth's best interests.

*** DECREE AFTER PERMANENCY HEARING ON CONTINUANCE OF CARE OR PLACEMENT OF CHILD/YOUTH, CM-49,**

IN THE MATTER OF: *Date of birth:*

- Complete remainder of the form.
- Signature of judge.
- Make copies of decree.
- Impress Court seal.
- Send the decree to interested parties, including the Department of Children and Families, the parent(s)/guardian(s), and the attorney/G.A.L. for the minor.
- Bill DCF for the filing fee, recording fees, notices, copies, etc.
- **Prepare documents for scanning/microfilming as confidential**, pursuant to Section 10 of Regulations: **1)** CM-48, Petition/Motion for Permanency Hearing . . . , **2)** PC-182A/182B, Appointment of Attorney (PC-182A)/GAL (PC-182B) for Interested Party, **3)** PC-170A/170B, Report of Court-App't'd Atty (PC-170A), Report of Court App't'd GAL (PC-170B) **4)** PC-120, Order of Notice, **5)** CM-49, Decree/Permanency Hearing. . . , **6)** Permanency Plan, and 7) reports of physicians and psychologists. Scan each original document not later than 30 days after completion of all proceedings.
- Put documents in order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

- The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian - 61.)

Special Circumstances:

Transfer of File to Another District: Upon the petition of any interested party, the Probate Court may transfer the file, for cause shown, to a Probate Court in a district other than that where the initial permanency hearing was held. The Probate Court of record must make certified copies of all recorded documents in the court file and deliver the certified copies to the new district.

Subsequent Hearing(s): C.G.S. section 17a-11(d) requires that the Commissioner of DCF file a motion in the Probate Court requesting a permanency hearing **10 months** after the child has been admitted to DCF on a voluntary basis. This will be approximately 6 months after the court's first hearing. The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. (See p. Guardian- 62.) The Probate Court retains jurisdiction, and a hearing pursuant to C.G.S. section 17a-11(d) must be held at least every 12 months thereafter, if the child or youth remains in the custody of the Commissioner.

Judge's Record of Hearing Sheet
(Maintain in File, but **DO NOT RECORD.**)

IN RE:

TYPE OF HEARING:

DATE AND TIME:

PERSONS PRESENT:
(INDICATE CAPACITY)

OBJECTION:

NAME(S):

REASON(S):

RULING BY JUDGE:

INSTRUCTIONS AND REMARKS:

Notice to Guardians: Kinship & Family Respite Grants

As a court-appointed guardian, *you may be eligible to receive money* from the Kinship Fund and Family Respite Fund Programs. These programs are administered by the Children's Trust Fund through the Probate Courts.

Please see the guidelines for each fund listed below.

The *Kinship Fund* makes grants to guardians in the amount of \$500 per child per year, up to a maximum \$2,000 per family. Grants must be used for the child or children for the following purposes:

- Health (eyeglasses, dental care, hearing improvement treatment)
- Enrichment (school field trips, clubs, or sports fees, purchase of sports equipment, educational classes or tutoring, purchase of art supplies, materials for creative tasks, books)
- Development (clothing for social functions that mark developmental milestones, photographs, or other memorabilia)
- Basic needs (school clothes and supplies, coats, hats, mittens, boots, sneakers, or closely related items)

The *Respite Fund* makes grants up to \$2,000 per year to guardians for respite. Guardians may use respite grants for the following purposes for children under their care:

- Housing (rent, mortgage interest, property taxes, maintenance, insurance)
- Food (groceries, school meals, restaurants)
- Transportation (public transportation and car purchase and financing costs, insurance, gasoline, maintenance)
- Clothing and personal care items
- Education (tuition, books, supplies, uniforms, lessons, driver education classes)
- Child care (day care tuition, baby-sitting, summer camp, vacations, entertainment, recreational equipment, reading material)
- Spending allowances

To be eligible for a Kinship or Family Respite Fund Grant, a guardian must meet all of the following requirements:

- He or she is serving as a guardian for a related minor child as the result of an appointment by the Probate Court or Superior Court for juvenile matters.
- At the time of the grant petition, he or she qualifies for a Probate Court fee waiver, or the probate judge determines that he or she is in need.
- The guardian is not receiving benefits or subsidies from DCF.
- The guardian has submitted a grant petition together with all required documentation.

The probate judge determines the grant amounts, which may vary depending upon available funding.

A guardian may apply for grants in multiple years, provided he or she continues to meet all eligibility requirements.

Petitions are available from the clerk at the Probate Court.

**FORMS TO BE USED FOR TEMPORARY CUSTODY, REMOVAL OF GUARDIAN,
STANDBY GUARDIAN, COGUARDIANSHIP & PERMANENT GUARDIAN PROCEEDINGS**

TYPE OF PROCEEDING	PETITION	ORDER OF NOTICE	NOTICE	AFFIDAVIT/CERTIFICATE	DECREE
Removal of Guardian Permanent Guardian** PC-505 (New 10/12) PC-520 (10/12*) PC-530 (1/13*) PC-531 (10/12*) PC-631A (10/14*) PC-565 (New 10/12) **May be done in addition to removal	PC-500 (Rev.7/12*)	PC-520(Rev. 10/12*)	PC-530 (Rev. 1/13*) To be sent before setting hearing date. PC-531 (Rev. 10/12*) For personal or abode service. PC-631 (Rev. 10/14*) For other notice — If personal service has been given for temporary custody hearing, mail notice may be given for removal hearing. PC-532 (New 10/01) Newspaper notice. PC-633 (Rev. 10/07*) Waiver of personal or abode service in parental rights matters.	PC-610 (Rev. 10/12)*	PC-560 (Rev. 10/12*) Also, PC-570, Guardian's Report/ Guardianship of the Person of a Minor (New 10/99)
Temporary Custody The temporary custody hearing must be held within five (5) business days of immediate temporary custody order. As soon as a decree is signed, fax/mail PC-682.	PC-502 (Rev. 7/12*) NOTE: Either PC-500 or PC-600 or an App. for App't of Guardian for a Child who has no Guardian must be filed w/PC-502.	PC-520(Rev. 10/12*)	PC-531 (Rev. 10/012) For personal or abode service. PC-631 (Rev. 10/14*) For other notice. PC-532 (New 10/01) Newspaper notice. PC-633 (Rev. 10/07*) Waiver of personal or abode service in parental rights matters.	PC-610 (Rev. 10/12)*	PC-562 (Rev. 10/12*) Also, PC-570, Guardian's Report/ Guardianship of the Person of a Minor (New 10/99)
Standby Guardian	Nomination of Standby Guardian, CM-27 (Rev. 10/99)			Statement Initiating Standby Guardianship, CM-28 (Rev. 10/99)	
Coguardianship	Petition/App't of Coguardian(s) of the Person of a Minor, CM-38 (Rev. 10/04*)			Statement Initiating Coguardian Appointment CM-40 (Rev. 10/99)	Decree/App't of Coguardian(s) of the Person of Minor, CM-39 (Rev. 10/04*)

Forms listed in this chart are Probate Court forms only. "CM" = *Clerk's Manual* form. Please refer to the *Clerk's Manual* for a complete list of forms or documents required. When two revision dates are listed, courts may accept forms that list either date. *Do not accept earlier versions of this form.

Guardian - 63

10/4/2014



Persons with Intellectual Disability

C.G.S. § 45a-668 et seq.

NOTE: This section applies ONLY to guardianship of the person. If the person with intellectual disability needs financial guidance, the appropriate proceeding is conservatorship of the estate. See C.G.S. § 45a-668 for guardians appointed prior to October 1, 1982.

Voting by Persons under Guardianship of Person with Intellectual Disability (Applicable to plenary and limited guardianship. **Note:** Also applies to persons under conservatorship. See separate heading under "Conservatorships.")

Please see p. 38 of this section for an explanation of the procedure to be followed if a guardian petitions the probate court to determine a ward's competency to vote.

"Intellectual disability" means a significantly subaverage general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period (C.G.S. § 1-1g).

IMPORTANT NOTE ABOUT CONFIDENTIALITY:

Pursuant to C.G.S. § 45a-670, the application and all records of probate court proceedings in matters involving persons with intellectual disability, except for the name of the respondent's guardian, shall be sealed. These documents shall only be made available to the respondent's counsel or guardian and to the Commissioner of Developmental Services or the commissioner's designee, UNLESS the probate court, after a hearing held with notice to the respondent or the respondent's counsel or guardian AND the commissioner or the commissioner's designee, determines that the application and other records should be disclosed for cause shown. **It is recommended that notice be given to all of the parties listed above.**

Jurisdiction

Jurisdiction is in the court of probate for the district where the respondent resides or has his/her domicile.

Petitioner — C.G.S. § 45a-670

Any adult person, including the Department of Developmental Services, may petition for guardianship of a person with intellectual disability. The court may also file an application on its own motion.

Information Sheet

Before starting the proceedings, the clerk may have the applicant fill out a fact sheet during the preliminary interview (p. 28.)

Items marked with an asterisk (*) are to be entered into CMS.

***APPLICATION/GUARDIANSHIP OF PERSON WITH INTELLECTUAL DISABILITY, PC-700.** (To be completed by the petitioner.) C.G.S. §45a-670.

NOTES: 1) The petitioner may file the application in the respondent's town of domicile or, if he or she is institutionalized, in the town where the respondent currently resides. 2) The parent or guardian of a minor child may file the application up to 180 days before the date the child attains the age of 18, if the parent or guardian anticipates that the minor child will require a guardian when he or she reaches the age of 18. The decree cannot take effect until the child turns 18. 3) If the court is the petitioner, the reason for making the application must be stated, and these reasons must be included in the notice to the respondent. The court may wish to have the informant sign an affidavit listing the facts supporting the allegation that an adult person needs a guardian.

IN THE MATTER OF: (Respondent's name) *RESPONDENT'S DATE OF BIRTH:*

PRESENT ADDRESS OF RESPONDENT [If institutionalized, give name and address of institution.]

PETITIONER: [Name, address, zip code and telephone number]

RESPONDENT'S TOWN OF DOMICILE: *RELATIONSHIP OF PETITIONER TO RESPONDENT:*

PERSONS TO WHOM NOTICE SHOULD BE GIVEN: (The petitioner must list all persons to whom notice should be given with complete addresses and relationship to respondent.)

THE PETITIONER REPRESENTS that:

NOTE: In the first paragraph, the petitioner should check the box indicating whether there "is" or "is not" a plenary guardian, limited guardian, or conservator. "Plenary" means complete or full.

In the second paragraph, the petitioner should check the box indicating whether or not the respondent is able to attend the hearing.

In the third paragraph, the petitioner should check one of the two boxes: "the respondent is able to do some" OR "is totally unable ...". The petitioner must explain the extent of the respondent's ability to care for himself or herself. If the petitioner is applying for limited guardianship, he or she must indicate the specific areas where assistance is needed (C.G.S. §45a-670) by checking the appropriate boxes.

WHEREFORE, THE PETITIONER REQUESTS that: (By checking the appropriate box(es), the petitioner must request the appointment of a limited guardian or a plenary guardian. In addition to either of these, the petitioner may request the appointment of a standby guardian.)

DATE *Signature under penalty of false statement.*

- The proposed guardian/standby guardian should sign the acceptance of trust.

If the application is in order:

- Date-stamp.
- Entry fee — \$150.00. [The petitioner pays the fee unless it is waived in accordance with C.G.S. §45a-111(c), (d)].

. **Note:** Additional Fees (C.G.S. §45a-106)

- There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.
- There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.
- There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

- Enter into CMS.
- Prepare file folder.

Attorney

C.G.S. §45a-673 directs the court to immediately appoint counsel, UNLESS the respondent is already represented by an attorney. The court MAY use the list of attorneys in CM Appendix 11-4. If the respondent is unable to pay for counsel, the Probate Court Administration Fund will pay. Please provide the attorneys with form CO-17. The rate schedule is that found in Section 13.4.1 of the Probate Court Regulations. When the attorney submits the invoice (CO-17) to the court, the court must certify the same and forward it to the Probate Court Administrator's office for payment.

***APPOINTMENT OF REPRESENTATIVE FOR INTERESTED PARTY, PC-182 (To be used for appointment of attorney.)**

- Check the box "attorney for."
- Insert the respondent's name and address.
- If the respondent is in an institution, nursing home, etc., insert the name and address of the institution.
- Check the box "a person who is unable to represent himself."

***REPORT OF REPRESENTATIVE FOR INTERESTED PARTY, PC-170 (To be filed by the attorney.)**

OPTIONAL – A cover letter should be sent to the attorney, together with notice as required. A letter should also be sent to the petitioner or petitioner's attorney informing them that an attorney has been appointed to represent the respondent. The name and address of the attorney should be given. In some instances, the court may require the attorney to file a written report. This may be treated as confidential, depending on the contents of the report.

Department of Developmental Services Assessment Team

C.G.S. §45a-674 requires one written report by an assessment team appointed by the Commissioner of the Department of Developmental Services, which must be comprised of at least two members. The team must be composed of persons from "appropriate disciplines" who have expertise in assessing people alleged to have intellectual disabilities.

The assessment team must observe or examine the respondent within 45 days preceding the hearing. The assessment team then reports back to the court on one form (PC-770, Assessment Team Evaluation/Guardianship of Person with Intellectual Disability). Since the assessment team must observe or examine the respondent and submit its report to the court within 45 days of the receipt of the request for an assessment team evaluation, we would suggest that you telephone or fax the Assistant Director of Resource Services and advise him that the court has received an application.

***ASSESSMENT TEAM EVALUATION: GUARDIANSHIP OF PERSON WITH INTELLECTUAL DISABILITY, PC-770 *REQUEST/RETURN ASSESSMENT TEAM EVALUATION (CM-14, p. 32.)**

You should immediately forward a copy of the application and a blank **Assessment Team Evaluation Form, PC-770**, to the Assistant Director of Resource Services in your region. (If you have set the date for the hearing, advise the Assistant Director of the date in your cover letter.) The DDS contact information appears in CM Appendix 11-14

The Department of Developmental Services pays all fees for the assessment team. They are NOT assessed against the petitioner.

It is the court's responsibility to obtain the assessment team report.

***ORDER OF NOTICE/GUARDIANSHIP OF PERSON WITH INTELLECTUAL DISABILITY, PC-720**

The court must set the hearing within 45 days of the filing of the application. Seven (7) days' notice is required (C.G.S.§45a-671).

RESPONDENT: [Name, address and zip code] *DATE OF ORDER OF NOTICE:*

RESPONDENT'S SPOUSE: [Name, address, zip code and telephone number]

PLACE OF HEARING *DATE OF HEARING:* [At least 7 days' notice required] *TIME OF HEARING:*

UPON THE APPLICATION...

- Check the box for either a limited guardian or plenary guardian and standby guardian, if applicable.

IT IS ORDERED that:

- A state marshal or indifferent person will make personal service on the respondent.
- Give first class mail notice to:
 - The person in charge of..*
 - Commissioner of Administrative Services* (only if the respondent is confined by Court order to an institution for the mentally ill or mentally deficient, C.G.S.§4a-17.)
 - Department of Developmental Services Regional Director* (only if DDS client).
 - The parents of the respondent (provided they are not the petitioners).**
 - The spouse of the respondent (provided the spouse is not the petitioner).**
 - The children of the respondent, if any.*
 - The attorney for the respondent.*
 - The siblings of the respondent...*
 - The petitioner.*
 - Department of Developmental Services representative/case manager.*
 - The following parties in interest:*

* If the spouse/parent(s) is/are the petitioner, the court may give other notice as it directs.

Signature of judge, clerk, assistant clerk.

- Impress court seal.

***CITATION AND RETURN/GUARDIANSHIP OF PERSON WITH INTELLECTUAL DISABILITY, PC-730**

- Prepare the citation as directed in the order of notice by listing names and addresses of those persons to receive personal service. In the first paragraph, check the box "plenary guardianship" or "limited guardianship."
- Signature of judge, clerk, or assistant clerk.
- Return of Citation is completed by the state marshal and returned to the court.
- Enter the court's telephone number on the reverse side, and check box for plenary or limited guardian.
- Contact state marshal or indifferent person for service of citation.
- Prepare attested copies of application, order, citation and notice to respondent on reverse side of citation (PC-730) for service on the respondent. Give the original citation, PC-730, to state marshal for completion and return.

- Notice to all other persons shall state only the nature of the hearing and the time and place of the hearing. Send **NOTICE OF HEARING, PC-130**, and a copy of the Notice to Respondent (reverse side of PC-730). The person in charge of the institution where the respondent is institutionalized receives first class mail notice of the hearing.
- Enter number of notices sent and cost of postage.

Prepare for Hearing

- Enter name, type of hearing, date and time on court calendar or diary book.
- Make sure that the written report from the assessment team, PC-770, is on file. The date of the examination must be within 45 days of the hearing. If the report has not been submitted, call the Assistant Director of Resource Services and remind him/her of the hearing date. If the report is inadequate, or if more specific information is needed, call the Assistant Director of Resource Services and request the necessary information.
- The state marshal or indifferent person must sign and return the citation to the court before the hearing.

Hearing

Important Note about Confidentiality

Due to the sensitive nature of these matters, the Probate Court Administrator recommends that the hearings be held in closed session. Since the hearings involve matters in which the court records are now sealed and confidential, and it would be impractical to hold the hearings without reference to the files, a public hearing might be in violation of the statute.

Location

The hearing may be held at the probate court, OR, upon notification to the court that the respondent wishes to attend the hearing but is unable to do so because of physical incapacity, the hearing may be held at a place that would facilitate the respondent's attendance (C.G.S. §45a-671). The respondent's presence is mandatory, although the court may exclude the respondent from portions of the hearing if it would be detrimental to his or her emotional or mental condition (C.G.S. §45a-675).

Evidence Required:

- Witnesses who have personal knowledge of the respondent's condition may give evidence, including physicians, social workers, family acquaintances, etc.
- In addition, the court may order the examination of any allegedly incapable party by a physician, psychiatrist, or psychologist, pursuant to C.G.S. §45a-132a. In any case where the parties are unable to pay, reasonable compensation is paid from the Probate Court Administration Fund. Payment shall be made in accordance with Section 19 of the Regulations. The court should provide a CO-17 form, a copy of the regulations, and a sample invoice.
- The statute requires a written report (**PC-770, Assessment Team Evaluation...**) or testimony from a Department of Developmental Services Assessment Team that has examined the respondent within 45 days preceding the hearing (C.G.S. §45a-674).
- The court will also consider the **Report of Representative for Interested Party, PC-170**, which the respondent's counsel will submit to the court.

Appointment of Guardian — C.G.S. §45a-676

The court may appoint a limited guardian or plenary guardian and standby guardian of the person.

The statute places an emphasis on the appointment of a limited guardian rather than a plenary (full) guardian, whenever possible.

(a) Appointment of a Limited Guardian

If the court finds by clear and convincing evidence that the respondent is able to do some, but not all, of the tasks necessary to meet essential requirements for his/her physical health or safety or that the respondent is able to make some, but not all, informed decisions about matters related to his/her care, the court shall appoint a limited guardian or limited co-guardians of a person with intellectual disability. **NOTE:** See p. 14 of this section re the appointment of a temporary limited guardian.

(b) Appointment of a Plenary Guardian

If the court finds, by clear and convincing evidence, that the respondent is, by reason of the severity of his intellectual disability, totally unable to meet essential requirements for his/her physical health or safety and totally unable to make informed decisions about matters related to his/her care, the court shall appoint a plenary guardian or plenary co-guardians of person with intellectual disability, who shall have all those powers and duties provided for in C.G.S. §45a-677.

Degree of Proof

Clear and convincing evidence – a degree of proof higher than that of a preponderance of evidence. The evidence must be definite, clear and convincing.

NOTE: In appointing a guardian, the court should be guided by the best interests of the respondent. The respondent may state a preference to the court.

Visitation

Any parent of an adult person with a mental disability or intellectual disability who has a conservator of the person or a guardian who wishes to visit the ward may file a motion for visitation (\$150.00 filing fee) with the probate court that has jurisdiction over the conservatorship or guardianship. After notice and hearing, the court may grant an order of visitation pursuant to the provisions of C.G.S. §45a-598. The order must contain a schedule specifying the date(s), time(s) and place(s) of visits (including overnight visits, if permitted) and any other conditions that the judge believes to be in the best interest of the ward.

***DECREE/APPOINTMENT OF GUARDIAN OF PERSON WITH INTELLECTUAL DISABILITY, PC-760**

IN THE MATTER OF: (Insert respondent's name.)

• Check the appropriate box:

- LIMITED GUARDIAN(S) PLenary GUARDIAN(S) [Name, address, zip code, and telephone number]
 LIMITED STANDBY GUARDIAN(S) PLenary STANDBY GUARDIAN(S) [Name, address, zip code, and telephone number]

Findings of the court (Check the appropriate box.)

- able to do some... by reason of the severity... totally unable to meet essential requirements...

THE COURT FURTHER FINDS:

① Pursuant to C.G.S. §45a-676(e), the court shall make written findings of fact that support each grant of authority given to the guardian (whether plenary or limited). In addition, if the court, in appointing a guardian, relies on incidents of behavior that occurred more than six months before the date of the hearing, the court must state why it relied upon such incidents.

WHEREFORE IT IS ORDERED AND DECREED that:

- Each person named above is... appointed... The decree will take effect on the date it is signed...
 The decree will take effect... respondent's 18th birthday... Each guardian named above shall have... (Check applicable grants of authority.)

• C.G.S. §45a-677, as amended, specifies that a plenary or limited guardian of a person with intellectual disability *and*, to the extent it is appropriate, the respondent, shall be the primary decision-maker with respect to programs needed by the respondent and policies and practices affecting the respondent's well-being within the authority of the court pursuant to C.G.S. §45a-677, provided any such decision does not conflict with C.G.S. §17-238. In making any decisions, the plenary or limited guardian must consult with the respondent and appropriate members of the respondent's family, where possible. A limited guardian shall be the primary decision-maker only with respect to such duties assigned to him or her by the court. This provision appears on the decree, with check-off boxes to indicate whether the guardian is a plenary or limited guardian.

Dated *Signature of judge*

NOTE: The "Notice to Guardian" and "Explanation of the Standby Guardian" are on the reverse side.

- Make copies of decree.
- Impress Court seal.
- Send a copy of the decree to the guardian and the attorney and to Dept. of Developmental Services if respondent is a DDS client.
- Give the guardian a fiduciary's certificate (**PC-450A, Fiduciary's Probate Certificate/Non-Estate Matters**) showing the limitations on the guardianship, if any [C.G.S. §45a-677(d)].

Payment of fees

- The respondent pays counsel fees, unless he or she is indigent. In that case, the Probate Court Administration Fund will pay the fee after the attorney submits a CO-17 form to the court for payment. The Department of Developmental Services pays the assessment team.
- Bill the petitioner for state marshal's fees, notices, copies, recording fees, etc. If the petitioner is indigent, see C.G.S. §45a-111(c).

Prepare Documents and Scan/Microfilm

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) PC-700, Application/Guardianship of Person with Intellectual disability
- 2) PC-720, Order of Notice/Guardianship of Person with Intellectual disability
- 3) PC-730, Citation and Return/Guardianship of Person with Intellectual disability
- 4) CM-14, Request/Return Assessment Team Evaluation
- 5) PC-182, Appointment of Representative for Interested Party
- 6) PC-170, Report of Representative for Interested Party

- 7) PC-760, Decree/Appointment of Guardian of Person with Intellectual disability
- 8) PC-770, Assessment Team Evaluation
- 9) PC-771, Guardian's Report/Guardianship of Person with Intellectual disability (discussed below)

- Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

*GUARDIAN'S REPORT/GUARDIANSHIP OF PERSON WITH INTELLECTUAL DISABILITY, PC-771 — C.G.S. §45a-677 (f)

The guardian(s) will submit this report to the court:

- 1) annually,
- 2) when the court orders additional reports to be filed,
- 3) when there is a significant change in the capacity of the ward,
- 4) when the guardian or limited guardian resigns or is removed, OR
- 5) when the guardianship is terminated.

- Record this report as **confidential**.

Transfer of File

The form to be used to transfer the ward's file in the event he or she moves to another probate district is PC-703, Motion to Transfer File/Guardianship of Person with Intellectual Disability. This form is found in CMS Tools and is recorded.

THREE-YEAR REVIEW of GUARDIANSHIP of PERSONS with INTELLECTUAL DISABILITY

Pursuant to C.G.S. §45a-681, the court must hold a hearing every three years to review guardianships of persons with intellectual disability (**A File Information Sheet/Three-Year Review of Guardianship of Person with Intellectual Disability, CM-58, appears on page 37.**) Therefore, the court is required to review written evidence from the guardian at least every three years. In addition, a Department of Developmental Services professional or a two-member DDS assessment team may also be required to participate in the review process, depending on the ward's level of functioning, which is determined by the Department of Developmental Services. If the ward is functioning within the mild to moderate range of intellectual disability, the Department must submit a report. If the ward is functioning within the severe or profound range of intellectual disability, the court shall receive and review a written report on the ward's condition only from the guardian, unless the court requires the Department to submit a report.

Reports prepared by the guardian and the DDS professional or assessment team must be submitted to the court not later than 45 days after the court's request. Either the ward or the court must make the request for a DDS assessment team, and the DDS personnel must personally observe or examine the ward in the 45 days preceding the report's submission.

Upon receipt of a written report from the guardian or a DDS professional or assessment team, the court shall provide a copy to the ward's attorney. Not later than 30 days after receipt of the report(s), the attorney must meet with the ward and provide the court with written notice that the meeting has occurred. The attorney must also indicate whether a hearing is requested. The ward or the attorney for the ward may also request a hearing at any other time as permitted by law.

The court will review the reports from the guardian, DDS professional or assessment team and the notice from the ward's attorney. If the court determines that the ward's condition has not changed since the last review, a hearing is not required, but the court may, in its discretion, hold a hearing. In addition, if the guardian, the DDS professional or assessment team or the ward's attorney request a hearing, it must be held within 30 days of the request. If no hearing is held, the guardianship will continue without change. If a hearing is held, the court will decide whether to continue, modify, or terminate the order for guardianship.

Attorney

C.G.S. §45a-681(a) provides that if the ward has no attorney and is unable to request or obtain an attorney, the court shall appoint an attorney. The court MAY use one of the attorneys listed in CM Appendix 11-4. If the ward is unable to pay for the services of an attorney, compensation will be paid from the Probate Court Administration Fund. The rate schedule is found in Section 13.4.1 of the Regulations.

- Please provide the attorney with a form CO-17. When the attorney submits this invoice (CO-17) to the court, the court must certify the same and forward it to the Probate Court Administrator's office for payment.

Items marked with an asterisk (*) are to be entered into CMS.

*APPOINTMENT OF REPRESENTATIVE FOR INTERESTED PARTY, PC-182

(To be used for appointment of attorney)

- Check the box "attorney for."
- Insert the ward's name and address.
- If the ward is in an institution, insert the name and address of the institution.
- Check the box marked, "a respondent or ward who is presently without counsel and unable to request or obtain counsel."

NOTE: If the ward selected a particular attorney originally, the court should require that he or she file an **Appearance of Attorney, PC-183**.

Cover Letters

Cover letters for the guardian, DDS professional or assessment team (if required — see p. 8 of this section) and the attorney are included at the end of this section. The letter to the guardian is to be sent **before** the others, since it asks the guardian to inform the court of any changes of address, etc. that have taken place since the original hearing. It also asks the guardian to inform the court if the ward does not have an attorney and is unable to obtain one, so that one may be appointed. The letter to the DDS professional or assessment team (please be sure to check the appropriate box at the top of the letter) includes a reminder that the professional or the team must have observed or examined the ward within the 45-day period preceding the submission of the report. The letters to the guardian and DDS are to be accompanied by a copy of the most recent decree concerning the guardianship and the appropriate report form:

Guardian — Guardian's Report/Guardianship of Person with Intellectual disability, PC-771.

DDS Professional or Assessment Team — DDS Professional or Assessment Team Evaluation: Guardianship of Person with Intellectual disability/Review, PC-770A.

The letter to the attorney will be accompanied by the reports from the guardian and the DDS professional/assessment team (if applicable).

Report Forms

*GUARDIAN'S REPORT/GUARDIANSHIP OF PERSON WITH INTELLECTUAL DISABILITY, PC-771.

- Check the box marked "Court-ordered report." A section for the three-year review asks the guardian whether the guardianship should be continued, modified, or terminated, and why.

***DDS PROFESSIONAL OR ASSESSMENT TEAM EVALUATION/GUARDIANSHIP OF PERSON WITH INTELLECTUAL DISABILITY/REVIEW, PC-770A. (Please see "NOTE" on p. 8 of this section.)**

Since the DDS professional or the assessment team must observe or examine the respondent and submit a report within 45 days of the court's request, we would suggest that you telephone the Assistant Director of Resource Services in your region and advise him or her that the report is due. The DDS contact information appears in CM Appendix 11-14

REQUEST/RETURN ASSESSMENT TEAM REPORT, CM-14

• Forward a copy of form CM-14 (see p. 32 of this section) and the material for the DDS professional or assessment team: 1) the cover letter, 2) a copy of the most recent decree, and 3) a blank Assessment Team Review form (PC-770A) to the Assistant Director of Resource Services in your region. All fees for the professional or the team are paid by the Department of Developmental Services.

Review Procedure

As noted previously, the court will decide whether a hearing is required based on a review of the reports, OR the guardian, the DDS professional or assessment team or the attorney may request a hearing, in which case one must be held within 30 days of the request.

1. PROCEDURE WHEN NO REVIEW HEARING IS REQUIRED OR REQUESTED. As stated above, all of the reports must be filed within 45 days of the court's request. If the judge determines that a hearing is not required after reviewing all of the reports, and none of the parties requests a hearing, the judge will issue the **Order/Review Proceeding/Appointment of Guardian, PC-763A.**

***ORDER/REVIEW PROCEEDING/APPOINTMENT OF GUARDIAN OF PERSON WITH INTELLECTUAL DISABILITY, PC-763A**

- Insert the ward's name in the top box.
- Insert the guardian(s)' name(s), address(es) and telephone number(s) in the next two blocks. If one of the sections does not apply, type "NONE" in that block.

Dated:

Signature of judge:

- Make copies.
- Impress court seal.
- Send copies to ward, guardian, DDS professional or assessment team, and any other interested parties.

Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) Cover letters
- 2) CM-14, Request/Return Assessment Team Report
- 3) PC-763A, Order/Review Proceeding/Appointment of Guardian
- 4) PC-770A, DDS Professional or Assessment Team Evaluation/Guardianship of Person with Intellectual Disability/Review
- 5) PC-771, Guardian's Report/Guardianship of Person with Intellectual Disability

- Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings.)

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

2. PROCEDURE WHEN A REVIEW HEARING IS REQUIRED OR REQUESTED.

- Date-stamp any request for a review hearing.
- Entry fee – \$150.00
- Enter into CMS.

***ORDER OF NOTICE OF HEARING AND RETURN/APPOINTMENT OF GUARDIAN OF PERSON WITH INTELLECTUAL DISABILITY/REVIEW HEARING, PC-722**

Seven days' notice is required for all parties.

WARD [Name, address and zip code] DATE OF ORDER OF NOTICE COMPLIANCE DATE

WARD'S SPOUSE [Name, address, zip code, and telephone number]

PLACE OF HEARING DATE OF HEARING TIME OF HEARING

- Send certified mail notice, return receipt requested, of the order of notice, including copies of the notice to the ward, PC-733, and copies of the original application and decree, to:

- the ward named above*
- the attorney for the ward*

- Send first class mail notice of the order of notice and notice to the ward, PC-733, to the:

- person in charge of...a hospital, nursing home, residential facility, or other institution in which the ward is a patient*
- Commissioner of Administrative Services at Hartford...*
- Department of Developmental Services Regional Director*
- Parents of the ward (provided they are not the petitioners)*
- Ward's spouse (provided he or she is not the petitioner)*
- Children of the ward, if any*
- siblings of the ward or their representatives (if any and only if ward has no living parents)*
- guardian*
- Department of Developmental Services representative/case manager*
- following parties in interest or persons entitled to notice:*

Signature of judge or clerk.

- Make copies.
- Impress court seal.

***NOTICE OF HEARING/APPOINTMENT OF GUARDIAN OF PERSON WITH INTELLECTUAL DISABILITY/REVIEW HEARING, PC-733**

- Complete top of form.
- Under "Reason for Hearing," check box for limited or plenary guardianship.
- Enter the name, address, and telephone number of the ward's attorney and the court's telephone number in the spaces provided.

Signature of judge

- Make copies.
- Impress Court seal. Send copies to all parties as directed in PC-722, Order of Notice.
- Enter number of notices sent and amount of certified postage.

Prepare for Hearing

- Enter name, type of hearing, date and time on court calendar or diary book.

Hearing**Important Note about Confidentiality**

Due to the sensitive nature of these matters, the Probate Court Administrator recommends that the hearings be held in closed session. Since the hearings involve matters in which the court records are now sealed and confidential, and it would be impractical to hold the hearings without reference to the files, a public hearing might be in violation of the statute.

Location

The ward must attend the hearing (C.G.S. §45a-675). Upon notification to the court that the ward has a physical incapacity that would prevent his or her attendance at the hearing, the court may hold the hearing at a place that would facilitate the ward's presence (C.G.S. §45a-671).

Evidence Required

In addition to the required reports, the court may wish to require additional evidence from witnesses who have personal knowledge of the ward's condition, including physicians, social workers, etc. The court may order the examination of the respondent by a physician, psychiatrist, or psychologist, pursuant to C.G.S. §45a-132a. The court will determine whether to continue, modify, or terminate the guardianship based on this evidence.

NOTE: When deciding whether to continue, modify, or terminate a guardianship, the court should be guided by the best interests of the ward.

***DECREE/REVIEW PROCEEDING/APPOINTMENT OF GUARDIAN OF PERSON WITH INTELLECTUAL DISABILITY, PC-763**

IN THE MATTER OF: (Insert ward's name.)

- Check the appropriate box(es):

LIMITED GUARDIAN(S) *PLENARY GUARDIAN(S)* [*Name of the person, address, zip code, and telephone number*]
 LIMITED STANDBY GUARDIAN(S) *PLENARY STANDBY GUARDIAN(S)* [*Name of the person, address, zip code, and telephone number*]

- If one of the blocks does not apply, type "NONE" in that block.

Findings of the court:

- Check appropriate box(es) in accordance with findings of the court.
- Check box marked, "Each guardian named above has accepted the position of trust", if applicable.

THE COURT FURTHER FINDS:

Pursuant to C.G.S. §45a-676(e), the court shall make written findings of fact that support each grant of authority given to the guardian (whether plenary or limited).

WHEREFORE IT IS ORDERED AND DECREED that: (Check applicable order in accordance with Court's finding.)

- In the case of a limited guardian, list grants of authority.

Dated Signature of judge:

- Give the guardian a Fiduciary's Certificate showing the limitations, if any. [C.G.S. §45a-677(d)]
- Make copies of the decree.
- Impress Court seal.
- Send copies to the guardian, the attorney, and the Department of Developmental Services, if the ward is a DDS client.

Payment of fees

■ The respondent pays counsel fees, unless he or she is indigent. In that case, the Probate Court Administration Fund will pay the fee after the attorney submits a CO-17 form to the court for payment.

■ The Department of Developmental Services pays the assessment team.

- Bill the petitioner for state marshal's fees, notices, copies, recording fees, etc. If the petitioner is indigent, see C.G.S. §45a-111(c).

Prepare Documents and Scan/Microfilm

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) Cover letters to the guardian, ward, and the DDS Assessment Team
- 2) PC-722, Order of Notice/...Review Hearing
- 3) PC-733, Notice of Hearing/...Review Hearing
- 4) CM-14, Request/Return Assessment Team Report
- 5) PC-182, Appointment of Representative for Interested Party
- 6) PC-170, Report of Representative for Interested Party
- 7) PC-763, Decree/Review Proceeding...
- 8) PC-770A, Assessment Team Evaluation...Review
- 9) PC-771, Guardian's Report/Guardianship of Person with Intellectual disability

• Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

• Folder is to be returned to locked file in vault at end of proceedings

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

TEMPORARY LIMITED GUARDIANSHIP of PERSONS with INTELLECTUAL DISABILITY

C.G.S. §45a-682

This procedure should be used if the respondent is in need of elective surgical, medical, or dental procedures or treatment involving the use of general anesthesia, and he/she is incapable of giving informed consent.

Jurisdiction

Jurisdiction is in the probate court district where the respondent resides or has his domicile. If the respondent is a patient in a hospital, the district where the hospital is located also has jurisdiction.

Petitioner

Any interested party may file a petition for temporary limited guardianship.

Forms

The following forms may be copied from the *Clerk's Manual*.

- Application for Appointment of Temporary Limited Guardian (CM-11) (See p. 29 of this section.)
- Order of Notice/Appointment of Temporary Limited Guardian (CM-12) (See p. 30 of this section.)
- Decree/Appointment of Temporary Limited Guardian (CM-13) (See p. 31 of this section.)

Items marked with an asterisk (*) are to be entered into CMS.

***APPLICATION/APPOINTMENT OF TEMPORARY LIMITED GUARDIAN, CM-11 (See p. 29 of this section.)**

The petitioner will complete this form, and the proposed guardian will sign the acceptance section.

The application should be submitted with two certificates: one from a licensed physician, and one from a licensed psychologist. The certificate should state that the respondent is incapable of giving informed consent to the procedure, and that the respondent will suffer deterioration of his/her physical or mental health or serious discomfort if such procedure and/or treatment is not ordered forthwith.

If the application is in order:

- Date-stamp.
- Entry fee – \$150.00. The petitioner pays this fee unless it is waived pursuant to C.G.S. §45a-111(c)(d)]. **NOTE:** See p. 2 of this section for a list of additional fees.
- Enter on into CMS.
- Prepare file folder.

***ORDER OF NOTICE/APPOINTMENT OF TEMPORARY LIMITED GUARDIAN, CM-12 (See p. 30 of this section.)**

C.G.S. §45a-682

Respondent [Name, address, and zip code] Date of Order of Notice

Date of Hearing Time of Hearing Place of Hearing

- The court shall order notice as it directs (this may be telephone or regular mail) to: [Check appropriate box(es).]

- Petitioner*
- Director, Social Services Department*
- Superintendent*
- Proposed Temporary Limited Guardian*
- Respondent*
- Parents of Respondent*
- Spouse of Respondent*
- Office of Protection and Advocacy*

Signature of judge, clerk, assistant clerk.

Hearing

The statute requires a hearing, and due to the emergency nature of the proceedings, the hearing should be set as soon as possible. Telephone notice may be appropriate.

- Enter name, type of hearing, date, and time on court calendar or diary book.
- Make sure the written reports from the licensed physician and psychologist who examined the respondent are on file.
 - ① **The date of the exam must be within 30 days of the filing of the application.**



Important Note about Confidentiality

Due to the sensitive nature of these matters, the Probate Court Administrator recommends that the hearings be held in closed session. Since the hearings involve matters in which the court records are now sealed and confidential, and it would be impractical to hold the hearings without reference to the files, a public hearing might be in violation of the statute.



Appointment of Temporary Limited Guardian

If, after hearing, the court finds that the respondent is incapable of giving informed consent to the procedure by reason of the severity of his/her intellectual disability and that the respondent will suffer deterioration of his/her physical or mental health or serious discomfort if such procedure and/or treatment is not ordered forthwith, the court may appoint a temporary limited guardian for the purpose of consenting to such procedure and/or treatment.

*DECREE/TEMPORARY LIMITED GUARDIAN, CM-13 (See p. 31 of this section.)

- Complete the decree as indicated.

In appointing a temporary guardian, the court shall give preference to the parent, next of kin, or other person whom the court deems proper.

The court may appoint the Commissioner of Developmental Services or his/her designee if no other suitable guardian is available.

The appointment is valid for only 60 days. If it appears that the respondent will need ongoing surgical, medical or dental care, the petitioner should file an application for plenary guardianship or limited guardianship (PC-700) with the court.

Signature of judge.

- Make copies of decree.
- Impress Court seal.
- Send a copy of the decree to the temporary limited guardian.

Prepare Documents and Scan/Microfilm

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) CM-11, Application/Temporary Limited Guardian
- 2) CM-12, Order of Notice/Temporary Limited Guardian
- 3) CM-13, Decree/Temporary Limited Guardian
- 4) Reports of the physician and the psychologist

- Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

STERILIZATION of PERSONS UNABLE to GIVE INFORMED CONSENT

C.G.S. §45a-690 through C.G.S. §45a-700.

The purpose of this section is to provide the court with guidelines for procedures involved under C.G.S. §45a-690 et seq.

THESE STATUTES ONLY APPLY TO PERSONS OVER 18 YEARS OF AGE.

Jurisdiction

Jurisdiction is in the probate court district where the respondent RESIDES or is DOMICILED (C.G.S. §45a-692).

Items marked with an asterisk (*) are to be entered on the Index Card, PC-10.

Application

There are two types of application requests:

1) Determination of a person's ability to give **INFORMED CONSENT** (C.G.S. §45a-692).

Application may be made by:

- a) the person seeking sterilization,
- b) the physician of the person to be sterilized,
- c) the director of the institution (if the respondent is institutionalized), OR
- d) an interested party.

If the court determines that the respondent is not able to give informed consent, the court retains its jurisdiction and determines if sterilization is in the best interests of the respondent. If it is determined that the respondent is able to give informed consent, the court simply enters a **Decree/Sterilization of Adult, PC-762**, stating that the respondent is able to give informed consent, and the application for sterilization is denied.

2) **Application for Consent to Sterilization**. This procedure is used in cases where the respondent is under guardianship or conservatorship (C.G.S. §45a-698)].

Application may be made by:

- a) conservator of the person,
- b) guardian of an (adult) person, or
- c) an interested party.

The court should require a **Fiduciary's Certificate/Non-Estate Matters, PC-450A**, of the guardian or conservator.

NOTE: It is presumed that a person under conservatorship or guardianship is incapable of giving informed consent. Therefore, the court need only decide if sterilization is in the respondent's best interest (See C.G.S. §45a-690 for the definition of "best interest.")

***APPLICATION/STERILIZATION OF ADULT, PC-702**

IN THE MATTER OF: (The petitioner will insert the respondent's name and address.) *DATE OF BIRTH* (The respondent must be 18 years of age.)

PRESENT ADDRESS OF RESPONDENT

RESPONDENT'S TOWN OF DOMICILE

PETITIONER [Name, address, and zip code]

LEGAL STATUS OF PETITIONER (Appropriate box must be checked.)

- Person seeking...*
- Respondent's physician*
- Guardian of respondent*
- Director of institution*
- Conservator of the respondent*
- Interested party*

CONSERVATOR OR GUARDIAN OF RESPONDENT [Name, address, and zip code]

PERSONS TO WHOM NOTICE SHOULD BE GIVEN:

- The petitioner should list ALL persons to whom notice should be given with complete addresses.

The petitioner states the following reasons for seeking such determination: (C.G.S. §45a-692):

- The petitioner MUST complete this section.

WHEREFORE, THE PETITIONER REQUESTS THAT:

- This Court determine the respondent's ability to give informed consent...*
- If the court determines the respondent is NOT able to give informed consent...*
- The respondent being under conservatorship or guardianship...*

Date *Signature of petitioner*

If application is in order:

- Entry fee – \$150.00
- Enter into CMS.
- Prepare file folder.
- The court must appoint an attorney if the respondent has not retained one (C.G.S. §45a-694).

The Probate Court Administrator's office provides the courts with a list of attorneys (CM Appendix 11-4). The attorney must be paid by the respondent. However, if the respondent is unable to pay, then the Probate Court Administration Fund is responsible for payment of attorney's fees.

***ORDER OF NOTICE/STERILIZATION OF ADULT, PC-721**

- Seven days' notice of the hearing is required.

RESPONDENT [Name, address, and zip code] DATE OF ORDER OF NOTICE

RESPONDENT'S SPOUSE, IF SPOUSE IS NOT PETITIONER [Name, address, and zip code]

DATE OF HEARING (not later than 30 days after receipt of application) TIME OF HEARING PLACE OF HEARING

Upon the application... IT IS ORDERED that... notice be

SERVED BY LEAVING THE SAME: (Personal service must be made upon the respondent and the person in charge of the institution where the respondent is a patient.)

With the respondent named above... C.G.S. §45a-693.

With the person in charge of...

GIVEN BY THE CLERK...CERTIFIED OR REGISTERED MAIL to:

Superintendent...

Commissioner of Administrative Services...

ⓘ C.G.S. §4a-17 states that when a mentally ill or mentally deficient person IS CONFINED TO AN INSTITUTION, and there is a proceeding in any court that affects the person or his or her property, both the Commissioner of Administrative Services and the superintendent of the institution where the person is confined shall receive notice.

GIVEN BY THE CLERK...REGULAR MAIL to:

The attorney for the respondent.

The spouse of the respondent.

The parents...

The siblings...

The petitioner.

The Office of Protection and Advocacy.

The following parties in interest...

Signature of judge, clerk or assistant clerk.

Return of notice (Date)

Signature of clerk, assistant clerk

Accepted (Date)

Signature of judge.

***CITATION AND RETURN/STERILIZATION OF ADULT, PC-732**

RESPONDENT [Name, address, and zip code] DATE OF ORDER OF NOTICE
 DATE OF HEARING TIME OF HEARING PLACE OF HEARING

- Check the appropriate box(es):

- With the respondent.
 With the person in charge of...

- The citation and notice MUST be served on the respondent and the person in charge of the institution, if the respondent is institutionalized (C.G.S. §45a-693).

All on or before the (date) day of (month), 20 . (This is the date by which the respondent and, if applicable, the institution must receive the citation and notice.)

Dated at (town), Connecticut, this (date) day of (month), 20 .

- Enter name of respondent and telephone number of court on reverse side of form.

Signature of judge, clerk, assistant clerk.

- Contact the state marshal for the town or area, or an indifferent person for service.
- Prepare attested copies of the citation, notice, and the reverse side of the citation, PC-732, for the respondent, and each person or agency receiving notice (C.G.S. §45a-693).
- Give original citation, PC-732, to the state marshal for completion and return.
- Enter number of notices sent and the amount of certified/registered postage.

NOTE: The citation and return must be submitted to the court before the hearing. The state marshal or an indifferent person must sign the return.

- Enter the name, type of hearing, date, and time on the court calendar or diary book.

Hearing — C.G.S. §45a-695, C.G.S. §45a-699**Important Note about Confidentiality**

Due to the sensitive nature of these matters, the Probate Court Administrator recommends that the hearings be held in closed session. Since the hearings involve matters in which the court records are now sealed and confidential, and it would be impractical to hold the hearings without reference to the files, a public hearing might be in violation of the statute.

The hearing may be held in an institution or place other than the courtroom, if it would facilitate the presence of the respondent.

Evidence

■ Panel members of an interdisciplinary team appointed by the court must submit sworn, written reports. These members must have seen the respondent in the 12 months before the hearing. (**NOTE:** This list of panel members is supplied by the Probate Court Administrator's Office and is found in CM Appendix 11-15. The respondent pays the panel members. However, if the respondent is unable to pay, the Probate Court Administration Fund will pay the panel members (C.G.S. §45a-695).

NOTE: It is important to attempt to appoint panel members from the different disciplines (for example, medical doctor, social worker, residential worker, etc.). The court should have evidence from several disciplines. Each of the panel members should receive a copy of the application, a copy of the Panel Evaluation form, PC-773, and a CO-17 form with instructions for completion. The court should certify the CO-17, and send it to the Administrator's office for payment if the respondent is unable to pay.

If the court is notified by the respondent or his/her attorney three (3) days prior to the hearing date that he/she wishes to cross examine the panel members, then the court must order the members to appear at the hearing (C.G.S. §45a-695).

The court shall inquire as to the types and effects of medication the respondent is taking (C.G.S. §45a-696).

The respondent must be present at the hearing (C.G.S. §45a-696), unless he/she is under conservatorship or guardianship. In that case, the court may excuse the respondent for cause shown (C.G.S. §45a-698).

NOTE: Due to the importance of the issues involved, it is our recommendation that the judge **always** see the respondent.

It is also recommended that the hearing be recorded.

***DECREE/STERILIZATION OF ADULT, PC-762**

IN THE MATTER OF: (Name of respondent)

TOWN OF DOMICILE *PRESENT ADDRESS*

PRESENT: Hon. (Insert judge's name.)

... THE COURT FINDS that:

... THE RESPONDENT IS BEING ADMINISTERED OR IS TAKING: (Check ONE of the boxes.)

- No medication...*
 The following medication with these effects:

Check the appropriate box:

- The respondent was present...*
 The respondent...was excused...

Clear and convincing evidence...said respondent

- Is able to give informed consent.*
 Is unable to give informed consent.
 Is under conservatorship or guardianship...

And it is ORDERED AND DECREED that:

- The respondent is able to give informed consent, and the application is denied.*
 The respondent is unable to give informed consent...
 The court, having found the respondent is under conservatorship or guardianship...
 The court, having granted the application, the decree is stayed for a period of ... days ... **NOTE:** If the court grants the application, the decree will be stayed for a period of 10 to 30 days (as determined by the judge) from the date of the decree in order to give the respondent time to file an appeal. If an appeal is not filed within the time limit, the stay shall be lifted, and the decree will take effect. If an appeal is filed, the stay will remain in effect, pending the outcome of the appeal. However, the decree cannot be stayed if the court finds that the respondent (1) is 18 years of age or older, (2) is able to give informed consent to the procedure, and (3) has given informed, written consent to a sterilization procedure. CG.S. § 45a-699a.

Dated at (town) Connecticut on [Month, Day, Year]

Signature of judge.

- Impress Court seal.
- Send a copy of the decree to the respondent's attorney and/or his/her guardian or conservator.
- Bill the petitioner for any (final) additional court fees.

Prepare Documents and Scan/Microfilm

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) PC-702, Application/Sterilization of Adult
- 2) PC-721, Order of Notice/Sterilization of Adult
- 3) PC-732, Citation and Return/Sterilization of Adult
- 4) PC-762, Decree/Sterilization of Adult
- 5) PC-773, Panel Evaluation/Sterilization of Adult

- Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

PLACEMENT of PERSONS with INTELLECTUAL DISABILITY

C.G.S. §17a-274

Escrow

In cases where the respondent is not indigent, the court should consider asking for a sum of money to be placed in escrow. This amount will be used to pay the psychologist and attorney appointed by the court, or it will be returned to the petitioner after the court has received receipted bills from them.

Jurisdiction

The application must be filed in the Probate Court in the district where the respondent resides (C.G.S. §17a-274).

Who May Petition

Any interested party may petition under the provisions of C.G.S. §17a-274(b).
Items marked with an asterisk (*) are to be entered into CMS.

*APPLICATION/PLACEMENT OF PERSON WITH INTELLECTUAL DISABILITY, PC-701

The petitioner should complete this form.

IN THE MATTER OF: (Respondent's Name) *DATE OF BIRTH OF RESPONDENT*

10/2011

PRESENT ADDRESS OF RESPONDENT [If institutionalized, give name and address of institution.]

PETITIONER [Name, address, zip code, and telephone number]

ATTORNEY SELECTED BY RESPONDENT, if any [Name, address, zip code, and telephone number]

NOTE: This is NOT the court-appointed attorney. If the respondent does not have an attorney, the court must appoint one. See the instructions on the following page.

PSYCHOLOGIST SELECTED BY RESPONDENT, if any [Name, address, zip code, and telephone number]

NOTE: This is NOT the court-appointed psychologist. CONN. PSYCHOLOGIST. LIC. NO.

PERSONS TO WHOM NOTICE SHOULD BE GIVEN: (The petitioner must list all persons to whom notice should be given with complete addresses and relationship to respondent.) **NOTE:** The Commissioner of the Department of Developmental Services and the Office of Protection and Advocacy must be given notice in all cases.

THE PETITIONER FURTHER REPRESENTS that:

The respondent is now living at the address written above.

The respondent has has not received aid or care from state.

The respondent is is not in an institution.

The respondent is a person with intellectual disability, AND

The respondent is unable to provide for himself...

The petitioner must check one of the two boxes:

The respondent has no family...

OR

The respondent's family or guardian can no longer provide...

Date Signature of petitioner

If the application is in order:

- Enter into CMS.
- Entry fee – \$150.00 NOTE: See p. 2 of this section for additional fees.
- Prepare file folder.

The court must immediately:

- 1) Unless the respondent is represented by counsel, appoint an attorney from the list of attorneys provided in CM Appendix 11-4.
- 2) If the respondent has selected counsel on the application, the court should appoint that counsel and forward the name to the Probate Court Administrator's office so that the name may be added to the list of attorneys on file. Please instruct the attorney to

forward his or her name, address, telephone number, date of admission to the bar, and law firm affiliation to the Probate Court Administrator's office to comply with Probate Court Regulations.

3) Appoint a licensed psychologist from the list provided by the Probate Court Administrator's office. (See CM Appendix 11-15.) The psychologist must examine the respondent and prepare a report for the court. This report must be submitted five days before the hearing. In addition, the respondent may also select a licensed psychologist of his/her own choice. The report(s) must be submitted on **PC-772, Psychologist's Report/Placement of Person with Intellectual disability**. The psychologist should be advised by cover letter that a copy of the report must be sent to the Commissioner of the Department of Developmental Services, 460 Capitol Ave., Hartford, Connecticut 06106 and to any attorney of record.

NOTE: The court must set the hearing within 30 days of receipt of the application. Therefore, the psychologist should be appointed as soon as the application is received.

4) Give notice to the respondent of the application, the name of the petitioner, the allegations set forth, the time, date and location of the hearing, and the name, address, and telephone number of the court-appointed attorney [C.G.S. §17a-274(c)].

***ORDER OF NOTICE, PC-120**

NOTE: The court may use the combined order of notice of hearing, notice and return, PC-133.

Give notice to the following parties:

- 1) the respondent,
- 2) the guardian or conservator,
- 3) the respondent's spouse,
- 4) children (if no spouse),
- 5) parents (if no children),
- 6) siblings [if no parent(s)],
- 7) the Commissioner of Developmental Services,
- 8) Office of Protection and Advocacy,
- 9) attorney(s),
- 10) psychologist(s), and
- 11) any other interested person(s)

***RETURN OF NOTICE, PC-131**

- List the names and address of all persons sent notice.
- Send a photocopy of the Application/Placement of Person with Intellectual disability, PC-701, along with Notice of Hearing, PC-731, to:

- 1) the respondent,
- 2) the respondent's attorney, and
- 3) the Commissioner of Developmental Services

All other persons only receive the Notice of Hearing, PC-731.

NOTICE OF HEARING/PLACEMENT OF PERSON WITH INTELLECTUAL DISABILITY, PC-731

RESPONDENT [Name, address and zip code] DATE OF ORDER OF NOTICE

PARENT(S) OR GUARDIAN(S) OF RESPONDENT: [Name, address, zip code, and telephone number]

DATE OF HEARING TIME OF HEARING PLACE OF HEARING

Signature of judge, clerk, assistant clerk

- Insert the name, address, and telephone number of the court-appointed attorney on the reverse side.
- The judge, clerk, or assistant clerk of the court must send the notice. (*Connecticut Probate Practice Book*, Rule 1.9 and 1.10)
- Enter the number of notices – \$2.00 each in excess of two.
- Enter the date of return, and the names and addresses of persons sent notice.
- Prepare the Judge's Record of Hearing (See p. DE/T– 34 for form that can be modified.)

Hearing and Evidence — C.G.S. §17a-274

Important Note about Confidentiality

Due to the sensitive nature of these matters, the Probate Court Administrator recommends that the hearings be held in closed session. Since the hearings involve matters in which the court records are now sealed and confidential, and it would be impractical to hold the hearings without reference to the files, a public hearing might be in violation of the statute.

- The court must hold the hearing within 30 business days of the date the petitioner submits the application. (**NOTE:** This is the time limit for the original hearing. For an annual review, the time limit is 10 days, excluding Saturdays, Sundays, and holidays.)
- The respondent should be present at the hearing, if possible.
- The court must receive the diagnostic evaluations (PC-772) from the psychologist(s) five days before the hearing. If the court determines that the respondent is a person with intellectual disability and that the allegations in the application are true, the court shall order the respondent to be placed with the Department of Developmental Services for placement in the least restrictive environment available or that can be created within the existing resources of the department.
- The respondent may ask the licensed psychologist(s) to appear at the hearing for cross-examination if the request is made at least three days before the hearing. C.G.S. §17a-274(f).
- In any case where the court determines that the respondent's need for placement is so critical as to require immediate placement, the court shall order the Department of Developmental Services to temporarily place the respondent in the most appropriate available placement. C.G.S. §17a-274(h).

"Critical" is defined as follows by the Department of Developmental Services:

Critical cases are those which require immediate placement. Examples of critical cases would include:

- 1) Death of the only caretaker.
- 2) Sudden serious illness or injury of the caretaker, including psychiatric illness.
- 3) Runaway (who is not under the supervision of another agency) who cannot, or will not, return to his/her home.
- 4) Home destroyed by disaster.
- 5) Immediate closing of a private facility.

6) Abandonment by parent or caretaker.

In such situations, there is the presumption that the client is a danger to himself or others and that the client is in harm's way.

***DECREE/PLACEMENT OF PERSON WITH INTELLECTUAL DISABILITY, PC-761**

IN THE MATTER OF: (Insert respondent's name.) *DATE OF BIRTH OF RESPONDENT*

PRESENT ADDRESS OF RESPONDENT [If institutionalized, give name, address, zip code, and telephone number of institution.]

PARENT(S) OR GUARDIAN(S) OF RESPONDENT: [Name, address, zip code, and telephone number]

After due hearing, THE COURT FINDS that: (One of the following boxes must be checked.)

- He has no family or guardian...*
 His family or guardian can no longer provide adequate care...

WHEREFORE, IT IS ORDERED AND DECREED:

The court must check ONE of the following boxes:

- That the respondent be placed with the Department of Developmental Services.*
 That the respondent's need for placement is so critical as to require immediate placement. (Check this box only if the placement is critical – see above).

NOTE: If no placement has become available within 60 days after the court issues the decree, the Commissioner of Developmental Services must advise the court and continue to do so every 30 days until a placement is made.

- Impress Court seal.
- Make copies of decree.

Dated at (town) this (date) of (month), 20 .

Signature of judge.

- Bill petitioner for any final court fees.

Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) PC-701, Application/Placement of Person with Intellectual disability
- 2) PC-120, Order of Notice, or PC-133, Order of Notice of Hearing, Notice, and Return
- 3) PC-131, Return of Notice
- 4) PC-761, Decree/Placement of Person with Intellectual disability
- 5) PC-772, Psychologist's Report/Placement of Person with Intellectual disability

- Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Annual Review – C.G.S. §17a-276 (b) and (c)

The Department of Developmental Services must give an annual notice to each person placed pursuant to C.G.S. §17a-274 informing them that they have the right to a review hearing. If the ward requests such a hearing, the court may take one of three actions following the hearing. The court may continue the placement or terminate the placement. The third option allows the court to order a different placement if the court finds that the current placement does not adequately meet the ward's needs in the least restrictive environment available or that can be created within existing resources of the department. If this is the case, the court shall order the department to place such person in the least restrictive environment that the court deems available.

Procedure for Annual Review

C.G.S. §17a-276(b) and (c)

■ The hearing may be held one year after issuance of the original order of placement and yearly thereafter, at the request of person placed. Due to the sensitive nature of these matters, the Probate Court Administrator recommends that the hearings be held in closed session. Since the hearings involve matters in which the court records are now sealed and confidential, and it would be impractical to hold the hearings without reference to the files, a public hearing might be in violation of the statute.

■ The request for review must be in writing and state the reasons for the review. This should be manuscripted by the petitioner's attorney.

■ Application may be made by any person placed pursuant to C.G.S. §17a-274 OR by anyone on his or her behalf.

If the Application is in order:

- Entry fee \$150.00.
- Enter into CMS.
- Prepare file folder.
- Proceed as provided in the original placement proceeding (p. 22 of this section).

NOTE: The hearing must be held within 10 days after the application is filed, excluding Saturdays, Sundays, and holidays.

Five-Year Review – C.G.S. §17a-276(d)

If, within five years, any person placed by the court has not requested a hearing to review his or her placement, the Department of Developmental Services must notify the court that placed the person. The court, after notice by the Department of Developmental Services, must proceed in accordance with the annual review described in C.G.S. §17a-276 (b) and (c), as explained above.

Court Memorandum

Guardian of Person with Intellectual Disability

Date: _____

1. Respondent's name and address:
.....

2. Respondent's date of birth: _____ Respondent's present age:

3. Name(s) and address(es) and telephone number(s) of respondent's parent(s). (If parents are deceased or address is unknown, so state):
.....
.....

4. Name(s), address(es), telephone number(s) and relationship of closest relatives, if no parents:
.....
.....

5. Name and address of person making application:
.....

6. Name(s) and address(es), and telephone number(s) of proposed guardian and standby guardian. (*Indicate relationship, if any.*)
.....
.....

7. Name, address, and telephone number of respondent's attorney:
.....
.....

See CMS Tools for form CM-11, Petition Temporary Limited Guardian.

See CMS Tools for form CM-12, Order of Notice/Temporary Limited Guardian.

See CMS Tools for form CM-13, Decree Temporary Limited Guardian.

See CMS Tools for form CM-14, Request/Return DDS Professional or Assessment Team Evaluation/Person with Intellectual Disability.

See CMS Tools for form PC-703, Motion to Transfer of File/Guardianship of Person with Intellectual Disability, formerly form CM-14a.

Notice of Request for Written Report

Date:

IN THE MATTER OF:

Dear Guardian:

Under Connecticut law, the probate court is required to review the guardianship of each person with intellectual disability at least once every three (3) years to determine the appropriateness of continuing, modifying, or terminating such guardianship. As guardian for the above-named ward, you are required to submit a written report to the court not later than forty-five (45) days after the court's request. A copy of the most recent Court decree issued in connection with the ward is enclosed, along with the Guardian's Report (form PC-771), which you are to complete and submit to the court. If the ward has a new address or if any of the information that appears on the enclosed decree is now incorrect, please notify the court within ten (10) days so that the file can be updated.

In addition, a Department of Developmental Services professional or a two-person DDS assessment team may be required to file a report, depending on the ward's level of functioning, which is determined by the Department of Developmental Services. If the ward is functioning within the mild to moderate range of intellectual disability, the Department must submit a report. If the ward is functioning within the severe or profound range of intellectual disability, the court shall receive and review written reports on the ward's condition only from the guardian, unless the court requires the Department to submit a report.

If a DDS report is required, please note the following: 1) If you would prefer to have an assessment team review this matter, rather than one professional from the Department of Developmental Services, notify the court immediately. 2) Please advise the ward that the visits will take place in the near future. If the ward does not have an attorney and is unable to obtain one, please contact the probate court immediately so that one may be appointed. Compensation for the attorney's services will be paid by the Probate Court Administration Fund if the ward cannot afford to pay for counsel.

If, after a review of the written reports, the court determines that there has been no change in the ward's condition, a hearing need not be held. The court may, of course, in its discretion, hold a hearing on the status of the ward in any event.

Please note that the court must hold a hearing within thirty (30) days if the ward's guardian, attorney, or the Department of Developmental Services professional or the DDS assessment team requests a hearing. **Therefore, if you wish such a hearing to be held, include a written request with your report.**

If you have any questions, please contact the court. Thank you for your cooperation.

Sincerely,

Judge of Probate

Notice of Request for Written Report

Date:

IN THE MATTER OF:

Dear Dept. of Developmental Services Professional or Assessment Team member:

Under Connecticut law, the probate court is required to review the guardianship of each person with intellectual disability at least once every three (3) years to determine the appropriateness of continuing, modifying, or terminating the guardianship. A Department of Developmental Services professional or a DDS assessment team may be required to file a report, depending on the ward's level of functioning, which is determined by the Department of Developmental Services. If the ward is functioning within the mild to moderate range of intellectual disability, the Department must submit a report. If the ward is functioning within the severe or profound range of intellectual disability, the court shall receive and review written reports on the ward's condition only from the guardian, unless the court requires the Department to submit a report.

In the matter of the ward identified above, a Department of Developmental Services professional or a two-member DDS assessment team is required to submit a written report to the court concerning the ward's status not later than forty-five (45) days after the date of the court's request. The guardian has also been instructed to file a report. A copy of the most recent Court decree in connection with the ward is enclosed, along with form PC-770A, which the DDS professional or the assessment team must use to make the report.

Please note that the DDS professional or the assessment team must have personally observed or examined the ward within the forty-five (45) day period preceding the date of submission of the report.

If, after a review of the written reports, the court determines that there has been no change in the ward's condition, a hearing need not be held. The court may, of course, in its discretion, hold a hearing on the status of the ward in any event.

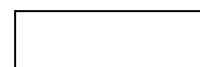
The court must hold a hearing within thirty (30) days if one is requested by the ward's guardian, attorney, or the Department of Developmental Services professional or the assessment team. **Therefore, if you wish such a hearing to be held, please include a written request with your report.**

If you have any questions, please contact the court. Thank you for your cooperation.

Sincerely,

Judge of Probate

Notice of Request Re Guardianship



Date:

IN THE MATTER OF:

Dear Attorney:

In the matter referred to above, you served as attorney for the above-named ward in a guardianship proceeding. Under Connecticut law, the probate court is required to review the guardianship of each person with intellectual disability at least once every three (3) years to determine the appropriateness of continuing, modifying, or terminating the guardianship. As the ward's attorney, you are required to do the following within 30 days of this request:

- 1) meet with your client, and
- 2) return a copy of this letter to the court indicating if a hearing is requested.

The guardian for the ward has filed a report about the guardianship, and a copy is enclosed. Please note that a report from a Department of Developmental Services professional or a DDS assessment team may also be attached, depending on the ward's level of functioning, which is determined by the Department of Developmental Services. If the ward is functioning within the mild to moderate range of intellectual disability, the Department was required to submit a report. If the ward is functioning within the severe or profound range of intellectual disability, the court was only required to receive and review a written report on the ward's condition from the guardian, unless the court required the department to submit a report.

If, after a review of the written reports, the court determines that there has been no change in the ward's condition, a hearing need not be held. The court may, of course, in its discretion, hold a hearing on the status of the ward in any event.

Please note that the court must hold a hearing within thirty (30) days if one is requested by the ward's guardian, attorney, or the Department of Developmental Services professional or assessment team. Therefore, please complete the section below and return it to the court within 30 days.

If you have any questions, please contact the court. Thank you for your cooperation.

Sincerely,

Judge of Probate

DUE DATE:

Please return to the court by the due date shown above.

I have met with my client, and I: do do not request a hearing.

Date: _____ Signature _____

Please print name:

FILE INFORMATION SHEET/
THREE-YEAR REVIEW OF
GUARDIANSHIP OF PERSON WITH
INTELLECTUAL DISABILITY
CM-58 REV. 10/2012

**STATE OF CONNECTICUT
COURT OF PROBATE**

WARD'S NAME AND ADDRESS:

GUARDIAN'S NAME AND ADDRESS:

YEAR CASE OPENED:

DDS PROFESSIONAL

OR

ASSESSMENT TEAM MEMBERS (2) :

Name:

Address:

<p>1)Name and Address:</p> <p>2)Name and Address:</p>
--

ATTORNEY FOR WARD:

Name:

Address:

Review Information:

GUARDIAN:

ASSESSMENT TEAM

ATTORNEY FOR WARD

Review Mailed:

Review Mailed:

Reports from Guardian/Assessment
Team sent to Attorney:

Report Received:

Report Received:

Reviewed: YES NO

Reviewed: YES NO

Form Rec'd from Atty: YES NO

Date Review Completed:

Hearing Req'd: YES NO

Continuation of Guardianship: YES NO

Date of Next Review:

Can File be Transferred?: YES NO

Determination of Competency to Vote for Persons under Guardianship

C.G.S. §9-159s requires administrators of residential facilities for the care of persons with intellectual disability to provide written notice about opportunities for voter registration or voting in a primary, referendum, or election to guardians who have been appointed to handle the affairs of residents. A “voter registration” or a “voting opportunity” includes, but is not limited to, the solicitation or completion of: 1) an application for admission as an elector, or 2) an absentee ballot, whether or not supervised absentee ballot voting will take place at the institution. The administrator must provide the written notice at least seven days in advance of the voter registration or voting opportunity, and the notice must state that the resident is entitled to vote or register to vote unless certain conditions exist, one of which is that the probate court has found the resident to be incompetent to vote or register to vote.

C.G.S. §45a-703 allows a guardian to file an application in the probate court to determine a person’s competency to vote in a primary, referendum, or election. The probate court must hold a hearing within 15 days of the date the application is filed.

Application by Guardian of a Person with Intellectual Disability

FORM: CM- 66, Application Re: Voting Competency/Guardianship of Person with Intellectual Disability,
(p. 40 of this section)

- Date-stamp application.
- Enter into CMS.
- Entry fee is \$150.00. (**NOTE:** Additional fees are listed on p. 2 of this section.)

Notice

Notice should be sent to the parties listed on the application: the ward; the ward's spouse, parents, and children (if any); siblings or their representatives (if any and only if the ward's parents are not living); the Department of Developmental Services Regional Director; the person in charge of the facility where the ward resides; the ward's attorney, the guardian, and any other interested parties, as defined in Probate Practice Book, Rule 3.1.02. The facility should also receive notice. Use **PC-133, Order of Notice of Hearing, Notice, and Return.**

Appointment of Counsel

C.G.S. §45a-673 discusses the need for an attorney in guardianship proceedings. Unless the ward is represented by counsel, the court **MUST** appoint an attorney to represent the ward. If the ward is unable to pay for the attorney, the Probate Court Administration Fund will pay. Please provide the attorney with a CO-17 form and schedule of payments. Please see p. 3 of this section for further information, including instructions for completing form PC-182, Appointment of Representative for Interested Party.

Examination or Evaluation by Physician or Other Professional

■ The court may order the examination of the ward by a physician, psychiatrist or psychologist pursuant to C.G.S. §45a-132a. Fees will be assessed as specified in the statute. If any party is unable to pay, reasonable compensation will be paid from the Probate Court Administration Fund. (C.G.S. §45a-132a and Sec. 19, Probate Court Administrator's Regulations.)

■ The court may also wish to have the ward evaluated by a Department of Developmental Services Professional or Assessment Team.

Hearing

Important Note about Confidentiality

Due to the sensitive nature of these matters, the Probate Court Administrator recommends that the hearings be held in closed session. Since the hearings involve matters in which the court records are now sealed and confidential, and it would be impractical to hold the hearings without reference to the files, a public hearing might be in violation of the statute.

Hearing Date. The hearing must be held not more than 15 days after receipt of the application.

Alternative Arrangements for the Place of Hearing. It is important that the judge see the ward in order to make a proper determination about his or her competence to vote. Upon notification to the court that the ward wishes to attend the hearing, but he or she is unable to attend because of physical incapacity, the hearing may be held at a place that would facilitate the ward's attendance.

Evidence:

■ Evidence may be given by witnesses who have personal knowledge of the ward's condition, including physicians, social workers, DDS professionals, family members, and acquaintances.

■ Written report, if an examination was conducted by a physician, psychiatrist, or psychologist and/or a DDS Professional or Assessment Team.

DECREE: CM-65, Decree Re: Voting Competency/Guardianship of Person with Intellectual disability (p. 41 of this section.)

Prepare Documents and Scan/Microfilm

- **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.
- Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.
- Folder is to be returned to locked file in vault at end of proceedings

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

See CMS Tools for form CM-66, Application Re: Voting Competency/GMR.

See CMS Tools for form CM-67, Decree Re: Voting Competency/GMR.



Miscellaneous

CHANGE OF NAME

C.G.S. §45a-99. **NOTE:** Please see p. Duties -14 for information about the Address Confidentiality Program re those persons who may wish to keep their whereabouts confidential.

FORMS TO BE USED FOR CHANGE OF NAME: (An asterisk denotes items that are not required in all cases. The court should request them if they are warranted under the circumstances of a particular case.)

PC-900, Application for Change of Name (Minor)

PC-910A, Affidavit Re Change of Name (Minor)

PC-901, Application for Change of Name (Adult)

PC-910, Affidavit Re Change of Name (Adult)

For adults: Two positive forms of identification, such as
a driver's license or Social Security Card

Long-form, certified Birth Certificate (Please see p. "Duties –
5" for an important note re birth certificates.)

PC-120, Order of Notice

PC-130, Notice of Hearing

*PC-181, General Waiver

*PC-182A, Appointment of Attorney for Interested Party

*PC-182B, Appointment of Guardian Ad Litem for Interested
Party

PC-960, Decree: Change of Name

Who May Petition

Adults may petition for themselves. Minors may petition through their parents as next friend.

Jurisdiction

Jurisdiction is in the probate court district where the petitioner resides.

Reasons for Change of Name (Examples)

- To conform the petitioner's legal name to a name by which the petitioner is generally known.
- To eliminate difficult pronunciation in personal and business relationships.
- The primary issue is whether the name change is sought to deceive, defraud, mislead or avoid the consequences of a criminal conviction.

NOTES: 1) Several petitions have been filed requesting a change of name for a minor rather than a stepparent adoption. The judge should decide each case on an individual basis. The following factors should be considered: Inheritance rights, best interests of the child, and the opinion of nonpetitioning parents.

2) A change of name for a minor child does not give that child the right to inherit from a stepparent.

3) A minor's name can only be changed by court order.

The clerk may have the applicant fill out a fact sheet during the preliminary interview. A long-form, certified birth certificate is required. (Please see p. "Duties – 5" for an important note re birth certificates.)

Items marked with an asterisk (*) are to be entered into CMS.

***APPLICATION FOR CHANGE OF NAME (MINOR), PC-900 (This is a one-page form, plus a Confidential Information Sheet for listing names and social security numbers.) *Affidavit Re: Change of Name (Minor) PC-910A – To be completed and attached to PC-900.**

IN RE CHANGE OF NAME OF (The petitioner will insert the child's name.) *DATE OF APPLICATION*

PETITIONING PARENT/GUARDIAN: *MOTHER* *FATHER OR* *GUARDIAN* (The petitioner will check the applicable box.)

NAME TELEPHONE NUMBER

PRESENT ADDRESS

NAME, ADDRESS, AND TELEPHONE NUMBER OF NONPETITIONING PARENT/GUARDIAN

The *NONPETITIONING parent and the petitioning parent* *are divorced* *have never been married.*

There is an outstanding superior court order for *visitation* *child support.* (The petitioner will check any boxes that apply.)

There is *a* *no proceeding pending or contemplated in another court affecting the custody of said minor child to the best knowledge and belief of the petitioner. [If such a proceeding is pending or contemplated, complete and attach form JD-FM-164, Affidavit Concerning Children.]*

Explain why nonpetitioning parent is not joining in this petition.

CO-PETITIONER

NAME *MOTHER* *FATHER*

PRESENT ADDRESS TELEPHONE NUMBER

MINOR PETITIONER(S) THROUGH PARENT(S) AS NEXT FRIEND

NAME CHANGED TO

PRESENT ADDRESS

DATE OF BIRTH AND PLACE OF BIRTH

A change of name is sought for the following reasons:

The petitioner represents...not to deceive, defraud, or mislead any person or government agency, but . . . for the reasons stated above.

Signature of petitioner and co-petitioner

NOTE: In certain cases, the court may wish to appoint a guardian ad litem for the minor (**PC-182B, Appointment of Guardian Ad Litem for Interested Party**). The following material, which explains some of the reasons for making this appointment, is excerpted from a Probate Court Administrator's memorandum dated October 6, 1978.

We would like to call your attention to at least one particular problem which has been brought to our attention in connection with an application for change of name of a minor. The petitioner is a divorced mother to whom custody of her minor child was granted. The divorce occurred some years ago, and no change of name was requested then in the Superior Court. Financial assistance ordered by the divorce decree to be given to the spouse and child has not been forthcoming to the satisfaction of the spouse. Therefore, she wants to sever all connection with her former husband, including any connection by name, either her name or that of their child in her custody. It would seem that in a case of this sort, the ramifications of a change of name for the minor child could be serious. The court may, therefore, want to appoint a guardian ad litem to represent the child's interests in respect of this petition brought by his mother. Among other considerations which might not be in the child's best interests, and which the guardian might want to raise, is the consideration of the child's future potential inheritance from his father. The change of name for a child would, at least on the most apparent level, break the inheritance trail. Remembering that the mother and father of this minor child are divorced, and that given the apparent animosity that exists between them, communication between them in the future may very likely fail and contact be lost, a search some years later for this minor as an heir of his subsequently deceased father will be made more difficult because of the change of name. A guardian ad litem may well want to press this point along with others in response to the petition for change of name. If a guardian ad litem is to be appointed, it should be made clear to the applicant that the fees of the guardian ad litem are the responsibility of the applicant to pay, and the guardian ad litem should understand that he has to look to the applicant and not to the court for his compensation. Also, it is most important that notice be given to the genetic father.

***APPLICATION FOR CHANGE OF NAME (ADULT), PC-901** (This is a one-page form, plus a Confidential Information Sheet for listing names and social security numbers.) * **Affidavit Re:Change of Name (Adult),PC-910 (To be completed and attached to PC-901)**

IN RE CHANGE OF NAME OF (The petitioner will insert his or her present name.) *DATE OF APPLICATION*

PETITIONER [Give present name and new name as requested.]

NAME *CHANGED TO*

DATE AND PLACE OF BIRTH

NAME ON BIRTH CERTIFICATE

PRESENT ADDRESS/TEL. NO.

HOW LONG HAS PETITIONER LIVED THERE?

NAME AND ADDRESS OF NONPETITIONING SPOUSE, IF ANY.

SPOUSE CO-PETITIONER [Give present name and new name as requested.]

NAME *CHANGED TO*

DATE AND PLACE OF BIRTH

NAME ON BIRTH CERTIFICATE

PRESENT ADDRESS/TEL. NO.

HOW LONG HAS PETITIONER LIVED THERE?

A change of name is sought for the following reasons:

The petitioner represents...not to deceive, defraud, or mislead any person or government agency, nor to avoid the consequences of a criminal conviction, but solely for the reasons stated above.

Signature of petitioner and co-petitioner Date

- Each document must be date-stamped upon its receipt by the court.

If the application is acceptable:



IMPORTANT: In order to meet statutory requirements, the Commissioner of the Department of Emergency Services and Public Protection (DESSP) has asked that all adults applying for a change of name be screened at the time of application to determine if they are listed on the Sex Offender or Deadly Weapon Offender Registry. Therefore, upon receipt of an application for a change of name, the court must notify DESSP's Sex Offender Registry Unit and the Deadly Weapon Offender Registry Unit using the fax sheet that accompanies CM Appendix 11-16. Please refer to the appendix for further information. If the person appears on the registry, send notice of the hearing to the commissioner.

- Enter into CMS.
- Prepare file folder.

- Entry fee — \$150.00 per application OR \$150.00 per family, if the applications, PC-900 and PC-901, are submitted at the same time. **NOTE: Note:** Additional Fees (C.G.S. §45a-106)

- There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.
- There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.
- There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

***ORDER OF NOTICE OF HEARING, PC-120**

ESTATE OF/IN THE MATTER OF (Insert petitioner's name and that of the spouse and minor children, if applicable.)

DATE OF ORDER OF NOTICE

PETITIONER: (Insert name of PRIMARY PETITIONER. This is the parent if only the minor's name is being changed.)

PLACE OF HEARING DATE OF HEARING TIME OF HEARING

COMPLIANCE DATE

UPON THE APPLICATION OF THE PETITIONER FOR (Insert "a change of name, per application on file, etc.")... **IT IS ORDERED THAT:**

Said application be heard and determined at the court of probate at the place, date, and time indicated above.. (Add "and that petitioner(s) attend said hearing.") Notice of said application...be given by having the judge, clerk, assistant clerk:

- Publish such notice...times in a newspaper having a circulation in this probate district... (If applicable)*
- Publish such notice...times in a newspaper having a circulation in[Town and State] (If applicable)*

Mail such notice to:

- 1) each attorney of record,
- 2) the following parties in interest: the petitioner, the petitioner's spouse, and the nonpetitioning parent of the minor child.

NOTE: If the person petitioning for an adult name change is on the Sex Offender or Deadly Weapon Offender Registry, also send notice to the Commissioner of Emergency Services and Public Protection. Include the Confidential Information Sheet for PC-901.

● Impress court seal.

Signature of judge, clerk or assistant clerk.

● Unless a General Waiver, PC-181, was signed, prepare and mail **Notice of Hearing, PC-130**, as directed in the Order of Notice. (See Probate Court Rules of Procedure, section 8.2, re giving notice.)

● Enter number of notices on ledger sheet – \$2.00 each in excess of two.

● Prepare Judge's Record of Hearing Sheet – petitioner, type of hearing, date, and time (see p. MISC- 34).

● The information contained in PC-910, Affidavit Re Change of Name (Adult) (attached to the application, PC-901) should be confirmed by oral testimony at the hearing.

***GENERAL WAIVER, PC-181**

Both parents sign the application and waive of notice of hearing, because no testimony is needed about real estate, debts, etc.

***DECREE CHANGE OF NAME, PC-960**

IN THE MATTER OF (Insert petitioner's name – issue a separate decree for each person)

NAME ON BIRTH CERTIFICATE

NOTE: If the petitioner is divorced, you may wish to put down the birth name, followed by "Known by marriage as"

CHANGE OF NAME TO [Insert new name.]

NOTE: The decree should ONLY change the name sought to be changed; i.e. if the spouse is not changing her birth name but merely her married name, the court need not include her name as it appeared on the Birth Certificate.

AFTER DUE HEARING, THE COURT FINDS that:

Notice was given in accordance with the order of notice previously entered.

The petitioner (primary petitioner — and spouse petitioner) appeared and was fully examined under oath.

NOTE: In the case of a minor child whose parents waived notice, the statement should read, "The petitioner through parents as next friend waived notice of hearing upon the said application." Cross out the phrase "appeared and was fully examined under oath."

The date and place of birth of the person whose name is to be changed is listed below:

- List petitioner's name as it appears on the birth certificate, along with date of birth and town of birth.
 - Any minor child who appeared as petitioner did so by parents as next friend.*
 - The nonpetitioning parent of the minor petitioner was given notice of the proceeding, by order of notice previously entered.*

And it is ORDERED AND DECREED that:

The name of the person subject to the petition is changed as follows:

- Insert former name and new name.

Dated at (town, state) this (date) day of (month), 20 .

Signature of judge.

- Certification section:

I hereby certify that this is a true copy of the original decree as on file in the Probate Court.

In witness whereof, I have hereunto set my hand and seal of said court this (date) day of (month), .
Signature of judge/clerk. Impress court seal.

Certification of mailing of decree.

The undersigned hereby certifies that a copy of the above decree was mailed on ...
Signature of judge/clerk.

- Make photocopy of decree. Impress court seal. Signature of judge/clerk.
- Provide one certified copy. Additional certified copies are \$10.00 each (\$5.00 for each copy and \$5.00 for certification).

The petitioner should present a copy of the decree to the town clerk in the city or town where the birth occurred. In Connecticut, the original birth certificate name will be lined through and the new name inserted. The identity of the court and the date of the court decree will be noted. The town clerk will transmit the change to the Registrar of Vital Statistics. If the town of residence of the parents at the time of the birth and the town where the birth occurred are not the same, the registrar (town clerk) of the town of residence should be asked to make the change in the birth certificate on file there as well.

If the petitioner owns real estate, a change of name certificate should be filed in each town where the real estate is located. This certificate is available from the town clerk. The petitioner should also notify the Department of Motor Vehicles, Social Security Administration, the passport office, employer, creditors, etc. The court may also remind the petitioner about life insurance policies, wills, etc. (**NOTE:** Page MISC-9 is a "Change of Name" instruction sheet that should be distributed to the petitioner.)

REV. 1/14. If a change of name has been granted for a registered sex offender or a deadly weapon offender, a copy of the decree **MUST BE MAILED** to the Sex Offender Registry Unit and/or the Deadly Weapon Offender Unit at the Connecticut Department of Emergency Services and Public Protection (DESPP). The addresses are:

Sex Offender Registry
 DESPP/Division of State Police
 ATTN: Sergeant Garda
 1111 Country Club Road
 Middletown, CT 06457

Deadly Weapon Offender Registry
 DESPP/Division of State Police
 ATTN: Sergeant Nicholson
 1111 Country Club Road
 Middletown, CT 06457

REV. 1/14. If a judge grants a change of name to a person with a criminal record, the court **MUST MAIL a certified copy of the decree** to the following address:

Connecticut Department of Emergency Services and Public Protection
 State Police Bureau of Identification
 1111 Country Club Road
 P.O. Box 2794
 Middletown, CT 06457

Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) PC-900, Application/Change of Name (Minor)
- 2) PC-901, Application/Change of Name (Adult)
- 3) PC-910, Affidavit Re Change of Name (Adult)
- 4) PC-910A, Affidavit Re Change of Name (Minor)
- 5) PC-120, Order of Notice of Hearing
- 6) PC-181, General Waiver
- 7) PC-960, Decree/Change of Name

● Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Case Law

Gary D. Delaney v. Appeal from Probate, 9 Conn. Law Reporter, No. 18, 571 (1993). Change of name, minor.

CONFIRMATION OF CHANGE IN GENDER

(For Connecticut Residents Born in Another State or in a Foreign Jurisdiction)

C.G.S. § 19a-42b allows the probate court to issue a decree confirming a change of gender for a person who is a resident of this state and was born in another state or in a foreign jurisdiction, if a decree is needed to amend the person's birth certificate.

NOTE: For Connecticut residents who were also born in the state, C.G.S. §19a-42 governs, and it states that only the Commissioner of Public Health may amend birth certificates to reflect a change in gender. Once the Commissioner makes the change, he or she forwards the amended certificate to the appropriate registrar of vital statistics.

Jurisdiction

The probate court in the district where the person resides has jurisdiction.

Forms

- 1) Application (Manuscripted) with two affidavits attached:
 - a) one from a physician stating that the applicant has physically changed gender, and
 - b) one from a psychologist, psychiatrist, or licensed clinical social worker stating that the applicant has changed gender from a social and psychological standpoint.
- 2) PC-120*, Order of Notice of Hearing
- 3) PC-160*, Decree

If the Application is acceptable:

- Enter into CMS.
- Entry fee is \$150.00 (**NOTE:** Additional charges are listed on p. Miscellaneous-4.)
- Prepare file folder. Enter items marked with an asterisk (*) into CMS.
- Following the hearing, the probate court must send a certified copy of the decree to the registration authority in the place where the applicant was born.

Prepare documents and scan/microfilm forms following instructions for change of name proceedings.

DELAYED BIRTH REGISTRATION – C.G.S. § 7-57 as amended by P.A. 12-163

P.A. 12-163 expands the role of the Probate Courts in issuing delayed birth certificates under C.G.S. § 7-57. The statute states that any adult or parent or legal guardian of any minor who is one year of age or older for whose birth no certificate is on file may request a delayed registration of birth.

- The request for delayed registration is made to the Department of Public Health with supporting evidence.
- If the request is denied, the petitioner may apply to the Probate Court in the district where he or she was born.

Forms

- 1) Application (Manuscripted) with affidavits from the petitioner and affidavits from two other persons having first-hand knowledge of the facts relating to the birth attached
- 2) PC-120*, Order of Notice of Hearing
- 3) PC-965*, Decree Re: Delayed Birth Registration

If the Application is acceptable:

- Enter into CMS.
 - Entry fee is \$150.00 (**NOTE:** Additional charges are listed on p. Miscellaneous-4.)
 - Prepare file folder. Enter items marked with an asterisk (*) into CMS.
- The Probate Court will schedule a hearing and give notice to interested parties and the Commissioner of the Department of Public Health.
 - The burden is on the petitioner to prove by a preponderance of the evidence that the birth occurred on the date and at the place alleged.
 - The Probate Court may order DNA testing to determine parentage.
 - If the Probate Court finds that the petitioner has met the burden of proof, the decree must include:
 - Name
 - Sex
 - Date of birth
 - Place of birth
 - Other identifying information as the court deems appropriate
 - An order directing the Department of Public Health to issue a delayed birth certificate
 - Provide certified copy of the decree to petitioner for transmittal to the Department of Public Health.
 - Prepare documents and scan/microfilm forms following instructions for change of name proceedings.

I N S T R U C T I O N S

Change of Name**Real Estate**

If you own real estate, a certificate of change of name must be filed with the town clerk's office where the real estate is located. The recording fee is \$43.00 for a one-page instrument (C.G.S. §7-34a).

Birth Certificate

If the birth name has changed, the change must be indicated on the original birth certificate. A certified copy of the court decree approving the change of name should be presented to the registrar of vital statistics (Town Clerk) for the town of birth. The registrar, in turn, will notify the registrar of vital statistics for the state of birth. In Connecticut, the state registrar will also notify the registrar of the town where the mother resided at the time of the birth.

Other

The motor vehicle department, Social Security administration, passport services, employer, creditors, etc. should all be notified. Changes to life insurance policies, wills, voter registration, etc., may also be considered.

Thank you.

Probate Court, District of

District No.

MARRIAGE

C.G.S. sections 46b-22 through 46b-30. Form: **PC-980, Marriage Waiver**

The Judge of Probate may join persons in marriage and consent to the marriage of minors in certain situations where a marriage would otherwise be impossible.

All judges and retired judges may join persons in marriage in any town in the State of Connecticut (C.G.S. §46b-22).

Marriage of Minors — C.G.S. section 46b-30

Even if there is parental consent, a marriage license may not be issued to any applicant under 16 years of age, unless the probate judge for the district where the minor resides endorses his or her written consent on the license. A person under the age of 18 cannot marry without the consent of a parent or guardian. However, if no parent or guardian of the minor is a resident of the United States, the probate judge for the district where the minor resides may consent.

PATERNITY CLAIMS — Revised 10/2014 — pp. Misc. — 10 to 16

Purpose of C.G.S. section 46b-172a. The section allows a person claiming to be the father of a child born out of wedlock, referred to as a putative father, to file a claim for paternity in the Probate Court. By filing the petition, a putative father claims to be the father of the child. The claim for paternity is admissible in any action for paternity and shall bar the petitioner from denying paternity.

The claim for paternity may be made at any time during the life of the child, even after the child reaches 18 years of age, and after child's death. The Probate Court also may also hear and decide a claim for paternity after the father's death, as noted below.

Since the child must be born out of wedlock for a petition under C.G.S. section 46b-172a, the Probate Court is without jurisdiction if the mother was married at the time of birth, even if it is alleged that the child was conceived out of wedlock.

If the child was born on or after July 1, 1997, the birth certificate submitted with the claim for paternity in the Probate Court cannot include the name of a father. On or after this date, the name of a father of a child born out of wedlock can only appear on the birth certificate if both parents signed an acknowledgment of paternity on the form required by the Department of Public Health. This acknowledgment of paternity has the full force and effect of a Superior Court decree and, as such, the Probate Court does not have jurisdiction.

If the child was born before July 1, 1997, the Probate Court may hear and decide a claim for paternity even if a father is listed on the birth certificate.

C.G.S. section 46b-172a and Termination of Parental Rights Matters. A TPR petition shall set forth the names, dates of birth and addresses of the parents of the child, including "the name of any putative father named by the mother." C.G.S. section 45a-715. If a claim for paternity is filed within 60 days after notice to a putative father in a TPR matter, the court must continue the termination proceedings until the claim for paternity is adjudicated. The court may combine the hearing on the claim for paternity with the termination hearing C.G.S. section 45a-717(c).

C.G.S. section 45a-716 lists the categories of putative fathers who have to be notified in a termination of parental rights hearing. This includes a putative father whose name appears on the birth certificate and a putative father who has contributed regularly to the support of the child or filed a claim for paternity under C.G.S. section 46b-172a.

Establishment of Paternity after the Father's Death. The Probate Court has the power to establish paternity after the father's death. C.G.S. sections 45a-438, 45a-438b, 46b-172a (i). This may enable the child to inherit from the father or the father to inherit from the child. The procedure for establishing paternity after the death is the claim for paternity under C.G.S. section 46b-172a (i) by a party deemed by the court to have sufficient interest in establishing paternity. Jurisdiction is in the district where either the putative father resided or where the party filing the claim resides.

If paternity is not established during the lifetime of the father or child, a claim for paternity under section 45a-172a is the only means of establishing paternity and corresponding inheritance rights of the father or child.

Proceedings for Genetic Testing in a Contested Paternity Matter – C.G.S. section 46b-168

Hearing on Motion for Genetic Testing

In a proceeding in which paternity is contested, the court *may*, on the motion of any party, hold a hearing with notice to all parties and order the mother, the child, and the putative father or husband of the mother to submit to genetic testing. See C.G.S. section 46b-168.

Payment of Cost of Genetic Test

The person filing the motion must pay the costs of genetic testing, unless he or she is indigent.

1. IV-D cases. If the party is indigent **and** the child has received state aid or care or if the child is receiving child support enforcement services, the Department of Social Services will arrange and pay for the test. These cases are referred to as IV-D cases. The Office of the Attorney General may appear at the hearing on genetic testing in IV – D cases. If the Attorney General does not appear, courts should contact David Shonta at DSS (860) 424-5282 to determine if the matter qualifies as a IV – D case.

For those matters that qualify, a copy of PC-184, Request/Order Waiver of Fees, and the manuscripted decree indicating the names, addresses, and telephone numbers of the mother, child, and the putative father must be faxed to: Department of Social Services, Bureau of Child Support Enforcement, Central Office, 25 Sigourney St., Hartford, CT, 06106, FAX: 860-951-2996.

The DSS central office staff review the order, and if approved, the appropriate BCSE field office will fax a payment approval guarantee letter to the appropriate testing facility. BCSE field office staff then contact the initiating probate court, advising that a payment guarantee has been sent, and the probate court may then contact the state vendor, Laboratory Corporation of America (LabCorp) directly at 1-800-732-6672 to coordinate testing appointment arrangements for the parties.

2. NON IV–D Cases. If the party seeking the test is indigent, but the matter does not qualify as a IV – D case, PCA will arrange and pay for testing by the state vendor, Laboratory Corporation of America (LabCorp) as follows:

a. The court e-mails the following items to Alison (Roz) Blair (ablair@ctprobate.gov) or Cathie Topper (ctopper@ctprobate.gov) at PCA:

- Copy of the Paternity Petition (PC-907), indicating the names, addresses, and dates of birth of the mother, child and the putative father
- Copy of the decree ordering the genetic test(This decree must be manuscripted.)
- *Copy of PC-184, Request/Order Waiver of Fees (See *PCA Policy Manual*, Policy No. 507 for more information, including standards for determining indigency.)

b. PCA schedules the appointment(s) with LabCorp at the most convenient location for each party. Please advise PCA if separate appointments are needed for parties who will be tested at the same location.

c. PCA e-mails the court with the date and time of the appointment(s).

d. The court notifies the parties of the scheduled appointment(s) using the memoranda emailed to the courts on March 4, 2014, which is located at the end of this section on paternity claims.

e. LabCorp will mail the test results directly to the court.

Forms for Paternity Claims

- 1) PC-907, Petition/Paternity Claim
- 2) PC-120, Order of Notice of Hearing
- 3) PC-130, Notice of Hearing
- 4) PC-931, Service and Return/Petition/Paternity Claim
- 5) PC-966, Decree/Paternity Claim (To be deployed in 2015; use CM-10 in the interim)

Jurisdiction – C.G.S. section 46b-172a

The claim for paternity must be filed in the Probate Court for the district where either the mother or the child resides. As noted above, after the death of the father, a claim for paternity may be filed on his behalf in the district where the putative father resided or where the party filing the claim resides.

Since the child must be born out of wedlock for a petition under C.G.S. section 46b-172a, the Probate Court is without jurisdiction if the mother was married at the time of birth, even if it is alleged that the child was conceived out of wedlock.

If the child was born on or after July 1, 1997, the birth certificate submitted with the claim for paternity in the Probate Court cannot include the name of a father. On or after this date, the name of a father of a child born out of wedlock can only appear on the birth certificate if both parents signed an acknowledgment of paternity on the form required by the Department of Public Health. This acknowledgment of paternity has the full force and effect of a Superior Court decree and, as such, the Probate Court does not have jurisdiction.

If the child was born prior to July 1, 1997, the court may hear and decide a claim for paternity even if there is a father listed on the birth certificate.

Items marked with an asterisk (*) are to be entered into CMS.

***Petition/Paternity Claim, PC-907**

If the petition is in order:

- Enter into CMS.
- Date-stamp.
- Prepare file folder.
- Entry Fee – \$150.00.

Note: Additional Fees (C.G.S. §45a-106)

- There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.
- There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.
- There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

Personal Service/Mailing of Certified Copies of Claim — C.G.S. sections 46b-172a and 46b-231(b)(2), as amended.

Not later than five days after the filing of the claim, the court shall cause a certified copy of the claim to be:

1) served upon the mother or prospective mother by personal or abode service at her usual place of abode using form

***PC-931, Service and Return/Petition/Paternity Claim**

and 2) mailed by first class mail to the Attorney General. **NOTE:** The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received state aid or care, or if the child is receiving child support enforcement services as defined in C.G.S section 46b-231(b)(2), as amended.

Guardian Ad Litem Requirement

The court must appoint a guardian ad litem for the child and for any minor parent(s) of the child. The petitioner shall pay the compensation for the guardian ad litem. If the court finds that the petitioner is unable to pay the compensation for the guardian ad litem, the Probate Court Administration Fund will pay. [C.G.S. §46b-172a(c) and (d)].

***ORDER OF NOTICE OF HEARING, PC-120**

NOTICE OF HEARING, PC-130

The notice must be sent to ALL parties involved in the paternity action. If a termination proceeding is pending, all parties to that proceeding should also be notified. The parties include:

1) the guardian ad litem for the child and any minor parent(s) of the child. The court must appoint these guardians ad litem. [C.G.S. section 46b-172a(c) and (d)].

2) the mother (and her guardian ad litem if she is a minor). [**NOTE:** As stated previously, no later than five days after the filing of the claim, the judge must also cause a certified copy of such claim to be served upon the mother/prospective mother of the child at her usual place of abode.]

3) the father (and his guardian ad litem if he is a minor).

4) if the putative father is deceased, the closest kin to the putative father, if the claim is being filed pursuant to C.G.S. §46b-172a(i).

5) The Attorney General [**NOTE:** As stated previously, no later than five days after the filing of the claim, the judge must also send a certified copy of such claim by first class mail to the Attorney General. The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received state aid or care, or if the child is receiving child support enforcement services as defined in C.G.S section 46b-231(b)(2), as amended.]

- Prepare and mail the **Notice of Hearing, PC-130**, as directed in the Order of Notice.
- Enter number of notices on ledger sheet – \$2.00 each in excess of two.

Hearing

The court must set the date for the hearing upon receipt of the claim for paternity. No time limit is specified; however, the court must hold the hearing on the claim for paternity either before or at the same time as the termination hearing if one is scheduled (C.G.S. section 45a-717).

- Prepare Judge's Record of Hearing Sheet (see p. MISC-34).

***DECREE/PATERNITY CLAIM, PC-966** (To be deployed in 2015; use CM-10 in the interim)

NOTE: 1) C.G.S. section 7-50, as amended, permits the probate court to order the Department of Public Health to remove the name of a father on a birth certificate. The court must make a finding that the person recorded on the birth certificate (who must be specifically referred to by name) is not the child's father OR a finding that someone else (again, specifically referred to by name) is the child's father. These findings are available for use on the decree for a child born prior to 1997.

NOTE 2) If the court finds that the claimant is the father of the minor child, the Department of Health Services, Vital Records Section will be ordered to conform the child's birth certificate pursuant to the findings of the court.

i IMPORTANT: If the claimant is adjudicated to be the father of the child, the court must forward a certified copy of the decree (PC-966) and a **certified Record of Paternity (VS-2L)** to the State Health Department, Vital Records Section. (See "Addresses" section for full address. The form is in the "Tools" section of the CMS program.)

Determinations

Once the alleged parental rights have been adjudicated in favor of the putative father, his rights and responsibilities are equivalent to those of the mother [C.G.S. sections 46b-172a(g) and 45a-604].

The judge may enter a temporary order for support, visitation, or custody until permanent orders are entered by the superior court [C.G.S. section 46b-172a(g)].

If the claimant fails to perfect his parental rights, he ceases to be a legal party in interest in any proceeding concerning the custody of the minor child. He will cease to be a party in interest in all future proceedings involving the child unless: 1) he perfects his parental rights under the statute, or 2) he has shown a reasonable degree of interest, concern, or responsibility for the child's welfare. Each case must be judged on its merits.

Prepare Documents and Scan/Microfilm

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) CM-9, Application/Paternity Claim
- 2) PC-120, Order of Notice of Hearing
- 3) PC-130, Notice of Hearing
- 4) PC-931, Service and Return/Petition/Paternity Claim
- 5) PC-966, Decree/Paternity Claim (To be deployed in 2015; use CM-10 in the interim)

• Place in proper order.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Memorandum**To:****From:** [Court Name] Probate Court**Re:** [Child's Name]**Date:**

A genetic test to determine paternity has been scheduled by LabCorp for [Mother's Name] and [Child's Name], for [Date] at [Time].

This test is required by court order. LabCorp will conduct the test at the following location: **[Address]**.

Please arrive on time for the appointment. Adult clients need to bring **two** forms of identification.

One form of identification is needed for the child. Acceptable forms of identification are driver's license, social security card, ID card (with picture), or birth certificate.

The results of this test will be sent directly to the [Court Name] Probate Court.

Memorandum**To:****From:** [Court Name] Probate Court**Re:** [Child's Name]**Date:**

A genetic test to determine paternity has been scheduled by LabCorp for [Putative Father's Name], for [Date] at [Time].

This test is required by court order. LabCorp will conduct the test at the following location:
[Address].

Please arrive on time for the appointment. Adult clients need to bring **two** forms of identification. One form of identification is needed for the child. Acceptable forms of identification are driver's license, social security card, ID card (with picture), or birth certificate.

The results of this test will be sent directly to the [Court Name] Probate Court.

CUSTODY of the REMAINS of DECEASED PERSONS

C.G.S. §45a-318.

Forms to be used

CM-23, Petition for Award of Custody of the Remains of a Decedent (Application by a Relative or Designated Person)

CM-24, Petition for Award of Custody of the Remains of a Decedent (Application by Official Designated by Statute)

PC-120, Order of Notice OR PC-133, Order of Notice of Hearing, Notice, and Return (combined form)

PC-130, Notice of Hearing

PC-131, Return of Notice of Hearing

CM-25, Decree Awarding Custody of Remains of Decedent (Relative)

CM-26, Decree Awarding Custody of the Remains of a Decedent (Application by an Official Designated by Statute)

Items marked with an asterisk (*) are to be entered into CMS.

NOTE: A one-sheet summary of forms and procedures for custody of the remains of deceased persons appears on p. MISC- 20.

Who May Petition

Background. C.G.S. § 45a-318 states that a person 18 years of age or older and of sound mind may execute a signed, written document directing the disposition of his remains. The document may also name an individual (and an alternate, if so desired) who will have custody and control of the decedent's remains. The document must be attested by two witnesses.

In the absence of the written designation discussed above, OR in the event that the individual named in the written designation or the alternate (if any) declines to act or cannot be located within 48 hours of the discovery of the decedent's body, the parties listed below in order of priority shall have the right to custody and control of the remains. The custody and control is subject to any directions made by the decedent if he left a written designation.

- | | |
|---|---|
| <ul style="list-style-type: none"> 1) surviving spouse, unless the spouse abandoned the decedent prior to death or has been adjudged incapable 2) surviving adult children, | <ul style="list-style-type: none"> 3) surviving parents, 4) surviving siblings, 5) next of kin, 6) an adult person as determined by the Probate Court |
|---|---|

The following parties may petition the court to decide any issue regarding custody, control, or the disposition of the decedent's remains:

- 1) the person named in the written designation (or the alternate).
- 2) if no written designation has been made, the person entitled to custody and control by virtue of priority. (See 1– 6 above.)
- 3) the first selectman, chief executive officer, or health director of the town in which the deceased person's body is being held.
- 4) the funeral director or other person or institution holding the body of the deceased.

Jurisdiction

- Jurisdiction is in the probate court district where the deceased had his or her domicile.

* **Petition for Award of Custody of the Remains of a Decedent (Application by a Relative or Designated Person), CM-23, p. MISC-21 OR**

* **Petition for Award of Custody of the Remains of a Decedent (Application by Official Designated by Statute), CM-24, p. MISC-22**

If the Application (CM-23 or CM-24) is acceptable: • Enter into CMS. • Prepare file folder.

Entry Fee

The basic costs for all proceedings in the settlement of the estate of any deceased person is based on the gross estate for succession tax purposes (C.G.S. §12-349) **OR** the inventory (probatable estates) **OR** the Connecticut taxable estate as defined in C.G.S. §12-391, as amended, **OR** the gross estate for estate tax purposes (Chapter 217 and 218), whichever is greater:

PLUS all damages recovered for injuries resulting in death, **LESS** hospital and medical expenses and attorney's fees and costs,
LESS 50% of any portion of the property passing to the surviving spouse.

Value of Estate	Probate Fee
**\$ 0 to \$ 500.00	\$ 25.00
**\$ 501 to \$1,000	\$ 50.00
**\$ 1,000 to \$10,000	\$ 50.00, plus .01 of all in excess of \$1,000.00.
\$ 10,000 to \$500,000	\$ \$150.00, plus .0035 of all in excess of \$10,000.

** The *minimum* fee is \$150.00 for a full probate estate with a gross taxable value of less than \$10,000.

The cost for a public assistance recipient will be \$25.00 in most cases.

Procedure

Due to the nature of the proceedings, the application should be set down for a hearing as soon as possible. The petition may be heard immediately if all parties sign a waiver of notice of hearing (General Waiver, PC-181). If the parties do not sign a waiver, telephone notice should be given, followed by regular mail notice.

***ORDER OF NOTICE OF HEARING, PC-120, or *PC-133, ORDER OF NOTICE OF HEARING, NOTICE AND RETURN**

ESTATE OF/IN THE MATTER OF (Insert decedent's name.)

DATE OF ORDER OF NOTICE

PETITIONER: (Insert petitioner's name.)

PLACE OF HEARING DATE OF HEARING TIME OF HEARING

COMPLIANCE DATE

UPON THE APPLICATION OF THE PETITIONER FOR (Insert "custody of the remains of ...") *...IT IS ORDERED THAT:*

Said application be heard and determined at the court of probate at the place, date, and time indicated above. Notice of said application...be given by having the judge, clerk, assistant clerk:

- Publish such notice... times in a newspaper having a circulation in this probate district. (If applicable)*
- Publish such notice ... times in a newspaper having a circulation in[Town and State] (If applicable)*

- Mail such notice to:
- 1) each attorney of record,
 - 2) the following parties in interest:

- Impress court seal.

Signature of judge, clerk or assistant clerk.

- Unless PC-133 (combined form) was used, or a General Waiver, PC-181, was signed, a prepare and mail the **Notice of Hearing, PC-130**, as directed in the order of notice. (Notice must be sent by the judge, clerk or assistant clerk of the court (Connecticut Probate Practice Book, Rule 1.9 and 1.10).
- Enter number of notices on ledger sheet – \$2.00 each in excess of two.

***RETURN OF NOTICE OF HEARING, PC-131**

- Enter the date of return and names and addresses of persons sent notice.
- Prepare Judge's Record of Hearing Sheet — petitioner, type of hearing, date, and time (see p. MISC-34).

***GENERAL WAIVER, PC-181**

Use this form if the hearing is to be held immediately, and parties waive notice of hearing.

*** Decree Awarding Custody of Remains of Decedent (Application by Relative or Designated Person), CM-25, p. MISC-23**

OR

*** Decree Awarding Custody of the Remains of a Decedent (Application by Official Designated by Statute), CM-26, p. MISC-24**

Prepare Documents and Scan/Microfilm

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- 1) CM-23, Petition for Award of Custody of the Remains of a Decedent (Application by a Relative or Designated Person) **OR**
- 2) CM-24, Petition for Award of Custody of the Remains of a Decedent (Application by Official Designated by Statute)
- 3) PC-120, Order of Notice
- 4) PC-131, Return of Notice of Hearing OR PC-133, Order of Notice of Hearing, Notice, and Return
- 5) CM-25, Decree Awarding Custody of Remains of Decedent (Relative)

OR

- 6) CM-26, Decree Awarding Custody of the Remains of a Decedent (Application by an Official Designated by Statute)

• Place in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Custody of the Remains of a Deceased Person

Pertinent Statute: C.G.S. §45a-318

Transmittal Memoranda: None

Forms & procedures are listed below.

CM - 23, Petition for Award of Custody of the Remains of a Decedent (Application by a Relative or Designated Person)

CM - 24, Petition for Award of Custody of the Remains of a Decedent (Application by Official Designated by Statute)

PC-120, Order of Notice

PC-130, Notice of Hearing

PC-131, Return of Notice of Hearing

CM-25, Decree Awarding Custody of Remains of Decedent (Relative)

CM-26, Decree Awarding Custody of the Remains of a Decedent (Application by an Official Designated by Statute)

PRACTICE POINTERS (Please note: This information is not a substitute for a careful review of the statute.) C.G.S. §45a-318 states that a person 18 years of age or older and of sound mind may execute a signed, written document directing the disposition of his remains. The document may also name an individual (and an alternate, if so desired) who will have custody and control of the decedent's remains. The document must be attested by two witnesses

1. Who May Petition

1) the person named in the written designation (or the alternate).
 2) if no written designation has been made, **OR** in the event that the individual named in the written designation or the alternate (if any) declines to act or cannot be located within 48 hours of the discovery of the decedent's body, the person entitled to custody and control by virtue of priority, as listed below.

- | | |
|---|---|
| <p>a) surviving spouse, unless the spouse abandoned the decedent prior to death or has been adjudged incapable</p> <p>b) surviving adult children,</p> <p>c) surviving parents,</p> | <p>d) surviving siblings,</p> <p>e) next of kin,</p> <p>f) an adult person as determined by the Probate Court</p> |
|---|---|

Custody and control is subject to any directions made by the decedent if he left a written designation.

- 3) the first selectman, chief executive officer, or health director of the town in which the deceased person's body is being held.
 4) the funeral director or other person or institution holding the body of the deceased.

2. JURISDICTION is in the probate court for the district where the decedent had his or her domicile.

3. If the Application (CM-23 OR CM-24) is acceptable: ● Enter on Tally Sheet. ● Prepare file folder, index card, and ledger sheet.

4. Entry Fee

The basic costs for all **proceedings in the settlement of the estate of any deceased person** is as follows:

	<u>COST</u>
\$ 0 to \$ 500.00	\$ 25.00
\$ 501 to \$1,000	\$ 50.00
\$ 1,000 to \$10,000	\$ 50.00, plus .01 of all in excess of \$1,000.00.

In most cases, the cost for a public assistance recipient will be \$25.00.

5. HEARING: Due to the nature of the proceedings, the application should be set down for hearing as soon as possible. The petition may be heard immediately, if all parties sign a waiver of notice of hearing.

6. Decree (CM-25 or CM-26).

Please see CMS Tools for form CM-23, Petition for Award of Custody of the Remains of a Decedent (Application by Relative or Designated Person.)

Please see CMS Tools for form CM-24, Petition for Award of Custody of the Remains of a Decedent (App. by Official Designated by Statute).

Please see CMS Tools for form CM-25, Decree Awarding Custody of the Remains of a Decedent (Application by Relative or Designated Person).

Please see CMS Tools for form CM-26, Decree Awarding Custody of the Remains of a Decedent (Application by Official Designated by Statute).

PROBATE FEES

All probate fees are found in C.G.S. §§ 45a-105 through 45a-112.

PROBATE MAGISTRATES & MEDIATION PANEL

C.G.S. § 45a-123 and 123a discuss the appointment of probate magistrates in the Probate Court. The regulations concerning probate magistrates are found in **Sections 25 and 26**. Also see Rule 14 of the Probate Court Rules of Procedure.

Section 22 of the Regulations discusses the panel of judges who may mediate complex cases.

INTERPRETING SERVICES FOR DEAF AND HEARING-IMPAIRED PERSONS

The information about sign language interpreting services for deaf or hard of hearing individuals appears on p. DUTIES-16.

LANGUAGE INTERPRETING SERVICES

Ordinarily, the court may look to a family member, friend or other person to serve as an interpreter for a party or witness who is unable to speak or understand English. See Probate Court Rules of Procedure section 67.2. When no such person is available or approved by the court to serve as an interpreter, the court shall provide an interpreter from the list of interpreters found in the "Addresses" section. The vendors on the list have a contract with the State of Connecticut to provide translation and interpretation services to state agencies. When requesting the service, **let the vendor know that you are requesting interpreting services on behalf of a Connecticut Probate Court and that the rates under the State Contract No. 10PSX0054 apply**. See PCA Policy Manual, section 512, for the procedures for payment of interpreting services from the Probate Court Administration Fund.

HABEAS CORPUS PETITIONS Attendance of Inmates at Probate Court Hearings

CM Appendix 11-17 discusses the attendance of inmates at probate court hearings.

CONNECTICUT BAR ASSOCIATION Connecticut Pro Bono Network

The Connecticut Bar Association maintains a panel of attorneys who accept pro bono referrals. "Pro bono" means that the attorney *does not receive any payment* for his or her services. This is in accordance with the Connecticut Bar Association's definition of "pro bono." Please visit the CBA website for more information: www.ctbar.org.

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NEWSPAPER LISTING

NOTE: Before sending notice to be published, please check with the newspaper to determine whether payment need be enclosed.

BRIDGEPORT

The Connecticut Post
410 State Street
Bridgeport, CT 06604
(203) 333-0161

BRISTOL

The Bristol Press
188 Main St.
Bristol, CT 06110
(860) 584-0501

DANBURY

The News Times
333 Main St.
Danbury, CT 06810
(203) 744-5100

GREENWICH

Greenwich Time
1455 E. Putnam Ave.
Old Greenwich, CT 06730
(203) 625-4400

HARTFORD

The Hartford Courant
285 Broad St.
Hartford, CT 06115
(860) 241-6200

MANCHESTER

Journal Inquirer
306 Progress Drive
P.O. Box 510
Manchester, CT 06045-0510
(860) 646-0500

MERIDEN-WALLINGFORD

Record-Journal
11 Crown St.
Meriden, CT 06450
(203) 235-1661

MIDDLETOWN

The Middletown Press
386 Main St., 4th Floor
Middletown, CT 06457
(860) 347-3331

NEW BRITAIN

The Herald
1 Court St. , 4th Floor
New Britain, CT 06051
(860) 225-4601

NEW HAVEN

New Haven Register
40 Sargent Drive
New Haven, CT 06511-6111
(203) 789-5200

NEW LONDON

The Day
47 Eugene O'Neill Drive
P.O. Box 1231
New London, CT 06320-1231
(860) 442-2200

NORWALK

The Hour
1 Selleck St.
Norwalk, CT 06855
(203) 846-3281

NORWICH

Norwich Bulletin
66 Franklin St.
Norwich, CT 06360-5805
(860) 425-4200

STAMFORD

The Advocate
9A Riverbend Drive
P.O. Box 9307
Stamford, CT 06907
(203) 964-2200

TORRINGTON

Register Citizen
190 Water St.
Torrington, CT 06790
(860) 489-3121

WATERBURY

Waterbury Republican-American
389 Meadow St.
P.O. Box 2090
Waterbury, CT 06722
(203) 574-3636

WILLIMANTIC

The Chronicle
1 Chronicle Rd.
P.O. Box 148
Willimantic, CT 06226-0148
(860) 423-8466

**JUDICIAL COMMITMENT
for TREATMENT of TUBERCULOSIS**

C.G.S. §19a-265

Jurisdiction

Jurisdiction is in the probate court district where the respondent resides.

Petitioner

The Director of Health for the town, city or borough may file the petition.

NOTE: THE FOLLOWING PROVISIONS APPLY TO ALL PROCEEDINGS UNDER THIS STATUTE:

- ✓ All petitions and notices thereof shall be “hand-delivered” to the respondent as quickly as reasonably possible [C.G.S. §19a-265(h)].
- ✓ All proceedings **SHALL** be recorded and shall be transcribed only if the decree is appealed to superior court or if a writ of habeas corpus is filed. (See form CM-37, Writ of Habeas Corpus, p. MISC-33.)
- ✓ All proceedings are **CONFIDENTIAL**. Disclosure may be made only to the respondent or his or her legal representative OR ordered by the Probate Court for good cause shown.
- ✓ Appointment of an attorney: The respondent has the right to counsel and, if indigent or otherwise unable to pay for or to obtain counsel, the respondent has a right to have counsel appointed to represent him or her. [C.G.S. §19a-265(h)(2)]. If the respondent is unable to pay for counsel, the Probate Court Administration Fund will pay upon proper certification.

There are three proceedings that involve the probate court:

1. Petition under C.G.S. §19a-265(e)

This procedure is used when the Director of Health has issued a warning to the respondent to submit to an examination for tuberculosis. In order to carry out the warning, the director **MAY** need to apply to the probate court for an **ENFORCEMENT ORDER**.

Items marked with an asterisk (*) are to be entered into CMS.

Forms

- ***Petition/Judicial Order Enforcing Examination of Respondent for Tuberculosis, PC-904**
- ***Order of Notice, Notice and Return: Petition for Examination or Judicial Commitment for Treatment of Tuberculosis, PC-920**
- ***Decree/Warrant: Enforcement of Examination of Respondent for Tuberculosis, PC-963**

- Date-stamp application.
- Enter into CMS.
- Make up a file folder. (Note: Folder is to be returned to locked file in vault at end of proceedings.)

- Entry fee – \$150.00 per application. **Note:** Additional Fees (C.G.S. §45a-106)
 - There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.
 - There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.
 - There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

Hearing

The hearing must be held **WITHIN THREE (3) BUSINESS DAYS** of receipt of the application.

• **IMPORTANT:** Have a **recorder** ready for the hearing. The court **SHALL make a recording** of the hearing testimony, but it is to be transcribed only in the event of an application for a writ of habeas corpus or an appeal from the court's decree. A copy of the transcript must be furnished, without charge, to the applicant for the writ of habeas corpus or any appellant whom the court finds is unable to pay for such transcript. In such a case, the cost of said transcript will be paid by the original petitioner. [C.G.S. §19a-265 (m)].

Prepare Documents and Scan/Microfilm

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

ALL RECORDS ARE CONFIDENTIAL [C.G.S. §19a-265 (o)] and shall be retained by the court until receipt of certification from the microfilming vendor. See below for further instructions.

- Scan:
 - 1) PC-904, Petition/Judicial Order Enforcing Examination of Respondent for Tuberculosis
 - 2) PC-920, Order of Notice, Notice and Return: Petition for Examination or Judicial Commitment for Treatment of Tuberculosis
 - 3) PC-963, Decree/Warrant: Enforcement of Examination of Respondent for Tuberculosis
- Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

2. Petition under C.G.S. — 19a-265(f)

AFTER the Health Director has issued an **EMERGENCY COMMITMENT ORDER**, he or she immediately petitions the probate court to determine whether or not the commitment should be continued.

Items marked with an asterisk (*) are to be entered into CMS.

Forms

***Petition/Judicial Order Continuing a Prior Emergency Commitment for Treatment of Tuberculosis, PC-903**

***Order of Notice, Notice and Return: Petition for Examination or Judicial Commitment for Treatment of Tuberculosis, PC-920**

***Decree/Judicial Commitment for the Treatment of Tuberculosis/Continuing Commitment Order, PC-962**

- Date-stamp application.
- Enter into CMS.

- Make up a file folder. (Note: Folder is to be returned to locked file in vault at end of proceedings.)
- Entry fee – \$150.00 per application. **Note:** Additional Fees (C.G.S. §45a-106)
 - There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.
 - There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.
 - There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

Hearing

• **IMPORTANT:** Have a **recorder** ready for the hearing. The court **SHALL make a recording** of the hearing testimony, but it is to be transcribed only in the event of an application for a writ of habeas corpus or an appeal from the court's decree. A copy of the transcript must be furnished, without charge, to the applicant for the writ of habeas corpus or any appellant whom the court finds is unable to pay for such transcript. In such a case, the cost of said transcript will be paid by the original petitioner.
[C.G.S. §19a-265 (m).]

The hearing may be held in one of two ways:

- 1) The hearing must be conducted by a single-judge court **WITHIN 96 HOURS** of the issuance of an emergency commitment order, excluding Saturdays, Sundays, and legal holidays; OR
- 2) The **RESPONDENT** or the **PROBATE JUDGE** may make a motion to have the hearing conducted by a **THREE-JUDGE PANEL**, in which case the hearing must be held **WITHIN 96 HOURS** of the issuance of an emergency commitment order, excluding Saturdays, Sundays, and legal holidays. The Probate Court Administrator's office should be contacted immediately, so that the three-judge panel can be established.
[C.G.S. §19a-265(f)]

NOTE: At least one of the judges on the three-judge panel must be an attorney.

Evidence

The evidence must be **CLEAR AND CONVINCING** — vote by two of the three judges.

Prepare Documents and Scan/Microfilm

• **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

ALL RECORDS ARE CONFIDENTIAL [C.G.S. §19a-265 (o)] and shall be retained by the court until receipt of certification from the microfilming vendor. See below for further instructions.

- Scan:
 - 1) PC-903, Petition/Judicial Order Continuing a Prior Emergency Commitment for Treatment of Tuberculosis
 - 2) PC-920, Order of Notice, Notice and Return: Petition for Examination or Judicial Commitment for Treatment of Tuberculosis
 - 3) PC-962, Decree/Judicial Commitment for the Treatment of Tuberculosis/Continuing Commitment Order
- Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

3. Petition under C.G.S. §19a-265(c)(5)

The Health Director petitions the probate court for a judicial commitment order authorizing the respondent's removal to (or detention in) a hospital or other medical treatment center for the treatment of tuberculosis under the circumstances specified in the statute [C.G.S. §19a-265(c)(5)(A) through (E)].

NOTE: This procedure is used when the Health Director has not issued a prior emergency commitment order.

Items marked with an asterisk (*) are to be entered into CMS.

Forms

***Petition/Judicial Commitment For the Treatment of Tuberculosis [No Prior Emergency Order Issued], PC-902**

***Order of Notice, Notice and Return: Petition for Examination or Judicial Commitment for Treatment of Tuberculosis, PC-920**

***Decree/Judicial Commitment for the Treatment of Tuberculosis/Initial Commitment Order, PC-961**

- Date-stamp application.
- Enter into CMS.
- Make up a file folder. (Note: Folder is to be returned to locked file in vault at end of proceedings.)
- Entry fee – \$150.00 per application. **Note:** Additional Fees (C.G.S. §45a-106)
 - There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.
 - There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.
 - There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

Hearing



• **IMPORTANT:** Have a **recorder** ready for the hearing. The court **SHALL make a recording** of the hearing testimony, but it is to be transcribed only in the event of an application for a writ of habeas corpus or an appeal from the court's decree. A copy of the transcript must be furnished, without charge, to the applicant for the writ of habeas corpus or any appellant whom the court finds is unable to pay for such transcript. In such a case, the cost of said transcript will be paid by the original petitioner. [C.G.S. §19a-265 (m)].

The hearing may be held in one of two ways:

- 1) The hearing must be conducted within **THREE (3) BUSINESS DAYS** of receipt of the application by a single judge; OR
- 2) The **RESPONDENT** or the **PROBATE JUDGE** may make a motion to have the hearing conducted by a **THREE-JUDGE PANEL**, in which case the hearing must be held within **THREE (3) BUSINESS DAYS** of the filing of such motion. The Probate Court Administrator's office should be contacted immediately, so that the three-judge panel can be established. [C.G.S. §19a-265(f)].

NOTE: At least one of the judges on the three-judge panel must be an attorney.

Evidence

The evidence must be **CLEAR AND CONVINCING** — vote by two of the three judges.

Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

ALL RECORDS ARE CONFIDENTIAL [C.G.S. §19a-265(o)] and shall be retained by the court until receipt of certification from the microfilming vendor. See below for further instructions.

● Scan:

- 1) PC-902, Petition/Judicial Commitment For the Treatment of Tuberculosis [No Prior Emergency Order Issued]
- 2) PC-920, Order of Notice, Notice and Return: Petition for Examination or Judicial Commitment for Treatment of Tuberculosis
- 3) PC-961, Decree/Judicial Commitment For the Treatment of Tuberculosis/ Initial Commitment Order

● Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Judges Record of Hearing
Accountings (Non-Decedent's Estate)

IN RE:

DATE AND TIME:

ACCOUNTING PERIOD [IF APPLICABLE]:

FILE: Notice Requirements?

Probate Fee Paid?

PERSONS PRESENT:
(Indicate Capacity)

OBJECTION:
Name(s):

Reason(s)

Ruling by Judge:

INSTRUCTIONS AND REMARKS:

WRIT of CAPIAS

C.G.S. §45a-129, Examination of Witnesses

This statute authorizes the probate court, either on its own motion or the motion of a person having an interest in any matter before the court, to summon a person to appear and give testimony before the court.

If the party is duly subpoenaed and does not appear at the court, then the court has the power to secure the person's attendance by a Writ of Capias, CM-50. (See p. MISC-36.)

The court must set a hearing on the matter, giving notice to all parties. The respondent in this proceeding is the party that failed to appear. The Capias form should be completed by the court and given to a state marshal, police officer, special constable, or special police officer for proper execution.

AUTHENTICATION of PROBATE COURT DOCUMENTS in MATTERS INVOLVING FOREIGN COUNTRIES

If a party requests authentication of a probate court document for use in a foreign country, advise them to complete the Authentication/Apostille Order form on pp. MISC-37 & 38. Please be sure that the copy of the form given to the party contains the judge's original signature. (Please note: The instructions on the form state that a probate clerk's signature cannot be authenticated.)

See CMS Tools for form CM-50, Writ of Capias.

OFFICE OF THE SECRETARY OF THE STATE
AUTHENTICATION / APOSTILLE ORDER FORM

Website: www.sots.ct.gov

Telephone: (860) 509-6100

Mailing Address: (Direccion postal)

Connecticut Secretary of the State, Attn: Authentications
P.O. Box 150470, Hartford, CT 06115-0470

FEES: \$15.00 per document for Child Adoptions
\$40.00 per document for all other documents

Delivery by FedEx, UPS, DHL (Servicio de Mensajero)

Connecticut Secretary of the State, Attn: Authentications
30 Trinity Street, Hartford, CT 06106

PAGO: Adopcion es \$15.00 Por Documento
Otros documentos son \$40.00

Checks payable to: Secretary of the State (Haga los cheques a nombre de la Secretary of the State)

EXPEDITED SERVICE: For an **additional** \$50.00 per document, orders will be processed and mailed within 24 hours. Adoption documents can not be expedited. (Para un adicional \$50.00 por documento, pedidos se procesarán y enviaran por correo dentro de 24 horas. Documentos de adopción no se pueden agilizar.) **Rejected documents will result in the forfeiture of expedited fee.**

PLEASE TYPE OR PRINT LEGIBLY. (FAVOR DE ESCRIBIR O IMPRIMIR LEGIBLEMENTE): Will not be responsible for misdirected mail if illegible. (No somos responsable de correo mal dirigido.)

1. DATE: (Fecha) _____ DAYTIME PHONE NO.: (Telefono durante el dia) _____
 2. NAME: (Nombre): First/Primer _____ Last/Apellido _____
 3. COMPANY (Compania) (If applicable) _____
 4. ADDRESS: (Direccion) _____ CITY(Ciudad) _____
STATE (Estado) _____ ZIP CODE(código) _____
 5. COUNTRY in which your documents will be used _____
(Pais donde sus documentos seran usados)
 6. CHECK IF DOCUMENTS ARE FOR AN ADOPTION (Marcar si los documentos son para adopcion) _____
 7. NUMBER OF AUTHENTICATION/APOSTILLES REQUESTED. _____
(Numero de certificados para autenticacion/apostilla solicitado)
 8. CHECK IF YOU WANT **EXPEDITED SERVICE** (Marcar para Servicio Rapido) _____
 9. PAYMENT ENCLOSED (Pago incluido) _____
 10. MASTERCARD / VISA / AMEX _____ EXP. DATE. _____
(Numero de Mastercard/visa) _____ (Fecha de vencimiento)
 - SEC. CODE: _____ BILLING ZIP CODE: _____
(Código de seguridad) _____ (Código postal de facturacion)
 - AUTHORIZING SIGNATURE** _____
(Autorización de firma)
 11. HOW WOULD YOU LIKE YOUR ORDER TO BE RETURNED? (CHECK ONE) ****IF NOTHING IS INDICATED, YOUR ORDER WILL BE MAILED.** Providing a self-addressed stamped envelope would be appreciated. ¿ Cómo quiere que su orde ^{nsadevuola} a usted? (Marque uno) Si no se indica nada, se enviara su pedido.
- Hold for pickup _____ First class mail _____ Prepaid courier service (provide label) _____
(Retener mi orden para ser recogida) (Correo de primera clase) (Servicio de mensajero prepagado – envíe etiqueta)

INSTRUCTIONS

What Signatures can be Authenticated?

Documents recently signed by *any* of the following public officials of the State of Connecticut can usually be authenticated without difficulty:

Connecticut notaries public; town clerks and their *duly* appointed assistants and deputies; local registrars of vital statistics and their duly appointed assistants and deputies; justices of the peace; judges of probate; commissioners of deeds for the State of Connecticut; clerks, deputy clerks, and assistant clerks of the Superior Court; the Connecticut Commissioner and Deputy Commissioner of Public Health and Addiction Services; the Connecticut Registrar and Assistant Registrar of Vital Records; judges of the Superior Court.

Original Signature Requirement

Authentication and apostille certificates cannot be prepared for documents issued with photocopied, stamped, or other facsimile signatures. If the document *you* have has photocopied, stamped, or facsimile signature, *you* must have it re-signed (countersigned) by the public official with his/her original signature. (The only exception to this rule is for certified copies with a raised seal issued by the proper authority of a Connecticut town or the Connecticut Department of Public Health.)

Authentication Certificate

A certificate that when attached to a document, certifies that a Connecticut notary, or other Connecticut public official whose original signature appears on the document is, in fact, a notary or the official specified. Authentication certificates are also sometimes called flaps, flags, legalization certificates, or exemplification certificates.

Apostille

A special form of authentication certificate prepared under the terms of an International treaty known as "The Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents." The Hague Convention apostille simplifies the authentication process by exempting documents certified with the apostille at the state level from any additional certification by a higher authority, such as at the national or consular level. An apostille certifies the authenticity of the signature certified and the capacity in which the signing of the official has acted. If the country to which *you* are sending your document has signed the Hague Convention, it will accept the apostille certificate.

Expedited Service

Expedited Service is not walk-in, while-you-wait, or same day service. Expedited Service provides for 24-hour response to your order, excluding weekends and holidays. Non-expedited orders are usually responded to in 2 to 3 days, or sooner, as the workload permits.

- The fee for Expedited Service is per transaction, *in addition* to the regular authentication fee. Each authentication certificate prepared is considered a separate transaction.
- Orders for Expedited Service submitted by mail must be clearly marked with the words "Expedited Service" on the outside of the envelope.
- For more information about Expedited Service, please see the *Regulations of Connecticut State Agencies*, section 3-99a-1 to 3-99a-11.
- Rejected documents will result in the forfeiture of expedited fee.

U.S. State Department

Countries that *do not* accept the apostille usually require that *your* document be additionally authenticated by the U.S. State Department, *after* they have been authenticated by the Connecticut Secretary of the State. The authentication prepared by the U.S. State Department verifies the authenticity of the certificate attached by the Connecticut Secretary of the State.

Some countries that do not accept the apostille will allow you to bypass the U.S. State Department and will attach additional authentication directly at their consular offices. You must contact the consulate of the country to which *you* are sending *your* documents in order to determine what authentication procedures *you* must follow. Many foreign governments have consulates located in New York City that serve residents of Connecticut. Address questions regarding procedures and fees for obtaining U.S. State Department authentications to:

Authentication Office
U.S. Department of State 518 23rd
Street NW SA-1 Washington, DC
20520 Tel.(202) 647-5002
7:30AM-11:00AM

Countries that accept the apostille do not require that your documents be sent to the U.S. State Department for additional authentication.

EMANCIPATION of MINORS

C.G.S. §§46b-150–150e. The probate courts have concurrent jurisdiction with the superior courts to emancipate minors.

NOTE: For the purposes of this section, a minor is a person who has reached his or her 16th birthday.

Jurisdiction

Jurisdiction shall be in the probate district where the minor or his parents or guardian reside.

Petitioner

A minor who has reached the age of 16 and is residing in this state OR any parent or guardian of such minor may file the application.

Items marked with an asterisk (*) are to be entered into CMS.

***APPLICATION/EMANCIPATION OF MINOR, PC-905**

The application shall be verified and must plainly state: 1) the facts that bring the minor within the court's jurisdiction; 2) the name, date of birth, sex, and residence of the minor, 3) the name and residence of the parent, and 4) the name of the petitioner and his relationship to the minor.

NAME AND ADDRESS OF MINOR MINOR'S SEX, AGE, AND DATE OF BIRTH

NAMES OF PARENTS OR LEGAL GUARDIANS OR OTHER INTERESTED PERSONS

Name Relationship to Minor Residence [Street, Town, and Zip Code] Tel. Number

PETITIONER *Minor* *Parent/Guardian*

RESPONDENT *Minor* *Parent/Guardian*

Jurisdiction is based on residence of either the minor or his parents or the guardian in this probate district.

WHEREFORE, the petitioner requests that the court declare that the above-named minor be emancipated on the following grounds:

- (1) The minor has entered into a valid marriage. . . ; or*
- (2) The minor is on active duty with any of the armed forces. . . ; or*
- (3) The minor willingly lives separate and apart from his or her parents. . . and is managing his or her own financial affairs, regardless of the source of lawful income; or*
- (4) For good cause shown, it is in the best interests of the minor, any child of the minor, or the parents or guardian of the minor.*

STATE FACTS/REASONS FOR EMANCIPATION:

There is is not a current safety or service agreement . . . Department of Children and Families . . .

There is is not a current protective order . . .

Date Signature of Petitioner

If the application is in order:

- Date-stamp.
- Entry fee – \$150.00.

Note: Additional Fees (C.G.S. §45a-106)

- There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.
- There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.
- There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.
- Enter into CMS.
- Prepare file folder.

Hearing Date

The hearing must be held not later than 30 days after the filing of the petition.

Attorney

The court shall appoint counsel to represent the minor. The minor must pay the cost of counsel, unless he or she is unable to pay and files an affidavit (PC-184 or PC-184A) to that effect with the court, in which case the Probate Court Administration Fund will pay. (See *PCA Policy Manual, Policy No. 507* for more information, including standards for indigency.) The attorney may be appointed from the attorneys' list (See *CM Appendix 11-4*.)

At the time of appointment, send the attorney a CO-17 form for payment and a schedule of the fees and a sample invoice, if necessary.

*APPOINTMENT OF REPRESENTATIVE FOR INTERESTED PARTY, PC-182

- Check the box "attorney for," and insert the minor's name and date of birth.
- Check " other" and insert "a minor in an emancipation proceeding."
- Have the attorney file a written Report of Representative for Interested Party, PC-170.
- Attach a copy of PC-182 to the **Citation and Return/Emancipation of Minor, PC-930**.

Notice Procedures

The minor and his or her parent(s) [if the parent(s) is/are not the petitioner] must be notified by **personal service** at least seven (7) days before the hearing. If the parent is the petitioner, notice must be given by *certified mail*. The court shall give notice by *regular mail* to the Commissioner of DCF, the Attorney General, and other interested persons. NOTE: The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received aid or care from the state, or if the child is receiving child support enforcement services, as defined in C.G.S. §46b-231

*ORDER OF NOTICE/EMANCIPATION OF MINOR, PC-921

IN THE MATTER OF (Insert minor's name.) *DATE OF BIRTH OF MINOR CHILD*

PETITIONER

PLACE OF HEARING [*Street and Town*] *DATE OF HEARING* *TIME OF HEARING*

1. The citation in proceedings for emancipation of minor, together with an attested copy of the application and the order of notice be:

SERVED BY LEAVING THE SAME with or at the usual place of abode of:

- the parent(s) of the minor child. (**NOTE:** Unless the parent is the petitioner)
- the minor child.

2. The notice in proceedings for emancipation of minor, together with a copy of the application and order of notice be given by...first class mail to:

- the parent(s) of the minor child, if the parent(s) is/are the petitioners.
- the guardian(s) of the minor child.
- the attorney for: the minor child the parent(s) or guardian(s).
- the Commissioner of the Department of Children and Families.
- the Attorney General [**NOTE:** The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received state aid or care, or if the child is receiving child support enforcement services as defined in C.G.S. § 46b-231 (b)(2), as amended.]
- other persons having an interest in the child, as follows:

- Signature of judge, clerk, assistant clerk

NOTICE OF HEARING, PC-130

- Prepare notice of hearing.
- Enter number of notices sent on ledger or cost sheet along with amount of certified postage.

***CITATION AND RETURN/EMANCIPATION OF MINOR, PC-930**

The minor child (and the parent(s) if the parent(s) is/are not the petitioner) must be served at least seven (7) days before the hearing. In addition to the citation, which includes the Notice of Effects of Emancipation on the reverse side, the party(ies) being served must also receive an attested copy of the application and the order of notice of hearing.

- Prepare citation as directed in order of notice.
- Enter the court's telephone number on the reverse side.
- Pursuant to the "Special Notice to the Minor," attach a copy of **PC-182, Appointment of Representative for Interested Party**.
- Give attested copies of the citation and the order of notice to the state marshal for service, along with the original citation, PC-930, for completion and return.

Department of Children and Families Investigation

The court **SHALL** request that DCF conduct an investigation, unless the court waives such investigation for cause shown.

***COURT ORDER/REQUEST/RETURN INVESTIGATION OF PARENTAL RIGHTS MATTER/EMANCIPATION OF MINOR, PC-682.**

The court **SHALL** request an investigation by the Department of Children and Families *unless* the requirement is waived by the court for cause shown. If it is waived, the court must make a finding.

- Send one copy of the Court Order/Request/Return Investigation of Parental Rights Matter, PC-682, to the Central Office, Department of Children and Families in Hartford. Send two copies to the program supervisor in your region.

Please Note

When the request for investigation is made, DCF should provide the court with a "link number." This number should be included on all future correspondence with DCF and should be referred to whenever court personnel verbally request further information on the matter.

Prepare for Hearing

- Enter name, type of hearing, date, and time on court calendar or diary book.

Examination by Physician, Psychiatrist, or Licensed Psychologist

Pursuant to C.G.S. §46b-150a, the court may make a finding at the hearing or at any time while the emancipation proceeding is pending that an examination is warranted. If this finding is made, the court, on its own motion or on the motion of any party, may order the minor to be examined by a physician, psychiatrist, or licensed clinical psychologist appointed by the court. The court may also order the examination of a parent or custodian whose competency or ability to care for the minor is at issue. The petitioner will pay the expenses of any examination ordered by the court on its own motion; the expenses for any examination requested by another party shall be paid by the party who made the request. If the petitioner or the party requesting the examination is unable to pay for the examination, payment will be made by the Probate Court Administration Fund. The court may consider the results of the examination in ruling on the merits of the petition.

Evidence to be Considered at the Hearing

Evidence given by the minor, the parent(s)/guardian(s), and other interested parties.

Report of Representative for Interested Party, PC-170.

Report of DCF investigation.

Results of any examination by a physician, psychiatrist, or licensed clinical psychologist.

***DECREE/EMANCIPATION OF MINOR, PC-964**

IN THE MATTER OF:

- Check the boxes that apply. If, after hearing, the court further finds that:
 - 1) the minor has entered into a valid marriage; or
 - 2) the minor is on active duty with any of the armed forces; or
 - 3) the minor willingly lives separate and apart from his parents and is managing his or her own financial affairs, regardless of the source of lawful income; or

4) for good cause shown, emancipation will be in the best interest of the minor, any child of the minor, or the parent or guardian of the minor;

the court may order that the minor be emancipated.

- The application may be denied if the court finds that none of the statutory grounds for emancipation have been proven.
- Signature of judge.
- Make copies of decree.
- Impress court seal.
- Send the decree to interested parties, including the Department of Children and Families, the parent(s)/guardian(s), and the attorney for the minor.

Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

NOTE: Pursuant to the provisions of C.G.S. §46b-124, these forms are **CONFIDENTIAL**.

- 1) PC-905, Application/Emancipation of Minor
- 2) PC-182, Appointment of Representative for Interested Party
- 3) PC-170, Report of Representative for Interested Party
- 4) PC-921, Order of Notice/Emancipation of Minor
- 5) PC-930, Citation and Return/Emancipation of Minor
- 6) PC-964, Decree/Emancipation of Minor

- Place all documents in proper order. Check signatures.
- Return file to locked cabinet in the vault. Label file, "Emancipation of Minor – (Name of minor)."

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Appeal

Any person named in the petition who is aggrieved by the probate court's order may appeal to the superior court, pursuant to C.G.S. § 45a-186, et. seq.

Emancipation of Minors

Pertinent Statutes: C.G.S. §§46b-124 (CONFIDENTIALITY OF PROCEEDINGS); 46b-150 — 150e

Additional Reference: Folsom, Wilhelm, *Incapacity, Powers of Attorney, and Adoption in Connecticut*, 3d, §3:3, 1997

Forms & Procedures: EMANCIPATION OF MINORS

PC-905, Application/Emancipation of Minor
 PC-182, App't of Representative for Interested Party* (1)
 PC-170, Report of Representative for Interested Party
 PC-921, Order of Notice/Emancipation of Minor

PC-130, Notice of Hearing
 PC-930, Citation and Return/Emancipation of Minor* (2)
 PC-682, Court Order/Request/Return Investigation of Parental Rights Matter/Emancipation of Minor * (3)
 PC-964, Decree/Emancipation of Minor

NOTES: * (1) The court SHALL APPOINT COUNSEL to represent the minor. The minor must pay for the cost, unless he or she is unable to pay and files an affidavit (PC-184 or PC-184A) to that effect with the court, in which case the Probate Court Administration Fund will pay. (See *PCA Policy Manual*, Policy No. 507 for more information, including standards for indigency.) The attorney may be appointed from the attorney's list. (See *CM Appendix 11-4*.) At the time of appointment, send the attorney a CO-17 form for payment, a schedule of fees, and a sample invoice, if necessary.

***(2) NOTICE REQUIREMENTS.** (a) The minor child and the parent(s) if the parent(s) is/are NOT the petitioner, must receive notice by personal or abode service **AT LEAST SEVEN DAYS PRIOR TO THE HEARING**. In addition to the citation, the parties must receive an attested copy of the application and the order of notice of hearing; (b) If the parent(s) is/are the petitioner, notice is to be given by first class mail; (c) The Commissioner of DCF, the Attorney General, and other interested parties are also notified by first class mail. (Please see the "NOTE" about the Attorney General's office on p. 41 of this section.)

***(3) The court SHALL REQUEST** that DCF conduct an investigation, unless the court waives such investigation for cause shown. If it is waived, the court must make a finding that explains the reason for the waiver.

(4) Pursuant to C.G.S. §46b-150a, the court may make a finding at the hearing or at any time while the emancipation proceeding is pending that an examination is warranted. If this finding is made, the court, on its own motion or on the motion of any party, may order the minor to be examined by a physician, psychiatrist, or licensed clinical psychologist appointed by the court. The court may also order the examination of a parent or custodian whose competency or ability to care for the minor is at issue. The petitioner will pay the expenses of any examination ordered by the court on its own motion; the expenses for any examination requested by another party shall be paid by the party who made the request. If the petitioner or the party requesting the examination is unable to pay for the examination, payment will be made by the Probate Court Administration Fund. The court may consider the results of the examination in ruling on the merits of the petition.

PRACTICE POINTERS (Please Note: This is not a substitute for a careful review of the statutes & Clerk's Manual.)

1. **JURISDICTION** is in the probate district in which the minor or his parents or guardian reside.
2. **A PROPER PETITIONER** is a minor who has reached the age of 16 and resides in Connecticut **OR** any parent or guardian of such minor.
3. The **HEARING** must be held **within 30 DAYS** of the filing of the application. **Because of the confidential nature of the proceedings, the hearing is a CLOSED hearing.** See Canon 3, Section 3B(12) of the Code of Probate Judicial Conduct.
4. **EVIDENCE** — The court may consider the following:
 - (a) evidence given by the minor, the parent(s)/guardian, and other interested parties
 - (b) the Report of Representative for Interested Party, PC-170
 - (c) the report of the DCF investigation
5. **FINDINGS.** If the court finds that one of the following circumstances exists, the court may emancipate the minor:
 - (a) the minor has entered into a valid marriage, **OR** (b) the minor is on active duty with any of the armed forces, **OR** (c) the minor willingly lives separate and apart from his parents and is managing his own financial affairs, regardless of the source of lawful income, **OR** (d) for good cause shown, emancipation will be in the best interest of the minor, any child of the minor, or the parent or guardian of the minor.
6. **APPEAL.** Any person named in the petition who is aggrieved by the court's order may appeal to the superior court, pursuant to C.G.S. §45a-186, et. seq.
7. **Records are CONFIDENTIAL.**

DEATH of a TENANT (Public Act 01-133)

1. Landlord notifies next of kin (no probate court involvement).

This act permits a landlord to send notice to the last-known address of the next of kin upon the death of the **sole** tenant in a dwelling unit. The landlord must send the notice by regular and certified mail, return receipt requested. The notice must be in clear and simple language, and it must include the landlord's telephone number and address. It must state that: 1) the tenant has died, 2) the landlord intends to remove the belongings from the dwelling unit and re-rent the premises, and 3) the next of kin has 60 days to reclaim the belongings, or the landlord will dispose of them. **NOTE: The court has no involvement with this part of the procedure. The landlord is responsible for preparing and sending the notice to the next of kin.**

2. Landlord files affidavit with the probate court.

If the landlord sends notice to the next of kin **OR** if the landlord does not know any next of kin, **the landlord shall file an affidavit** with the probate court that has jurisdiction over the deceased tenant's estate. The landlord will manuscript the affidavit, and it must include the following information about the deceased tenant: 1) his or her name and address, 2) date of death, 3) the terms of the lease, and 4) the names and addresses of any next of kin, if known. **NOTE: The landlord is responsible for preparing this affidavit and filing it with the court.** The landlord should also be asked to give the court his or her telephone number.

If the affidavit is in order:

- Date-stamp.
 - There is no entry fee.
 - Prepare file folder (blue label).
 - Give the landlord an Inventory, PC-440, for completion 30 days after the filing of the affidavit.

NOTE: The landlord must wait a minimum of 30 days from the date the affidavit is filed to inventory the personal property that the deceased tenant left in the dwelling unit. It is suggested that the judge or clerk give the landlord an **Inventory, PC-440**, for this purpose at the time he or she files the affidavit, and remind the landlord about the 30-day waiting period.

¶ The landlord may not remove the personal belongings until 15 days after the Inventory is completed. After 15 days have elapsed, the landlord may remove and store the property for an additional 15 days. This allows the next of kin a total of 60 days to reclaim the property and personal effects. If this is not accomplished, the landlord may dispose of the property in accordance with C.G.S. §47a-42, **UNLESS** an **Application for Administration or Probate of Will, PC-200**, is filed within 55 days of the date of the affidavit.

- Diary the matter for 55 days from the filing date of the affidavit. At the end of this time period the court will take further action or close the file, as explained below.

If the court receives an **Application for Administration or Probate of Will, PC-200**, within **55 days** of the date that the landlord's affidavit is filed, the court must **immediately notify** the landlord of the filing, preferably by telephone. The landlord is then prohibited from taking any further action with respect to the disposal of the deceased tenant's property. He or she then becomes an interested party who must be listed on the order of notice (PC-120 or PC-133) and will receive notice of the hearing on the application.

If the court does not receive any additional filings (i.e., PC-200), the landlord's affidavit and the Inventory must be recorded, and the court will close the file.

APPEALS FROM ORDERS IN RESPONSE TO PUBLIC HEALTH EMERGENCIES: QUARANTINE/ISOLATION/VACCINATION C.G.S. §§ 19a-131 – 19a-131e

Background

The legislature has established procedures for two types of public health emergencies:

1) If the conditions warrant such action, the Governor may declare a public health emergency, either statewide or on a regional basis. This may result in orders of quarantine, isolation or vaccination for persons whom the Commissioner of Public Health reasonably believes to pose a public health risk. (C.G.S. §19a-131 – 131e)

2) In order to preserve or protect the public health, a town, city, borough, or district director of public health may order into isolation or quarantine any person he or she believes to be infected with a communicable disease or to be contaminated. Note: In the event that the Governor declares a public health emergency, the local health director must comply with any orders issued by the Commissioner of Public Health. (C.G.S. §19a-221) Please note that C.G.S. §19a-221 does not contain provisions relating to vaccination issues.

Definitions (C.G.S. §19a-131)

"Quarantine" means the physical separation and confinement of an individual, group of individuals or individuals present within a geographic area who are exposed to a communicable disease or are contaminated, or whom the commissioner reasonably believes have been exposed to a communicable disease or to be contaminated or have been exposed to others who have been exposed to a communicable disease or contamination, to prevent transmission to the general public.

"Isolation" means the physical separation and confinement of an individual, group of individuals or individuals present within a geographic area who are infected with a communicable disease or are contaminated, or whom the commissioner reasonably believes to be infected with a communicable disease or to be contaminated, in order to prevent or limit the transmission of the disease to the general public.

"Communicable disease" means a disease or condition, the infectious agent of which may pass or be carried, directly or indirectly, from the body of one person or animal to the body of another person or animal.

"Contaminated" or "contamination" means contaminated or contamination by a biological toxin or a chemical, radioactive or any other substance sufficient to pose a substantial risk of death, disability, injury or harm to other persons.

Jurisdiction

Jurisdiction is in the probate court district in which the petitioner is isolated, quarantined, or subject to an order of vaccination.

Petitioner

1) Isolation/quarantine matters. Any individual subject to an isolation or quarantine order issued under C.G.S. §19a-131b or § C.G.S. 19a-221 or his/her representative may file the petition.

2) Vaccination matters. Any individual subject to a vaccination order issued under C.G.S. §19a-131e or his/her representative may file the petition.

Petitions under C.G.S. §§ 19a-131b(f), 19a-131e, or §19a-221

These procedures are used when an individual subject to an order of isolation, quarantine, or vaccination issued by the Commissioner of Public Health (C.G.S. §§19a-131b or 19a-131e) or local director of health (C.G.S. §19a-221) appeals said order.

Items marked with an asterisk (*) are to be entered into CMS.

Forms (Note: This is a listing of applicable forms. Those marked with the letter “A” are suggested for use in all proceedings, but you will note that there are specific orders of notice and decrees, depending upon the proceeding involved.)

***CM-68, Appeal from Order In Response to Public Health Emergency: Isolation/Quarantine/Vaccination (A)**

***PC-131, Return of Notice of Hearing (A)**

***PC-182, Appointment of Representative for Interested Party (A)**

***PC-170, Report of Representative for Interested Party (A)**

***CM-69, Order of Notice/Public Health Emergency Under C.G.S. §19a-221 (Isolation or Quarantine)**

***CM-69A, Order of Notice/Public Health Emergency Under C.G.S. §19a-131e (Vaccination)**

***CM-70, Decree/Public Health Emergency/Isolation or Quarantine Under C.G.S. §19a-221 (Order Issued by Local Health Director)**

***CM-70A, Decree/Isolation or Quarantine/Public Health Emergency Declared By the Governor/C.G.S. §19a-131, et. seq.**

***CM-71, Decree/Vaccination/Public Health Emergency Declared by the Governor/C.G.S. §19a-131e**

- Date-stamp application.
- Enter on into CMS.
- Make up a file folder.

Entry fee- \$150.00 per application. **Note:** Additional Fees (C.G.S. §45a-106)

– There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party’s failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.

– There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.

– There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

NOTE: Costs not associated with appeal from a probate court decision or continuances are to be paid by the Judicial Department (or waived if funds not appropriated).

Steps to Take Before Preparation of Order of Notice of Hearing

Counsel

Counsel must be offered to the respondent and, if requested, shall be appointed. If a respondent appears at the hearing without counsel, the court must inform him of his right to counsel. The respondent may refuse counsel if the court finds that the respondent understands the nature and meaning of his refusal.

The respondent shall have a reasonable opportunity to choose his own counsel. If the respondent does not choose his own counsel or if counsel selected by the respondent refuses or is unavailable to represent the respondent, the court shall appoint counsel.

In the case of a public health emergency declared by the Governor, the statute states that the order of quarantine, isolation, or vaccination may apply to individuals present in a “described geographic area.” In that case, the court may appoint one or more attorneys to represent all of the individuals in that area where there is “a commonality of interests of such individuals.” However, an individual may still choose to be represented by an attorney on an individual basis.

If the respondent is unable to pay, fees will be paid by the Judicial Department, or, if no funds are appropriated, from the Probate Court Administration Fund upon proper certification. The form to be used is Request/Order

Waiver of Fees – Respondent, PC-184A. (See *PCA Policy Manual*, Policy No. 507 for more information, including standards for indigency.) The court should provide the attorney with the appropriate form (CO-17), a copy of the fee schedule, and the Report of Representative for Interested Party, PC-170. Prepare the Appointment of Representative for Interested Party, PC-182, and cover letter.

Hearings

1) Public Health Emergency Declared by the Governor under C.G.S. 19a-131 et. seq. The hearing on quarantine/isolation or vaccination must be held **WITHIN THREE (3) BUSINESS DAYS** of the receipt of the application. Please note, however, that the statute allows the time for the hearing to be extended in extraordinary circumstances.

NOTE: In the case of vaccination matters, the individual must submit the request to the court no later than 48 hours after receiving the vaccination order from the Commissioner.

The Commissioner of the Department of Public Health is a party to the proceedings. The request for a hearing shall not stay the order of quarantine or isolation.

Pursuant to the statute, the hearing on quarantine/isolation or vaccination may be held “by any means that allows all parties to fully participate in the event an individual may infect or contaminate others.” Also, if the individual cannot attend the hearing, the hearing may only be held if the individual’s representative is present.

- **IMPORTANT:** Have a **recorder** ready for the hearing. The court **SHALL make a recording** of the hearing testimony, but it is to be transcribed only in the event of an appeal from the court’s decree. A copy of the transcript must be furnished without charge to any appellant whom the court finds unable to pay for such transcript. In such a case, the cost of said transcript will be paid by the Judicial Department, or, if no funds were appropriated, the cost shall be paid from the Probate Court Administration Fund.

The hearing shall concern, but need not be limited to, a determination of whether (1) the individual ordered confined is infected with a communicable disease or is contaminated or has a reasonable risk of having a communicable disease or having been contaminated or passing a communicable disease or contamination to other individuals, (2) the individual poses a reasonable threat to the public health, and (3) the quarantine or isolation of the individual is necessary and the least restrictive alternative to prevent the spread of a communicable disease or contamination to others in order to protect and preserve the public health.

Evidence. The burden is on the Commissioner of Public Health or his representative. Findings are based on a preponderance of the evidence.

NOTE: In the case of isolation or quarantine, the respondent may, not more than every 30 days, move the court to terminate or modify the decree. The court may also hold a hearing on termination or modification upon its own motion. Follow the same procedures used for these hearings.

2) Order of Quarantine/Isolation Issued by the Local Health Director under C.G.S. §19a-221*. The hearing on quarantine/isolation must be held **WITHIN THREE (3) BUSINESS DAYS** of the receipt of the application. A request for a hearing does not stay the order of isolation or quarantine. The hearing will determine if: (1) the person ordered isolated or quarantined is infected with a communicable disease or is contaminated, (2) the person poses a substantial threat to the public health, and (3) isolation or quarantine of the person is necessary and the least restrictive alternative to protect and preserve the public health. The Commissioner shall have the right to be made a party to the proceedings.

*As noted previously, C.G.S. §19a-221 does not contain provisions relating to vaccination issues.

NOTE: The statute contains a provision for the respondent to request the appointment of a three-judge court. At least one of the judges must be an attorney-at-law admitted to practice in Connecticut.

Evidence. The burden is on the director of public health. Findings are based on a preponderance of the evidence.

NOTE: The respondent may, at any time, move the court to terminate or modify the order(s) set forth in the decree. Annually, on its own motion, the court shall hold a hearing on termination or modification. Follow the same procedures used for these hearings.

Prepare Documents and Scan/Microfilm

● **Scanning Preparation:** Scan all required documents in accordance with Probate Regulations, Sec. 10. Scan each original document not later than 30 days after completion of all proceedings.

- Scan:
 - 1) CM-68, Appeal from Order Issued In Response to Public Health Emergency: Isolation/Quarantine/Vaccination
 - 2) PC-131, Return of Notice of Hearing
 - 3) PC-182, Appointment of Representative for Interested Party
 - 4) PC-170, Report of Representative for Interested Party
 - 5) CM-69, Order of Notice/Public Health Emergency Under C.G.S. §19a-221 (Isolation or Quarantine) OR
 - 6) CM-69A, Order of Notice/Public Health Emergency Under C.G.S. §19a-131e (Vaccination)
 - 7) CM-70, Decree/Public Health Emergency/Isolation or Quarantine Under C.G.S. §19a-221 (Order Issued by Local Health Director)
 - 8) CM-70A, Decree/Isolation or Quarantine/Public Health Emergency Declared By the Governor/C.G.S. §19a-131, et. seq.
 - 9) CM-71, Decree/Vaccination/Public Health Emergency Declared by the Governor/C.G.S. §19a-131e

Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

See CMS Tools for form CM-68, Appeal from Order Issued in Response to Public Health Emergency: Isolation/ Quarantine/
Vaccination

See CMS Tools for form CM-69, Order of Notice/Public Health Emergency Under C.G.S. §§19a-131b or 19a-221 (Isolation or Quarantine).

See CMS Tools for form CM-69A, Order of Notice/Public Health Emergency Under C.G.S. §19a-131e (Vaccination).

DECREE/PUBLIC HEALTH
EMERGENCY/ISOLATION OR
QUARANTINE UNDER C.G.S. §19a-221
(Order Issued by Local Health Director)
CM-70 REV. 10/09

STATE OF CONNECTICUT RECORDED:

COURT OF PROBATE
[Type or print in black ink.]

COURT OF PROBATE,

DISTRICT NO.

IN THE MATTER OF

Hereinafter referred to as the respondent.

At a court of probate held at the place and time of hearing set by the court, together with any continuances thereof, as of record appears, on the petitioner's application for a modification of, or release from, an order of isolation or quarantine as in said application on file more fully appears.

PRESENT: Hon....., Judge

After due hearing, THE COURT FINDS that the respondent is within the jurisdiction of this court pursuant to an order dated _____ and that notice was given in accordance with the order(s) of notice previously entered.

THE COURT FURTHER FINDS BY A PREPONDERANCE OF THE EVIDENCE that the respondent has a communicable disease OR presents a substantial likelihood of having been exposed to a communicable disease OR is at reasonable risk of having a communicable disease or having been contaminated AND poses a reasonable threat to the public health AND that isolation or quarantine of the respondent is the least restrictive alternative available to protect and preserve the public health, AND THEREFORE, an order continuing the isolation quarantine of the respondent is necessary.

The COURT FINDS that a different remedy is appropriate.

THE COURT FINDS that one or more of the foregoing statutory conditions for such isolation quarantine has NOT been sustained by the evidence.

WHEREFORE, IT IS ORDERED AND DECREED THAT:

The existing emergency order for isolation quarantine of the respondent is hereby CONTINUED until such time as determined by the Director of Health for _____ that release of the respondent would not constitute a reasonable threat to public health.

In lieu of the foregoing, the following modification shall apply:

Said existing emergency order must be and, accordingly, is hereby TERMINATED, and the respondent is hereby RELEASED from the Order of the Director of Health for _____

Dated at _____, Connecticut this _____ day of _____, 20__.

Judge

DECREE/ PUBLIC HEALTH EMERGENCY/ISOLATION OR QUARANTINE (Order Issued by Local Health Director)
CM-70

See CMS Tools for form CM-70A, Decree/Isolation or Quarantine/Public Health Emergency Declared by the Governor/C.G.S. §19a-131, et. seq. Page 1.

See CMS Tools for CM-70A, Decree/Isolation or Quarantine/Public Health Emergency Declared by the Governor/C.G.S. §19a-131, et. seq. Page 2.

See CMS Tools for form CM-70A, Decree/Isolation or Quarantine/Public Health Emergency Declared by the Governor/C.G.S. §19a-131, et. seq. Page 3.

See CMS Tools for CM-70A, Decree/Isolation or Quarantine/Public Health Emergency Declared by the Governor/C.G.S. §19a-131, et. seq. Page 4.

See CMS Tools for form CM-70A, Decree/Isolation or Quarantine/Public Health Emergency Declared by the Governor/C.G.S. §19a-131, et. seq. Page 5.

See CMS Tools for form CM-71, Decree/Vaccination/Public Health Emergency Declared by the Governor, Page 1.

See CMS Tools for form CM-71, Decree/Vaccination/Public Health Emergency Declared by the Governor, Page 2.

See CMS Tools for form CM-71, Decree/Vaccination/Public Health Emergency Declared by the Governor, Page 3.

See CMS Tools for form CM-71, Decree/Vaccination/Public Health Emergency Declared by the Governor, Page 4.

**DISCLOSURE of PROTECTED HEALTH INFORMATION as
PERMITTED under the HEALTH INSURANCE PORTABILITY
and ACCOUNTABILITY ACT (HIPAA) P.A. 04-142**

The **Health Insurance Portability and Accountability Act (HIPAA)** addressed the security and privacy of medical information by establishing broad-ranging provisions regarding the privacy of such information in the hands of the providers. However, there are exceptions that permit disclosure of medical information. For example, disclosure is permitted in the course of a judicial proceeding in response to an order of the court. The following sections of Public Act 04-142 authorize the Probate Courts to issue an order to disclose medical information relevant to the determination of the matter before it and make such information filed with the court confidential:

Section 3 (b) — involuntary conservatorship (CGS § 45a-648),

Section 4 (b) — temporary conservatorship (CGS § 45a-654),

Section 5 — review of conservatorship (CGS § 45a-660),

Section 7 — any proceeding where the disclosure of medical information would be relevant to determination of the matter, and

Section 8 — commitment of alcohol or drug dependent persons (CGS § 17a-685).

Section 7 of the act also allows the court to require disclosure of such medical information to (1) the court; (2) an executor, administrator, conservator, guardian or trustee appointed by the court; (3) any attorney representing the individual who is the subject of the information; (4) any guardian ad litem for the individual who is the subject of the information; (5) any physician, psychiatrist, or psychologist ordered by the court to examine such individual; or (6) any other party to the proceeding determined by the court to require such medical information in the interests of justice.

Please see CM Appendix 11-18 for additional information about HIPAA.

Form

CM-73, Order Re Disclosure of Protected Health Information

A copy of this form appears on page Misc-64.

See CMS Tools for form CM-73, Order Re Disclosure of Protected Health Information

NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM

Re Persons Prohibited from Purchasing, Possessing or Transporting Firearms – P.A. 05-283

Background. The National Instant Criminal Background Check System (NICS) was established under the federal Brady Handgun Violence Protection Act. In 2005, the Connecticut legislature enacted P.A. 05-283, which required the Department of Public Safety, the Department of Mental Health and Addiction Services, and the Judicial Branch to enter into a memorandum of understanding with the Federal Bureau of Investigation for the purpose of implementing NICS in Connecticut. As explained in a bill analysis prepared by the Office of Legislative Research,

NICS is a national computerized database that allows authorized users to check available records for an immediate response on persons disqualified from possessing firearms. Connecticut is among 14 states that have entered into a memorandum of understanding to access the system and conduct firearm background checks on behalf of federal firearms licensees (FFL).

Under P.A. 05-283, the Department of Public Safety is required to report the name, date of birth, and physical description of “any person prohibited from possessing a firearm pursuant to 18 USC 922(g) or (n) to the National Instant Criminal Background Check System Index, Denied Persons Files.”

The relevant portion of 18 USC 922(g) states:

(g) It shall be unlawful for any person—

. . . **(4)** who has been adjudicated as a mental defective or who has been committed to a mental institution; . . .to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

Title 27, Chapter II, Part 478, Subpart B, Section 478.11 of the Code of Federal Regulations contains the following definition of “adjudicated as a mental defective”:

Sec. 478.11 Meaning of terms.

. . . Act. 18 U.S.C. Chapter 44.

Adjudicated as a mental defective. (a) A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease:

- (1) Is a danger to himself or to others; or
- (2) Lacks the mental capacity to contract or manage his own affairs. . . (Emphasis added.)

Reporting of Data by the Probate Courts and the Office of the Probate Court Administrator

The first definition encompasses persons involuntarily committed to hospitals for psychiatric disabilities.

- The probate courts report these individuals to the Department of Mental Health and Addiction Services for firearms purposes by sending a copy of the **Decree/Involuntary Commitment, PC-861**, to the Division of Safety Services at DMHAS within three days of the date of the decree. These instructions appear in the “Commitment” section of this manual.

The second definition encompasses persons under involuntary conservatorship, which includes temporary conservatorship.

- The probate courts complete an information sheet (see next page), and fax it to Probate Court Administration within **three days** of the conservator’s appointment.
- This office then transmits the information electronically to the Department of Public Safety. It is also faxed to the public safety division of the Department of Mental Health and Addiction Services (DMHAS) for the purpose of future audits by the FBI.

7/2011– **Replacement** for fax sheet dated 4/09 (Originally sent with memorandum dated 2/6/08.)**State of Connecticut****Probate Court, District of _____ District No. _____****Report Re: Appointment of Involuntary Conservator**

The following information should be faxed to Alison Green at Probate Court Administration within three days following the appointment of an *involuntary* conservator.

Please type or print clearly, and use this dedicated fax number: **(860) 236-3457**.

<u>Conserved Person</u>	<u>Date of Birth</u>	<u>Social Security #</u>	<u>Gender</u>	<u>Date of App't</u>

Note: this information will be provided to the Federal Bureau of Investigation National Instant Criminal Background Check System pursuant to Conn. Gen. Stat. §29-36l (d), in implementation of the provisions of 18 U.S.C. 922 (g).

TO: 1) Department of Public Safety
Special Licensing and Firearms Unit
2) Department of Mental Health and Addiction Services Public Safety Division

RE: Telephone Numbers

If you have any questions about this transmission, please contact:
Alison Green – 860-231-2442, ext. 12

RESTORATION OF THE RIGHT TO PURCHASE, POSSESS OR TRANSPORT A FIREARM – P.A. 11-134

(Note: This section was prepared using material supplied by the Office of Legislative Research.)

Forms to be used

PC-100, Application to Restore Right to Purchase, Possess or Transport a Firearm
 PC-120, Order of Notice OR PC-133, Order of Notice of Hearing, Notice, and Return (combined form)
 PC-130, Notice of Hearing
 PC-131, Return of Notice of Hearing
 PC-150, Authorization for the Release of Information Re Application to Restore Right to Purchase, Possess or Transport a Firearm
 PC-161, Decree RE Application to Restore Right to Purchase, Possess or Transport a Firearm

IMPORTANT NOTE ABOUT CONFIDENTIALITY: All probate court proceedings in these matters shall be closed to the public and all records of the proceedings shall be confidential and not subject to disclosure except to the petitioner or his or her counsel and the Commissioner of Public Safety, unless the probate court, after notice to the parties and a hearing, determines that such records should be disclosed for good cause shown.

Items marked with an asterisk are to be entered into CMS.

SUMMARY: Federal law prohibits anyone who has been “adjudicated as a mental defective” or “committed to a mental institution” from shipping, transporting, receiving, or possessing firearms or ammunition, unless the person's firearm privileges are restored under a federally approved program. P.A. 11-34 establishes a court procedure for restoring such privileges lost because of a state adjudication or commitment. The procedure is similar to the federal procedure for restoring firearm privileges lost as a result of federal adjudications or commitments.

Anyone seeking to regain firearm privileges must petition the probate court for relief, and the court must hear any such petition filed in accordance with the act. The court must grant relief if it finds by clear and convincing evidence that (1) the petitioner will not likely act in a manner dangerous to public safety and (2) granting relief is not contrary to the public interest. The act allows petitioners and the Department of Public Safety (DPS) commissioner to appeal the probate court's decision to the Superior Court.

Jurisdiction

• Jurisdiction is in the probate district where the petitioner resides. **NOTE: This procedure only pertains to involuntary Connecticut adjudications and commitments. C.G.S. §§ 45a- 650, 45a-654, and 17a-498.**

Who May Petition

Anyone seeking relief from federal firearms disabilities must submit an application to the probate court along with certain releases (described below) and information supporting the application, including:

1. certified copies of medical records detailing his or her psychiatric history where applicable, including records on the specific adjudication or commitment that is the subject of the petition;
2. certified copies of medical records from all of his or her current treatment providers, if he or she is being treated;
3. a certified copy of all criminal history information on file with the State Police Bureau of Identification and the FBI pertaining to the petitioner, or a copy of the response from these bureaus indicating that they have no criminal history information on file;
4. evidence of his or her reputation, which may include notarized letters of reference from current and past employers, family members, or friends; affidavits from the petitioner; or other character evidence; and
5. any other information or documents the court specifically requests, which documents must be certified copies of original documents.

Releases and Application

The petitioner must authorize the release of all of his or her records that may relate to the application. This includes health, mental health, military, immigration, probate court, juvenile court, civil court, and criminal records, on forms the probate court administrator prescribes. The release must authorize the DPS commissioner to obtain any of these records for use at the probate court hearing or in any appeal from the probate court's decision.

• **Authorization for the Release of Information Re Application to Restore Right to Purchase, Possess or Transport a Firearm, PC-150**, is designed for this purpose.

The petitioner must ensure that the petition contains all required information when it is submitted to the court. After receiving the petition, the court will consider additional information only if it requests it from the petitioner. Information it specifically requests must be received within 15 days of the request for it to be considered. The court may extend the deadline for good cause. Failure to provide the requested information by the deadline may result in the petition being denied.

The petitioner must provide the Commissioner of the Department of Public Safety with a copy of the application and all supporting documents submitted to the probate court and certify to the probate court that he or she did so. There is a certification section on the application.

*PC-100, Application to Restore Right to Purchase, Possess or Transport a Firearm

PETITIONER

NAME AND ADDRESS OF CONSERVATOR AND OTHER INTERESTED PARTIES, IF ANY

The petitioner represents that he or she has a federal firearms disability. . .

The petitioner further represents that:

By decree of the . . . Probate Court dated . . . he or she was committed to a hospital for psychiatric disabilities, but is no longer under an order of commitment.

By decree of the . . . Probate Court dated . . . he or she was placed under an order of conservatorship. . . but the Probate Court terminated the order for conservatorship by decree dated

The petitioner has attached a complete list of court orders (including dates) . . .

The following documents are also attached in support of this application: (Items 1 – 5)

All required information listed above. . .

WHEREFORE, the petitioner requests that the court approve this application

I hereby certify that a copy of this application, release, and all supporting documents submitted to the probate court as required by law were delivered to the Commissioner of Public Safety on the following date:

Date Petitioner

If the application is acceptable:

- Enter into CMS.
- Prepare file folder.
- Entry fee — \$150.00 . **Note:** Additional Fees (C.G.S. §45a-106)
 - There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.
 - There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.
 - There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

***ORDER OF NOTICE OF HEARING, PC-120, or *ORDER OF NOTICE OF HEARING, NOTICE AND RETURN, PC-133**

ESTATE OF/IN THE MATTER OF (Insert petitioner's name.)

DATE OF ORDER OF NOTICE

PETITIONER:

PLACE OF HEARING DATE OF HEARING TIME OF HEARING

COMPLIANCE DATE

UPON THE APPLICATION OF THE PETITIONER FOR (Insert "restoration of right to purchase, possess or transport firearm, etc.")...IT IS ORDERED THAT:

Said application be heard and determined at the court of probate at the place, date, and time indicated above. (Add "and that petitioner(s) attend said hearing.") Notice of said application...be given by having the judge, clerk, assistant clerk:

- Publish such notice...times in a newspaper having a circulation in this probate district... (If applicable)
 Publish such notice...times in a newspaper having a circulation in[Town and State] (If applicable)

Mail such notice to:

1) the petitioner; 2) the DPS commissioner; 3) the court that rendered the adjudication or commitment; 4) the conservator appointed for the petitioner, if any; and 5) anyone it determines has an interest in the matter, including any attorneys of record.

- Impress Court seal.

Signature of judge, clerk or assistant clerk.

- Unless PC-133 (combined form) was used, or a General Waiver, PC-181, was signed, prepare and mail **Notice of Hearing, PC-130**, as directed in the Order of Notice. (Notice must be sent by the judge, clerk or assistant clerk of the court (Connecticut Probate Practice Book, Rule 1.9 and 1.10).
- Enter number of notices on ledger sheet – \$2.00 each in excess of two.

***RETURN OF NOTICE OF HEARING, PC-131**

- Enter the date of return and names and addresses of persons sent notice.
- Prepare Judge's Record of Hearing Sheet – petitioner, type of hearing, date, and time (see p. MISC- 34).

Hearing

- **Important: 1) The court must record the hearing.** The recording must be transcribed only if the decision is appealed, and a copy of the transcript must be furnished free to any appellant whom the court determines cannot pay for it. The Judicial Department must pay the cost of such a transcript.
- **2)** The probate court proceedings are closed to the public, and the court's records of the proceedings are disclosable only to the petitioner or his or her counsel and the DPS commissioner. However, the probate court, may, after notice to the parties and a hearing, disclose the records for good cause.

- The commissioner and anyone the probate court determines has an interest in the matter may present relevant information at the hearing and on any appeal.

DECREE RE APPLICATION TO RESTORE RIGHT TO PURCHASE, POSSESS OR TRANSPORT A FIREARM, PC-161

In determining whether to grant relief, the court must consider:

1. the circumstances regarding the firearms disability;
2. the petitioner's record, including his or her mental health and criminal history record, if any;
3. the petitioner's reputation, as demonstrated through character witness statements, testimony, or other character evidence; and
4. any other relevant information provided by the petitioner, DPS commissioner, or anyone the probate court determines has an interest in the matter.

Evidence

The petitioner has the burden of establishing, and the court must find, by **CLEAR AND CONVINCING EVIDENCE**, that (1) the petitioner will not be likely to act in a manner dangerous to public safety, and (2) granting the relief will not be contrary to the public interest.

- The probate court must include in its decision the specific findings of fact on which it bases its decision.
- If the decree is granted, it will be stayed until the period in which to take an appeal under C.G.S. § 45a- 186 has expired or, if an appeal is taken, until the court renders a final decision.

Appeals. The petitioner or the commissioner may appeal the probate court's final decision to the Superior Court. Any review of the probate court's decision must be "*de novo*," which means that the court must take an independent look at the evidence.

• **NOTE: The court must notify the DPS commissioner of its decision if the court grants relief and no appeal is taken or if an appeal is taken and the decision is upheld.** As soon as practicable after the court notifies the commissioner that it has granted relief, he must (1) coordinate the removal of or cancellation of the pertinent record in the National Instant Criminal Background Check System (NICS) and (2) notify the U. S. attorney general that the basis for the firearms disability no longer applies. (NICS is the federal database used in determining if prospective gun buyers are disqualified from acquiring or possessing firearms under state or federal law.)

APPEALS from PROBATE

C.G.S. §§45a-186 through 45a-193; Locke & Kohn, *Connecticut Probate Practice*, Sections 186 through 222; *Connecticut Probate Practice Book*, Chapter I, Pages I-41 to I-44.

Nature of Appeal

The appeal is a direct attack upon the judgment or decree of the Probate Court.

The Superior Court trial is a trial de novo (a new trial) and decides questions of both fact and law.

NOTE: For exceptions to a trial de novo, see C.G.S. § 45a-186a.

An appeal from probate does not vacate or suspend the decree appealed from. The decree remains in full force until it is modified or reversed by the Superior Court (Locke & Kohn, *Connecticut Probate Practice*, Sec. 205).

Time for Appeal

Time for appeal. See C.G.S. §45a-187; *Kron vs. Thelen*, 178 Conn. 189 (1981).

The Court **MUST** notify counsel of the Court's decision in writing, pursuant to C.G.S. §51-53. An appeal from the decision must be taken **not later than 30 days** after the mailing of probate order, denial, or decree. This applies to all persons of legal age who are present **OR** who have legal notice to be present **OR** who have been given notice of their right to request a hearing **OR** who have filed a written waiver of their right to a hearing. Exceptions to the 30-day requirement are noted below.

Exceptions to 30-day Appeals Period:

1) If such persons have no notice to be present and are not present **OR** have not been given notice of their right to request a hearing, then the appeal shall be taken within **12 months**. **NOTE:** There is a further **exception**. If the person appealing from an order of termination of parental rights (other than an order of parental rights based on consent) or from a decree of adoption has not received notice, the appeal must be taken within **90 days**.

2) An appeal from an order of termination of parental rights based on consent shall be taken within **20 days**.

3) Appeals in conservatorship and guardianship matters shall be taken not later than **45 days** after the mailing of an order, denial, or decree. The applicable statutes are:

- a) C.G.S. § 45a-593 (appointment of a guardian or conservator for a veteran or beneficiary of veterans' benefits);
- b) C.G.S. §45a-594 (compensation of a guardian or conservator of a social services beneficiary or veteran);
- c) C.G.S. §45a-595 (investment of funds in insurance and annuity contracts by a conservator or guardian of the estate of a ward, conserved person, or incapable person);
- d) C.G.S. §45a-597 (payment by a guardian or conservator of the administrative expenses of a deceased protected person);
- e) C.G.S. §§45a-644 to 677, inclusive (involuntary, voluntary, and temporary conservatorships and guardianship of persons with mental retardation);
- f) C.G.S. §§45a-690 to C.G.S. 45a-705, inclusive (sterilization and voting rights of persons under conservatorship or guardianship).

NOTE 1: If notice of hearing is not sent to any party entitled thereto, a copy of the decree should be sent to such person to begin the appeals period [C.G.S. §45a-188(d)].

"Legal notice" means notice directed to persons entitled by any reasonable method, i.e. personal service, mail (regular, certified, registered), newspaper publication. Refer to specific statutes.

NOTE 2: Minors, after attaining legal age, and nonresidents not present and **WITHOUT** legal notice of the hearing have 12 months to appeal, **UNLESS** they were represented by a guardian or guardian ad litem appointed and qualified by the Probate Court, in which case they have one month to appeal. (C.G.S. §§45a-187, 45a-188.)

Procedure

Public Act 07-116, now codified in C.G.S. §§ 45a-186 – 186c, made significant revisions to the procedures for appeals from probate. The act was later amended by P.A. 09-114. As noted above, the usual 30-day appeal period now extends to 45 days for any matter involving conservatorship or guardianship of persons with mental retardation.

The process of filing the appeal was also altered. The **appeal is commenced by the filing of a complaint in the Superior Court.** The complaint is to be served on all interested parties and mailed to the Probate Court that rendered the decree appealed from. The age-old requirement of a motion for appeal and the allowance thereof by the Probate Court no longer exists.

In accordance with existing case law, the statute provides that the filing of an appeal shall not in itself stay the decree appealed from. However, a motion for stay may be filed in either the Probate Court or the Superior Court.

Special Assignment Probate Judges (Probate Court Regulations, Section 25)

With certain exceptions, which are listed below, appeals may be referred by the Superior Court to a special assignment probate judge appointed in accordance with C.G.S. § 45a-79b, who is assigned by the Probate Court Administrator for the purposes of such an appeal. However, the Superior Court may hear the appeal if any party files a demand for such hearing in writing with the Superior Court not less than 20 days after service of the appeal. Appeals referred to special assignment probate judges shall proceed in accordance with the rules for referees set forth in the rules for Superior Court judges.

NOTE: Matters that shall not be referred to a special assignment probate judge: Appeals under C.G.S. §§ 17a – 75 to 17a-83, inclusive (commitment of mentally ill children), C.G.S. § 17a-274 (involuntary placement of person with mental retardation), C.G.S. § 17a-495 to 17a-528, inclusive (commitment of adults), C.G.S. §§17a-543 and 17a-543a (procedures for medication, treatment, psychosurgery, and shock therapy re persons with psychiatric disabilities and procedures re special limited conservatorships), C.G. S. §§17a-685 to 17a-688, inclusive (involuntary commitment for alcohol or drug dependency), children's matters as defined in C.G.S. § 45a-8a(a), C.G.S §§ 45a-644 to 45a-45a-663, inclusive (conservatorships), C.G.S. §§ 45a-668 to 684, inclusive (guardians of persons with mental retardation), C.G.S. §§ 45a-690 to 45a-700, inclusive (sterilization), and any matter heard on the record in accordance with C.G.S. §§ 51-72 (stenographer in probate court by agreement) and 51-73 (powers and duties of stenographer, notes to be evidence, appeals on record).

The hearing in connection with any appeal taken in certain specified types of matters must commence within 90 days after the appeal is filed, unless a stay has been imposed under C.G.S. § 45a-186 (f).

In cases where the matter was heard on the record in the Probate Court, the Court recording shall be transcribed within 30 days following service of the appeal. The cost of the transcript shall be charged to the party who filed the appeal, unless it is waived due to his or her inability to pay.

The Probate Court shall transmit to the Superior Court a certified copy of the entire record in the matter, including the transcript in cases where the matter was heard on the record. The record shall include the Probate Court's findings of fact and conclusions of law, separately stated.

With respect to matters heard on the record (C.G.S. §§ 17a-498, 17a-685, 45a-650, 51-72, or 51-73), the appeal shall be heard in the Superior Court without a jury and shall be confined to the record. However, if irregularities in procedure before the Probate Court are alleged but not shown in the record, the Superior Court may accept additional evidence, limited to the alleged irregularities.

Where the appeal is taken from a matter heard on the record, the Superior Court shall not substitute its judgment for that of the Probate Court. The decision shall be affirmed unless the Superior Court finds that substantial rights have been prejudiced because the findings or conclusions are (1) in violation of the federal or state constitutions or the general statutes; (2) in excess of the court's statutory authority; (3) based upon unlawful procedure; (4) affected by other error of law; (5) clearly erroneous when viewed in light of the record as a whole; or (6) arbitrary, capricious, or characterized by abuse of discretion.



Termination & Adoptions

1) In addition to the statutes referred to in this section, also see the Probate Court Rules of Procedure, generally, regarding rules for all case types and rules for hearings and Rules 40 – 42 for children’s matters.

2) See CMS Tools for the forms referred to in this section.

Adoption Proceedings in Probate Court and Superior Court for Juvenile Matters

The Superior Court has jurisdiction to grant an adoption if the Superior Court for Juvenile Matters has terminated parental rights and appointed the Department of Children and Families as the statutory parent. C.G.S. section 46b-129b.

C.G.S. section 45a-754 states that all records of cases related to termination of parental rights, removal of a parent as guardian, appointment of a statutory parent, adoption matters, temporary guardianship and emancipation of a minor (see “Miscellaneous” section) are **confidential**, and shall not be open to inspection by or disclosed to any third party, except that (1) such records shall be available to (A) the parties in any such case and their counsel; (B) the Department of Children and Families; (C) any licensed child-placing agency involved in any such case; (D) any judge or employee of a court in this state who, in the performance of his or her duties, requires access to such records; (E) the office of the Probate Court Administrator; and (F) courts of other states under the provisions of sections 46b-115a to 46b-115gg, inclusive; and (2) access to and disclosure of adoption records shall be in accordance with subsection (b) of the statute.

It should also be remembered that in dealing with the files concerning the above-referenced matters, papers should not be left in any area where members of the public might view them.

Pursuant to C.G.S. section 45a-716(b), the Attorney General may appear as a party in a termination of parental rights matter if the child is receiving or has received aid or care from the state or if the child is receiving support enforcement services. In any such case, the Attorney General should be provided with copies of documents from the court file upon request.

Since we are dealing with children, it is important to keep the proceedings moving cautiously and expeditiously, not allowing the matter to remain unresolved for a lengthy period of time, unless there is a sound reason for delay.

For reference, see C.G.S. section 45a-754. *See Canon 3, Section 3B(12) of the Code of Probate Judicial Conduct for televising and broadcasting rules.

Program of Criminal Records Checks

The Office of the Probate Court Administrator has the ability to conduct criminal records checks in children’s matters. Please see CM Appendix 11-12 for complete information.

Address Confidentiality Program

The “Duties” section explains this program, which is designed for persons who may wish to keep their whereabouts confidential.

Identified Adoptions

C.G.S. section 45a-727 (3) and CM Appendix 11-19 (reference only). C.G.S. section 45a-727(3) permits the adoption of a child identified or located by the prospective adoptive parent, provided the placement is in accordance with regulations adopted by the Commissioner of Department of Children and Families in accordance with C.G.S. section 45a-728. (See CM Appendix 11-19).

The court should proceed as with a regular termination/adoption, except that in addition to the forms listed in the text, the following forms must be filed by the licensed child-placing agency: **Birth Mother’s Financial Affidavit, PC-611, Adoptive Parents’ Financial Affidavit, PC-612, and Agency or Department Financial Affidavit, PC-613**

If the child to be placed is coming from another state, an Interstate Compact Placement Request (Form 100A) should be placed in the court record before the adoption is finalized. See CM Appendix 11-20 for more information. It is the court’s responsibility to carefully review compliance with the regulations.

As required by C.G.S. section 45a-728, the regulations provide that in adoptions involving an identified expectant mother, counseling of the birth

mother shall be required within seventy-two hours of the child's birth or as soon as medically possible after the birth. The statute also specifies that this counseling may be provided by a person with a masters or doctoral degree in counseling, psychology, or a related mental health discipline from an accredited college or university. The court should obtain an affidavit from the birth mother indicating that such counseling was given. Form CM-19 may be used for this purpose.

① **NOTE:** Permissible payment of expenses for birth parent counseling includes the costs of transportation. C.G.S. section 45a-728.

Recognition of identified adoptions does not change the public policy of Connecticut, which forbids private placement of children for adoption. The court has a major role in upholding public policy in this regard.

① **NOTE:** C.G.S. section 45a-728d permits advertising for adoption by birth parents or prospective adoptive parents. Any birth parent may advertise through any public media in Connecticut for the placement of his or her child for the purposes of identified adoption. Any prospective adoptive parent may advertise through any public media in Connecticut for a placement of a child in his or her care for the purposes of identified adoption.

TERMINATION of PARENTAL RIGHTS

C.G.S. sections 45a-706 through 45a-718.

There are **three types of terminations of parental rights:**

- 1) Termination of parental rights & appointment of a statutory parent.**
- 2) Termination of parental rights & appointment of a guardian of the person.**
- 3) Termination of parental rights & affirmation of remaining parent as sole parent and natural guardian.**

The following forms are necessary in termination of parental rights proceedings:

PC-600, Petition/Termination of Parental Rights

PC-610, Affidavit/Temporary Custody, Removal, Termination or Adoption (Pending proceedings – to be signed on the day of the hearing. See CM Appendix 11-13, Interagency Agreement, for information about procedures in pending proceedings.)

PC-620, Order of Notice/Termination, Appointment of Statutory Parent or Guardian and/or Adoption (Hearing within 30 days of receipt of petition, unless a parent consents to the termination, in which case the hearing must be held within 20 days.)

PC-630, Citation and Return/Termination of Parental Rights (Personal or Abode Service)

PC-631, Notice of Hearing/Parental Rights Matters

PC-632, Notice of Hearing (Newspaper)/Termination of Parental Rights

PC-632A, Notice of Hearing (Newspaper)/John Doe/Termination of Parental Rights

PC-633, Waiver of Personal or Abode Service/Parental Rights Matters

PC-660, Decree/Termination and Appointment

PC-682, Court Order/Request/Return Investigation of Parental Rights Matter/Emancipation of Minor

JD-JM-60, Affidavit/Consent to Termination of Parental Rights

JD-FM-164, Affidavit Concerning Children (NOTE: See reference above re CM Appendix 11-13, Interagency Agreement.)

PC-170A/B, Report of Court -App't'd Attorney for Int. Party (PC-170A) – Report of Court - App't GAL for Int. Party (PC-170B)

PC-182A/B, App't Atty for Int. Party (PC-182A – App't of GAL for Int. Party (Minor or incapable parent, or person in the military)

NOTE: Special Immigrant Juvenile Status forms. The section following the TPR decree discusses these forms.

Investigation and Report (C.G.S. section 45a-717)

Birth certificate — long-form, certified copy (Please see p. “Duties – 5” for an important note re birth certificates.)

Who May Petition the Court for Termination of Parental Rights – C.G.S. section 45a-715 (a).

1) Either or both parents, including a parent who is a minor, may file the petition. If the parent who is a minor signs the petition, a court-appointed guardian ad litem must approve it before the court can act. The statute provides that the guardian ad litem may be an attorney or an authorized officer of a child-placing agency, but an attorney is usually appointed [C.G.S. section 45a-715 (f)].

2) The child's guardian.

- 3) The selectman of any town having charge of any foundling child.
- 4) The duly-authorized officer of any child-care or child-placing agency or organization or children's home or similar institution approved by the Commissioner of Children and Families.
- 5) A blood relative of the child who is descended from a common ancestor not more than three generations removed from the child. **NOTE:** These parties can only submit a petition if the parents have abandoned or deserted the child.
- 6) The Commissioner of Children and Families, provided the custodial parent of the minor child **has consented to termination** and the child has **not** been committed to the Commissioner.

NOTE: If a petition is brought with respect to a minor child who has attained the age of 12 years, said minor child shall join in the petition.

Checklist for Proper Filing of the Petition:

The petition must be filed **in duplicate**.

Jurisdiction: Is the petition being filed in appropriate court?

- A petition may be filed in the probate court for the district where the minor child or the petitioner resides.
- If the minor is under the guardianship of any child-care facility or child-placing agency, the petition may be filed in the Probate Court for the district where the agency's main office or any local office is located.
- If the petition is filed with respect to a child born out of wedlock, the petition shall state whether there is a **putative father** to whom notice shall be given under C.G.S. section 45a-716(b)(2). C.G.S. section 45a-716 lists the categories of putative fathers who have to be notified in a termination of parental rights hearing. This includes a putative father whose name appears on the birth certificate and a putative father who has contributed regularly to the support of the child or filed a claim for paternity under C.G.S. section 46b-172a.
- If the whereabouts of either parent or a putative father are unknown, the petitioner must conduct a "diligent search" for them, and complete the **affidavit** section describing the efforts used to locate these parties.
- The long-form, certified copy of the child's **birth certificate** must be attached to the petition. (Please see p. "Duties – 5" for an important note re birth certificates.)

PETITION FOR TERMINATION OF PARENTAL RIGHTS, PC-600

Probate District and District No.

IN THE INTEREST OF: (First name of minor child.) ⓘ Note requirement for the child's present address. If the release of that information would place child in danger, the petitioner should use an agency address or the attorney's address.

PLACE OF BIRTH OF MINOR CHILD: *DATE OF BIRTH OF MINOR CHILD:*

TRIBE AND RESERVATION OF MINOR CHILD, if an Indian child . . .

- MINOR IS PRESENTLY OR WAS FORMERLY RECIPIENT OF STATE ASSISTANCE.* (Must be checked, if applicable.)
- PARTY WHOSE PARENTAL RIGHTS ARE TO BE TERMINATED IS UNDER A COURT ORDER TO PAY CHILD SUPPORT.* (Must be checked, if applicable.) • **If this box is checked, the court should send a cover letter to the Department of Children and Families, along with form PC-682, Court Order/Request/Return Investigation of Parental Rights Matter/Emancipation of Minor, emphasizing the need for the department to address the issue of child support when conducting its investigation.**

JURISDICTION BASED ON: (Appropriate box must be checked.)

- Petitioner or minor child resides in district* *Minor child under guardianship...which has office in district.*

PETITIONER (Name, address, relationship to minor child, etc.)

PARENTS OF MINOR CHILD:

- ⓘ The parents' birth dates must be inserted. If the parent(s) to be terminated is a minor, the minor's parent or guardian must be listed in

the following box. In addition to knowing whether the parent of the child is a minor, the court must also know whether a parent is incompetent. The court requires this information because a guardian ad litem must be appointed for a minor or incompetent parent, pursuant to C.G.S. section 45a-708.

① If a parent is in the active military service of the United States, this information must also be listed. Servicemembers Civil Relief Act, 50 U.S.C. App. 521; Probate Court Rules of Procedure, section 7.2. A parent who is in the active military service must file a special appearance, **PC-188, Special Appearance of Servicemember**, or the court must appoint an attorney for the servicemember. Probate Court Rules of Procedure, section 8.9.

① If either of the parents is an American Indian, the name of the tribe must be listed.

NOTE: If the name or address of parent whose rights are being terminated is unknown after a diligent search by the petitioner, then the petitioner shall include a statement signed under penalty of false statement indicating a) that the petitioner cannot determine the parent's name or address, b) the parent's last known address, if any, c) the petitioner's search efforts and d) any other relevant information. Probate Court Rules of Procedure, section 40.9.

① Any putative father named by the mother must be listed. If the mother does not know the father's name, the court should require the mother of the child to file an **affidavit with the petition**. In the affidavit the mother must state, under oath, that she does not know who the father of the minor child is because of rape, relations with more than one, intoxication, etc. This affidavit should be attached to and considered part of the petition. Recent statutory and case law affords putative fathers certain rights. Care should be taken to obtain comprehensive information about the father so that his possible rights can be considered.

As noted above, if the whereabouts of the parent(s) or putative father are unknown, the petitioner must search diligently, check the box provided, and discuss the efforts made to find the parent(s) or putative father in the affidavit section.

IF PARENT(S) TO BE TERMINATED IS A MINOR, LIST THE PARENT OR GUARDIAN OF THE MINOR PARENT.

*GUARDIAN OF PERSON OF MINOR CHILD, IF OTHER THAN PARENT, AND GUARDIAN AD LITEM APPOINTED IN PRIOR PROCEEDINGS
AGENCY THAT PLACED THE CHILD IN CURRENT PLACEMENT*

THE PETITIONER REPRESENTS that the MINOR CHILD presently resides in the town named above. . .

NOTICE – IN ORDER TO GRANT THE PETITION, THE COURT MUST MAKE FINDINGS IN REGARD TO:

THE PETITIONER REPRESENTS THAT... (The petitioner will insert the name(s) of parent(s) whose rights may be terminated and will check the appropriate box (es) to indicate why the petition for termination of parental rights is being sought.)

- ...consents
- The child has been abandoned by...
- The child has been denied...
 - There has been non-accidental...
 - There has been sexual molestation and...
- There is no ongoing parent/child relationship...
- The child is found to be neglected or uncared for AND...
- The child has been found in a prior proceeding...by the Probate Court ...or the Superior Court ...
- The child is under seven years of age..
- The parent has killed...
- The parent was convicted...

IF THE WHEREABOUTS OF THE PARENTS OR PUTATIVE FATHER ARE UNKNOWN. . .

THE PETITIONER FURTHER REPRESENTS . . .

• The petitioner must indicate whether or not the respondent is under a legal disability or in the military service and must state whether or not there is any other proceeding pending or contemplated in another court that will affect the custody of the minor child. The petitioner must complete and attach **form JD-FM-164, Affidavit Concerning Children**. **NOTE:** The existence of another proceeding does not automatically preclude the court from acting. The issue is whether the proceedings conflict. C.G.S. section 52-231a. See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

The petitioner must also complete the boxes re child support orders, the existence of DCF safety/service agreements, protective or restraining orders and the length of time the child has resided in Connecticut.

*WHEREFORE, THE PETITIONER REQUESTS...*The name of the parent whose rights are being terminated must be inserted, and one of the three boxes must be marked. If a statutory parent is requested, the name, address, and telephone number of the statutory parent must be inserted. The same information must be listed if a guardian is requested. The proposed statutory parent or guardian of the person must sign, and names, addresses, and telephone numbers must be listed.

CONSENT TO TERMINATION:

The consent section of the form is only signed when a parent is consenting to the termination of parental rights. The consent of a minor or incompetent parent must be co-signed by the guardian ad litem (C.G.S. section 45a-708).

WAIVER OF PERSONAL OR ABODE SERVICE/PARENTAL RIGHTS MATTERS, PC-633

If the parent/father/mother wishes to waive notice by personal or abode service, then the PC-633 must be signed. If personal or abode service is waived, send first class mail notice to the parent/father.

AFFIDAVIT/CONSENT TO TERMINATION OF PARENTAL RIGHTS (JD-JM-60)

If a parent is consenting to termination, **this affidavit must be filed with the PC-600.**

CONSENT (JOINDER) OF MINOR CHILD, if child is 12 years of age or over. [C.G.S. section 45a-715 (a)].
I, the minor child, having attained the age of twelve years consent do not consent to being photo-listed with the Department of Children and Families. (This box will only be completed if a statutory parent will be appointed.)

NOTE: The petitioner must attach a statement of facts concerning each ground for termination to form PC-600 [C.G.S. section 45a-715(b)]. The Second Sheet, PC-180, may be used for this purpose. This statement must be attached **even if it is a consent termination**. The petitioner cannot simply repeat the grounds stated on Page 2 of the form. The petition must be dismissed if the petition does not include the basis of jurisdiction, the petitioner's relationship to the child, and the facts upon which termination is sought [C.G.S. section 45a-715(c)].

If the petition is in order:

- Date-stamp.
- Entry fee: \$150.00. The judge may waive or postpone the entry fee [C.G.S. section 45a-111(c) (d)]. **No fees may be charged for adoptions involving special needs children** [C.G.S. section 45a-111(b)]. See also C.G.S. section 17a-116 et seq.

Note: Additional Fees (C.G.S. section 45a-106)

- There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.
 - There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.
 - There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.
- Enter into CMS.
 - Prepare file folder.

Steps to Take Before Preparation of Order of Notice of Hearing

Counsel

Determine if an attorney should be appointed for the parties involved. **Counsel must be offered to the following respondents and, if requested, shall be appointed:**

- 1) The parent(s) of the minor child.
- 2) The father of any minor child born out of wedlock provided at the time of the petition:

- a) he has been adjudicated the father, or
- b) he has acknowledged in writing to be the father, or
- c) he has contributed regularly to the child's support, or
- d) his name is on the birth certificate, or
- e) he has filed a claim for paternity, or
- f) the mother named him as the child's father in the petition.

3) Any putative father to whom the court sends notice.

4) The minor child, if the interests of justice require. C. G. S. sections 45a-717 (b) and 46b-136. It is recommended that the court appoint an attorney in any proceeding in which abuse or neglect is alleged or reasonably suspected by the court. Counsel may be appointed for the child in other circumstances.

If a party appears at the hearing without counsel, the court must inform him of his right to counsel. No party may waive counsel unless the court explains the nature and meaning of termination of parental rights.

If the party for whom counsel is appointed (or the parent or guardian of a minor) is unable to pay, fees will be paid from the Probate Court Administration Fund upon proper certification. The form to be used is **Request/Order Waiver of Fees – Respondent, PC-184A**. (See *PCA Policy Manual*, Policy No. 507 for more information, including the standards for indigency.) The court should provide the attorney with the appropriate form (CO-17), and a copy of the fee schedule. Prepare the **Appointment of Attorney for Interested Party, PC-182**, and cover letter.

Guardian Ad Litem

For a minor parent or incompetent parent

The court shall appoint a guardian ad litem for a minor parent or an incompetent parent in proceedings under C.G.S. sections 45a-715 or 716. If so, an attorney or an officer of a child-placing agency must be appointed as required by C.G.S. section 45a-708 and Probate Court Rules of Procedure, section 13.1. (Note: The child-placing agency CANNOT be the petitioner.) **If the petitioner is a minor parent or an incompetent parent, the guardian ad litem must approve the petition in writing [C.G.S. section 45a-715 (f)].** If an agency is the petitioner, however, a guardian ad litem appointed for a minor parent or an incompetent parent does not have to approve the petition [C.G.S. section 45a-715 (f)].

An attorney who serves as a guardian ad litem for a minor parent or incompetent parent pursuant to C.G.S. section 45a-708 may serve in two capacities: legal counsel and guardian ad litem. This should only be done if there would be no conflict of interest.

For the minor child

The court may appoint a guardian ad litem to represent the interests of a minor child under C.G.S. section 45a-132. The guardian ad litem does not have to be an attorney but shall be knowledgeable about the needs and protection of children.

Section 13.1 of the Rules of Probate Court Procedure provides that the court shall appoint a guardian ad litem for a party in a proceeding under any statute or rule that requires the appointment of a guardian ad litem. Federal law requires the appointment of a guardian ad litem for the minor in termination of parental rights cases in which abuse or neglect is alleged. An attorney appointed for the minor child in these cases may serve as both attorney and guardian ad litem unless the court determines that the minor is able to express his or her wishes, which, if followed, could lead to substantial physical, financial or other harm to the minor. See section 40.2 of the Probate Court Rules of Procedure.

In any other case in which an attorney has been appointed, and the court determines that the minor's wishes, if followed, could lead to substantial harm to the minor, the court may appoint another individual as guardian ad litem. See section 40.2 of the Probate Court Rules of Procedure.

NOTE: There is no provision for payment from the Probate Court Administration Fund of a guardian ad litem for **minor children except if abuse or neglect is alleged.**

APPOINTMENT OF ATTORNEY FOR INTERESTED PARTY, PC-182A**APPOINTMENT OF GUARDIAN AD LITEM FOR INTERESTED PARTY, PC-182B**

- If there are allegations of child abuse or neglect, check the box "a minor(s) where child abuse or neglect... is alleged...."

*** REPORT OF COURT -APPT'D ATTORNEY (PC-170A), REPORT OF COURT APPT'D GAL (PC-170B)**

- The attorney is not required to file a report. If a report is filed, it is to be limited to the statement that the attorney's client objects, does not object or has not expressed a position.
- The guardian ad litem should file a PC-170B as required by the court.

The court shall send a copy of any appointment of attorney or guardian ad litem to each party and attorney.

NOTES – PAYMENT OF A GUARDIAN AD LITEM:

1) For a minor parent or incompetent parent. Pursuant to C.G.S. section 45a-708, the court may allow reasonable compensation for the guardian ad litem, which shall be paid by the petitioner. If the petitioner is unable to pay the compensation, the court shall provide the guardian ad litem with a CO-17 invoice so that these fees can be paid out of the Probate Court Administration Fund.

2) For a minor child. There is no provision in the statutes for payment of a guardian ad litem for a minor child. However, as outlined above, a guardian ad litem **MUST** be appointed in certain cases, including cases where abuse or neglect is alleged. Therefore, if the petitioner is indigent, please contact the Probate Court Administrator's office before making the appointment of a guardian ad litem so that some type of payment arrangements can be made.

- If personal or abode service is required and cannot be effected, certified mail or newspaper notice shall be used. If newspaper notice is used, publish **once** in a newspaper that has the largest circulation in the town of the last known address of a person entitled to notice. Obtain the name of the newspaper from the petitioner or agency [C.G.S. section 45a-716(c)]. If no address is known, publication should be in the place where the termination petition has been filed. The petitioner will pay the costs of publication unless he or she is indigent, in which case the Probate Court Administration Fund will pay.

- Determine if examination by a physician, psychiatrist, etc. is necessary. [C.G.S. section 45a-717 (d).]

COURT ORDER/REQUEST/RETURN INVESTIGATION OF PARENTAL RIGHTS MATTER/EMANCIPATION OF MINOR, PC-682

Determine from the petition if an investigation will be required by statute or by the judge. An investigation **must be made if the matter is contested**. Some courts require that an investigation be made on **all termination of parental rights petitions**.

NOTE: If the box on the petition concerning child support was checked, the court must be sure that the cover letter asks DCF to address the child support issue in its investigation.

Please Note:

When the request for investigation is made, DCF should provide the court with a "link number." This number should be included on all future correspondence with DCF and should be referred to whenever court personnel verbally request further information on the matter.

- **For adoption matters only**, send one copy of the **Court Order/Request/Return Investigation of Parental Rights Matter/Emancipation of Minor, PC-682**, to the Central Office of the Department of Children and Families in Hartford AND send two copies to the program supervisor in your Department of Children and Families' regional office. (See the "ADDRESSES" section for the location of the regional office). **For all other matters, sent two copies to program supervisor only.**

- Determine a date for the hearing. The hearing must be held within **30 days** of the receipt of the petition, **UNLESS:**

1) an investigation has been ordered, in which case the hearing will be continued, **as discussed under "CONTINUANCE" on p. T/A-10, OR**

2) a parent has given consent to the termination of his or her parental rights. In that case, the hearing must be held within **20 days** of receipt of the petition.

Notice of hearing must be given at least 10 days before the hearing date by personal or abode service (unless waived) to:

- 1) the parent(s),
- 2) the father of a minor child born out of wedlock (under certain conditions), and

3) the guardian or any other person the court shall deem appropriate.

If personal or abode service is required and cannot be effected, the court shall give notice by certified or registered mail or publication. The Commissioner of DCF must receive notice by first class mail [C.G.S. section 45a-716 (b) and (c)].

Paternity Claim – C.G.S. section 46b-172a. (Also see the "MISCELLANEOUS" section of this manual.)

C.G.S. section 45a-716 requires that a hearing for the termination of parental rights be held within 30 days of receipt of the petition, unless an investigation is requested by the court, in which case a longer period is allowed. When the mother of a child born out of wedlock consents to her termination, and a putative father is identified and notified, that father has 60 days from **the date of the notice** during which he can claim paternity in a probate court under C.G.S. section 46b-172a(a). Because of that 60-day provision, instead of granting the petition without limitation, the court should consider one of the following alternatives in entering a decree in less than 60 days:

- 1) If the putative father does not appear at the hearing, the court may order termination of his parental rights, subject to the putative father's right to make a claim for paternity by the date specified in the statute. If no claim is made by the specified date, the decree will become final.
- 2) The probate court may continue the hearing for the balance of the 60-day period to see if the putative father files a claim for paternity.
- 3) The probate court may enter the decree terminating the parental rights as of the first day following the expiration of the 60-day period.

If the putative father is not identified and notified, there is no need to consider the paternity claims statute. **The parties should, however, be notified that an unnamed or unnotified putative father may have a right to claim paternity in the future.** If the putative father is notified and appears at the hearing and refuses to consent to his termination, then he should be advised by the court to file a claim for paternity, and the termination case should be continued indefinitely pending the outcome of the paternity claim.

Transfer to Superior Court - Juvenile Matters – C.G.S. section 45a-715 (g)

Before a hearing is held on the merits of any case involving a contested termination of parental rights matter, the Probate Court *shall* transfer the case to the Superior Court at the request of any party except the petitioner. The court *may*, on its own motion or on the motion of the petitioner, transfer the matter to the Superior Court. If the case is transferred, the clerk will transfer the original files and papers in the case to the clerk of the Superior Court that will hear the matter.

Transfer to a Regional Children's Probate Court

On its own motion or that of any interested party, the Probate Court may transfer any termination of parental rights case to a regional children's probate court. If the case is transferred, the clerk will transfer the original files and papers in the case to the regional children's probate court that will hear the matter.

ORDER OF NOTICE/TERMINATION, APPOINTMENT OF STATUTORY PARENT OR GUARDIAN AND/OR ADOPTION, PC-620

NOTE: This form may be used if the court is terminating the parental rights of a parent(s) in combination with:

- 1) affirming the remaining parent is the sole parent, **or**
- 2) appointing a statutory parent, **or**
- 3) appointing a guardian of the person, **or**
- 4) approving an adoption agreement.

It may also be used if the court is **NOT** terminating parental rights, but is **ONLY** 1) appointing a statutory parent, **or** 2) appointing a guardian of the person, **or** 3) approving an adoption agreement.

If notice has already been made by **personal or abode service** (e.g., temporary custody), the court need not repeat notice by personal or abode service. First class mail notice is adequate. If the parents reside out of, or are absent from this state or their whereabouts are unknown, the court shall order notice by registered or certified mail or by publication (PC-632).

IN THE MATTER OF: (Name of minor child exactly as it appears on birth certificate)

DATE OF BIRTH: *DATE OF ORDER:*

PETITIONER: *COMPLIANCE DATE:* (10 days)

PLACE OF HEARING: *DATE OF HEARING:* (If continued for investigation, check box.)

TIME OF HEARING:

UPON THE PETITION . . . for

- Termination of parental rights in connection with the minor child AND
 - Affirmation that the remaining parent is sole parent...
- Appointment of statutory parent...
- Appointment of a guardian of the person...
- Approval of adoption agreement concerning the minor child...

NOTE: If the termination box is checked, the court must also check one of the other four boxes.

IT IS ORDERED that:

- A. Said petition be heard and determined...
- B. The hearing has been set...said hearing is continued...

IT IS FURTHER ORDERED that:

Due notice and a copy of said petition and of any continuance ordered above be: (**NOTE:** Only send the petition in termination of parental rights matters.)

1. SERVED BY LEAVING THE SAME with OR at the usual place of abode of:

- the parent(s) of the child, including the putative father, if any, if in this state who are not the petitioners and who have not signed a written waiver of personal or abode service.
- the guardian(s) of the minor child.

•List here: 1) the parent(s) of the minor child. Personal or abode service must be made if a waiver of personal or abode service was not signed.

2) the father of any minor child born out of wedlock, provided he has acknowledged in writing to be the father, or has been adjudicated the father by a court of competent jurisdiction, or has contributed regularly to the support of the minor child, or his name appears on the birth certificate, or he has filed a claim for paternity under C.G.S. section 46b-172a, or he has been named by the mother as the putative father [C.G.S. section 45a-715(b)].

NOTE: If there is no address certain for either parent and there is an indication that a parent may be incarcerated in a Connecticut prison, counsel for the petitioning party or counsel for the child should contact the Department of Corrections at 1-860-692-7480 to determine if the parent is in prison.

NOTE: In the event that a putative father desires to **acknowledge paternity** as provided for in C.G.S. section 19a-42 and 46b-172(a), he may obtain forms for such acknowledgement from the Department of Social Services. [Also see C.G.S. section 45a-438 for inheritance provisions.] The acknowledgment procedure should be used if the putative father desires to acknowledge paternity, and the child's mother is willing to sign the necessary documents. If this is done, a claim for paternity need not be filed in the probate court.

NOTE: If personal or abode service cannot be effected, then the court shall order notice by certified mail, return receipt requested, OR by publication in the town of the last known address, or if none, where the termination petition has been filed.

2. GIVEN BY THE CLERK...by certified/registered mail, return receipt requested, to:

- the parent(s) of the minor child, if personal/abode service cannot be effected within the state...
- the guardian(s) of the minor child, if personal/abode service cannot be effected within the state...
- the father of a child born out of wedlock who resides out of state.

3. GIVEN BY THE CLERK by mailing. . .by first class mail or certified/registered mail, return receipt requested (only as noted) to:

- the Commissioner of Children and Families.[Include Confidential Information Sheet. Use certified mail notice re appointment of statutory parent, C.G.S. section 45a-718.]
- the Attorney General in a termination of parental rights proceeding.(Include Confidential Information Sheet.)

NOTE: The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received aid or care from the state or if the child is receiving child support enforcement services per C.G.S. section 46b-231 as amended.

① In any such case, the Attorney General should be provided with copies of documents from the court file upon request.

*the parent(s) of the minor child **who is either a petitioner or who signs under oath a written waiver of personal or abode service.***

*the father of a child born out of wedlock **who is either a petitioner or who signs under oath a written waiver of personal or abode service.***

the attorney for *the minor child* *the parent(s) or guardian(s)* *the petitioner*

the petitioner (if not parent/father) [Use certified mail notice re appointment of statutory parent, C.G.S. section 45a-718.]

relatives and other persons listed in the petition

the minor child, if twelve years of age or over) [Use certified mail notice re appointment of statutory parent, C.G.S. section 45a-718.]

the adoptive parent(s)

the proposed statutory parent) [Use certified mail notice re appointment of statutory parent, C.G.S. section 45a-718.]

the licensed child-placing agency, if such agency is involved in the adoption

in a termination of parental rights proceeding, any other person whom the court shall deem appropriate.

AND IT APPEARING to the court that the whereabouts of...are unknown...

BY ORDER OF THE COURT: Signature of the judge, clerk, or assistant clerk.

RETURN OF NOTICE OF HEARING. (This is the date of compliance with the order.) Signature of judge, clerk, assistant clerk.

CONTINUANCE...

① If a claim for paternity has been filed under C.G.S. section 46b-172a, the hearing must be continued until the claim is resolved.

• If an investigation is required, send the Commissioner of Children and Families or private adoption agency a copy of the petition, together with the birth certificate and a cover letter requesting an investigation. (**NOTE:** If the box on the petition concerning child support was checked, the court must be sure that the cover letter asks DCF to address the child support issue in its investigation.) Send two additional copies to the Department of Children and Families' regional office (ATTN: Program Supervisor) to expedite matters. (See the "ADDRESSES" section of this manual for the location of the regional office.)

① The first hearing **MUST** be set not more than 30 days after the filing of the petition. If the hearing is continued for an investigation, upon expiration of the 90 days or upon receipt of the report, whichever is earlier, the court SHALL set a day for a continued hearing, giving 10 days' notice to all those notified in the original hearing.

NOTE: The statute does not specifically provide for delayed reports. If the investigating agency requests an extension of time to file the report (beyond the 90 days), it is suggested that the court set a continued hearing within the statutory limits and grant the extension for an indefinite period. The extension should be granted only if it appears to be a reasonable request and if it would be detrimental to proceed without the report. The final hearing can then proceed when the report is received.

NOTICE OF HEARING PARENTAL RIGHTS MATTERS, PC-631

For notice **OTHER THAN PERSONAL OR ABODE SERVICE**, use Notice of Hearing, PC-631. **NOTE: Notice to adoptive parents should not include the child's birth surname.**

C.G.S. section 45a-716(c) requires that the respondent receive a copy of the petition. Other pertinent documents may also be sent to the respondent.

• Prepare this form as directed in the Order of Notice, PC-620.

• Mail a duplicate petition, PC-600, by first class mail to the Department of Children and Families along with the notice, if the petition was not previously sent. (Include the Confidential Information Sheet.)

• Prepare the final probate bill and send it to the petitioner or attorney with the notice of hearing. If the termination hearing is continued, a second bill should be sent at the conclusion of the hearings.

NOTICE OF HEARING (NEWSPAPER) TERMINATION OF PARENTAL RIGHTS, PC-632 (Use when parent's last known residence is unknown to the court.)

NOTICE OF HEARING (NEWSPAPER) TERMINATION OF PARENTAL RIGHTS (John Doe), PC-632A (Use when father's name and last known residence is unknown to the court.)

- Prepare form as directed in the Order of Notice, PC-620.

CITATION AND RETURN/TERMINATION OF PARENTAL RIGHTS, PC-630

IN THE MATTER OF: (First name of minor child) *DATE OF BIRTH OF MINOR CHILD:*

PETITIONER: *DATE OF ORDER OF NOTICE:*

PERSON(S) TO BE TERMINATED:

COMPLIANCE DATE: (At least 10 days before the hearing.)

PLACE OF HEARING: [Street and Town]

DATE OF HEARING: *Continued, see box below.* *TIME OF HEARING:*

The hearing...has been set...however...said hearing is continued...

TO A STATE MARSHAL...

- List here the name(s) and address (es) of those persons who will receive personal or abode service.

ALL ON OR BEFORE THE COMPLIANCE DATE INDICATED ABOVE

Dated at (town), Connecticut this (date) day of (month) 20 .

Signature of judge, clerk, or assistant clerk

The state marshal completes the bottom half of this form and returns it to the court.

- Type the court's telephone number in the "Special Notice" section.

AFFIDAVIT/TEMPORARY CUSTODY, REMOVAL, TERMINATION OR ADOPTION, PC-610

NOTE: The affidavit must be signed and dated the day of the HEARING.

IN THE MATTER OF: (Child's name as it appears on petition) *DATE OF BIRTH OF MINOR CHILD:* (As it appears on the petition and birth certificate)

The subscriber hereby swears, affirms or avers that:

The subscriber must check one of the two boxes re pending proceedings. The subscriber can be the petitioner, parent, the attorney for the petitioner, the statutory parent, or other interested party. (Usually the party signing is the parent petitioner on the petition or the statutory parent.)

NOTE: If a proceeding is pending in another court, form JD-FM-164, *Affidavit Concerning Children*, must be attached. See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

Name, signature, address DATE

The affidavit must be sworn to before a proper officer.

Hearing – C.G.S. section 45a-717.

The hearing should be a **closed hearing** (See note on p. T/A-1 about confidentiality of records under C.G.S. section 45a-754; Probate Regulations, section 10.4.

The standard for termination of parental rights is clear and convincing evidence.

C.G.S. section 45a-717(d) provides for examination of the child and/or parent by physician, psychologist or psychiatrist:

If cause exists, the court may, on its own motion or the motion of any party, order the child and/or parent(s) to be examined by a physician, psychologist or psychiatrist. The expenses shall be paid by the moving party, unless he or she is unable to pay, in which case the Probate Court Administration Fund shall pay upon proper certification. Depending on the status of the moving party, the form to be used is either **Request/Order Waiver of Fees – Petitioner, PC-184**, or **Request/Order Waiver of Fees – Respondent, PC-184A**. (See *PCA Policy Manual*, Policy No. 507 for more information, including the standards for indigency.) Use form CO-17 for payment. Have the judge certify the invoice, check the form, and then forward to Probate Administration for payment.

The judge should prepare a Judge's Record of Hearing Sheet immediately after the hearing. The form appears at the end of this section.

DECREE/TERMINATION AND APPOINTMENT, PC-660 (Reminder: Form PC-610 must be submitted on the day of the hearing.)

IN THE MATTER OF: (Full name of minor child) *DATE OF BIRTH OF MINOR CHILD:*

PERSON(S) WHOSE PARENTAL RIGHTS ARE TO BE TERMINATED:

STATUTORY PARENT/SOLE PARENT AND NATURAL GUARDIAN/GUARDIAN OF THE PERSON...

- Check appropriate box, and insert name.

THE COURT FURTHER FINDS THAT:

- Any person entitled to notice...*
- No notice was given to the father of said child because...*
- The mother father is found to be the child's sole legal guardian...*
- The guardian ad litem...*
- The minor child is an Indian child . . . Indian Child Welfare Act . . .*
- The child having attained the age of twelve...*
- An investigation has been made...*

An affidavit has been filed in the court averring that:

- There is no proceeding...*
- There is a proceeding...*
- The child's mother does not know...*
- The petitioner has diligently searched...*

One or more of the statutory elements has NOT met the required standard of proof.

THE COURT FURTHER FINDS...

- Insert the name of the person whose rights are being terminated where applicable.

- ...consents to termination of parental rights...*
- The child has been abandoned by...*
- The child has been denied by...*
- There has been a nonaccidental...*
- There has been sexual molestation and...*
- There are no identifiable acts...*
- The child is found to be neglected or uncared for AND...*
- By its decree dated...*
- The child is under seven years of age...*
- The parent has killed...*
- The parent has been convicted...*

THE COURT FURTHER FINDS that to grant the termination of parental rights is in the best interests of the child.

THE COURT FURTHER FINDS that:

- None of the testimony or other evidence...*
- The child's putative father did not appear at the hearing, nor has he filed...*
- The child's putative father did not appear at the hearing, and sixty (60) days...*

THE COURT FURTHER FINDS THAT:

- It is in the minor's best interest to be photo-listed. . .*
 The minor child, having attained the age of twelve years *consents* *does not consent to being photo-listed. . .*

THE COURT FURTHER finds that:

- Except for consent terminations, the court SHALL make written findings about the factors detailed in C.G.S. section 45a-717(h).

WHEREFORE, IT IS ORDERED AND DECREED that

- the petition be and is hereby denied.*
 the parental rights of the person(s) named above be terminated, and
 the statutory parent named above is hereby appointed.
 the sole parent and natural guardian...
 the guardian of the person named above...having filed....bond...
 the guardian of the person named above...without requirement of bond.
 the statutory parent/guardian named above shall cause the minor to be photo-listed. . .
 the effective date of this decree is delayed...

Dated at (town), Connecticut, this (date) day of (month), 20 . Signature of judge.

Special Circumstances – Termination of Parental Rights OR Adoption: Special Immigrant Juvenile Status

At any time while a petition to terminate a parent (C.G.S. sections 45a-715 to 717) OR to approve an adoption (C.G.S. section 45a-727) is pending OR after such a petition has been granted, a party may file a separate ***Petition/Special Immigrant Juvenile Findings under 8 USC 1101 (a) (27 (J), PC-609.**

In the petition, the party is asking the court to make findings to be used in connection with a petition to the United States Citizenship and Immigration Service (USCIS) asking that the child be granted special immigrant juvenile status under 8 USC 1101(a)(27)(J). According to USCIS, some children who are in the United States without legal immigration status “may be in need of humanitarian protection because they have been abused, abandoned, or neglected by a parent. Special immigrant juvenile (SIJ) status is an immigrant classification that may allow . . . these vulnerable children to immediately apply for lawful permanent residency status (“LPR” status or a “Green Card.”)

A child cannot apply to USCIS for special immigrant status without a court order. As stated in the USCIS material, the Probate Court’s role is to “make factual findings based on state law about the abuse, neglect, or abandonment; family reunification; and whether it is in the best interests of the child to return to his or her country of nationality or last habitual residence.” The court order is *Decree/Special Immigrant Juvenile Findings, PC-666.

Notice: Notice shall be by first-class mail to each person listed in C.G.S. section 45a-716(b) using *PC-620, Order of Notice/Termination, Appointment of Statutory Parent or Guardian and/or Adoption, and the hearing may be held at the same time as the underlying petition for termination or adoption.

Written Findings on PC-666, Decree/Special Immigrant Juvenile Findings. If the Probate Court grants the petition to terminate parental rights OR approves the adoption, and there is a petition for special immigrant juvenile status filed in court, the Probate Court must make written findings on the following:

- 1) the minor child's age and marital status
- 2) whether the minor child is "dependent on the court," which means that the court has: a) removed a parent or other person as the minor child's guardian, b) appointed a guardian or coguardian for the minor child, c) terminated the parental rights of a parent of the minor child or d) approved the minor child's adoption
- 3) whether reunification of the minor child with one or both parents is not viable due to any of the grounds for termination set forth in C.G.S. section 45a-717 (g) (2)
- 4) whether it is not in the minor child's best interests to be returned to the minor child's or parents' country of nationality or last habitual residence.

Proceeding if a termination petition has already been granted or an adoption already approved. A statutory parent, guardian, adoptive parent, if applicable, or attorney for the minor child may file the ***Petition/Special Immigrant Juvenile Findings under 8 USC 1101 (a) (27 (J), PC-609.**

Notice of Hearing on the Petition: The Probate Court will give notice by first-class mail to the statutory parent, each guardian, adoptive parent, if applicable, attorney for the minor child, to the minor child if he or she is 12 years of age or older and to other persons as the court determines.

Hearing: As noted, the court will make written findings on ***PC-666, Decree/Special Immigrant Juvenile Findings.**

IMPORTANT:

1) Send a copy of Decree/Termination and Appointment, PC-660, to the Commissioner of the Department of Children and Families, 505 Hudson Street, Hartford, CT 06106 and the regional office or private agency. (See the "ADDRESSES" section for regional office information.) If child support or visitation rights were involved, send a copy of the decree to the superior court that originally granted the visitation rights [C.G.S. section 45a-727(c) and 52-231a] and the Support Enforcement Division, if appropriate.

2) Placement for Out-of-State Adoption (If applicable). Following termination of parental rights, the guardian of the person or the statutory parent must obtain Probate Court approval before placing the child or youth outside the state for adoption. The petition is **PC-608, Petition Re: Placement for Out-of-State Adoption.** Send notice to the attorney for the minor child, guardian(s), adoptive parent (s), statutory parent and any other interested parties using **PC-120, Order of Notice of Hearing,** and **PC-130, Notice of Hearing.** The decree is **PC-665, Decree Re: Placement for Out-of-State Adoption.**

3) Case Plan. Pursuant to C.G.S. section 45a-717 (j), if termination of parental rights is granted, the guardian of the person or the statutory parent shall report to the court within 30 days of the date judgment is entered on a case plan for the child.* At least **every three (3) months** thereafter, the guardian of the person or the statutory parent must report to the court about the implementation of the plan. According to the statute, "the court *may* convene a hearing upon the filing of a report and **shall** convene a hearing for the purpose of reviewing the plan no more than 12 months from the date judgment is entered. . . and at least once a year thereafter, until any proposed adoption plan has been finalized. If the Commissioner of Children and Families is the statutory parent for the child, the court shall determine at the hearing whether the department has made reasonable efforts to achieve the permanency plan." The form to be attached to the decree is CM-15. Place the hearing date in the court tickler file.

CASE PLAN NOTES: 1. Whenever the Commissioner of the Department of Children and Families is appointed as statutory parent or guardian of the person in a termination of parental rights proceeding, please calendar the matter for two (2) weeks following the date of appointment and every three months thereafter so that the department can be alerted to file the required report.

2. The federal law requires "due process" with appropriate notices to interested parties. Since most of the cases in the probate court involve the commissioner as statutory parent, it would seem that the only interested parties would be the Commissioner and the child's attorney, if any, inasmuch as C.G.S. section 45a-707(g) defines termination of parental rights as the complete severance of the legal relationship between the child and his or her parent(s). Therefore, the birth parents would no longer be parties to the proceeding, and they would not receive notice.

3. Charges for these proceedings may be made on the basis of a regular court entry fee under the provisions of C.G.S. section 45a-106(1). Since the department is unable to make payment in advance of filing the petitions, the court should bill the entry fee to the department as provided in C.G.S. section 45a-112.

4. In earlier cases where the Superior Court granted termination of parental rights, and the Probate Court finalized the adoption, the Superior Court was unaware of the adoption, which negated the need for permanency hearings. To correct this problem, the Order for Termination of Parental Rights and Appointment of Statutory Parent/Guardian utilized by the Superior Court for Juvenile Matters (JD-JM-31) was revised to contain the following order:

The Clerk of the Probate Court with jurisdiction over any subsequent adoption of the child/youth shall notify in writing the Deputy Chief Clerk of the Superior Court for Juvenile Matters at _____ (location) of the date when said adoption is finalized.

To alleviate concerns about confidentiality, it is suggested that the notification letter to the superior court use the docket number from JD-JM-31 to refer to the child. The letter may then simply state that the “above child’s adoption” was finalized on a certain date. Please see the memorandum dated April 21, 2009 for more information.

***If one parent’s rights are being terminated, and the other parent remains as sole guardian, that parent NEED NOT REPORT TO THE COURT ON A CASE PLAN.**

4) Photo-Listing Service. The Department of Children and Families maintains a photo-listing service for children awaiting adoption as required by C.G.S. section 17a-42, and DCF must be informed of children who are legally free for adoption. Therefore, the probate courts have been asked to furnish copies of decrees in all termination of parental rights proceedings, EXCEPT those involving stepparent, co-parent, and relative adoptions, to the DCF Office of Foster Care and Adoptive Services. The address is listed in the “ADDRESSES” section of this manual.

5) Prepare Judge's Record of Hearing Sheet, which appears at the end of this section.

6) The parties should be advised to provide a certified copy of the decree to the town clerk in the town where the child was born. That way, the parent(s) whose rights have been terminated can be prevented from obtaining a copy of the child’s birth certificate.

Closing of File – C.G.S. section 45a-754.

• **Scanning Preparation** – Scan all required documents in accordance with Probate Regulations, **Sec. 10.4, Confidential Records**. Scan each original document not later than 30 days after completion of all proceedings. In ongoing matters, the documents must be scanned at the completion of a significant stage in the proceeding.

- 1) PC-600, Petition /Termination of Parental Rights (and attachments) (Please see p. “Duties – 5” for an important note re birth certificates.)
- 2) PC-620, Order of Notice/Termination, Appointment of Statutory Parent or Guardian and/or PC-633, Waiver of Personal or Abode Service/Parental Rights Matters
- 3) JD-JM-60, Affidavit/Consent to Termination of Parental Rights
- 4) JD-FM-164, Affidavit Concerning Children (if necessary)
- 5) PC-182A/182B, Appointment of Attorney (PC-182A) /Guardian Ad Litem (182B) for Interested Party
- 6) PC-170A/170B, Report of Court-Appointed Attorney (170A)/Guardian Ad Litem (170B) for Interested Party
- 7) PC-610, Affidavit/Temporary Custody, Removal, Termination or Adoption
- 8) PC-630, Citation and Return/Termination of Parental Rights (Personal Service)
- 9) PC-631, Notice of Hearing/Parental Rights Matters
- 10) PC-632, Notice of Hearing (Newspaper)/Termination of Parental Rights
- 11) PC-632A, Notice of Hearing (Newspaper)/John Doe/Termination of Parental Rights, if applicable
- 12) PC-660, Decree/Termination and Appointment
- 13) Investigation Report
- 14) PC-608, Petition Re: Placement for Out-of-State Adoption, if applicable
- 15) PC-665, Decree Re: Placement for Out-of-State Adoption, if applicable
- 16) PC-609, Petition/Special Immigrant Juvenile Findings Under 8 USC 1101, if applicable
- 17) PC-666, Decree/Special Immigrant Juvenile Findings, if applicable

These forms should be recorded as confidential records.

- Place all documents in proper order. Check signatures. Scan. NOTE: The date on which the original document is scanned shall be indicated on the document.
- Return file to a locked cabinet in the vault.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

APPOINTMENT of STATUTORY PARENT

C.G.S. section 45a-718. This procedure is used in cases where adoption is contemplated. In a termination proceeding OR in cases where a child has no living parents, the court may appoint an agency or a relative as guardian of the person. The term "**STATUTORY PARENT**" refers to the appointment of the Commissioner of the Department of Children and Families OR a licensed/approved child-placing agency by the court for the purpose of giving a minor child in adoption.* An individual may not serve as statutory parent.

1) When the Department of Children and Families or another child-placing agency has been appointed guardian of the person, the agency must also be appointed STATUTORY PARENT in order to give the child in adoption.

* **NOTE:** CM Appendix 11-22 contains information about listings published by the Department of Children and Families of licensed child-placing agencies in Connecticut and approved out-of-state child-placing agencies.

2) When a relative has been appointed guardian of the person, AND THE CHILD IS TO BE GIVEN IN ADOPTION TO A PERSON WHO IS **NOT A RELATIVE**, a STATUTORY PARENT must be appointed. An individual serving as guardian may only give the child in adoption to another relative.

Forms to be used:

PC-602, Petition/Appointment of Statutory Parent (C.G.S. section 45a-718)

PC-680, Adoption Data Sheet [With birth certificate attached. If the minor child was born outside the State of Connecticut or is a foreign-born child, an affidavit should be attached, together with supporting documents establishing termination of all parental rights of the genetic parent (wherever the termination took place) guardianship, and birth record.]

PC-620, Order of Notice

PC-631, Notice of Hearing/Parental Rights Matters

PC-610, Affidavit/Temporary Custody, Removal, Termination or Adoption (This will be signed on the day of the hearing.)

PC-662, Decree/Appointment of Statutory Parent/Termination/Guardianship

PETITION, APPOINTMENT OF STATUTORY PARENT, PC-602

The form is filed in duplicate with the Adoption Data Sheet attached.

• Entry fee - \$150.00 **NOTE:** The fee may be waived – C.G.S. section 45a-111(c).

IN THE MATTER OF: (The petitioner should insert the child's name as it appears on birth certificate.)

DATE AND PLACE OF BIRTH OF MINOR CHILD

• Compare with the birth certificate attached to the **Adoption Data Sheet, PC-680**.

CHILD PRESENTLY RESIDES AT

JURISDICTION BASED ON: *Petitioner or minor child resides in probate district.* *The main or local office...*

GUARDIAN OF MINOR CHILD [Name, address and telephone number]

PROPOSED STATUTORY PARENT OF MINOR CHILD... *Commissioner of Children and Families* *Child-placing agency* [Name, main or local address and telephone number]

PETITIONER:

THE PETITIONER REPRESENTS THAT THE MINOR CHILD IS FREE FOR ADOPTION FOR THE FOLLOWING REASONS:

- The minor child has no living parents.*
- The parental rights of all persons...have been terminated.*
- The minor child is from outside the United States...*

THE PETITIONER FURTHER REPRESENTS that:

• The petitioner must delete either the word "a" or "no" so that the paragraph correctly states whether or not a proceeding is pending. If a matter is pending or contemplated, **form JD-FM-164, Affidavit Concerning Children**, must be attached to the petition. See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

The proposed statutory parent, if appointed, will accept the responsibility.

Signature of statutory parent (If an out-of-state agency is guardian of person, that agency should sign petition.)

① The name of the child-placing agency or the Commissioner of Children and Families should be inserted with the signature of the proper officer of such agency and title of the officer.

ADOPTION DATA SHEET, PC-680

The form must be filed in duplicate. The child's birth certificate must be attached – long-form, certified copy.

IN THE MATTER OF: (**Minor child's first name only.** Verify with petition and birth certificate.)

A MINOR CHILD BORN ON: (Verify date of birth with birth certificate.)

Proposed name of minor child after adoption. Place of birth (This should be the town and state or foreign country, if applicable.)

Given name as shown on birth certificate. (This name should be **exactly** as it is on the birth certificate.)

Genetic Mother [Full name and last known address.] *Genetic Father* [Full name and last known address. Include putative father. . .]

• If the rights of putative father were terminated, the name of the court and date of the termination must be listed.

If deceased, give date and place of death: *Mother:* *Father:*

Divorced: [Date of decree and court where granted.]

① If it is a stepparent adoption, and the court has waived the investigation, the court should require a copy of all necessary documents, decrees, etc.

Parent(s) whose parental rights have been terminated: (Name of court and date of termination)

Statutory Parent: (IF APPLICABLE, the name and address of the local office must be listed, along with the date of appointment and the name of the court.)

Guardian of the Person: (IF APPLICABLE, the guardian's name and address must be listed, along with the date of appointment and the name of the court.)

Adopting Parent: [Full name and address, . . .relationship to child]

Adopting Parent: [Full name and address, . . .relationship to child]

Date and Place of Marriage, if applicable. (The place of marriage should be the town and state or foreign country, if applicable.)

Subscriber (Petitioner): Name and address. Date. (The form is signed under penalty of false statement.)

If the petition and Adoption Data Sheet are in proper order, then:

- Date-stamp. • Enter on into CMS.
- Prepare the file folder.

ORDER OF NOTICE/TERMINATION, APPOINTMENT OF STATUTORY PARENT OR GUARDIAN AND/OR ADOPTION, PC-620

IN THE MATTER OF: (Name of minor child exactly as it appears on the birth certificate.)

DATE OF BIRTH: *DATE OF ORDER:* *PETITIONER:* *COMPLIANCE DATE:*

PLACE OF HEARING: *DATE OF HEARING:* *TIME OF HEARING:*

UPON THE PETITION OF THE PETITIONER for

• Only check the following box:

Appointment of statutory parent...

IT IS ORDERED that:

Said petition be heard and determined...

The hearing has been set...said hearing is continued...

IT IS FURTHER ORDERED that:

Due notice be . . . (Check appropriate boxes in each category.) (**NOTE:** Only send the petition in termination of parental rights matters.)

1. *SERVED BY LEAVING THE SAME with OR at the usual place of abode of:*

2. *GIVEN BY THE CLERK...by certified/registered mail to:*

3. *GIVEN BY THE CLERK...by mailing the same by first class mail or by certified/registered mail. . . , to:*

BY ORDER OF THE COURT : Signature of the judge, clerk, or assistant clerk.

RETURN OF NOTICE OF HEARING. Date the order is complied with. Signature of judge, clerk, assistant clerk.

NOTICE OF HEARING/PARENTAL RIGHTS MATTERS, PC-631

Prepare as directed in Order of Notice of Hearing, PC-620. Duplicate copies of PC-602 and PC-680 are sent to the Department of Children and Families with the notice of hearing.

AFFIDAVIT/TEMPORARY CUSTODY, REMOVAL, TERMINATION OR ADOPTION, PC-610

NOTE: The affidavit must be signed and dated the day of the HEARING.

IN THE MATTER OF: (Child's name as it appears on petition) *DATE OF BIRTH OF MINOR CHILD:* (The date must be as it appears on the petition and birth certificate.)

The subscriber hereby swears, affirms or avers that:

The subscriber must check one of the two boxes. The subscriber can be the petitioner, parent, the attorney for the petitioner, the statutory parent, or other interested party. (Usually the party signing is the parent petitioner on the petition or the statutory parent.)

Name, signature, address *DATE*

The affidavit must be sworn to before a proper officer.

DECREE/APPOINTMENT OF STATUTORY PARENT, PC-662

IN THE MATTER OF: *A MINOR CHILD BORN ON:*

DATE AND PLACE OF BIRTH OF MINOR CHILD:

PRESENTLY RESIDING AT:

*PERSON WHOSE GUARDIANSHIP IS TERMINATED:**STATUTORY PARENT:*

- Commissioner of Children and Families
- Child-placing agency

PRESENT: Hon. (Insert judge's name.)

Dated at (town), Connecticut, this (date) day of (month), 20 . Signature of judge.

- Send copy of Decree to Commissioner of Department of Children and Families.
- Prepare Judge's Record of Hearing Sheet. (See end of this section for form.)

Closing of File – C.G.S. section 45a-754.

• **Scanning Preparation** – Scan all required documents in accordance with Probate Regulations, **Sec. 10.4, Confidential Records**. Scan each original document not later than 30 days after completion of all proceedings. In ongoing matters, the documents must be scanned at the completion of a significant stage in the proceeding.

- 1) PC-602, Petition /Appointment of Statutory Parent
- 2) PC-680, Adoption Data Sheet
- 3) PC-620, Order of Notice
- 4) PC-631, Notice of Hearing/Parental Rights Matters
- 5) PC-610, Affidavit/Temporary Custody, Removal, Termination or Adoption
- 6) JD-FM-164, Affidavit Concerning Children (If applicable)
- 7) PC-662, Decree/Appointment of Statutory Parent/Termination/Guardianship
- 8) Investigation Report

- Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document. **These forms should be recorded as confidential records.**
- Return file to a locked cabinet in the vault.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

ADOPTION

C.G.S. sections 45a-724 through 45a-757, 46b-160, 46b-172. **See p. T/A-36 for mailing instructions for forms.**

NOTE: CM Appendix 11-22 contains information about the listings of licensed child-placing agencies in Connecticut and approved out-of-state child-placing agencies published by the Department of Children and Families.

The Following Forms are Necessary for Adoption Proceedings:

PC-601, Petition/Consent Termination of Parental Rights *with* Stepparent, Co-Parent, or Relative Adoption*

PC-603, Petition/Adoption**

PC-610, Affidavit, Temporary Custody, Removal, Termination or Adoption (filed on date of final hearing) (Pending proceedings – to be signed on the day of the hearing. **See CM Appendix 11-13, Interagency Agreement**, for information about procedures in pending matters.)

PC-630, Citation and Return/Termination of Parental Rights

PC-681, Agreement of Adoption

PC-631, Notice of Hearing/Parental Rights Matters

JD-JM-60, Affidavit/Consent to Termination of Parental Rights

JD-FM-164, Affidavit Concerning Children (See reference above re **CM Appendix 11-13, Interagency Agreement.**)

PC-650, Adoption Certificate

PC-661, *Decree/Stepparent, Co-Parent, or Relative Adoption (**Use with Petition, PC-601 – To be used ONLY in combination stepparent/co-parent/relative adoption/consent termination of parental rights proceedings.**)

PC-663, ** Decree/Adoption (**Use with Petition, PC-603. To be used ONLY when termination is not involved.**)

PC-682, Court Order/Request/Return Investigation of Parental Rights Matter/Emancipation of Minor

PC-680, Adoption Data Sheet

PC-681, Agreement of Adoption

PC-609, Petition/Special Immigrant Juvenile Findings under 8 USC 1101, if applicable

PC-666, Decree/Special Immigrant Juvenile Findings, if applicable

VS-51, Connecticut State Department of Health Record of Adoption (C.G.S. section 45a-745)

DCF-337, DCF-338, Genetic and Health Forms (C.G.S. section 45a-746). **SEE CM Appendix 11-19 (reference only).**

ICPC 100A, Statutory Parent Adoption: If child placed from out of state. **SEE CM Appendix 11-20.**

Birth certificate — long-form, certified copy (Please see p. “Duties – 5” for an important note re birth certificates.)

Investigation Report as required by C.G.S. section 45a-727(b)

Special Immigrant Juvenile Status – See page T/A – 13 for procedure and forms.

Who May Be the Petitioner in an Adoption Proceeding? – C.G.S. section 45a-724

- 1) A **statutory parent** appointed under the provisions of C.G.S. section 17a-112, 45a-717, 45a-718.
- 2) The following categories of parents of a minor child may give in adoption to his/her spouse (**stepparent adoption**):
 - a) The surviving parent when the other parent has died;
 - b) The mother of a child born out of wedlock (If there is a putative father under C.G.S. section 45a-716, the rights of such putative father must have been terminated previously);
 - c) A former single person who adopted a child and thereafter married;
 - d) The sole guardian of the person of said child, the parental rights, if any, of any person other than the parties to such agreement having been terminated.
- 3) Subject to the approval of the probate court, as provided in C.G.S. section 45a-727, any parent of a minor child may agree in writing

with one other person who shares parental responsibility for the child with such parent that the other person shall adopt or join in the adoption of the child, if the parental rights, if any, of any other person other than the parties to such agreement have been terminated.

(Co-Parent Adoption)

4) Subject to the approval of the probate court, as provided in C.G.S. section 45a-727, the guardian or guardians of the person of any minor child who is free for adoption in accordance with C.G.S. section 45a-725 may agree in writing with a relative* that the relative shall adopt the child. For the purposes of C.G.S. section 45a-724(3), "relative" shall include, but not be limited to, a person who has been adjudged by a court of competent jurisdiction to be the **father** of a child born out of wedlock, OR who has acknowledged his paternity under the provisions of C.G.S. section 46b-172a, with further relationship to the child determined through the father.

*Pursuant to C.G.S. section 45a-707(6), "**relative**" means any person descended from a common ancestor, whether by blood or adoption, not more than three generations removed from the child. **NOTE:** Please see p. T/A-48 for a chart that shows these relationships.

The adoptive parent may **not** be the petitioner.

If all parties consent to the adoption under C.G.S. section 45a-724(2) and (3), the proper petition is PC-601, Petition – Consent Termination of Parental Rights *with* Stepparent, Co-Parent, or Relative Adoption.

NOTE: If a petition is brought with respect to a minor child who has attained the age of 12 years or over, said minor child shall join in the petition. If said minor child is 11 years of age at the time the petition is filed and will attain the age of 12 by the day of the hearing, then said minor child shall join in the petition at or before said hearing.

When a Minor Child is Free for Adoption – C.G.S. section 45a-725.

A minor child shall be considered free for adoption, and the probate court may grant a petition for the appointment of a statutory parent under any of the following circumstances:

1) The child has no living parents;

2) **The child was born outside of the United States, its territories, or the Commonwealth of Puerto Rico AND** has been placed for adoption by the Commissioner of DCF or by any child-placing agency, **AND** the petitioner has filed an affidavit stating that the child has no living parents OR that the minor child is free for adoption, **AND** that the rights of all parties in connection with the child have been properly terminated under the laws of the jurisdiction in which the child was domiciled before being removed to Connecticut. **NOTE:** CM Appendix 11-22 contains information about the listings of licensed child-placing agencies in Connecticut and approved out-of-state child-placing agencies published by the Department of Children and Families.

3) **The child is from the United States, its territories or the Commonwealth of Puerto Rico AND** has been placed by the Commissioner of DCF or a child-placing agency, **AND** the petitioner has filed an affidavit that the child has no living parents OR has filed in court a certified copy of the court decree in which the rights of all parties in connection with the child have been terminated under the laws of the jurisdiction in which the child was domiciled before being removed to Connecticut, **AND** the child-placing agency obtained guardianship or other court authority to place the child for adoption. If no such affidavit or certified decree has been filed, then termination of parental rights proceedings shall be required.

Jurisdiction

The 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 has jurisdiction.

Spouses to Join in Adoption – C.G.S. sections 45a-732 and 45a-727

No married person shall adopt a child unless BOTH spouses join in the adoption agreement. The court may, upon finding that there is sufficient

reason why the other should not join in, approve an adoption agreement by either of them.

Co-Parent Adoption – C.G.S. section 45a-724, 45a-727, and 45a-731.

The public act expands the categories of persons to whom a **sole parent** may give in adoption when the other parent has died or when the parental rights of the other parent have been terminated. The act allows someone who shares parental responsibility for the child with the child's parent to adopt, even if the two adults are not married. The sexual orientation of the prospective adoptive parent is not relevant. In order for the court to approve the adoption, the judge must find that the adoption is in the child's best interests. **An investigation by a private child-placing agency* (or by DCF if the petitioner is indigent) is mandatory in a co-parent adoption.** Please see CM Appendix 11-23 for a list of private agencies that will conduct investigations.

This type of adoption has been incorporated into the procedures for adoption by stepparents or relatives, which is found in Section A on p. T/A-22. Please see the **"NOTE"** below for important information about the procedure to be followed if an unmarried couple wishes to adopt a child **who is not related to either party.**

NOTE: If an unmarried couple wishes to adopt a child unrelated to either party (i.e., one of the partners is **NOT** the child's sole parent), these steps must be followed:

- 1) Parental rights must be terminated using the procedure explained on pp. T/A -3 through T/A-16 (Form PC-600, et al)
- 2) The Department of Children and Families (DCF) or a private child-placing agency must be named as statutory parent, in one of two ways:
 - a) as part of the termination of parental rights procedure using the Decree/Termination and Appointment, PC-660, OR
 - b) using the procedure for appointment of a statutory parent on pp. T/A-16 through T/A-19. This process will be used in cases where the termination of parental rights already occurred, but a statutory parent was not appointed at the time of the termination OR if there is no termination of parental rights because the parent(s) is/are deceased.
- 3) One of the two partners will adopt the child using the statutory adoption procedure explained on pp. T/A-16 – T/A-18 (Form PC-603, et al). This partner will then become the child's sole parent.
- 4) The sole parent will give the child in adoption to his or her partner using the co-parent adoption procedure (see below) – Form PC-601, et al.

Steps three and four may be done at back-to-back hearings, provided all necessary investigations and paperwork are complete.

Billing Information: The petitioner must pay \$150.00 for any petition or motion, unless he or she is indigent.

Petitions for Adoption

Items marked with an asterisk (*) are to be entered into CMS.

There are two petitions for adoption matters: **PC-601**, detailed in Section A, is to be used when an adoption proceeding is combined with a consent termination; and **PC-603** detailed in Section B, which is to be used for all other adoptions, including stepparent/relative adoptions when the child is already free for adoption. Section C applies to both types of adoptions.

Section A – Forms to be Used for Stepparent, Co-Parent, and Relative Adoptions with Consent Termination

PC-601, Petition/Consent Termination of Parental Rights *with* Stepparent, Co-Parent, or Relative Adoption

PC-610, Affidavit (filed on date of final hearing)

PC-620, Order of Notice

PC-630, Citation and Return/Termination of Parental Rights

PC-631, Notice of Hearing/Parental Rights Matters

PC-633, Waiver of Personal or Abode Service/Parental Rights Matters

PC-650, Adoption Certificate

PC-661, Decree/Stepparent, Co-Parent, or Relative Adoption

PC-680, Adoption Data Sheet with copy of birth certificate

PC-681, Agreement of Adoption

PC-682, Court Order/Request/Return Investigation of Parental Rights Matter/Emancipation of Minor
DCF-337, DCF-338, Genetic and Health Forms (C.G.S. section 45a-746). **SEE CM Appendix 11-19 (reference only).**
Investigation Report — Recommended in Stepparent Adoption and **REQUIRED** in Co-Parent and Relative Adoptions

Birth certificate — long-form, certified copy (Please see p. “Duties – 5” for an important note re birth certificates.)

VS-51, Department of Health Services Record of Adoption

What to Check for on Filing: (All documents are to be filed in duplicate.)

Petition – Consent Termination of Parental Rights with Stepparent, Co-Parent, or Relative Adoption, PC-601
with the following forms/documents attached:

1) **Adoption Data Sheet, PC-680, with its attachments: birth certificate and copy of VS-51, Record of Adoption.** If the Department of Children and Families or a private agency will conduct an investigation, the VS-51, with parts one and two completed, may be submitted with the investigation report. In such cases, it should be carefully checked. Wherever possible, the court should require documentation to support the information reported, such as dates of birth for the adoptive parents. For Part II of the form, not only should the information be verified from the child’s original birth certificate, but a copy of that certificate should be forwarded with form VS-51. The Probate Court clerk is responsible for preparing section three of this form when the final decree of adoption is entered, pursuant to C.G.S. section 45a-745(a).

NOTE 1): The VS-51 cannot be a copy (use black ink or type). An original form must be used, *and there must not be any erasures or corrections of any kind.* This form may be obtained from the Probate Court Administrator's office.

NOTE 2): If the "Y" box in the section regarding creation of a new birth certificate is checked, a new birth certificate will be issued substituting Items 1 through 18 in Part I to replace the original. The parents will fill out form VS-51A, Request for Filing New Birth Certificate for Adopted Child, in order to obtain the new birth certificate. If the court, the adoptive parents, or the child, if over 12 years of age, desires a change of name *without* the issuing of a new birth certificate, the "N" box in the new birth certificate section should be checked indicating no new birth certificate is to be created.

Where there is no agency involved in the adoption, Item 27 should be answered with the word *none*, unless an attorney handled the adoption. In that case, his or her name and address should be entered in the attorney/agency box, preceded by “*Attorney.*”

The telephone number for inquiries regarding adoption recording by the Department of Public Health, Vital Records Section is 860-509-7956.

NOTE 3): If the investigation is waived under the provisions of C.G.S. section 45a-733, and neither the DCF commissioner nor a private agency is involved in the adoption, the court is required to complete form VS-51 in its entirety.

2) **Agreement of Adoption, PC-681**

3) **Affidavit of Consent to Termination of Parental Rights, JD-JM-60** (for consent termination)

4) **JD-FM-164, Affidavit Concerning Children** (If applicable). See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters, which are referenced in the affidavit.

Entry fee – \$150.00. The judge may waive or, for state agencies, postpone the entry fee [C.G.S. section 45a-111(c)]. **No fees may be charged for adoptions involving special needs children** [C.G.S. section 45a-111(b)].

***COURT ORDER/REQUEST/RETURN INVESTIGATION OF PARENTAL RIGHTS MATTER/EMANCIPATION OF MINOR, PC-682**

• Determine if it is a stepparent, co-parent, or relative adoption. If it is a **co-parent** or **relative** adoption, the court **must** request an investigation by the Department of Children and Families or a licensed child-placing agency. Pursuant to C.G.S. section 45a-733, the court shall waive the investigation in the case of a **stepparent** adoption **unless good cause is shown** for an investigation and report. C.G.S. section 45a-733 also requires that the court find that the adoption is in the best interests of the child. Since the investigation is usually the basis for the court's finding as to the best interests of the child, good cause for requiring the investigation in a stepparent adoption may be found in the court's lack of knowledge and other evidence about the best interests of the child. **Therefore, it is our recommendation that the court should, in the vast majority of cases, require the investigation on that basis.** A waiver should **only** be granted if the court has sufficient inde-

pendent knowledge of the situation.

The investigation should be conducted by a licensed, private child-placing agency, unless the petitioner is indigent. Please see the "Note" below and CM Appendix 11-23 for further information. The Appendix includes a list of private agencies that will conduct investigations.

NOTE 1): If the petitioner is indigent, the Department of Children and Families will conduct the investigation upon proper certification that the petitioner cannot pay for the investigation. The petitioner should complete the **Request/Order Waiver of Fees – Petitioner, PC-184**. See Policy No. 507 in the *PCA Policy Manual* for further information, including the standards for indigency.

NOTE 2): If the box on the petition concerning child support was checked, the court must be sure that the cover letter asks DCF to address the child support issue in its investigation.

• The commissioner must receive notice and a copy of the Petition, PC-601 (including the Confidential Information Sheet), and attachments: **Adoption Data Sheet, PC-680 with birth certificate and form VS-51; Agreement of Adoption, PC-681; Affidavit of Consent to Termination of Parental Rights, JD-JM-60, and JD-FM-164, Affidavit Concerning Children** (if applicable). Send duplicate copies to the program supervisor in your region. (See the "ADDRESSES" section of this manual for location of the regional office.) See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

Please Note:

When the request for investigation is made, DCF should provide the court with a "LINK number." This number should be part of all future correspondence with DCF and court personnel should refer to it when verbally requesting further information on the matter.

***PETITION—CONSENT TERMINATION OF PARENTAL RIGHTS *WITH* STEPPARENT, CO-PARENT, OR RELATIVE ADOPTION, PC-601**

PROBATE DISTRICT AND DISTRICT NO. IN THE INTEREST OF: [Name, present address, ...]

PLACE OF BIRTH OF MINOR CHILD: *DATE OF BIRTH OF MINOR CHILD:*

• Compare these entries with the birth certificate attached to the Adoption Data Sheet.

TRIBE AND RESERVATION OF MINOR CHILD, if an Indian child . . .

MINOR IS PRESENTLY OR WAS FORMERLY RECIPIENT OF STATE ASSISTANCE (Must be checked, if applicable.)

PARTY WHOSE PARENTAL RIGHTS ARE TO BE TERMINATED IS UNDER A COURT ORDER TO PAY CHILD SUPPORT. (Must be checked, if applicable.) If this box is checked, the court should send a cover letter to the Department of Children and Families, along with form **PC-682, Court Order/Request/Return Investigation of Parental Rights Matter/Emancipation of Minor**, emphasizing the need for the department to address the issue of child support when conducting its investigation.

JURISDICTION BASED ON: (Appropriate box must be checked.)

Petitioner or minor child resides in the probate district.

Minor child is under the guardianship...which has an office in the probate district.

PETITIONER: [Name, address, telephone number, the nature of the relationship to the minor child and legal status of petitioner. . .] The petitioner, can be either parent, both parents, or the guardian of the minor child. If it is a stepparent adoption, the petitioner SHOULD be the GENETIC PARENT whose parental rights are not being terminated. This, however, is not mandatory (C.G.S. section 45a-724).

PARENTS OF MINOR CHILD (The names must be listed as they appear on the birth certificate.)

DATE OF BIRTH OF MOTHER AND FATHER:

ADOPTING PARENTS: [Name(s), address, zip code and telephone number] **NOTE:** In the case of a co-parent or stepparent adoption, only the name and address of the adoptive parent should be inserted.

IF PARENT(S) TO BE TERMINATED IS A MINOR, LIST THE PARENT OR GUARDIAN OF THE MINOR PARENT(S): [Name(s), address(es), telephone number(s) and relationship]

GUARDIAN OF PERSON OF MINOR CHILD, if other than parent, and GUARDIAN AD LITEM APPOINTED IN PRIOR PROCEEDING(S), if any. [Name(s), address(es) and telephone number(s).]

AGENCY THAT PLACED CHILD IN CURRENT PLACEMENT

... *THE PETITIONER FURTHER REPRESENTS that:*

• The petitioner must indicate whether or not the respondent is under a legal disability or in the military service and must state whether or not there is any other proceeding pending or contemplated in another court that will affect the custody of the minor child. The petitioner must complete and attach **form JD-FM-164, Affidavit Concerning Children. NOTE:** The existence of another proceeding does not automatically preclude the court from acting. The issue is whether the proceedings conflict. C.G.S. section 52-231a. See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

The petitioner must also complete the boxes re child support orders, the existence of DCF safety/service agreements, protective or restraining orders and the length of time the child has resided in Connecticut.

THE PETITIONER FURTHER REPRESENTS:

...*father* *mother*...*consents to the termination* (This box should be checked if a parent has signed the bottom area of the petition consenting to the termination of his/her/their parental rights. The name of the consenting parent must be inserted.) The Affidavit/Consent to Termination of Parental Rights (JD-JM-60) **must** be attached if it is a consent termination.

The sole parent...has entered into an Adoption Agreement...with his or her spouse... (This box should be checked if Box #1 has been checked and/or the parent has already been affirmed to be the sole parent or is the sole parent by reason of the death of the other parent).

The sole parent...has entered into an Adoption Agreement... with a person who shares parental responsibility for the child... (This box should be checked if Box #1 has been checked, and/or the parent has already been affirmed as the sole parent.)

The guardian(s) of said minor child entered into an Adoption Agreement... (This box should be checked if the petition is for a relative adoption).

WHEREFORE, THE PETITIONER REQUESTS:

Terminate the parental rights of... (This box should be checked if the petition incorporates a consent termination of parental rights).

Change the name... (This box should be checked if the name of the minor child will be changed as a result of the adoption.)

Guardian ad litem's Signature— if the petitioner is a minor or is incompetent

Petitioner's signature

(For the appointment of a guardian ad litem for a minor or incompetent parent see pp. T/A-7 & 8.)

Date inserted.

Consent to Termination: By signing this consent, a parent agrees to the termination of his or her parental rights. Each signature must be acknowledged. **NOTE:** The parent who is retaining parental rights should **not** sign the consent section .

Waiver of Personal or Abode Service Parental Rights Matters, PC-633: If the parent consenting to termination of parental rights wishes to waive notice by personal or abode service, then the PC-633 must be signed. In lieu of personal or abode service, the parent will receive first class mail notice.

Affidavit/Consent to Termination of Parental Rights (JD-JM-60): If a parent is consenting to termination, this affidavit must be filed with PC-601.

Consent of Minor: If the minor child is 12 years of age or older, he or she must sign to indicate consent to the petition. [C.G.S. section 45a-715(a)]

PROCEED TO SECTION C on page T/A- 27.

SECTION B – PETITION /ADOPTION, PC-603

To be used for approval of an adoption agreement including a statutory parent, stepparent, co-parent, or relative adoption. **This procedure is to be used ONLY when termination (consent or otherwise) has been completed or when no termination is necessary [i.e., parent(s) have died.]**

Forms to be used:

PC-603, Petition/Adoption and attachments

PC-610, Affidavit (filed on day of final hearing)

PC-620, Order of Notice

PC-631, Notice of Hearing/Parental Rights Matters

PC-650, Adoption Certificate

PC-663, Decree/Adoption

PC-680, Adoption Data Sheet

PC-681, Agreement of Adoption

PC-682, Court Order/Request/Return Investigation of Parental Rights Matters/Emancipation of Minor

DCF-337, DCF-338, Genetic and Health Forms (C.G.S. section 45a-746). **SEE CM Appendix 11-19 (reference only).**

Investigation Report — **Recommended** in Stepparent Adoption and **required** in Co-Parent and Relative Adoptions

Birth certificate — long-form, certified copy (Please see p. "Duties – 5" for an important note re birth certificates.)

VS-51, Department of Health Services Record of Adoption

PC-609, Petition/Special Immigrant Juvenile Findings under 8 USC 1101, if applicable

PC-666, Decree/Special Immigrant Juvenile Findings, if applicable

Special Immigrant Juvenile Status – See page T/A – 13 for procedure and forms.

What to Check for on Filing: (All documents are to be filed in duplicate.)

Petition/Adoption, PC-603, with the following forms/documents attached:

1) **Adoption Data Sheet, PC-680**, with birth certificate and copy of VS-51.

2) **Agreement of Adoption, PC-681**

3) **JD-FM-164, Affidavit Concerning Children** (If applicable. Please see CM Appendix 11-13 for information about procedures in pending proceedings, which are referenced in the affidavit.

• Entry fee – \$150.00. The judge may waive or postpone the entry fee [C.G.S. section 45a-111(c)]. **No fees may be charged for adoptions involving special needs children** [C.G.S. section 45a-111(b)].

Note: Additional Fees (C.G.S. section 45a-106)

– There is a fee of \$50.00, plus the actual costs of adjournment, for rescheduling a **scheduled** hearing, either at the request of a party or because of a party's failure to appear at the original hearing. This fee is payable by the party making the request or who failed to appear, but the court may waive it for cause shown.

– There is a fee of \$20.00 per day for copying probate records with a hand-held scanner.

– There is a fee of \$25.00 for providing a digital copy of any recording of a hearing.

Agency Placement Certificate

In the case of agency placements, background information and health histories for both genetic parents should be completed on forms DCF-337 and DCF-338, even if some information is marked "unknown". Make sure the adoptive parent s have signed this form acknowledging receipt of a copy.

***PETITION ADOPTION, PC-603**

Probate District and District No.

IN THE MATTER OF:

DATE OF BIRTH OF MINOR CHILD: (Compare with the birth certificate attached to the Adoption Data Sheet).

PETITIONER/PERSON GIVING MINOR CHILD IN ADOPTION:

Check only 1 of 3 boxes:

- STATUTORY PARENT*— (After death of parents or termination.)
- SOLE PARENT OF THE MINOR CHILD*
- GUARDIAN OF THE PERSON* — While there is no case or statutory law on the subject, the preferred practice is to appoint a guardian of the person other than the proposed adoptive parent (s) to enter into the adoption agreement. Therefore, it is suggested that the court appoint a guardian of the person for the sole purpose of entering into an adoption agreement with the adoptive parent (s).

ADOPTING PARENTS [Name, address, and telephone number]

THE PETITIONER REPRESENTS THAT:

In Paragraph 4, the box before the word "a" or "no" should be checked so that the paragraph correctly states whether or not there is a proceeding pending in another court affecting the custody of the minor child. If a matter is pending, **form JD-FM-164, Affidavit Concerning Children**, must be attached to the petition giving full details of such pending matter and stating that a decree from this court would not conflict with or interfere with such other proceeding (C.G.S. section 52-231a). **NOTES:** 1) A PENDING PROCEEDING is one in which an action has been commenced, but a final judgment or order has not been entered. 2) See the Interagency Agreement in CM Appendix 11-13 for information and procedures about matters pending in the Superior Court for Juvenile Matters.

- The statutory parent...
- The sole parent. . . .with his or her spouse. . . .
- The sole parent. . . .with a person who shares parental responsibility for the child with such parent. . . .
- The guardian of the person....

WHEREFORE, THE PETITIONER REQUESTS THAT THIS COURT:

- Change the name of said minor child to....

SIGNATURE OF THE PETITIONER — If the petitioner is a statutory parent, the name of the child-placing agency should be inserted with the signature of the proper officer of such agency and title of the officer. The Commissioner of Children and Families can also be the statutory parent.

Usually when a statutory parent is the petitioner, a written investigation report is filed with the petition, and the court does not have to request one from the Department of Children and Families.

DATE CONSENT OF MINOR: A minor child 12 years of age or older must sign to indicate consent. [C.G.S. section 45a-724]

PROCEED TO SECTION C.

SECTION C – *ADOPTION DATA SHEET, PC-680

The form must be filed in duplicate.

The child's birth certificate must be attached — long-form, certified copy.

IN THE MATTER OF: (Verify with petition and birth certificate.)

A MINOR CHILD BORN ON: (Verify date of birth with birth certificate.)

Proposed name of minor child after adoption. *Place of birth* (Should be the town and state, or foreign country, if applicable.)

Given name as shown on birth certificate. (This name should be **exactly** as it is on the birth certificate.)

Genetic Mother [Full name and last known address.] *Genetic Father* [Full name and last known address. Include putative father...]

- If the rights of putative father were terminated, the name of the court and date of the termination must be listed.

If deceased, give date and place of death: *Mother:* *Father:*

Divorced: [Date of decree and court where granted.]

① If it is a stepparent adoption, and the court has waived the investigation, the court should require a copy of all necessary documents, decrees, etc.

Parent(s) whose parental rights have been terminated: (Name of court and date of termination)

Statutory Parent: (IF APPLICABLE, the name and address of the local office must be listed, along with the date of appointment and the name of the court .)

Guardian of the Person: (IF APPLICABLE, the guardian's name and address must be listed, along with the date of appointment and the name of the court .)

Adopting Parent [Full name and address, ...relationship to child]

Adopting Parent [Full name and address, ...relationship to child]

Date and place of marriage, if applicable. The place of marriage should be the town and state or foreign country.

Subscriber (Petitioner): Name and address. Date. The form is signed under penalty of false statement.

*AGREEMENT OF ADOPTION, PC-681

(Verify information with petition, Adoption Data Sheet and birth certificate.) This form is filed in duplicate.

Probate District and District No.

IN THE MATTER OF: (**Minor child's first name only.** Verify with petition and birth certificate.)

A MINOR CHILD, BORN ON: *PRESENTLY RESIDING AT:*

PERSON GIVING MINOR CHILD IN ADOPTION. C.G.S. section 45a-724. COMPLETE ONE ONLY:

- Parent of minor child...*
- Guardian of person of minor child...(Relative Adoption ONLY)*
- Statutory parent [Name and address of local office]*

ADOPTING PARENT(S)

.....(If applicable, full name)

.....(If applicable, full name)

Residing at: (Address)

THE PERSON GIVING MINOR CHILD IN ADOPTION...

The PERSON GIVING MINOR CHILD IN ADOPTION, being a parent of said MINOR CHILD, in no way relinquishes any parental rights in and to said MINOR CHILD. (This box should be checked if the person giving the minor child in adoption is a parent who is not relinquishing any parental rights in and to said minor child. This box is ALWAYS CHECKED in a stepparent adoption.)

The name of said MINOR CHILD...(This box should be checked if the name of the minor child is to be changed after adoption.)

This agreement shall take effect upon its approval by the Court of Probate for the district of...

PERSON GIVING MINOR CHILD IN ADOPTION: [Same as in the upper section – Signature(s)]

ADOPTING PARENT(S): [Same as in the upper section – Signature(s)]

Dated at (town), Connecticut this (date) day of (month), 20 .

MINOR CHILD'S CONSENT TO ADOPTION (Signature of the minor child if he or she is 12 years of age or over.)

If the petition and Adoption Data Sheet are in proper order, then:

- Date-stamp.
- Enter into CMS.
- Prepare the file folder.

Steps to be taken before preparation of the Order of Notice, PC-620. If a combination adoption and consent termination procedure (PC-601 and PC-661) is being used, a hearing must be scheduled within 30 days of the receipt of the petition. Follow the procedure outlined in the "Termination of Parental Rights" section.

***COURT ORDER/REQUEST/RETURN INVESTIGATION PARENTAL RIGHTS MATTER/EMANCIPATION OF MINOR PC-682**

The required investigation and written report from the Department of Children and Families or licensed or approved agency should be requested immediately, unless it is submitted with the petition. Pursuant to the provisions of C.G.S. section 45a-733, the investigation and report shall be waived in the case of a stepparent adoption **unless good cause is shown** for them. C.G.S. section 45a-733 also requires that the court find that the adoption is in the best interests of the child. Since the report is usually the basis for the court's finding as to the best interests of the child, **good cause for requiring the investigation and report** may be found in the court's lack of knowledge and other evidence as to the best interests of the child. **Therefore it is our recommendation that the courts should, in the vast majority of cases, require the investigation and report on that basis.** A waiver should **only** be granted if the court has sufficient independent knowledge of the situation.

The investigation should be conducted by a licensed, private child-placing agency, unless the petitioner is indigent. Please see the "Note" below and CM Appendix 11-23. The appendix includes a list of private agencies that will conduct investigations.

NOTE 1): If the petitioner is indigent, the Department of Children and Families will conduct the investigation upon proper certification that the petitioner cannot pay the cost of the investigation. The petitioner should complete the **Request/Order Waiver of Fees – Petitioner, PC-184**. Please see Policy No. 507 in the *PCA Policy Manual* for further information, including the standards for indigency.

NOTE 2): If the box on the petition concerning child support was checked, the court must be sure that the cover letter asks DCF to address the child support issue in its investigation.

Please Note:



When the request for investigation is made, DCF should provide the court with a "LINK number," which should be part of all future correspondence with DCF and should be referred to whenever court personnel verbally request further information on the matter.

① For any adoption, combination or otherwise, where the Commissioner or private child-placing agency is being asked for an investigation and report, the duplicate copy of the **Petition (PC-603 or PC-601), Adoption Data Sheet, PC-680, and Agreement of Adoption, PC-681**, are forwarded to the Commissioner of Children and Families.

- Diary or calendar expiration of the 60-day period.
- Upon receipt of the investigation report or the expiration of the 60-day period, whichever occurs first, a hearing must be set, unless the court grants an extension on written request of the Department of Children and Families. Send a copy of the investigation report to the Commissioner

of the Department of Children and Families [C.G.S. section 45a-727(b)(1)].

C.G.S. section 45a-727 does not require that the hearing be held within 30 days of receipt of the petition as required for a termination of parental rights hearing, but the statute does require the hearing to be set upon the expiration of the 60-day period or upon receipt of the report, whichever occurs first. **It is recommended that the hearing be set as soon as possible or at least within a 30-day period.**

- If no investigation has been ordered, the hearing shall be set within 30 days of receipt of the petition.

***ORDER OF NOTICE/TERMINATION, APPOINTMENT OF STATUTORY PARENT OR GUARDIAN AND/OR ADOPTION, PC-620**

IN THE MATTER OF: (Name of minor child exactly as it appears on birth certificate)

DATE OF BIRTH: *DATE OF ORDER:*

PETITIONER: *COMPLIANCE DATE:* (10 days)

PLACE OF HEARING: *DATE OF HEARING:* (If continued for investigation, check box.) *TIME OF HEARING:*

UPON THE PETITION for

- If the parties are proceeding with a stepparent or relative adoption AND consent termination (form PC-601), check the first box:
 - Termination of parental rights in connection with the minor child*
 AND the last box:
 - Approval of adoption agreement concerning the minor child...*
- If the parties are only proceeding with an adoption (form PC-603), and there is no termination of parental rights, only check the last box:
 - Approval of adoption agreement concerning the minor child...*

IT IS ORDERED that: (Check either box, as applicable.)

- Said petition be heard and determined..*
- The hearing has been set...said hearing is continued...*

IT IS FURTHER ORDERED that:

Due notice and a copy of said petition and of any continuance ordered above be: (**NOTE:** Only send the petition in termination of parental rights matters.)

1. *SERVED BY LEAVING THE SAME with OR at the usual place of abode of:*

① If this is a consent termination (PC-601), **both** parents, even though consenting, **must** be served. However, in the case of a parent who is either the petitioner or who has waived personal or abode service (see p. T/A-25), the court may order notice to be given by first class mail in lieu of personal or abode service.

① If this is an adoption ONLY (form PC-603) with no termination, there need not be personal or abode service.

2. *GIVEN BY THE CLERK...by certified/registered mail to:* [Check applicable box(es).]

- the parent(s) of the minor child, if personal/abode service cannot be effected within the state...*
- the guardian(s) of the minor child, if personal/abode service cannot be effected within the state...*
- the father of a child born out of wedlock who resides out of state.*

3. *GIVEN BY THE CLERK by mailing by first class mail or certified/registered mail, return receipt requested (only as noted) to:*

- the Commissioner of Children and Families. [Include Confidential Information Sheet. Use certified mail notice re appointment of statutory parent, C.G.S. section 45a-718.]*
- the Attorney General in a termination of parental rights proceeding. (Include Confidential Information Sheet.)*

NOTE: The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received aid or care from the state, or if the child is receiving child support enforcement services as defined in

C.G.S. section 46b-231 as amended.

① In any such case, the Attorney General should be provided with copies of documents from the court file upon request.

- the attorney for* *the minor child* *the parent(s) or guardian(s)* *the petitioner*
 the petitioner (if not parent/father) [Use certified mail notice re appointment of statutory parent, C.G.S. section 45a-718.]
 relatives and other persons listed in the petition
 the minor child, if 12 years of age or over. [Use certified mail notice re appointment of statutory parent C.G.S. section 45a-718.]
 the adoptive parent (s)
 the proposed statutory parent . [Use certified mail notice re appointment of statutory parent, C.G.S. section 45a-718.]
 the licensed child-placing agency, if such agency is involved in the adoption
 in a termination of parental rights proceeding, any other person whom the court shall deem appropriate.

AND IT APPEARING to the court that the whereabouts ofare unknown...

BY ORDER OF THE COURT: (Signature of the judge, clerk, or assistant clerk.)

RETURN OF NOTICE OF HEARING: (Date the order is complied with.) *Signature of judge, clerk, assistant clerk.*

CONTINUANCE...

NOTICE OF HEARING

There are three types of notice: **Citation and Return/Termination of Parental Rights, PC-630, Notice of Hearing/Parental Rights Matters, PC-631**, and **Notice of Hearing/Newspaper/Termination of Parental Rights, PC-632, or Notice of Hearing /Newspaper/John Doe/Termination of Parental Rights, PC-632A.**

*CITATION AND RETURN, PC-630

① Use the Citation and Return for personal or abode service (see p. T/A-11 for instructions for completion). BOTH parents must be personally served or receive abode service, unless service has been waived.

NOTICE OF HEARING/PARENTAL RIGHTS MATTERS, PC-631

- Use this form for all others receiving notice where certified, registered, or regular mail is required.
- Prepare the Citation and Return and Notice as directed in the Order of Notice, PC-620. **NOTE: The child's birth surname should not appear on notice in adoption proceedings.**

BY ORDER OF THE COURT

Signature of judge, clerk or assistant clerk.

- Impress court seal.

① If DCF did not conduct the investigation, send a duplicate copy of the investigation report to the Commissioner of the Department of Children and Families with the Notice of Hearing (first class mail). If a private agency conducted the investigation, also send the Department of Children and Families a copy of PC-603, PC-680, and PC-681.

***NOTICE OF HEARING (NEWSPAPER) TERMINATION OF PARENTAL RIGHTS, PC-632** (Use when parent's last known residence is unknown to the court)

***NOTICE OF HEARING (NEWSPAPER) TERMINATION OF PARENTAL RIGHTS (John Doe), PC-632** (Use when father's name and last known residence is unknown to the court)

*AFFIDAVIT/TEMPORARY CUSTODY, REMOVAL, TERMINATION OR ADOPTION, PC-610

NOTE: The affidavit must be signed and dated the day of the HEARING.

IN THE MATTER OF: (Child's name as it appears on petition) *DATE OF BIRTH OF MINOR CHILD:* (As it appears on the petition and birth certificate)

The subscriber hereby swears, affirms or avers that:

The subscriber must check one of the two boxes. The subscriber can be the petitioner, parent, the attorney for the petitioner, the statutory parent, or other interested party. (Usually the party signing is the parent petitioner on the petition or the statutory parent.)

Name, signature, address *DATE*

- The affidavit must be sworn to before a proper officer.

Hearing — C.G.S. section 45a-727

The hearing should be a closed hearing. Prepare the final probate bill to be sent to either the petitioner or attorney or to be hand-delivered to the petitioner or attorney at the hearing.

- Immediately after the hearing, prepare Judge's Record of Hearing Sheet. (See the end of this section for the sheet.)

***DECREE, PC-661 OR PC-663**

There are two decrees for adoption matters: PC-661 and PC-663. When the petition is on form PC-601, always use the PC-661 decree; when the petition is on form PC-603, always use the PC-663 decree.

***DECREE/STEPARENT, CO-PARENT, OR RELATIVE ADOPTION, PC-661 — Adoption with consent termination** *IN THE MATTER OF* *DATE AND PLACE OF BIRTH OF MINOR CHILD:*

ADOPTING PARENT(S): [*Name(s), address and telephone number*]

PERSONS WHOSE PARENTAL RIGHTS ARE TO BE TERMINATED.

- If either the mother or father consents to the termination, insert that person's name here; if both consent, insert both names.

At a court of probate held at the place and time of hearing set by the court together with any continuances thereof, as of record appears, on the petitioner's petition for approval of Adoption Agreement concerning said minor child,

*and termination of the parental rights of the person(s) named above.
... all as in said petition more fully appears.*

- Check box if a termination of parental rights was incorporated in the petition.

PRESENT: HON. (Insert name of judge.)

*After due hearing THE COURT FINDS that notice of hearing was given in accordance with the order of notice previously entered...
THE COURT FURTHER FINDS that:*

- Check the boxes that apply to the petition.
 - Any person entitled to notice...*
 - The minor child is an Indian child . . .Indian Child Welfare Act. . . .*
 - The minor child having attained the age of twelve....*

An affidavit has been filed in court averring that:

- There is no proceeding in another court*
- There is a proceeding in another court*

THE COURT FURTHER FINDS that:

- The Commissioner of Children and Families....*
- This being a case of adoption by a stepparent....*
- This being a case of a co-parent adoption....*
- This being a case of a relative adoption ...*
- This being a case of parent(s) consenting to termination of parental rights ...*

THE COURT FURTHER FINDS

WHEREFORE, it is ORDERED AND DECREED that:

The parental rights of any person(s) so named above are hereby terminated.

The Adoption Agreement is hereby approved.

The name of the minor child

shall remain the same.

shall be changed to

Dated at _____, Connecticut, this _____ day of _____, 20 _____.

Signature of Judge Impress court seal.

***DECREE/ADOPTION, PC-663 –
Adoption without termination**
Probate District and District No.

Important: The Court should only place the child’s first name in the box entitled “IN THE MATTER OF.” When sending copies of the decree or other documents containing only the child’s first name to any licensed child-placing agency, DCF, or Vital Records, please be sure to include the child’s name as shown on the birth certificate in a cover letter. See p. TA-36 of this *Manual* for the list of forms that are to be sent to DCF.

IN THE MATTER OF _____ DATE & PLACE OF BIRTH OF MINOR CHILD _____ (As appears on the petition , Adoption Data Sheet, Agreement of Adoption, and birth certificate)

ADOPTING PARENT(S) [Name(s), address and telephone number] (As appears on petition, Adoption Data Sheet and Agreement of Adoption)

PRESENT: HON. (Insert name of judge.)

After due hearing, THE COURT FINDS THAT notice of hearing was given in accordance with the order of notice previously entered...

THE COURT FURTHER FINDS THAT: (Only check applicable boxes.)

- Any person entitled to notice of said hearing who is in the military service....*
- The minor child, having attained the age of twelve....*

An affidavit has been filed in court averring that:

- There is no proceeding in another court*
- There is a proceeding in another court*

THE COURT FURTHER FINDS that:

- The Commissioner of Children & Families....*
- This being a case of adoption by a stepparent...*
- This being a case of a co-parent adoption...*
- This being a case of a relative adoption....*

THE COURT FURTHER FINDS... WHEREFORE, IT IS ORDERED AND DECREED that:

The name of the minor child

- shall remain the same.*
- shall be changed to*

Dated at _____, Connecticut, this _____ day of _____, 20 _____.

Signature of Judge

• Impress court seal.

ADOPTION CERTIFICATE, PC-650

• Give one Adoption Certificate to the adoptive parent (s) at no charge. There is a \$5.00 charge for each additional certificate requested [C.G.S. section 45a-109].

- If the statutory parent is a child-placing agency (other than DCF) the court should issue one adoption certificate to that agency to complete their records or send a copy of the decree to the agency.

Probate District and District No.

IN THE MATTER OF: [FULL NAME OF MINOR CHILD AFTER ADOPTION]

BORN ON: (This date is the same as the one that appears on the Petition, Adoption Data Sheet, Agreement of Adoption and birth certificate.)

ADOPTING PARENT(S) [NAME AND ADDRESS]

- Insert the name of the adoptive parent (s) and address. In the case of a stepparent adoption, insert the name and address of the ONE adoptive parent only.

DATE OF DECREE APPROVING ADOPTION AGREEMENT:

- Insert the date the judge signed the decree. • Impress court seal.

Signature of judge, clerk, or assistant clerk.

CONNECTICUT STATE DEPARTMENT OF HEALTH, RECORD OF ADOPTION, (VS-51) – C.G.S. section 45a-745 (Also see p. T/A-23.)

The court must obtain original blank forms from the Office of the Probate Court Administrator. **Copies are NOT acceptable.** There may be no erasures or corrections on this document. Use black ink or type.

Sections I and II of form VS-51 must be completed before the hearing. They are usually completed by the social worker involved in the adoption matter OR by the petitioner or attorney for the petitioner. The adoptive parents always sign this form.

- By statute (C.G.S. section 45a-745), the completion of Section III of this form is the court's responsibility. The court completes the section by inserting the required information. The clerk should compare the VS-51 with the original birth certificate and report to make certain that the information is correct.

- Impress court seal. *Signature of judge, clerk or assistant clerk.*

- Forward the original to the Connecticut State Department of Health. Some courts retain a copy of the completed form in the file. **NOTE:** This form must be sent before the 15th day of the month following the approval of adoption.

Notification of Court's Decision to the Commissioner of Children and Families

- The court must provide a copy of the final decree to the Commissioner, Department of Children and Families (C.G.S. section 45a-727) and may provide a copy to the regional office. See "ADDRESSES" section of this manual for location of the regional office. Usually, the department files a written request with the court during the pendency of the petition requesting that the court notify the department of the court's decision. A copy of the decree is sufficient notification.

NOTE: Whenever termination or adoption forms are being sent to the Department of Children and Families on which the child's last name does NOT appear, the child's full name should be given in the cover letter.

Closing of File

- **Scanning Preparation** – Scan all required documents in accordance with Probate Regulations, **Sec. 10.4, Confidential Records.** Scan each original document not later than 30 days after completion of all proceedings. In ongoing matters, the documents must be scanned at the completion of a significant stage in the proceeding.

For a Stepparent, Co-Parent, or Relative Adoption with Consent Termination:

- 1) PC-601, Petition – Consent Termination of Parental Rights *with* Stepparent, Co-Parent, or Relative Adoption and attachments
- 2) PC-610, Affidavit/Temporary Custody, Removal, Termination, or Adoption
- 3) PC-620, Order of Notice/Termination, Appointment of Statutory Parent or Guardian and/or Adoption
- 4) PC-630, Citation and Return/Termination of Parental Rights

- 5) PC-631, Notice of Hearing/Parental Rights Matters
- 6) PC-633, Waiver of Personal or Abode Service/Parental Rights Matters
- 7) PC-661, Decree/Stepparent, Co-Parent or Relative Adoption
- 8) PC-680, Adoption Data Sheet and attachments
- 9) PC-681, Agreement of Adoption
- 10) DCF Investigation or Agency Report
- 11) DCF-337, DCF-338, Genetic and Health Forms (C.G.S. section 45a-746) **SEE CM Appendix 11-19 (reference only).**
- 12) Birth certificate – long-form, certified copy (Please see p. “Duties – 5” for an important note re birth certificates.)
- 13) VS-51, Department of Health Services Record of Adoption

For Approval of Adoption Agreement, Including Statutory Parent, Stepparent, Co-Parent, or Relative Adoption When There is NO TERMINATION (Consent or Otherwise):

- 1) PC-603, Petition /Adoption and attachments
 - 2) PC-610, Affidavit/Temporary Custody, Removal, Termination, or Adoption
 - 3) PC-620, Order of Notice/Termination, Appointment of Statutory Parent or Guardian and/or Adoption
 - 4) PC-631, Notice of Hearing/Parental Rights Matters
 - 5) PC-663, Decree/Adoption
 - 6) PC-680, Adoption Data Sheet
 - 7) PC-681, Agreement of Adoption
 - 8) DCF Investigation or Agency Report
 - 9) DCF-337, DCF-338, Genetic and Health Forms (C.G.S. section 45a-746). **SEE CM Appendix 11-19 (reference only).**
 - 10) Birth certificate — long-form, certified copy (Please see p. “Duties – 5” for an important note re birth certificates.)
 - 11) VS-51, Department of Health Services Record of Adoption
 - 12) PC-609, Petition/Special Immigrant Juvenile Findings under 8 USC 1101, if applicable
 - 13) PC-666, Decree/Special Immigrant Juvenile Findings, if applicable
- Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document. **These forms should be recorded as confidential records.**
 - Return file to a locked cabinet in the vault.

Microfilming

Upon receipt of a CD or DVD of the court’s records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Miscellaneous Instructions about Adoption Matters and Adoption Paperwork to be sent to the Department of Children & Families' Central Office

1. Materials mailed to Commissioner. In an effort to reduce paperwork for the probate courts and the staff at DCF, the Supervisor of Adoption Services at DCF has compiled a summary of probate court forms and associated documents that must be sent to Marisol Ayala at the DCF Central Office, 505 Hudson St., Hartford, CT, 06106-7107. (Please be sure to mark the envelope "Confidential.") Copies of the forms should also be sent to the DCF Regional Office that conducted the requested/required DCF investigation.

A. Adoptions:

1. Forms to be sent to DCF Central Office when DCF is the Statutory Parent:

- PC-603, Petition /Adoption
- **If applicable**, PC-608, Petition Re: Placement for Out-of-State Adoption
- PC-610, Affidavit/Temporary Custody, Removal, Termination, or Adoption
- PC-663, Decree/Adoption
- **If applicable**, PC-665, Decree Re: Placement for Out-of-State Adoption
- PC-680, Adoption Data Sheet
- PC-681, Agreement of Adoption
- Copy of the Investigation Report (Court-ordered Study)
- JD-JM-60, Affidavit/Consent to Termination of Parental Rights
- DCF-337, Genetic Parents' Information
- DCF-338, Medical Information on Genetic Parents
- DCF-419, Commissioner's Statement of Support (subsidized adoption)
- Copy of Child's birth certificate
- VS-51, Record of Adoption
- PC-609, Petition/Special Immigrant Juvenile Findings under 8 USC 1101, if applicable
- PC-666, Decree/Special Immigrant Juvenile Findings, if applicable

2. Forms to be sent to DCF Central Office when there is a Relative, Co-Parent, or Stepparent Adoption with a DCF Investigation:

- PC-601, Petition – Consent Termination of Parental Rights *with* Stepparent, Co-Parent, or Relative Adoption (include Confidential Information Sheet)
- PC-610, Affidavit/Temporary Custody, Removal, Termination, or Adoption
- PC-661, Decree/Stepparent, Co-Parent, or Relative Adoption
- PC-680, Adoption Data Sheet
- PC-681, Agreement of Adoption
- PC-682, Court Order/Request/Return/Investigation of Parental Rights Matter/Emancipation of Minor
- Copy of the Investigation Report (Court -ordered Study)
- JD-JM-60, Affidavit/Consent to Termination of Parental Rights
- DCF-337, Genetic Parents' Information
- DCF-338, Medical Information on Genetic Parents
- Copy of Child's birth certificate
- VS-51, Record of Adoption

3. Forms to be sent to DCF Central Office when there is a private agency adoption:

- PC-603, Petition /Adoption
- PC-631, Notice/Parental Rights Matters
- PC-663, Decree/Adoption
- PC-680, Adoption Data Sheet
- PC-681, Agreement of Adoption
- Copy of the Investigation Report (Court -ordered Study)
- Copy of the child's birth certificate

- DCF-419 (if it is a subsidized adoption)
- PC-609, Petition/Special Immigrant Juvenile Findings under 8 USC 1101, if applicable
- PC-666, Decree/Special Immigrant Juvenile Findings, if applicable

B. Form to be sent to DCF Central Office in a Parental Rights Matter with a DCF Investigation:

PC-682, Court Order/Request/Return/Investigation of Parental Rights Matter/Emancipation of Minor. The DCF central office only needs form PC-682 in connection with adoption petition s.

C. Forms that DO NOT need to be sent to DCF Central Office:

- PC-130 or other Notices of Hearing*
- PC-631, Notice/Parental Rights Matters, if it is not accompanied by adoption paperwork or is not applicable*
- PC-652, Decree/Validation of Foreign Adoption
- PC-682, Court Order/Request/Return/Investigation of Parental Rights Matter/Emancipation of Minor if a) there is no adoption and b) there is no investigation by DCF.
- Any Adult Adoption paperwork
- Dismissal/Withdrawn Notices (for non-adoption matters)*
- Termination of Parental Rights (TPR) Orders or Decrees, unless they are part of an adoption packet

***Please note: PC-130 or other Notices of Hearing; PC-631; and Dismissal/Withdrawn Notices need to be sent to the DCF Regional Office. Please contact the regional office or Marisol Ayala at the central office (860-550-6452) if you have any questions about mailing paperwork.**

II. Acceptance of Appointment. If the Commissioner is the petitioner, and she requests appointment as statutory parent in the petition, acceptance of the appointment may be implied in such case. This will save time, since the statute does not specifically require an acceptance.

III. Affidavit stating that no proceeding is pending in any other court affecting the custody of the child. Since the statute does not specify who must or may sign such an affidavit, it is the position of the Administrator's office that the Commissioner's signature is not required. It is desirable to accept the signature of someone in a better position to know, such as the case worker, who undoubtedly is more familiar with the details of the particular case.

Adoption Review Board

C.G.S. sections 45a-763 through 45a-765

The Adoption Review Board has the authority under C.G.S. section 45-69d to **WAIVE THE REQUIREMENT** that a minor child be physically placed by the Department of Children and Families or a child-placing agency. The board does **NOT** have the authority to waive the requirement of a statutory parent, which is either a licensed or approved agency or the Department of Children and Families. Waivers will not be granted if the State of Connecticut's public policy against private placement would be violated.

The court should make sure that the parental rights of the child's biological parents have been terminated, and a statutory parent (Commissioner of the Department of Children and Families or a licensed private adoption agency) has been appointed before submitting the Petition and Agreement for Adoption to the Adoption Review Board.

These forms, along with a cover letter and **copies** of all pertinent papers, should be sent to the Office of the Probate Court Administrator. A hearing date is then set, and the board's decision is forwarded to the probate judge.

The judge will receive a notice of the hearing but does not need to attend unless he or she wishes to testify.

If the waiver is granted, the judge may then proceed on the adoption petition in the same manner as any other agency adoption.

Adult Adoptions

C.G.S. sections 45a-734, 45a-735; *Connecticut Probate Practice*, Locke & Kohn, Sections 688, 690; Folsom and Wilhelm, *Incapacity, Powers of Attorney and Adoption in Connecticut 3rd* Chapter 5. Any person 18 years of age or older (an adult) may agree upon an adoption with another adult who is younger than himself or herself. The agreement must be in writing, and there is a prohibition on adopting one's spouse, brother, sister, uncle or aunt of the whole or half-blood. C.G.S. section 45a-734, as amended.

Jurisdiction

Jurisdiction to approve the written adoption agreement is in the district where the proposed adoptive parent resides. If the proposed adoptive parent does not reside in Connecticut, jurisdiction is in the district where the person to be adopted resides.

Petition Procedure

The petition is **PC-603A, Petition and Agreement of Adult Adoption**. Form **VS-51, Record of Adoption** must also be filed before the hearing.

CONNECTICUT STATE DEPARTMENT OF HEALTH, RECORD OF ADOPTION, (VS-51) – C.G.S. section 45a-745 (Also see p. T/A-23.)

The court must obtain original blank forms from the Office of the Probate Court Administrator. **Copies are NOT acceptable.** There may be no erasures on this document. Use black ink or type.

Section s I and II of form VS-51 must be completed before the hearing. In the case of an adult adoption, these sections are usually completed by the petitioner or attorney for the petitioner. The form is always signed by the adoptive parent(s).

- By statute (C.G.S. section 45a-745), the completion of Section III of this form is the court's responsibility. The court completes the section by inserting the required information. The clerk should compare the VS-51 with the original birth certificate and report to make certain that the information is correct.

- Impress court seal.

Signature of judge, clerk or assistant clerk.

- Forward the original to the Connecticut State Department of Health. Some courts retain a copy of the completed form in the file. **NOTE:** This

form must be sent before the 15th day of the month following the approval of adoption.

- Entry fee – \$150.00.
- Date-stamp all documents received.

If PC-603A and all other documents are in order:

- Enter into CMS.
- Prepare file folder.

***ORDER OF NOTICE/TERMINATION, APPOINTMENT OF STATUTORY PARENT, OR GUARDIAN AND/OR ADOPTION, PC-620, OR ORDER OF NOTICE OF HEARING, PC-120**

NOTICE OF HEARING, PC-130

Notice must be sent to each party to the adoption agreement that is part of PC-603A. If the spouse of the proposed adoptive parent is not joining in the adoption agreement, notice shall be given to the spouse. The court may also give notice to other persons interested in the welfare of the proposed adoptive parent or adoptive person.

- Delete words that do not apply.
- Public notice should be used ONLY if the court feels something may be improper in the proceedings.

Hearing – C.G.S. section 45a-734

As noted above, the person who wishes to be adopted must be 18 years of age or older, and he or she may not be a spouse, brother, sister, uncle or aunt of the whole or half-blood of the adopting person. The person adopting must also be older than the person being adopted.

The court shall approve the adoption agreement if it finds that the proposed adoptive parent and the person to be adopted share a relationship that is similar to that between a parent and an adult child and that the adoption is in the best interests of the two parties.

If the adoptive parent is married, the spouse of the adoptive parent must consent to the adoption, unless the court finds sufficient reason for lack of consent.

Upon the court's approval of the adoption agreement, the adopted person shall become the legal child of the adoptive parent, and the adoptive parent shall become the legal parent of the adopted person, and the provisions of C.G.S. section 45a-371, as amended, shall apply.

NOTE: If the adult person to be adopted is not able to appear at the hearing because he or she is away (out of the state or country) or is absent for some other reason, the court may proceed with the adoption if the judge is satisfied with all of the evidence. An affidavit from the prospective adoptee should be required.

***DECREE/ADULT ADOPTION, PC-663A**

- As noted above, send a copy of VS-51 to Bureau of Vital Statistics.
- Prepare Judge's Record of Hearing Sheet. (See end of section for sheet.)

Effect of Adult Adoption on Other Relationships

1. One parent of an adult child may join in an adoption agreement between **the parent's spouse and the adult child**. Upon the court's approval of the adult adoption, the legal relationship between the adult child and the parent who did not join in the adoption agreement will be terminated. There is an exception whereby an adult adoption shall not affect the adopted person's right to inherit through a parent who died before the adoption occurred. C.G.S. section 45a-731 (8), as amended.

2. One parent of an adult child may join in an adoption agreement between **one other person and the adult child**. Upon the court's approval of the adult adoption, the legal relationship between the adult child and the parent who did not join in the adoption agreement will be terminated. There is an exception whereby an adult adoption shall not affect the adopted person's right to inherit through a parent who died before the adoption occurred. C.G.S. section 45a-731 (8), as amended.

Closing of File

① **Scanning Preparation** – Scan all required documents in accordance with Probate Regulations, **Sec. 10.4, Confidential Records**. Scan each original document not later than 30 days after completion of all proceedings. In ongoing matters, the documents must be scanned at the completion of a significant stage in the proceeding.

- 1) PC-603A, Petition and Agreement of Adult Adoption,
- 2) PC-620 or 120, Order of Notice
- 3) PC-663A, Decree/Adult Adoption

- Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document. **These forms should be recorded as confidential records.**
- Return file to a locked cabinet in the vault.

Microfilming

Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

VALIDATION of FOREIGN ADOPTIONS

C.G.S. section 45a-730 authorizes the probate court **to validate** a foreign adoption. See the "Hearing" section below for further explanation.

Items marked with an asterisk (*) are to be entered into CMS and must be scanned/microfilmed.

*PETITION /VALIDATION OF FOREIGN ADOPTION, PC-604

IN THE MATTER OF: (Name of minor child) *DATE AND PLACE OF BIRTH OF MINOR CHILD:*

PETITIONER: [Name, address, and telephone number]

Appropriate box must be checked:

- Adoptive Parent
 Child-placing agency

PARENT(S): [Name(s), address, zip code and telephone number] (Parent(s) that adopted the child in the foreign country.)

MOTHER'S MAIDEN NAME

THE PETITIONER REPRESENTS that:

- An authenticated and exemplified copy of adoption is submitted..
 An authenticated and exemplified copy of adoption is NOT submitted

The court **may waive** the requirement that an authenticated copy of the adoption be filed for good cause shown.

There is *a* *no* proceeding pending. (The petitioner must check the appropriate box. If there is such a proceeding, the petitioner must complete and attach **form JD-FM-164, Affidavit Concerning Children.**)

Petitioner's signature (Adoptive parent or an officer of a child-placing agency)

*ORDER OF NOTICE OF HEARING, PC-120

- The court must hold a hearing within 45 days.
- Notice should be sent to the parents (as listed on the petition) and the child-placing agency if one is involved.

NOTICE OF HEARING, PC-130**Hearing**

The court may **validate** the adoption of the minor child if it finds that: 1) The adoption of the minor child born outside the United States or its territories occurred outside the United States or its territories and 2) the United States Citizenship and Immigration Service refuses to naturalize said minor because the adoptive parents did not personally see and observe the child before or during the adoption proceedings, and 3) it is in the best interest of the minor child.

NOTE: If a child was born and adopted outside the United States, AND both parents were present in the foreign country when the final decree of adoption was granted, the U.S. Citizenship and Immigration Service will naturalize the minor. The court should NOT validate the foreign adoption. Instead, the court may help the parents obtain a Certification of Birth Registration/Foreign Birth from the Department of Public Health as explained in the next section .

***DECREE/VALIDATION OF FOREIGN ADOPTION, PC-664**

IN THE MATTER OF: (Name of minor child) *MOTHER'S MAIDEN NAME* (Adopting Mother) *DATE AND PLACE OF BIRTH OF MINOR:*

ADOPTIVE PARENTS: [Names, address, and telephone number]

PRESENT: Hon.: (Judge's name)

THE COURT FURTHER FINDS that:

- Check appropriate box.
 - Any person entitled to notice... For cause shown...

An affidavit has been filed in court ...

- There is no proceeding... There is a proceeding ...

Dated at (Town) , *Connecticut, this* (date) *day of* (month), 20 .

Signature of judge

- Give the parent(s) a certified copy of the decree for transfer to Immigration and Naturalization.
- Prepare Judge's Record of Hearing Sheet. (See p. T/A- 50.)

Closing of File

• **Scanning Preparation** – Scan all required documents in accordance with Probate Regulations, **Sec. 10.4, Confidential Records**. Scan each original document not later than 30 days after completion of all proceedings. In ongoing matters, the documents must be scanned at the completion of a significant stage in the proceeding.

- 1) PC-604, Petition /Validation of Foreign Adoption (and JD-FM-164, Affidavit Concerning Children, if necessary)
- 2) PC-120, Order of Notice of Hearing
- 3) PC-130, Notice of Hearing
- 4) PC-664, Decree/Validation of Foreign Adoption
- 5) Investigation Report

• Place all documents in proper order. Check signatures. Scan. **NOTE:** The date on which the original document is scanned shall be indicated on the document. **These forms should be recorded as confidential records.**

- Return file to a locked cabinet in the vault.

Microfilming

Upon receipt of a CD or DVD of the court 's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

CERTIFICATION of BIRTH REGISTRATION – FOREIGN ADOPTION

Pursuant to C.G.S. Section 7-54, the Department of Public Health may issue a Certification of Birth Registration or a Certificate of Foreign Birth to a Connecticut resident who has adopted a person born out of the country, or to the person who was adopted, provided the person is over sixteen years of age. The Department will prepare the Certification upon a request (and payment) from the adoptive parent or adopted person, provided that Probate Court has notified the Department that sufficient evidence of the adoption has been filed in court.

In order for the court to issue the required notice, CM-41, the adoptive parent or adopted person must have filed in court 1) an authenticated and exemplified copy (or certified copy) of the adoption decree, if the adoption was finalized in the state or 2) other satisfactory evidence that the child born outside of the country was adopted by a Connecticut resident. The evidence may be presented in conjunction with a petition for validation of a foreign adoption in the event that the adoptive parents were not present in the foreign country at the time of the adoption. The form the Probate Court will use to notify the Department is CM-41, Notice Re: Certification of Birth Registration/Foreign Birth. Form VRA-11 (p. T/A 49) is the written request that the parents will use to obtain the Certification of Birth Registration or Certification of Foreign Birth. Please see the box on this page for information about wallet-size and full-size certification of birth forms.

NOTE: The statute is silent as to whether the court must hold a hearing, and therefore, it is discretionary. If the judge determines that a hearing should be held, the recommended procedure is as follows:

- 1) **Petition** – The petitioner should manuscript a request that the court notify the Department of Public Health that the evidence required to create a certification of birth registration has been presented to the court.
- 2) **Evidence** – A certified copy of a Connecticut Probate Court decree finalizing the adoption of a child born out of the country, a validation of a foreign adoption decree, an authenticated and exemplified copy of the adoption proceedings and a translation of an adoption, or other satisfactory evidence of an adoption of the child by a Connecticut residence should be submitted with the application or before the hearing.
- 3) **Entry Fee** – The entry fee is \$150, if a hearing is held.
- 4) **Order of Notice, PC-120.**
- 5) **Notice of Hearing, PC-130.**
 - ① Give notice by regular mail to the adoptive parents and the child, if he or she is over the age of 12.
- 6) **Decree, PC-160.**

RE: Form VRA-11 on p. 49.

The **wallet-size** certification of birth registration contains the child's adoptive (new) name, the child's date and place of birth, the date the decree was received from the probate court, and the date the certification was issued. The **full-size** form contains all of the information listed above, plus the adoptive mother's full maiden name and the adoptive father's name.

PROCEDURE TO ESTABLISH the AGE and DATE of BIRTH of AN ADOPTED PERSON BORN OUTSIDE the COUNTRY

C.G.S. 7-54 allows the probate court to establish the biological age and date of birth of persons who were: (1) born outside of the United States and (2) adopted by Connecticut residents.

JURISDICTION – The petition must be filed in the probate district in which the adopted person resides.

WHO MAY APPLY – The petition may be made by the adoptive parent or parents of the adopted person or by the adopted person if he or she is 18 years of age or older.

FORMS TO BE USED:

- 1) **CM-74, Petition to Determine Age and Date of Birth of An Adopted Person Born Outside the Country**
- 2) **Order of Notice, PC-120**
- 3) **Notice of Hearing, PC-130**
- 4) **CM-75, Decree/Determination of Age and Date of Birth of An Adopted Person Born Outside the Country**

If the petition is in order:

- Date-stamp.
- Entry fee – \$150.00 to be paid by petitioner.
- Enter into CMS.

HEARING – The court must hold a hearing and receive medical evidence and other evidence relevant to the issue of the adopted person’s biological age and date of birth. After the hearing, the court may issue a decree establishing the adopted person’s biological age and date of birth. If the biological age and date of birth are different from those shown in the certification of birth registration or certificate of foreign birth, the court shall provide a certified copy of the decree to the Department of Public Health. The law requires the Department of Public Health (DPH) to conform its records to the decree and to use the birth date set by the decree in all future birth records.

- Prepare Judge's Record of Hearing Sheet. (See p. T/A -50 for sheet.)
- If necessary, send certified copy of decree to the Department of Public Health, Vital Records Section.

Closing of File

• **Scanning Preparation** – Scan all required documents, including the investigation report, in accordance with Probate Regulations, **Sec. 10.4, Confidential Records**. Scan each original document not later than 30 days after completion of all proceedings. In ongoing matters, the documents must be scanned at the completion of a significant stage in the proceeding.

- 1) CM-74, Petition to Determine Age and Date of Birth of an Adopted Person Born Outside the Country
- 2) PC-120, Order of Notice of Hearing
- 3) PC-130, Notice of Hearing
- 4) CM-75, Decree/Determination of Age and Date of Birth of an Adopted Person Born Outside the Country

• Place all documents in proper order. Check signatures. Scan. NOTE: The date on which the original document is scanned shall be indicated on the document. **These forms should be recorded as confidential records.**

- Return file to a locked cabinet in the vault.

Microfilming

Upon receipt of a CD or DVD of the court’s records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

Procedures for Obtaining Nonidentifying and Identifying Information about the Biological Parents and Relatives of an Adult-Adoptable or Adult-Adopted Person

Requests for identifying and non-identifying information about the biological parents or relatives of an adult-adoptable or adult-adopted person must be made in writing to the child-placing agency or the Department of Children and Families.

1. The party requesting the information may contact the Department of Children and Families, Search Unit, 505 Hudson Street, Hartford, Connecticut 06106. The telephone number is (860) 550-6582. This information is also listed in the “ADDRESSES” section.
2. If the party requesting the information does not know which child-placing agency to contact, the Department of Children and Families can provide the necessary contact information. Please note that the child-placing agencies may charge a fee for handling requests for identifying and non-identifying information available to authorized applicants.

If the adoption was approved on or after January 1, 1944, the Probate Court may only confirm whether an adoption has occurred in that district and provide a copy of the Adoption Certificate, PC-850, to the adult-adopted or adult-adoptable person or the adoptive parents. The court must be satisfied that the person requesting the information is the adult-adopted or

adult-adoptable person or the adoptive parent.¹ **Note: Adoptions finalized before January 1, 1944 are not confidential.**

The following persons are authorized by statute to request disclosure of **non-identifying information** [Section 45a-746 (c)]:

1. The adopted or adoptable person, age 18 or older at the time of the petition;
2. The adoptive parents of the adopted person. If the adopted person is age 18 or older, the adopted person must give notarized permission for the disclosure to the adoptive parents;
3. The guardian or legally authorized representative of the adopted or adoptable person;
4. If the adult-adopted or adult-adoptable person is deceased (requires presentation of the certificate of death), any adult descendants, including legally adopted descendants, of the adopted or adoptable person.

The following persons are authorized by statute to request disclosure of **identifying information** [Sections 45a-743 (3) and 45a-751 (a)]:

1. The adopted or adoptable person, age 18 or older at the time of the petition;
2. The biological parent of an adult adopted or adult adoptable person, including any person claiming to be the father who was not a party to the proceedings for the termination of parental rights;
3. The adult biological sibling of any adult adopted or adult adoptable person; and
4. If the adult-adopted or adult-adoptable person is deceased, any adult descendants, including legally adopted descendants.

An “adoptable person” is a person who has not been adopted but whose biological parents had their parental rights terminated under the laws of this state. Section 45a-743 (1).

An “adopted person” is a person who (1) was adopted under the laws of this state or (2) was adopted in another jurisdiction but whose biological parents had their parental rights terminated under the laws of this state. Section 45a-743 (2).

Non-identifying information is information that does not identify or tend to identify biological relatives. Non-identifying information includes the following data provided on the Department of Children and Families’ form and any other non-identifying information furnished to the child-placing agency [Sections 45a-746 (a) and (c)]:

1. Age of biological parents at the time of birth of the adult-adopted or adult-adoptable person;
2. Heritage (nationality, ethnic background and race) of the biological parent(s);
3. Education completed by the biological parent(s);
4. General physical appearance of the biological parent(s) at time of birth of adopted or adoptable person;
5. Talents, hobbies, special interests of the biological parent(s);
6. Existence of any other children born to either biological parent (not names, birth dates, addresses, social security numbers, etc.);
7. Reasons for placing child for adoption, including termination of parental rights;
8. Religion of biological parent(s);
9. Occupation, in general terms, of the biological parent(s);
10. Health history of biological parents and blood relatives;
11. Manner in which plans for adopted or adoptable person’s future were made by biological parent(s);
12. Relationship between biological parents;

¹ Exception for adoptions approved prior to October 1, 1977: The Probate Court (or child-placing agency, Department of Children and Families or Superior Court) must release **non-identifying information** it has in its files **to adoptive parent(s)** of an adopted person for adoptions approved before October 1, 1977. The request must be in writing and accompanied by a written statement, made under oath, from the adopted person authorizing the disclosure of the non-identifying information to his or her adoptive parent(s). Section 45a-747. Adoptive parents should be urged to contact the child-placing agency or the Department of Children and Families before asking the court for information under Section 45a-747. If an adoptive parent files a written request with the court that complies with Section 45a-747, the only information that the court may provide is a copy of the DCF forms DCF-337 and DCF-338.

13. Any psychological, psychiatric or social evaluations; and
14. Any other relevant non-identifying information; including other available or applicable information concerning biological or adoptive grandparents, biological or adoptive siblings.

The child-placing agency or the Department of Children and Families must provide **non-identifying information** to the authorized applicant within 60 days of the written or in-person request. Section 45a-746 (d). If a request is made to the court by an authorized representative of the child-placing agency or the Department of Children and Families, the court must share identifying information with the child-placing agency or the Department of Children and Families. Section 45a-749.

Non-identifying information that contains identifying information or tends to identify the biological parent(s) or biological relative(s) of the adopted person may not be released, unless disclosure is authorized pursuant to the procedures described below for release of identifying information. Section 45a-746 (e).

Identifying information is information that identifies or tends to identify biological relatives who are unknown as a result of an adoption or termination of parental rights. A child-placing agency or the Department of Children and Families may release identifying information only to those persons who are authorized by statute to request disclosure of identifying information (see the list above) and only after following the procedures set forth below. Section 45a-751(a).

For any **request for identifying information**, the child-placing agency or the Department of Children and Families must make efforts to locate the biological relative for whom the information is requested. Section 45a-753(a). The effort required of the child-placing agency or the Department of Children and Families to locate the biological relative is up to 10 hours within 60 days of the date of the request. Section 45a-753(a).

1. **If the biological relative gives consent** to disclose identifying information, the child-placing agency or the Department of Children and Families must release the information to the applicant. Section 45a-751 (b).
2. **If consent is denied**, the child-placing agency or the Department of Children and Families is prohibited from disclosing identifying information. Section s 45a-751 (b) and 45a-751b. **The authorized applicant has no recourse in the Probate Court if the biological relative denied consent.** Sections 45a-751b and 45a-752 (a). An individual who wishes to file a petition should be informed of the following statutory provision: "No petition shall be filed if the consents required by section 45a-751b have been denied." Section 45a-752 (a). If the individual chooses to file a petition after being informed of the statute, the clerk shall accept the filing and set the matter for hearing.
3. **If the biological relative whose identity is sought is deceased**, the child-placing agency or the Department of Children and Families shall release the following information without court action [Section s 45a-751b (e) and 45a-753 (e)]:
 - a. All names by which the person whose identify is sought has been known and all known addresses;
 - b. The date and place of such person's birth;
 - c. All places where such person was employed;
 - d. Such person's social security number;
 - e. The names of educational institutions such person attended; and
 - f. Any other information that may assist in the search of a person who cannot be located.
4. **If the biological relative whose identify is sought cannot be located or appears to be incompetent but has not been adjudicated to be incompetent**, Probate Court action is required. See the next section for further information.

Areas of Probate Court Jurisdiction:

Remember, there is no recourse available to an authorized applicant if a biological relative whose identity is sought refuses to give consent to disclose identifying information.

1. If the agency is out-of-state and unwilling to make the effort to locate the biological relative whose identity is sought, the Probate Court must appoint a child-placing agency or the Department of Children and Families to try to locate the biological relative. Section 45a-753 (b).

2. If the biological relative whose identity is sought cannot be located or appears to be incompetent but has not been legally declared to be incompetent, the authorized applicant may petition the Probate Court for the Appointment of a guardian ad litem. Section 45a-753 (c). The guardian ad litem has the authority to decide whether to give consent on behalf of the relative whose identity is sought. Section 45a-753 (c).

3. If the biological relative whose identity is sought has been legally declared to be incompetent, the relative's conservator may consent to release the information on behalf of the relative. Section 45a-753 (d). If the powers granted to the conservator do not include this authority, the conservator may apply to the Probate Court that appointed him or her for authority to give consent.

The guardian ad litem or conservator appointed by the court under 2 or 3 above shall give consent to release of the requested information by the child-placing agency or the Department of Children and Families unless the guardian ad litem or conservator determines that it is not in the best interest of the relative whose identity is sought. Section 45a-753 (e). The consent of the guardian ad litem or conservator permits release of only the following information [Section 45a-753 (e)]:

- a. All names by which the person whose identity is sought has been known and all known addresses;
- b. The date and place of such person's birth;
- c. All places where such person was employed;
- d. Such person's social security number;
- e. The names of educational institutions such person attended; and
- f. Any other information that may assist in the search of a person who cannot be located.

No further court action is required after the appointment of the guardian ad litem. If the guardian ad litem consents to release of the information, the child-placing agency or the Department of Children and Families releases the information. If the guardian ad litem does not consent, the child-placing agency or the Department of Children and Families does not release the information. Section s 45a-752 (a) and 45a-753 (f) (8).

Under another statute, section 45a-753 (f), a person may petition the Probate Court for release of information about a biological relative who cannot be located or is incompetent. The purpose of this statute is unclear, but it appears to create a more complicated alternative to the use of a guardian ad litem or legal representative under section 45a-753 (e), which should be sufficient in most cases. It is recommended that the court follow the procedure under section 45a-753 (e).

1. Information for health or medical treatment: The Probate Court may order release of information from court records to an adopted person who requires the information for health or medical treatment. Disclosure under this section is limited to urgent situations in which referral to the child-placing agency or the Department of Children and Families, as required under section s 45a-749 and 45a-753, would cause unreasonable delay. If the issue is not urgent or the person wants information that is not related to health or medical treatment, the person should be referred to the child-placing agency or the Department of Children and Families pursuant to section s 45a-479 or 7-53. The needed information would typically be contained in the Department of Children and Families' Genetic and Health Forms, DCF-337 and DCF-338.

2. An appeal may be filed in the Probate Court if (1) a person requesting non-identifying information is of the opinion that an item of information is being withheld by the child-placing agency or the Department of Children and Families or (2) the child-placing agency or the Department of Children and Families has refused to release identifying information. The appeal is filed

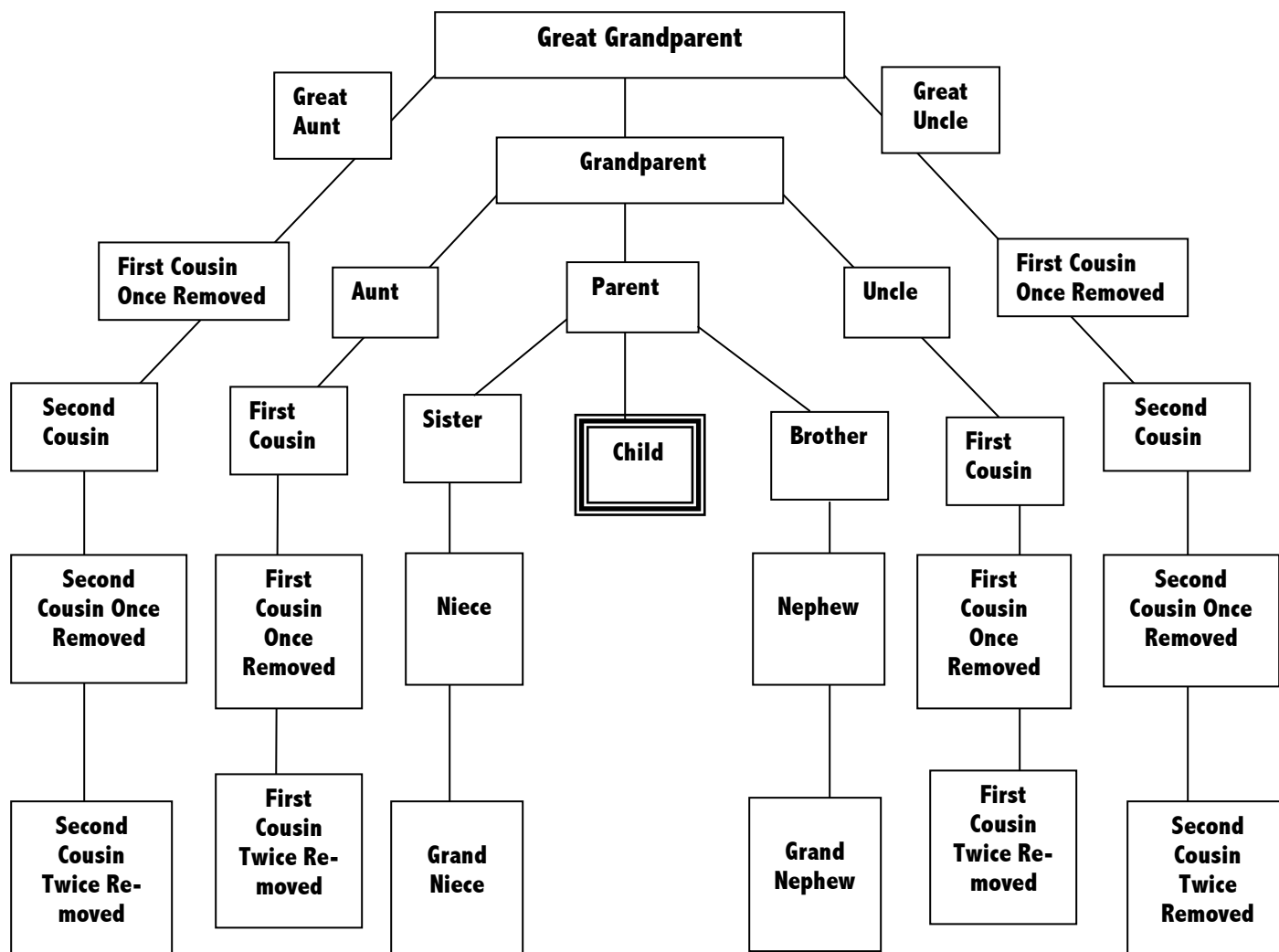
in the Probate Court where the adoption was finalized or where the child-placing agency or the Department of Children and Families has an office or the Probate Court for the district in which such person resides, if he or she is a Connecticut resident. Section 45a-752 (a). **There is no right of appeal if consent for release of the information is denied.**

3. Release of original birth certificate: If an authorized applicant [as defined under Section 45a-743 (3)] obtains consent to release identifying information under section 45a-753 or both biological parents are deceased, the court may, under section 7-53, issue an order directing the town or city clerk or Department of Public Health to release the original birth certificate to the authorized applicant. The forms used for this procedure are **Petition/Authorization for Release of Original Birth Certificate, a, and Decree/Authorization for Release of Original Birth Certificate. . .,CM-21.**

RELATIVE ADOPTIONS

Chart Showing Relationships within the Provisions of the Laws Relating to Adoption

Any of the relatives appearing on this chart are eligible to be an adoptive parent under C.G.S. section 45a- 724 (a) (3)



REQUEST FOR CERTIFICATION OF BIRTH REGISTRATION OR CERTIFICATION OF FOREIGN BIRTH FOR PERSONS BORN OUT OF THE COUNTRY AND ADOPTED BY CT RESIDENTS

Adoptive parent(s) may purchase a Certification of Birth Registration or Certification of Foreign Birth for: (1) a child born out of the country whose adoption was finalized in Connecticut, or (2) a child whose foreign adoption was finalized out of the country and authenticated/validated by a Connecticut court .

When making your request, include a copy of photographic identification of the person making the request (e.g., driver's license, passport) along with the current fee of \$30.00 per document. **PERSONAL CHECKS ARE NOT ACCEPTED.** Please make the **MONEY ORDER** payable to "Treasurer, State of Connecticut," and send it to:

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
P.O. BOX 340308 MS #11-VRS
HARTFORD, CT 06134-0308
(860) 509-7956
Attn: Adoption Unit

INCLUDE THE FOLLOWING INFORMATION:

1. Adoptive mother's full maiden name: _____
2. Adoptive father's name: _____
3. Child's adoptive name: _____
4. Child's date of birth: _____
5. Child's country of birth: _____
6. Date adoption was finalized or authenticated/validated: _____
7. Probate court : _____
8. Mailing address (Adoptive Parents): _____
9. Signature of requester: _____

CERTIFICATE TYPE

CERTIFICATION OF BIRTH REGISTRATION (WALLET) CERTIFICATION OF FOREIGN BIRTH (FULL)

VRA -11

Judge's Record of Hearing
(Maintain in file, but **DO NOT RECORD.**)

IN RE:

TYPE OF HEARING:

DATE AND TIME:

PERSONS PRESENT:
(INDICATE CAPACITY)

OBJECTION(S):

NAME(S):

REASON(S):

RULING BY JUDGE:

INSTRUCTIONS AND REMARKS:

FORMS TO BE USED FOR TERMINATION, APPOINTMENT OF STATUTORY PARENT, OR ADOPTION PROCEEDINGS

TYPE OF PROCEEDING	PETITION	ORDER OF NOTICE	NOTICE	AFFIDAVIT	OTHER FORMS	DECREE/ CERTIFICATE
Termination of Parental Rights, including Consent Termination when not combined with adoption proceedings	PC-600 (Rev. 7/12*) JD-FM-164 to be attached if there is a proceeding pending/contemplated in another court. (Also applies to PC-601, 602, & 603 – See below.)	PC-620(Rev. 10/09*)	PC-630 (Rev. 3/03*) <u>For personal/abode service.</u> PC-631(Rev. 10/14*) <u>For other notice.</u> PC-632(Rev.10/14*) PC-632A (New 10/14) For newspaper notice.	JD-JM 60 (Rev. 7/11*) <u>For consent termination.</u> <u>PC-610 (Rev. 10/12*)</u> PC-633 (Rev. 10/07*) Waiver of personal or abode service in parental rights matters.		PC-660 (Rev.10/12*) NOTE: If applicable, PC-608 (New 10/11) and PC-665 (New 10/11) re placement for out-of-state adoption
Combined Stepparent, Co-Parent, or Relative Adoption, including Consent Termination of Parental Rights.	PC-601 (Rev. 7/12*, NOTE: Affidavit JD-FM-164 to be attached if there is a proceeding pending or contemplated in another court.	PC-620 (Rev. 10/09*)	PC-630 (Rev. 3/03*) <u>For personal/abode service.</u> PC-631 (Rev. 10/14*) <u>For other notice.</u> PC-632 (Rev.10/14*) PC-632A New 10/14 For newspaper notice.	<u>JD-JM-60 (Rev. 7/11*)</u> <u>PC-610 (Rev. 10/12*)</u> PC-633 (Rev. 10/07*) Waiver of personal or abode service in parental rights matters.	PC-680 (Rev. 3/05*) Adoption Data Sheet. PC-681(Rev. 10/00*) Agreement of Adoption.	<u>PC-661 (Rev. 10/12*)</u> PC-650 (Rev. 1/03) Adoption Certificate.
All adoptions, including Stepparent, Co-Parent, Relative, when no termination is involved	PC-603 (Rev. 10/09*) NOTE: Affidavit JD-FM-164 to be attached if there is a proceeding pending or contemplated in another court.	PC-620 (Rev. 10/09*)	PC-631 (Rev. 10/14*)	PC-610 (Rev. 10/12*)	PC-680 (Rev. 3/05*) Adoption Data Sheet. PC-681(Rev. 10/00*) Agreement of Adoption	PC-663 (Rev. 10/00*) PC-650 (Rev. 1/03) Adoption Certificate.
Appointment of Statutory Parent	PC-602 (Rev. 10/09*) NOTE: Affidavit JD-FM-164 to be attached if there is a proceeding pending or contemplated in another court.	PC-620 (Rev. 10/09*)	PC-631 (Rev. 10/14*)	PC-610 (Rev. 10/12*)	PC-680(Rev. 3/05*) Adoption Data Sheet.	PC-662 (Rev. 3/03)
Forms (except JD-JM 60) listed in this chart are Probate Court forms only. Please refer to the <i>Clerk's Manual</i> for a complete list of forms or documents required. When two revision dates are listed, courts may accept forms that list either date.						

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Trusts

C.G.S. §§45a-471 through 45a-534, 45a-436, 36-57(g), C.G.S. §45a-214 and C.G.S. §45a-542 et seq.

The probate courts of the State of Connecticut have jurisdiction over trusts created by will (testamentary trusts) and certain other trusts that may not have been specifically set out by a will (i.e., statutory share trusts, life estates, and trusts for missing persons). Probate courts also have limited powers over inter vivos trusts (C.G.S. §45a-175).

Basically, a trust is a legal relationship with respect to property. A person who creates a trust under a will is known as the *testator*. A person who creates a trust during his lifetime (an *inter vivos* trust) may be called the grantor, settlor, or donor. The person who holds title to property (the *trustee*) has a fiduciary duty to deal equitably with the property for the benefit of another person (the *beneficiary*).

Procedure for Setting Up Trusts

When the decedent's estate is ready to be settled, the following items should be on file **BEFORE** the hearing is scheduled on the executor's or administrator's final account:

- 1) Acceptance of trust by the trustee (**PC-284**) or life tenant. **NOTE:** It is possible in a trust situation that the trustee may qualify prior to the final settlement of the estate.
 - 2) Bond, if not excused by the will.
 - 3) **Appointment of Judge of Probate as Agent for Service, PC-482**, if the trustee is a nonresident.
 - 4) Certificate from Secretary of State, if the trustee is a nonresident corporate fiduciary (C.G.S. §45a-206). Check for reciprocity, that is, a statement by the foreign corporation that Connecticut corporations are allowed to serve as a trustee in the foreign trustee's state.
- There is no entry fee.
 - Items 1 through 4 above and the ex parte decree (**PC-265**) should be recorded in the decedent's estate. (Some courts, however, prefer to record them with the trustee file).
 - When the above documents are filed, create a trust file and include: a copy of the will, the bond, the decree appointing the trustee, and the final account.
 - Issue a **Fiduciary's Probate Certificate, PC-450**, to the trustee.
 - Calendar or diary the inventory for two months and the accounting for three years, unless a more frequent accounting will be required by the Court.
 - Enter into CMS.

The following section is included solely for the purpose of establishing time guidelines:

Final Account of Decedent's Estate by Executor or Administrator.

The clerk should review the will and give notice of the hearing on the final account to the following:

- 1) All trustees of all trusts created under the will.
- 2) Trustees of statutory share trusts.

Optional – Give notice to life tenants and income beneficiaries of trusts. The Court may notify them so that they will know that the estate is being settled, and they can expect to start receiving income from their trusts.

Trust Inventory – C.G.S. §45a-341.

The trust inventory should be filed within two months of the acceptance of the trust OR within two months of the acceptance of the executor's final account showing distribution.

The judge should check the following:

- The inventory should agree with the principal assets distributed to the trust from the decedent's estate.
- If the administration account showed any "reserve" for final fees, then any balance of that reserve due to the trust should either be included on the trust inventory, or it should be included on the first accounting as a PRINCIPAL debit item.
- See C.G.S. §45a-542 et. seq. for allocation of principal and income.

Trust Accounts – C.G.S. §§45a-177 and 45a-542 et seq.

A trust account must be filed at least every three years, and a hearing must be held at least once every three years. If a periodic account is submitted for filing only, all interested parties must be notified of their right to a hearing, and one may be held upon request. The form to use is **PC-430, Notice/Right to Hearing on Fiduciary's Periodic Account**. Bill for filing only, pursuant to C.G.S. §45a-108. If a hearing is held only once every three years, all pending accounts must be detailed in the notice.

- Enter into CMS.

Please note:

1) Ordinarily, principal and income must be kept separate on all trust accounts (C.G.S. §45a-542 et seq.; *Connecticut Probate Practice Book*, Rule 6.3).

"While the ordinary administration account does not require the separation of principal and income, such separation is almost always required in a trust accounting, and must also be made in administration accounts by executors if there are trusts created by the will." (Locke & Kohn, *Connecticut Probate Practice*, Sec. 573; *Settlement of Estates*, Wilhelm, Sec. 302).

2) Care should be taken that expenses are properly charged to principal or income (*Connecticut Probate Practice Book*, Rule 6.3). For example, the guardian ad litem fee should usually be paid from principal, except in the case of a guardian ad litem for an income beneficiary. This applies even where the will allows expenditures to be paid from either income or principal. The reason is that the guardian ad litem usually represents the remaindermen, and therefore, his or her fee should be paid from principal.

3) Some trustees take a portion of their fee from principal, even if the will has no provisions regarding such payment (C.G.S. §45a-542 et seq). This is more equitable in smaller trusts.

4) Guardian ad litem fees for undetermined and unborn persons (C.G.S. §45a-542, et seq.), are generally paid from principal.

5) There is a real property tax credit for certain persons sixty-five and over (C.G.S. §12-170aa). See *Hartv. Heffernan*, 35 Conn. Supp. 101, 1978. A life tenant is liable for property taxes and is, therefore, entitled to "circuit breaker" tax relief.

Three Options for the Hearing on the Periodic or Final Trust Account, PC-461 or PC-462

1. *ACCEPTANCE AND WAIVER RE: PERIODIC OR FINAL TRUST ACCOUNT, CM-62

If all parties listed below (as applicable) sign form CM-62, and it is returned to the court with the Periodic or Final Account, the Court may issue the decree without a formal hearing.

- 1) Fiduciary or fiduciaries
- 2) Attorneys for all parties
- 3) All present income beneficiaries
- 4) All future income beneficiaries
- 5) All those who would take if the trust should presently terminate
- 6) Guardians ad litem for all possible income beneficiaries or remaindermen who cannot presently be ascertained (guardians ad litem for undetermined and unborn persons)
- 7) All those specifically named in the will as contingent or vested remaindermen
- 8) The conservator of any ward
- 9) The guardian ad litem for any incapable party in interest
- 10) The guardian of the estate of any minor party in interest, if there is a guardianship estate
- 11) If there is a charitable trust, the Office of the Attorney General (C.G.S. §3-125).

NOTES:

- 1) Publication is necessary only when an interested party's present whereabouts is unknown; otherwise, mail notice is sufficient.

2) Consideration should be given to reduction of bond, if appropriate (*Connecticut Probate Practice Book*, Rules 2.5, 2.6, 2.7, 2.18).

3) When an account has been filed for the first hearing thereon, the names and *current* addresses of any of the applicable parties above should be sent to the court. If any of the parties are minors, their birth dates should be given. If any of the parties are incapable, the name and current address of the person's conservator should be listed.

2. If form CM-62 is not submitted, the Court must use the streamline procedures, and send PC-236D, Notice Re: Probate Application (Trusts), to each party. Please follow instructions for PC-236C on p. DE/T-21.

3. If any party objects to the Periodic or Final Trust Account, he or she may request a formal hearing, or the Court, for cause shown, may also require a formal hearing. The notice requirements for a formal hearing are explained below.

Forms for Notice:

- PC-120, Order of Notice of Hearing
 - PC-130, Notice of Hearing
 - PC-131, Return of Notice of Hearing
- OR
- PC-133, Order of Notice of Hearing, Notice, and Return

For subsequent hearings, the fiduciary should provide the current names and addresses of all parties entitled to notice. When an estate is entitled to notice because of the death, incapacity, or minority of any party in interest, and the estate is not being probated by your court, obtain a Fiduciary's Certificate from the probate court having jurisdiction over that estate.

- Issue the decree: **PC-461, Decree: Interim Account (Non-Decedent)**.
- Bill the fiduciary for charges for all accounts: with hearing or for filing purposes only.

Final Account

- Set a hearing for: a) the allowance of the final account (and any other accounts previously filed, but not yet approved); b) ascertainment of the distributees, if they have not already been named; and c) an order of distribution.
- Enter on Tally Sheet, PC-31.

① For the hearing on the final account, the following information should be provided by the trustee:

- 1) The name of the trust.
- 2) The article of the will under which the trust is terminating.
- 3) The reason for the termination: i.e. death of the income beneficiary, exhaustion of funds, etc. (See C.G.S. §45a-520 for termination of charitable trusts.) The petition for termination shall be brought in the probate court that has jurisdiction over the trust.
- 4) The identity of the distributees, their current addresses, and their interest in the estate.

- Follow procedure 1 or 2 above for "streamlining" the process. If a formal hearing will be held, use the forms listed below.

Forms for Notice:

- PC-120, Order of Notice of Hearing
 - PC-130, Notice of Hearing
 - PC-131, Return of Notice of Hearing
 - OR
 - PC-133, Order of Notice of Hearing, Notice, and Return
- Issue **PC-462, Decree: Final Account (Non-Decedent)**.
 - Prepare Judge's Record of Hearing/Accountings (Non-Decedent's Estate) [Optional, see p. MISC-35.]
 - Affidavit of Closing of Decedent's Estate, PC-213. This is a decedents' estates form and must be adapted for other types of estates (i.e., conservator). See page DE/T-31 for further information about this form.
 - Bill the fiduciary, pursuant to C.G.S. §45a-108. Include notices, certified/registered postage, copies and recording fees (\$3.00 per page after the first five pages of any document).

Microfilming

- Upon receipt of a CD or DVD of the court's records prepared by PCA, send the disk to an approved vendor for microfilming. See Regulation 10.5. Upon receipt of certification from the microfilming vendor (CM-80 or CM-81, as applicable), retain or dispose of original documents pursuant to Regulation 10.9.

NOTE: If a hearing is held only once during every three-year period, all of the accounts (the previous two years' accounts on file and the current account) should be scanned/microfilmed at that time with the decree approving all three accounts.

Special Circumstances

Compromise of claims – C.G.S. §45a-151 et seq.

Form: PC-463, Decree Settling Doubtful or Disputed Claim

Termination of Non-Charitable "Small" Trusts

C.G.S. §45a-484 allows the probate court to partially or completely terminate a noncharitable trust with a market value that does not exceed \$100,000. (Prior to the enactment of P.A. 03-183, the limit was \$40,000.) The application to terminate the trust may be made by: 1) the trustee, 2) any beneficiary entitled to income from the trust, or 3) such beneficiary's legal representative. Notice must be given to all beneficiaries who are known and in being and who have vested or contingent interests in the trust, and a hearing must be held.

In order to terminate the trust, the Court must determine that: 1) continuation of the trust is not economical when considering operating costs, probable income, and other relevant factors, 2) continuation is not in the best interest of the beneficiaries, and 3) termination of the trust is equitable and practical.

A final account is required.

See CMS Tools for form CM-62, Acceptance and Waiver Re: Periodic or Final Account.

TRUST INFORMATION SHEET
 FOR PC-265/PC-284
 CM-4 REV. 7/12

STATE OF CONNECTICUT
 COURT OF PROBATE
TRUST INFORMATION

ESTATE OF _____ Date of Death _____

Address at date of death: _____

Trust f/b/o _____ under Art. (Sec. or Par.) _____

Is there a fixed date for the termination of the trust? _____ If so, what is that date? _____

Is it anticipated that real property will be a part of the trust estate? _____

Does the will excuse the trustee(s) from filing accounts or make special provision with respect to filing requirements? _____ If so, explain such provision and refer to the appropriate paragraph number. _____

NAMES, ADDRESSES, TELEPHONE NUMBERS AND JURIS NUMBERS OF ATTORNEYS REPRESENTING TRUSTEES

1.	Representing
Juris # Tel. # ()	
2.	Representing
Juris # Tel. # ()	

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF INTERESTED PARTIES

Type of interest, i.e. beneficiary, remainderman, etc.
 (if under disability, please note; if minor, give date of birth)

1.	
Tel. # ()	
2.	
Tel. # ()	
3.	
Tel. # ()	

Certified correct this day of , 20 .

 Attorney

 Attorney

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**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-1

REVISED DECEMBER 2014

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: **SPECIAL ASSIGNMENT PROBATE JUDGES**

Instructions: The list of special assignment probate judges now appears on the intranet. Please retain this page until such time as the Clerk's Manual Appendix is renumbered.

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-2 (Formerly TR 90-414)

REV. DECEMBER 2014

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: REVISED LIST OF AUDITORS FOR FIDUCIARY ACCOUNTINGS

The updated list of auditors with payment rates for partners and staff now appears on the probate system's intranet. The list is provided by the Office of the Probate Court Administrator for use by the probate courts in accordance with C.G.S. section 45a-175(e) to examine accounts over which the courts have jurisdiction, except those accounts on matters in which the fiduciary or co-fiduciary is a corporation having trust powers.

Chapter 389 of the General Statutes requires persons who wish to report as auditors under C.G.S. section 45a-175(e) to hold a license from the State Board of Accountancy as certified public accountants, public accountants, or as a registered accounting firm.

As noted above, the rates established by the Probate Court Administrator as being appropriate for examination of the accounts of fiduciaries in matters before the probate courts are published on the probate system's intranet. They are per partner and per staff hour, plus the mileage rate **as allowed under the Internal Revenue Code.**

If you know of a certified public accountant or public accountant who should be included on the list of auditors, please have that person contact the Office of the Probate Court Administrator.

Please feel free to call this office with any questions about the list.

/s/ Paul J. Knierim
Probate Court Administrator

CM Appendix 11-2
Page two

OFFICE OF THE PROBATE COURT ADMINISTRATOR
LIST OF AUDITORS AVAILABLE TO THE PROBATE COURTS TO EXAMINE
ACCOUNTS IN ACCORDANCE WITH C.G.S. SECTION 45a-175.

Instructions: 12/14 – Please refer to the list on the intranet. Retain this page until such time as the Clerk’s Manual Appendix is renumbered.

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-3

OCTOBER 2011

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: Templates to Reply to Ex Parte Communications and/or Confidential Communications

Instructions:

Attached are templates to use when responding to ex parte communications received by mail or e-mail and/or confidential communications. Copies are also in the "Court Forms" section of the CMS program.

/s/ Paul J. Knierim
Probate Court Administrator

ag/

**TEMPLATE TO REPLY TO
EX PARTE COMMUNICATION
RECEIVED BY E-MAIL**

The e-mail message you sent to the court may constitute an ex parte communication. The Code of Probate Judicial Conduct prohibits judges from reading ex parte communications unless properly introduced into evidence at a hearing. As a result, the judge will not review your message before the next hearing.

A paper copy of your message will be placed in the court file in an envelope marked "Ex Parte Communication Not Reviewed by Judge." All parties and attorneys are entitled to see the contents of the file, including your message.

If you wish to have the judge review and consider your communication at the next hearing, you must provide copies to all other parties in the matter. At the hearing, you will need to ask the judge to review your message. The judge will consider any objections that other parties may raise and determine whether to admit the communication into evidence.

If you desire a hearing but none has been scheduled, you may submit a petition that indicates the reason for the hearing and the action that you want the court to take. An entry fee may apply to your petition.

Note: If an ex parte e-mail message is sent to the judge's e-mail address, the judge should forward it to the clerk to send the above reply.

**TEMPLATE TO REPLY TO
EX PARTE COMMUNICATION
RECEIVED BY MAIL**

The letter you sent to the court may constitute an ex parte communication. The Code of Probate Judicial Conduct prohibits judges from reading ex parte communications unless properly introduced into evidence at a hearing. As a result, the judge will not review your letter before the next hearing.

Your letter will be placed in the court file in an envelope marked "Ex Parte Communication Not Reviewed by Judge." All parties and attorneys are entitled to see the contents of the file, including your letter.

If you wish to have the judge review and consider your letter at the next hearing, you must provide copies to all other parties in the matter. At the hearing, the judge will consider any objections that other parties may raise and determine whether to admit the communication into evidence. Your attendance at the hearing is strongly encouraged.

If you desire a hearing but none has been scheduled, you may submit a petition that indicates the reason for the hearing and the action that you want the court to take. An entry fee may apply to your petition.

TEMPLATE TO REPLY TO CONFIDENTIAL COMMUNICATION

You sent a letter to the court that is marked confidential. We are returning the letter to you because the court cannot consider correspondence that is not shared with all other parties involved in the matter. The judge has not read the contents of your letter.

If you wish to have the judge review and consider your letter at the next hearing, you must provide copies to all other parties in the matter and ask the judge to review your letter. The judge will consider any objections that other parties may raise and determine whether to admit the communication into evidence.

If you desire a hearing but none has been scheduled, you may submit a petition that indicates the reason for the hearing and the action that you want the court to take. An entry fee may apply to your petition.

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-4 (Formerly TR 92-436)

REVISED DECEMBER 2014

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: Panel of Attorneys Maintained by the Probate Court Administrator for Probate Court Proceedings under Regulation 13 – Commitment Proceedings, Probable Cause Hearings, Quarantine and Tuberculosis Matters, and the Commitment of Alcohol and/or Drug-dependent Individuals: C.G.S. sections 17a-498, 19a-221, 19a-265, and 17a-684. For more information, please refer to Regulation 13.

Instructions: The panel of attorneys is on the probate system's intranet.

Some attorneys on the list will do work in only one or two regions, but please note that there are also attorneys on this list who will do work in all regions. If there are any questions, please do not hesitate to contact this office.

Important note: Pursuant to Regulation 13b.2.1, attorneys' panels in **all** other applicable probate court proceedings are to be maintained by the individual courts. Please refer to Regulation 13B for further explanation.

/s/ Paul J. Knierim
Probate Court Administrator

ag/

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-5 (Formerly TR 85-343)

December 12, 2014

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: NUMBERING SYSTEM FOR PROBATE COURT FORMS

Instructions:

Explanation of numbering system. The probate court numbering system for forms is based on jurisdictional and functional categories. This numbering system facilitates the identification and location of appropriate forms. The prefix "PC" denotes "Probate Court."

Under the system, each jurisdictional category is assigned a one hundred series of numbers. Decedents' estates are the 200 series; conservatorship forms are the 300 series, etc. Within each jurisdictional category, the numbers are assigned by 10s, according to their function in the proceeding and the order in which they would normally be used. Since petitions are the first form used in any proceeding, they are numbered from one to ten. For example, decedents' estates petitions are assigned numbers from 200 to 209. Affidavits are the second "functional" form category, since they usually are filed with the petition, so affidavits are numbered in the 10s. Therefore, an "Affidavit in Proof of Will and/or Codicil" is numbered 210.

A key to the numbering system and a list of all probate court forms are attached.

/s/ Paul J. Knierim
Probate Court Administrator

PC #	NAME OF FORM	REVISION DATE(S)
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CM Appendix 11-5

Page two

December 2014

KEY TO PROBATE COURT FORMS NUMBERING SYSTEM

JURISDICTIONAL CATEGORIES

1 - 99	Administrative (Used internally by courts and the Office of the Probate Court Administrator)
100s	General (Used in more than one jurisdictional category)
200s	Decedents' Estates
300s	Conservatorship
400s	Fiduciary Forms
500s	Temporary Custody and Guardianship
600s	Termination of Parental Rights, Appointment of Statutory Parent, and Adoption
700s	Persons with Intellectual Disability
800s	Commitment of Mentally Ill Adults and Children
900s	Miscellaneous

FUNCTIONAL CATEGORIES

1 - 9	Applications/Petitions
10s	Affidavits
20s	Orders of Notice
30s	Notices>Returns
40s	Accountings/Financial Statements
50s	Certificates
60s	Decrees/Orders
70s	Reports/Evaluations
80s & 90s	Miscellaneous

PC #	NAME OF FORM	REVISION DATE(S)
GENERAL		
100	Application to Restore Right to Purchase, Possess or Transport a Firearm	7/11 <u>ONLINE</u>
101	Motion for Continuance	7/13 <u>ONLINE</u>
120	Order of Notice of Hearing	7/13*
120A	Order of Notice/Right to Request a Hearing	7/13*
130	Notice of Hearing	7/13*
130C	Notice of Hearing/Commitment/ECT Matters	7/13*
132	Notice of Hearing (Newspaper)	8/01
134	Scheduling Order and Probate Court Hearing Management Order	7/13
150	Authorization for the Release of Information Re: Application to Restore Right to Purchase, Possess or Transport a Firearm	7/11 <u>ONLINE</u>
151	Certification/Mailing of Document by Party	7/13 <u>ONLINE</u>
152	Certification/Mailing of Decree	7/13*
160	Decree	3/03
161	Decree Re: Application to Restore Right to Purchase, Possess or Transport a Firearm	7/11
170A	Report of Court-Appointed Attorney	1/14 <u>ONLINE</u>
170B	Report of Court-Appointed Guardian Ad Litem	1/14 <u>ONLINE</u>
180	Second Sheet	1/85 <u>ONLINE</u>
181	General Waiver	11/98 <u>ONLINE</u>
182A	Appointment of Attorney for Interested Party	10/14*
182B	Appointment of Guardian Ad Litem for Interested Party	7/13
183	Appearance of Attorney	7/13* <u>ONLINE</u>
184	Request/Order - Waiver of Fees/Petitioner	1/13* <u>ONLINE</u>
184A	Request/Order - Waiver of Fees/Respondent	10/07* <u>ONLINE</u>
186	Certified Copy of Record	7/01

☞N= New Form

* = Substantive Revision of form.

PC #	NAME OF FORM	REVISION DATE(S)
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GENERAL (Continued)

187	Exemplified Copy of Record	4/14*
188	Special Appearance of Servicemember	7/13 <u>ONLINE</u>
189	List of Exhibits	10/14 N

DECEDENTS' ESTATES

200	Petition/Administration or Probate of Will	7/13* <u>ONLINE</u>
201	Petition/Ancillary Probate of Will	7/13* <u>ONLINE</u>
202	Application and Decree for Support Allowance	2/03 <u>ONLINE</u>
203	Petition/Access to Safe Deposit Box to Obtain Will/Cemetery Deed	10/13 <u>ONLINE</u>
203A	Petition/Access Jointly-Owned Assets in Safe Deposit Box	10/13 <u>ONLINE</u>
204	Application/Declaration of Insolvent Estate	6/01* <u>ONLINE</u>
205	Petition for Certificate Releasing Connecticut Estate Tax Lien	1/14* <u>ONLINE</u>
205S	Petition for Certificate Releasing Connecticut Succession and Estate Tax Liens	1/14* <u>ONLINE</u>
207	Application/Estate Examiner for Limited Purposes (C.G.S. § 45a-316)	10/13* <u>ONLINE</u>
208	Request/Recording Attachments to Conn. Estate Tax Return	7/13 <u>ONLINE</u>
210	Affidavit in Proof of Will and/or Codicil	12/01 <u>ONLINE</u>
211	Affidavit for Filing Will not Submitted for Probate	7/13* <u>ONLINE</u>
212	Affidavit in Lieu of Probate of Will/Administration	1/14* <u>ONLINE</u>
212A	Request for Order of Distribution	7/13* <u>ONLINE</u>
212B	Petitioner's Probate Certificate	5/93
212C	Decree/Dismissal/Affidavit in Lieu of Administration	7/13
213	Affidavit of Closing of Estate	10/09 <u>ONLINE</u>
230	Notice of Decree Admitting Will to Probate	7/13*
230A	Notice of Decree Granting Administration of Estate	7/13
231	Newspaper Notice to Creditors and Return	3/03

☞ N = New Form

* = Substantive revision of form.

S = Form to be used in estates where decedent died before 1/1/05, and the succession tax was still in effect.

REV. 12/14

PC #	NAME OF FORM	REVISION DATE(S)
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DECEDENTS' ESTATES (Continued)

232	Notice of Insolvency Hearing (Newspaper)	3/03
233	Newspaper Notice and Return/Insolvent Estate	3/03
234	Notice to Creditors to Present Claims	10/11 <u>ONLINE</u>
236A	Notice of a Petition for the App't of a Fiduciary (Intestate-No Will Submitted)	7/13*
236B	Notice of a Petition to Admit a Will to Probate	7/13*
236C	Notice Re: Probate Petition/Decedent's Estate	7/13*
236D	Notice Re: Probate Petition (Trusts)	7/13*
236E	Notice Re: Probate Petition (Non-Decedent's Estate/Non-Trust)	7/13
237	Return of Claims and List of Notified Creditors	10/08 <u>ONLINE</u>
238	Notice Re Interest on Fees	1/13*
241	Cover Sheet/Administration Account/Decedent's Estate	7/13* <u>ONLINE</u>
242	Decedent's Estate Administration Account (Short Form)	7/13* <u>ONLINE</u>
244A	Waiver of Right to Hearing Re: Financial Report	1/14 <u>ONLINE</u>
245	Waiver of Right to Hearing Re: Account	1/14 <u>ONLINE</u>
246	Financial Report/Decedent's Estate	7/13 <u>ONLINE</u>
250	Certificate of Devise, Descent, or Distribution	10/08* <u>ONLINE</u>
251	Notice for Land Records/Appointment of Fiduciary	10/08*
252S	Tax Certificate for Land Records	10/08*
253S	Tax Certificate for Land Records (Short Form)	10/08*
254S	Tax Certificate for Land Records (Mobile Manufactured Home: C.G.S. §21-67a)	10/08*
255	Opinion of No Connecticut Estate Tax Due <i>(For decedents dying 1/1/2005 through 12/31/2009 AND on or after 1/1/2011)</i>	10/14*
255A	Opinion of No Connecticut Estate Tax Due <i>(For Decedents dying in 2010)</i>	10/14*
255S	Certificate of No Succession Tax	8/02

☞ N=New Form

* = Substantive Revision of form.

S = Form to be used in estates where decedent died before 1/1/05, and the succession tax was still in effect.

REV. 12/14

CM App.-13

PC #	NAME OF FORM	REVISION DATE(S)
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DECEDENTS' ESTATES (Continued)

256	Certificate Releasing Connecticut Estate Tax Lien	1/14*
256S	Certificate Releasing Connecticut Succession and Estate Tax Liens	1/14*
260	Decree Granting Administration or Probate of Will	1/13*
261	Decree Granting Ancillary Probate of Will	10/05*
262	Decree Re: Administration Account and Distribution	1/14*
262S	Decree Re: Administration Account and Distribution	1/14*
262A	Decree Re: Settlement of Estate with an Affidavit in Lieu of Administration	1/14
263A	Decree/Financial Report and Distribution/Decedent's Estate	1/14*
263A-S	Decree/Financial Report and Distribution/Decedent's Estate (Succession Tax)	1/14*
264S	Decree/Transfer of Personal Property without Probate Proceedings	7/98* p. 1; 1/94 p. 2
264	Decree/Transfer of Personal Property without Probate Proceedings	7/05, p. 1; 1/94 p. 2
265	Ex Parte Decree Qualifying Testamentary Trustee	7/12*
266	Decree/Insolvent Estate (formerly PC-239)	3/03
266A	Decree/Insolvent Estate & Final Account/Financial Report	10/14*N
267	Decree Appointing Estate Examiner for Limited Purposes (C.G.S. § 45a-316)	10/13*
268	Decree/Administrative Closing of Estate	7/13
269	Decree and Return/Access Safe Deposit Box to Obtain Will/Cemetery Deed	10/13
269A	Decree and Return/Inventory Safe Deposit Box/Jointly Owned Assets	10/13
269B	Decree and Return/Removal of Jointly Owned Assets from Safe Deposit Box	10/13
280	Bond Waiver	7/13* <u>ONLINE</u>
281	Letter of Transmittal - Recipients of State Aid or Care	10/09*
282	Fee and Expense Sheet	1/13*
283	Trust/Virtual Representation	7/13
284	Acceptance of Trust/Testamentary Trustee	7/12 <u>ONLINE</u>
285	Beneficiaries Named in Will Not Submitted for Probate	7/13 <u>ONLINE</u>
286	Status Update/Decedent's Estate	7/13 <u>ONLINE</u>
287	Acknowledgment of Receipt of Specific Bequest	7/14 <u>ONLINE</u>
L-1	Notice of Will in Custody of Court (Letter)	7/13

☞ N=New Form

* = Substantive revision of form.

REV. 12/14

CM App.-14

PC #	NAME OF FORM	REVISION DATE(S)
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CONSERVATORS

300	Petition for Appointment of Conservator	10/14* <u>ONLINE</u>
300A	Application for Appointment of Conservator/Supplemental Form	10/12 <u>ONLINE</u>
301	Petition for Voluntary Representation by Conservator	10/14* <u>ONLINE</u>
302	Petition/Appointment of Temporary Conservator	7/13* <u>ONLINE</u>
303	Application to Terminate Tenancy or Lease/Change Residence/Sell or Dispose of Household Furnishings of Conserved Person	10/08 <u>ONLINE</u>
304	Petition for Provisional Order of Transfer of Conservatorship to Other State	10/12 <u>ONLINE</u>
305	Petition for Provisional Order Accepting Transfer of Conservatorship from Other State	10/12 <u>ONLINE</u>
306	Request to Register Out-of-State Conservatorship	10/12 <u>ONLINE</u>
307	Motion to Transfer File/ Conservatorship Matter	10/14* <u>ONLINE</u>
310	Affidavit/Appointment of Commissioner of Social Services as Conservator	7/93 <u>ONLINE</u>
320	Order of Notice/Appointment of Conservator	10/14*
321	Order of Notice/Appointment of Conservator/Voluntary Representation	10/14*
322	Order of Notice of Hearing and Return/Appointment of Conservator/Review Hearing	10/14*
323	Order of Notice/Appointment of Temporary Conservator	10/07*
330	Citation and Return/Appointment of Conservator	10/14*
331	Notice/Right to Hearing on Conservatorship	10/07*
332	Notice of Hearing/Appointment of Conservator/Review Hearing	1/13*
333	Notice to Conserved Person in Proceedings to Accept Transfer of a Conservatorship from Another State	10/12
334	Notice of Intent to Register Conservatorship in Other State	10/12 <u>ONLINE</u>
335	Notice of Registration of Out-of-State Conservatorship	10/12
350	Notice for Land Records/Appointment of Conservator	10/14*
350A	Notice for Land Records/Termination of Conservatorship of Estate (Replaces form CM-5)	10/14N

☞ N=New Form

*= Substantive Revision of form.

REV. 12/14

PC #	NAME OF FORM	REVISION DATE(S)
CONSERVATORS (Continued)		
360	Decree/Appointment of Conservator	10/14*
361	Decree/Appointment of Conservator/Voluntary Representation	10/14*
362	Decree/Review Proceeding Re Appointment of Conservator (For Use Only When A Hearing Has Been Held)	10/14*
362A	Order/Review Proceeding/Appointment of Conservator (For Use Only When A Hearing Has Not Been Held)	10/14*
363	Decree/Appointment of Temporary Conservator	7/13*
364	Decree Re: Ward's Placement or Residence/Conservatorship	10/07*
365	Provisional Order of Transfer of Conservatorship <u>to</u> Other State	10/12
365A	Final Order of Transfer of Conservatorship <u>to</u> Other State	10/12
366	Provisional Order Accepting Transfer of Conservatorship <u>from</u> Other State	10/12
366A	Final Order Accepting Transfer of Conservatorship <u>from</u> Other State	10/12
367	Decree: Transfer of File/Conservatorship Matter	10/14
370	Physician's Evaluation/ Conservatorship	10/07* <u>ONLINE</u>
371	Conservator's Report	10/09* <u>ONLINE</u>
371A	Conservator's Report/Placement or Request for Hearing on Placement	10/09 <u>ONLINE</u>
372	Psychologist's Evaluation/Conservatorship of Person with Intellectual Disability	10/14 N <u>ONLINE</u>
FIDUCIARIES		
400	Application to Sell or Mortgage Real Property	1/11* <u>ONLINE</u>
411	Order and Agreement/Restriction on Control of Assets	7/13*
412	Verification RE Restricted Account	7/13 <u>ONLINE</u>
413A	Request RE Withdrawal of Funds from Restricted Account	7/13 <u>ONLINE</u>
413B	Order RE Withdrawal of Funds from Restricted Account	7/13
430	Notice/Right to Hearing on Fiduciary's Periodic Account	1/85
431	Notice of Decree/After-Discovered Address	7/13
440	Inventory	7/13* <u>ONLINE</u>
441	Fiduciary's Periodic or Final Account/Conservator/Guardian	4/14* <u>ONLINE</u>

☞ N=New Form

*= Substantive Revision of form.

REV. 12/14

CM App.-16

PC #	NAME OF FORM	REVISION DATE(S)
FIDUCIARIES (Continued)		
442	Financial Report/Conservator/Guardian	7/13 <u>ONLINE</u>
442A	Schedule A: Proposed Distribution/Final Financial Report Conservator/Guardian	7/13 <u>ONLINE</u>
443	Financial Report/Trust	7/13 <u>ONLINE</u>
443A	Schedule A: Proposed Distribution/Final Financial Report/Trust	7/13 <u>ONLINE</u>
450	Fiduciary's Probate Certificate	10/14*
450A	Fiduciary's Probate Certificate/Non-Estate Matters OBSOLETE	10/14
450C	Fiduciary's Probate Certificate/Conservatorship	10/14 N
451	Certificate for Surety	6/86
460	Decree for Sale or Mortgage of Real Property	3/03
461	Decree: Interim Account(Non-Decedent)	10/04*
461A	Decree: Interim Financial Report (Non-Decedent)	7/13
462	Decree: Final Account (Non-Decedent)	6/94
462A	Decree: Final Financial Report (Non-Decedent)	7/13
463	Decree Settling Doubtful or Disputed Claim (formerly PC-235)	7/13*
480	Probate Bond	7/13* <u>ONLINE</u>
482	Appointment of Judge of Probate as Agent for Service by Non-Resident Fiduciary	1/85 <u>ONLINE</u>
482A	Appointment of Judge of Probate as Agent for Service by Attorney Appearing Pro Hac Vice	7/13 <u>ONLINE</u>
TEMPORARY CUSTODY AND GUARDIANSHIP		
500	Application/Removal of Guardian	7/12* <u>ONLINE</u>
501	Petition/Immediate Temporary Custody	7/13* <u>ONLINE</u>
502	Application/Temporary Custody	7/12* <u>ONLINE</u>
503	Application/Appointment of Guardian of the Estate	7/12* <u>ONLINE</u>
503A	Petition/Appointment of Guardian of the Estate/Compromise of Claim	7/13 <u>ONLINE</u>
504	Application/Appointment of Temporary Guardian	7/12* <u>ONLINE</u>
505	Application/Appointment of Permanent Guardian	10/12 <u>ONLINE</u>
506	Petition/Reinstatement of Parent as Guardian of Minor (Replaces CM-78)	7/13 <u>ONLINE</u>

☞N=New Form

*= Substantive Revision of form.

REV. 12/14

PC #	NAME OF FORM	REVISION DATE(S)
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TEMPORARY CUSTODY AND GUARDIANSHIP (Continued)

507	Motion to Transfer File/Guardianship of Person of Minor	7/13 <u>ONLINE</u>
510	Custodian's Affidavit/Immediate Temporary Custody	9/91 <u>ONLINE</u>
520	Order of Notice/Temporary Custody or Removal and Appointment of Guardian	10/12*
530	Notice/Receipt of Application for Removal of Guardian	1/13*
531	Citation and Return/Temporary Custody/Removal of Guardian/Permanent Guardian	10/12*
532	Notice of Hearing (Newspaper)/Temporary Custody/Removal of Guardian	10/01
550	Physician's Certificate/Immediate Temporary Custody	10/83 <u>ONLINE</u>
560	Decree/Removal of Guardian and Appointment	10/12*
561	Decree/Immediate Temporary Custody	7/13*
562	Decree/Temporary Custody	10/12*
563	Decree for Appointing Guardian of Estate	10/01*
563A	Decree/Appointment of Guardian of Estate/Authority to Settle Doubtful or Disputed Claim	10/14*
564	Decree/Appointment of Temporary Guardian	10/12*
565	Decree Appointing Permanent Guardian	10/12
566	Decree/Transfer File/Guardianship of Person/Estate of a Minor	7/13
570	Guardian's Report/Guardianship of the Person of a Minor	10/99 <u>ONLINE</u>
571	Agreement of Fiduciary(ies)/Guardianship of a Minor's Estate (Replaces CM-60)	7/13 <u>ONLINE</u>
580	Receipt and Release of Guardian of Estate	1/03 <u>ONLINE</u>
581	Receipt of Information RE Confidential Probate Proceedings (Children's Matters)	7/13 <u>ONLINE</u>
582	Receipt of Information RE Confidential Probate Proceedings (Specific Children's Matter)	7/13 <u>ONLINE</u>

TERMINATION/ADOPTION

600	Application/Termination of Parental Rights	7/12* <u>ONLINE</u>
601	Application – Consent Termination of Parental Rights <i>with</i> Stepparent, Co-Parent or Relative Adoption	7/12* <u>ONLINE</u>

☞ N = New Form

*=Substantive revision of form.

PC #	NAME OF FORM	REVISION DATE(S)
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TERMINATION/ADOPTION (Continued)

602	Application/Appointment of Statutory Parent/Termination	10/09* <u>ONLINE</u>
603	Application/Adoption	10/09* <u>ONLINE</u>
603A	Petition and Agreement of Adult Adoption (Replaces CM-16 & 17)	10/14 N <u>ONLINE</u>
604	Application/Validation of Foreign Adoption (formerly PC-651)	10/09* <u>ONLINE</u>
606	Petition/Information for Emergency Health or Medical Treatment	10/99 <u>ONLINE</u>
607	Petition/Authorization for Release of Original Birth Certificate	1/11* <u>ONLINE</u>
608	Application Re: Placement for Out-of-State Adoption	10/11 <u>ONLINE</u>
609	Petition/Special Immigrant Juvenile Findings under 8 USC 1101	10/14 N <u>ONLINE</u>
610	Affidavit/Temporary Custody, Removal, Termination, or Adoption	10/12* <u>ONLINE</u>
611	Birth Mother's Financial Affidavit/Identified Adoption	3/03 <u>ONLINE</u>
612	Adoptive Parent's Financial Affidavit/Identified Adoption	3/03 <u>ONLINE</u>
613	Agency or Department Financial Affidavit/Identified Adoption	3/03 <u>ONLINE</u>
JD-JM-60	Affidavit/Consent to Termination of Parental Rights	7/11*
JD-JM-64	Findings on Petition for Termination of Parental Rights	2/04*
JD-FM-164	Affidavit Concerning Children	6/09*
620	Order of Notice/Termination, Appointment of Statutory Parent or Guardian and/or Adoption	10/09*
630	Citation and Return/Termination of Parental Rights	3/03*
631	Notice of Hearing/Parental Rights Matters	10/14*
631A	Notice of Hearing/Appointment of Permanent Guardian	10/14*
632	Notice of Hearing (Newspaper)/Termination of Parental Rights	10/14*
632A	Notice of Hearing (Newspaper)/John Doe/Termination of Parental Rights	10/14 N
633	Waiver of Personal or Abode Service/Parental Rights Matter	10/07* <u>ONLINE</u>
650	Adoption Certificate	1/03
660	Decree/Termination and Appointment	10/12*

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PC #	NAME OF FORM	REVISION DATE(S)
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TERMINATION/ADOPTION (Continued)

661	Decree/Stepparent, Co-Parent, or Relative Adoption	10/12*
662	Decree/Appointment of Statutory Parent Termination/Guardianship	3/03
663	Decree/Adoption	10/00*
663A	Decree/Adult Adoption (Replaces CM-18)	10/14 N
664	Decree/Validation of Foreign Adoption	10/03*
665	Decree Re: Placement for Out-of-State Adoption	10/11
666	Decree/Special Immigrant Juvenile Findings	10/14 N
680	Adoption Data Sheet	3/05* <u>ONLINE</u>
681	Agreement of Adoption	10/00* <u>ONLINE</u>
682	Court Order/Request/Return Investigation of Parental Rights Matter/Emancipation of Minor	3/03

PERSONS WITH INTELLECTUAL DISABILITY

700	Petition/Guardianship of Person with Intellectual Disability	1/14* <u>ONLINE</u>
701	Application/Placement of Person with Intellectual Disability	10/11* <u>ONLINE</u>
702	Application/Sterilization of Adult	10/00* <u>ONLINE</u>
703	Motion to Transfer File/Guardianship of Person with Intellectual Disability (Replaces form CM-14a)	7/13 <u>ONLINE</u>
720	Order of Notice/Guardianship of Person with Intellectual Disability	10/11*
721	Order of Notice/Sterilization of Adult	10/14*
722	Order of Notice of Hearing and Return/Appointment of Guardian of Person with Intellectual Disability/Review Hearing	10/11*
730	Citation and Return/Guardianship of Person with Intellectual Disability	10/11*
731	Notice of Hearing/Placement of Person with Intellectual Disability	10/11*
732	Citation and Return/Sterilization of Adult	12/00*
733	Notice of Hearing/Appointment of Guardian of Person with Intellectual Disability/Review Hearing	1/13*

☞ N=New Form

*= Substantive revision of form.

REV. 12/14

CM App.-20

PC #	NAME OF FORM	REVISION DATE(S)
PERSONS WITH INTELLECTUAL DISABILITY (Continued)		
760	Decree/Appointment of Guardian of Person with Intellectual Disability	10/13*
761	Decree/Placement of Person with Intellectual Disability	10/11*
762	Decree/Sterilization of Adult	10/04*
763	Decree/Review Proceeding/Appointment of Guardian of Person with Intellectual Disability(For Use Only When A Hearing Has Been Held)	10/11* pp. 1 & 2
763A	Order/Review Proceeding/Appointment of Guardian of Person with Intellectual Disability(For Use Only When a Hearing Has Not Been Held)	10/12*
764	Decree/Transfer File/Guardianship of Person with Intellectual Disability	7/13
770	Assessment Team Evaluation: Guardianship of Person with Intellectual Disability	12/13* <u>ONLINE</u>
770A	DDS Professional or Assessment Team Evaluation: Guardianship of Person with Intellectual Disability/Review	12/13* <u>ONLINE</u>
771	Guardian's Report/Guardianship of Person with Intellectual Disability	10/11* <u>ONLINE</u>
772	Psychologist's Report/Placement of Person with Intellectual Disability	10/11* <u>ONLINE</u>
773	Panel Evaluation/Sterilization of Adult	10/00* <u>ONLINE</u>
MENTALLY ILL/PSYCHIATRIC DISABILITIES		
800	Application/Commitment of Mentally Ill Child	10/01* <u>ONLINE</u>
801	Petition for Involuntary Commitment of Person w/Psych. Disabilities	7/13* <u>ONLINE</u>
802	Probable Cause Hearing Request	7/13* <u>ONLINE</u>
803	Petition for Involuntary Commitment/Alcohol and/or Drug Dependency	7/13* <u>ONLINE</u>
804	Petition for Involuntary Recommitment/Alcohol and/or Drug Dependency	7/13* <u>ONLINE</u>
805	Petition/Order Authorizing Shock Therapy for Patient with Psychiatric Disabilities (Replaces CM-44)	7/13 <u>ONLINE</u>
806	Petition for Release from Confinement	7/13 <u>ONLINE</u>
807	Request/Annual Review Hearing/Involuntary Commitment of Person with Psychiatric Disabilities	10/14 N <u>ONLINE</u>
820	Order of Notice/Commitment of Mentally Ill Child	1/03
821	Order of Notice/Petition for Involuntary Commitment of Person with Psychiatric Disabilities	10/14*

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REV. 12/14

CM App.-21

PC #	NAME OF FORM	REVISION DATE(S)
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MENTALLY ILL/PSYCHIATRIC DISABILITIES (Continued)

821A	Order of Notice/Petition for Order Authorizing Shock Therapy for Patient with Psychiatric Disabilities	7/13
822	Order of Notice/Petition for Involuntary Commitment/Alcohol and/or Drug Dependency	7/13*
823	Order of Notice/Petition for Involuntary Recommitment/Alcohol and/or Drug Dependency	7/13*
830	Notice of Hearing/Citation and Return/Commitment of Mentally Ill Child	12/00*
831	Citation and Return/Petition for Involuntary Commitment of Person with Psychiatric Disabilities	7/13*
831A	Citation and Return/Petition for Order Authorizing Shock Therapy for Patient with Psychiatric Disabilities	7/13
832A	Notice of Hearing Re: Petition for Release from Hospital	10/14 N
833	Citation and Return/Application for Involuntary Commitment/Alcohol and/or Drug Dependency	7/13*
834	Notice of Hearing to Respondent (Institutionalized) Re: Petition for Involuntary Commitment/Recommitment Alcohol and/or Drug Dependency	7/13*
850	Physician's Certificate Involuntary Commitment/Annual Review/Person with Psychiatric Disabilities	7/13* <u>ONLINE</u>
852	Physician's Certificate/Involuntary Commitment/Alcohol and/or Drug Dependency	7/13* <u>ONLINE</u>
860	Decree/Commitment of Child	3/03
861	Decree/Involuntary Commitment of Person with Psychiatric Disabilities	6/14*
861A	Decree/ <u>Review</u> /Involuntary Commitment of Person with Psychiatric Disabilities/Hearing	7/13*
861B	Decree/ <u>Review</u> /Involuntary Commitment of Person with Psychiatric Disabilities/No Hearing Held	7/13*
861W	Worksheet/Involuntary Commitment of Person with Psychiatric Disabilities	7/14 N
862	Probable Cause Hearing Order	7/13*
863	Decree/Involuntary Commitment/Alcohol and/or Drug Dependency	7/13*

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PC #	NAME OF FORM	REVISION DATE(S)
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MENTALLY ILL/PSYCHIATRIC DISABILITIES (Continued)

864	Decree/Involuntary Recommitment/Alcohol and/or Drug Dependency	7/13*
865	Decree/Order Authorizing Shock Therapy for Patient with Psychiatric Disabilities (Replaces CM-45)	7/13*
866	Order/Examination Proceedings/Person with Psychiatric Disabilities	7/13
867	Order/Request for Release from Confinement	7/13
870	Physician's Evaluation/Commitment of Mentally Ill Child	3/03 <u>ONLINE</u>
880	Commitment of Mentally Ill Child/Transfer Status Report	1/11*
881	Examination Proceedings/Mentally Ill Child	5/02*
882	Warrant/Examination Proceedings/Person with Psychiatric Disabilities/Examination by Court	7/13*
883A	Appointment of Counsel/Involuntary Commitment of Person with Psychiatric Disabilities	10/14*
883B	Appointment of Physicians/Involuntary Commitment of Person with Psychiatric Disabilities/Annual Review Hearing	10/14*
MISCELLANEOUS		
900	Application for Change of Name (Minor)	7/12* <u>ONLINE</u>
901	Application for Change of Name (Adult)	7/12* <u>ONLINE</u>
902	Petition/Judicial Commitment for Treatment of Tuberculosis [No Prior Emergency Order Issued]	3/03 <u>ONLINE</u>
903	Petition/Judicial Order Continuing a Prior Emergency Commitment for Treatment of Tuberculosis	3/03 <u>ONLINE</u>
904	Petition/Judicial Order Enforcing Examination of <u>ONLINE</u> Respondent for Tuberculosis	3/03 <u>ONLINE</u>
905	Application/Emancipation of Minor	7/12* <u>ONLINE</u>
907	Petition/Paternity Claim (Replaces CM-9)	10/14 N <u>ONLINE</u>
910	Affidavit RE Change of Name (Adult)	1/14* <u>ONLINE</u>
910A	Affidavit RE Change of Name (Minor)	1/14* <u>ONLINE</u>
920	Order of Notice, Notice, and Return: Petition for Examination or Judicial Commitment for Treatment of Tuberculosis	1/03*
921	Order of Notice/Emancipation of Minor	10/07*

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REV. 12/14

CM App.-21.2

PC #	NAME OF FORM	REVISION DATE(S)
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MISCELLANEOUS (Continued)

930	Citation and Return/Emancipation of Minor	10/07*
931	Service and Return/Petition/Paternity Claim (Replaces CM-76)	10/14 N
960	Decree/Change of Name	1/14*
961	Decree/Judicial Commitment for Treatment of Tuberculosis/ Initial Commitment Order	10/98*
962	Decree/Judicial Commitment for Treatment of Tuberculosis/ Continuing Commitment Order	10/99*
963	Decree/Warrant/Enforcement of Examination of Respondent for Tuberculosis	3/03
964	Decree/Emancipation of Minor	10/98
965	Decree Re: Delayed Birth Registration	10/12
966	Decree/Paternity Claim (Note: Courts will continue to use CM-10 until PC-966 is deployed.)	10/14 N
980	Marriage Waiver	7/12* <u>ONLINE</u>

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**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-6 (Formerly TR 97-483)

OCTOBER 2011

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

**RE: DETERMINATION OF INPATIENT ADMISSION RESPONSIBILITY AMONG
DEPARTMENT OF MENTAL HEALTH FACILITIES**

The Department of Mental Health has the responsibility of providing inpatient services. When a judge of probate finds that a respondent fulfills the criteria for involuntary commitment, he or she does not have discretion in choosing the facility to which the respondent will be committed. Individuals will receive services from the designated facilities depending on the town where they reside. A listing of the towns/cities and catchment areas is attached. The pages are not numbered.

Please call if you have any questions.

/s/ Paul J. Knierim
Probate Court Administrator

ag/



**Alphabetical Listing of Towns
and Assigned DMHAS In-Pt Psychiatric Facilities (Rev. 8/11/10)**

Capitol Region Mental Health Center (CRMHC), 500 Vine St, Hartford, CT (860) 297-0800
Karen Evertson, CEO

CT Mental Health Center (CMHC), 34 Park St, New Haven, CT (203) 974-7144
Michael Serynak, CEO

CT Valley Hospital (CVH), Silver St, Middletown CT, (860) 262-5000
Helene Vartelas, CEO

Greater Bridgeport Community Mental Health Center (GBCMHC), 1635 Central Ave, Bridgeport, CT (203) 579-7368
James Pisciotta, CEO

A

ABINGTON- <u>CVH</u>	ANDOVER- <u>CVH</u>	ASHFORD- <u>CVH</u>
AMSTON- <u>CVH</u>	ANSONIA- <u>CMHC</u>	AVON- <u>CRMHC</u>

B

BALLOUVILLE- <u>CVH</u>	BLACK POINT- <u>CVH</u>	BRISTOL- <u>CVH</u>
BALTIC- <u>CVH</u>	BLOOMFIELD- <u>CVH</u>	BROAD BROOK- <u>CVH</u>
BANTAM- <u>GBCMHC</u>	BOLTON- <u>CVH</u>	BROOKFIELD- <u>GBCMHC</u>
BARKHAMSTED- <u>GBCMHC</u>	BOTSFORD- <u>GBCMHC</u>	BROOKFIELD CENTER- <u>GBCMHC</u>
BEACON FALLS- <u>GBCMHC</u>	BOZRAH- <u>CVH</u>	BROOKLYN- <u>CVH</u>
BERLIN- <u>CVH</u>	BRANFORD- <u>CMHC</u>	BUCKLAND- <u>CVH</u>
BETHANY- <u>CMHC</u>	BRIDGEPORT- <u>GBCMHC</u>	BURLINGTON- <u>CVH</u>
BETHEL- <u>GBCMHC</u>	BRIDGEWATER- <u>GBCMHC</u>	BYRAM- <u>GBCMHC</u>
BETHLEHEM- <u>GBCMHC</u>		

C

CANAAN- <u>GBCMHC</u>	CHESHIRE- <u>GBCMHC</u>	COLLINSVILLE- <u>CRMHC</u>
CANTERBURY- <u>CVH</u>	CHESTER- <u>CVH</u>	COLUMBIA- <u>CVH</u>
CANTON- <u>CRMHC</u>	CHESTERFIELD- <u>CVH</u>	CORNWALL- <u>GBCMHC</u>
CANTON CENTER- <u>CRMHC</u>	CLINTON- <u>CVH</u>	CORNWALL BRIDGE- <u>GBCMHC</u>
CENTERBROOK- <u>CVH</u>	COBALT- <u>CVH</u>	COS COB- <u>GBCMHC</u>
CENTRAL VILLAGE- <u>CVH</u>	COLCHESTER- <u>CVH</u>	COVENTRY- <u>CVH</u>
CHAPLIN- <u>CVH</u>	COLEBROOK- <u>GBCMHC</u>	CROMWELL- <u>CVH</u>

D

DANBURY- <u>GBCMHC</u>	DAYVILLE- <u>CVH</u>	DEVON- <u>CMHC</u>
DANIELSON- <u>CVH</u>	DEEP RIVER- <u>CVH</u>	DURHAM- <u>CVH</u>
DARIEN- <u>GBCMHC</u>	DERBY- <u>CMHC</u>	

E

EAGLEVILLE- <u>CVH</u>	EAST HARTLAND- <u>CVH</u>	EAST WOODSTOCK- <u>CVH</u>
EAST BERLIN- <u>CVH</u>	EAST HAVEN- <u>CMHC</u>	EASTFORD- <u>CVH</u>
EAST CANAAN- <u>GBCMHC</u>	EAST KILLINGLY- <u>CVH</u>	EASTON- <u>GBCMHC</u>
EAST GLASTONBURY- <u>CVH</u>	EAST LYME- <u>CVH</u>	ELLINGTON- <u>CVH</u>
EAST GRANBY- <u>CVH</u>	EAST NORWALK- <u>GBCMHC</u>	ELMWOOD- <u>CRMHC</u>
EAST HADDAM- <u>CVH</u>	EAST PORTCHESTER- <u>GBCMHC</u>	ENDERS ISLAND- <u>CVH</u>
EAST HAMPTON- <u>CVH</u>	EAST PUTNAM- <u>CVH</u>	ENFIELD- <u>CVH</u>
EAST HARTFORD- <u>CVH</u>	EAST WINDSOR- <u>CVH</u>	ESSEX- <u>CVH</u>

F

FABYAN- CVH
 FAIR HAVEN- CMHC
 FAIRFIELD- GBCMHC

FALLS VILLAGE- GBCMHC
 FARMINGTON- CRMHC

FITCHVILLE- CVH
 FORESTVILLE- CVH
 FRANKLIN- CVH

G

GALES FERRY- CVH
 GAYLORDSVILLE- GBCMHC
 GEORGETOWN- GBCMHC
 GILMAN- CVH
 GLASGO- CVH
 GLASTONBURY- CVH

GLENBROOK- GBCMHC
 GLENVILLE- GBCMHC
 GOSHEN- GBCMHC
 GRANBY- CVH
 GREENS FARM- GBCMHC
 GREENVILLE- CVH

GREENWICH- GBMHC
 GRISWOLD- CVH
 GROSVENORDALE- CVH
 GROTON- CVH
 GROTON LONG POINT- CVH
 GUILFORD- CMHC

H

HADDAM- CVH
 HADLYME- CVH
 HAMBURG- CMHC
 HAMDEN- CMHC
 HAMPTON- CVH

HANOVER(NEWTOWN)-GBCMHC
 HANOVER (SPRAGUE)- CVH
 HARTFORD- CRMHC
 HARTLAND- GBCMHC

HARWINGTON- GBCMHC
 HAWLEYVILLE- GBCMHC
 HEBRON- CVH
 HIGGANUM- CVH
 HUNTINGTON- CMHC

I

IVORYTON- CVH

J

JEWETT CITY- CVH

K

KENSINGTON- CVH
 KENT- GBCMHC

KILLINGLY- CVH
 KILLINGWORTH- CVH

L

LAKESIDE- GBCMHC
 LAKEVILLE- GBCMHC
 LEBANON- CVH

LEDYARD- CVH
 LIMEROCK- GBCMHC

LISBON- CVH
 LITCHFIELD- GBCMHC
 LYME- CVH

M

MADISON- CMHC
 MANCHESTER- CVH
 MANSFIELD- CVH
 MANSFIELD DEPOT- CVH
 MAPLE HILL- CVH
 MARBLEDALE- GBCMHC
 MARION- CVH
 MARLBOROUGH- CVH
 MECHANICSVILLE (GRANBY)-
CVH

MECHANICSVILLE (THOMPSON)-
CVH
 MELROSE- CVH
 MERIDEN- CVH MERROW- CVH
 MIDDLE HADDAM- CVH
 MIDDLEBURY- GBCMHC
 MIDDLEFIELD- CVH
 MIDDLETOWN- CVH

MILFORD- CMHC
 MILLDALE- CVH
 MONROE- GBCMHC
 MONTVILLE- CVH
 MORRIS- GBCMHC
 MORRIS COVE- CMHC
 MOUNT CARMEL- CMHC
 MYSTIC- CVH

N

NAUGATUCK- GBCMHC
 NEW BRITAIN- CVH
 NEW CANAAN- GBCMHC
 NEW FAIRFIELD- GBCMHC
 NEW HARTFORD- GBCMHC
 NEW HAVEN- CMHC
 NEW LONDON- CVH
 NEW MILFORD- GBCMHC
 NEW PRESTON- CVH
 NEWINGTON- CVH
 NEWTOWN- GBCMHC
 NIAN TIC- CVH

NICHOLS- GBCMHC
 NOANK- CVH
 NORFOLK- GBCMHC
 NORTON- GBCMHC
 NORTON HEIGHTS- GBCMHC
 NORTH BRANFORD- CMHC
 NORTH CANAAN- GBCMHC
 NORTH CANTON- CVH
 NORTH FRANKLIN- CVH
 NORTH GRANBY- CVH
 NORTH GROSVENORDALE- CVH

NORTH GUILFORD- CMHC
 NORTH HAVEN- CMHC
 NORTH KENT- GBCMHC
 NORTH STONINGTON- CVH
 NORTH THOMPSON- CVH
 NORTH WESTCHESTER- CVH
 NORTH WINDHAM- CVH
 NORTHFIELD- GBCMHC
 NORTHFORD- CMHC
 NORWALK- GBCMHC
 NORWICH- CVH
 NORWICHTOWN- CVH

O

OAKDALE- CVH
 OAKVILLE- GBCMHC
 OCCUM- CVH

OLD GREENWICH- GBCMHC
 OLD LYME- CVH
 OLD MYSTIC- CVH
 OLD SAYBROOK- CVH

ONECO- CVH
 ORANGE- CMHC
 OXFORD- GBCMHC

P

PAWCATUCK- CVH
 PEQUABUCK- CVH
 PINE MEADOW- GBCMHC
 PINE ROCK PARK- CMHC
 PLAINFIELD- CVH
 PLAINVILLE- CVH

PLEASANT VALLEY- GBCMHC
 PLYMOUTH- CVH
 POMFRET- CVH
 POMFRET CENTER- CVH
 POQUONUCK- CVH
 POQUONOCK BRIDGE- CVH

PORTLAND- CVH
 PRESTON- CVH
 PROSPECT- GBCMHC
 PUTNAM- CVH

Q

QUAKER HILL- CVH

QUINEBAUG- CVH

R

REDDING- GBCMHC
 REDDING CENTER- GBCMHC
 REDDING RIDGE- GBCMHC
 RIDGEFIELD- GBCMHC

RIVERSIDE- GBCMHC RIVERTON-
GBCMHC
 ROCKFALL- CVH
 ROCKVILLE- CVH

ROCKY HILL- CVH
 ROGERS- CVH
 ROWAYTON- GBCMHC
 ROXBURY- GBCMHC

S

SALEM- CVH
 SALISBURY- GBCMHC
 SANDY HOOK- GBCMHC
 SAUGATUCK- GBCMHC
 SAYBROOK- CVH
 SCITICO- CVH
 SCOTLAND- CVH
 SEYMOUR- CMHC
 SHARON- GBCMHC
 SHELTON- CMHC
 SHERMAN- GBCMHC
 SHORT BEACH- CMHC
 SIMSBURY- CRMHC
 SOMERS- CVH

SOMERSVILLE- CVH
 SOUTH BRITAIN- GBCMHC
 SOUTH GLASTONBURY- CVH
 SOUTH KENT- GBCMHC
 SOUTH LYME- CVH
 SOUTH MERIDEN- CVH
 SOUTH NORWALK- GBCMHC
 SOUTH PORT- GBCMHC
 SOUTH WILLINGTON- CVH
 SOUTH WINDHAM- CVH
 SOUTH WINDSOR- CVH
 SOUTH WOODSTOCK- CVH
 SOUTHBURY- GBCMHC
 SOUTHLINGTON- CVH

SPRAGUE- CVH
 SPRINGDALE- GBCMHC
 STAFFORD/STAFFORD
 SPRINGS- CVH
 STAFFORDVILLE- CVH
 STAMFORD- GBCMHC
 STEPNEY- GBCMHC
 STERLING- CVH
 STEVENSON- GBCMHC
 STONEY CREEK- CMHC
 STONINGTON- CVH
 STORRS- CVH
 STRATFORD- GBCMHC
 SUFFIELD- CVH

T

TACONIC- GBCMHC
 TAFTVILLE- CVH
 TALCOTTVILLE- CVH
 TARIFFVILLE- CRMHC

TERRYVILLE- CVH
 THOMASTON- GBCMHC
 THOMPSON- CVH

THOMPSONVILLE- CVH
 TOLLAND- CVH
 TORRINGTON- GBCMHC
 TRUMBULL- GBCMHC

U

UNCASVILLE- CVH
 UNION- CVH

UNION CITY- GBCMHC
 UNIONVILLE- CRMHC

V

VERNON- CVH

VERSAILLES- CVH

VOLUNTOWN- CVH

W

WALLINGFORD- <u>CVH</u>	WEST HARTLAND- <u>CVH</u>	WILTON- <u>GBCMHC</u>
WAPPING- <u>CVH</u>	WEST HAVEN- <u>CMHC</u>	WINCHESTER- <u>GBCMHC</u>
WAREHOUSE POINT- <u>CVH</u>	WEST MYSTIC- <u>CVH</u>	WINCHESTER CENTER- <u>GBCMHC</u>
WARREN- <u>GBCMHC</u>	WEST REDDING- <u>GBCMHC</u>	WINDHAM- <u>CVH</u>
WASHINGTON- <u>GBCMHC</u>	WEST SIMSBURY- <u>CRMHC</u>	WINDSOR- <u>CVH</u>
WASHINGTON DEPOT- <u>GBCMHC</u>	WEST SUFFIELD- <u>CVH</u>	WINDSOR LOCKS- <u>CVH</u>
WATERBURY- <u>GBCMHC</u>	WEST WILLINGTON- <u>CVH</u>	WINDSORVILLE- <u>CVH</u>
WATERFORD- <u>CVH</u>	WESTBROOK- <u>CVH</u>	WINSTED- <u>GBCMHC</u>
WATERTOWN- <u>GBCMHC</u>	WESTON- <u>GBCMHC</u>	WOLCOTT- <u>GBCMHC</u>
WATERVILLE- <u>GBCMHC</u>	WESTPORT- <u>GBCMHC</u>	WOODBURY- <u>GBCMHC</u>
WAUREGAN- <u>CVH</u>	WESTVILLE- <u>GBCMHC</u>	WOODBRIDGE- <u>CMHC</u>
WEA TOGUE- <u>CRMHC</u>	WETHERSFIELD- <u>CVH</u>	WOODMONT- <u>CMHC</u>
WEST CORNWALL- <u>GBCMHC</u>	WHITNEYVILLE- <u>CMHC</u>	WOODSTOCK- <u>CVH</u>
WEST GOSHEN- <u>GBCMHC</u>	WILLIMANTIC- <u>CVH</u>	WOODSTOCK VALLEY- <u>CVH</u>
WEST GRANBY- <u>CVH</u>	WILLINGTON- <u>CVH</u>	
WEST HARTFORD- <u>CRMHC</u>	WILSON- <u>CVH</u>	

Y

YALESVILLE- <u>CVH</u>	YANTIC- <u>CVH</u>
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**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-7 (Formerly TR 85-348)

REVISED DECEMBER 10, 2014

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: LISTING OF PHYSICIANS AND PSYCHIATRISTS FOR COMMITMENT OF ADULTS

Instructions: Pages CM App.- 23, 25, 26 and 28 have been revised. **NOTE:** The list, p. CM-25, is now on the intranet and may be printed from there. Three doctors are no longer on the list: Dr. Alec Buchanan, Dr. Martin Levine and Dr. Martin Perlin. The remaining pages are unchanged and have a revision date of 12/2011.

There are now **24** doctors on the list of physicians and psychiatrists interested in performing competency exams – 6 physicians and 18 psychiatrists. The Department of Mental Health and Addiction Services (DMHAS) is trying to resolve the insurance issues and expects to add more doctors. In the interim, this office is working with DMHAS, probate judges, and others to find doctors willing to serve.

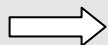
The Department of Mental Health and Addiction Services has adopted a “rolling admissions” policy for the list, and it will be updated as needed. If you know of any doctors in your area that might wish to join the list, please have them contact Betty McCants, Administrative Assistant, at DMHAS. Her telephone number appears below. The list will remain in effect through September 30, 2015, subject to revision as names are added or deleted. Each physician or psychiatrist is listed with business and/or home address and telephone number, and the counties in which the doctors have agreed to perform evaluations are marked with a “Y.” In addition, the list indicates the foreign languages spoken by the doctors, medical license information, and whether the doctor is affiliated with a psychiatric hospital. [C.G.S. § 17a-498 (c) states that the doctor conducting the exam cannot be connected with the hospital for psychiatric disabilities to which the application is being made.]

IMPORTANT DMHAS POLICIES — PLEASE READ THIS SECTION !

1) DMHAS will only pay doctors whose names appear on the attached 2014-2015 list or future updates for performing examinations in commitment proceedings involving a person who is committed to a DMHAS state hospital for psychiatric disabilities.

2) PLEASE NOTE: The “Payment Criteria and Invoice Instructions” that our office developed in collaboration with DMHAS are part of this appendix.

3) PLEASE NOTE: The “Invoice for Psychiatric Evaluations/Services Rendered in a DMHAS Commitment,” PC-50 (Rev. 12/2011) is no longer part of this appendix. It is in CMS under “Tools.” Doctors use this instead of the CO-17.



**PLEASE APPOINT DOCTORS IN ROTATION, OR TRY TO UTILIZE MORE OF THE
DOCTORS WHO HAVE AGREED TO WORK IN YOUR AREA.**



Payment information. Pursuant to C.G.S. §17a-528, when a person is found to have psychiatric disabilities and is committed to a state hospital for psychiatric disabilities (herein referred to as a DMHAS state hospital for psychiatric disabilities), the Department of Mental Health and Addiction Services will pay all fees and expenses in connection with the commitment, including the doctors' fees. If the person is not found to have psychiatric disabilities or is committed to a private hospital, the applicant must pay the fees.

If you have a problem contacting any of the physicians or psychiatrists on the list or have any questions about the list, please contact Betty McCants at DMHAS. Her telephone number is 860-418-6890.

/s/Paul J. Knierim
Probate Court Administrator

DMHAS BILLING INFORMATION – 12/2011

For persons who are committed to a DMHAS state hospital for psychiatric disabilities, the **revised billing procedures** require the probate court to send the bills to the following address:

DMHAS/FSB
P.O. Box 1240
Haviland Hall
Middletown, CT 06457

As long as the signed decree (PC-861, Decree/Involuntary Commitment of Person with Psychiatric Disabilities) committing the person to a DMHAS state hospital is sent with the invoice, the DMHAS/Fiscal Services Bureau will pay the invoice.

In accordance with Sec. 17a-528 of the Connecticut General Statutes, if the person is not committed to a DMHAS state hospital, the bills related to his/her commitment are not paid by the Department of Mental Health and Addiction Services.

NOTE: Page CM App-25, the doctors' list, is now on the intranet. This page is still numbered as CM App.-26.

Payment Criteria and Invoice Instructions for Probate Court-Ordered Evaluations – Commitment of Adults as of December 2011

In an effort to meet the needs of all of the parties involved, the Administrator's office and the Department of Mental Health and Addiction Services (DMHAS) have resolved a variety of questions about payment criteria and the submission of doctors' invoices. The ultimate goal is to make sure that the doctors receive payment in the most efficient manner possible. To this end, DMHAS and the Probate Court Administrator's Office have agreed upon the following procedures:

PAYMENT CRITERIA

DMHAS will only pay a doctor:

- If the person is deemed to have psychiatric disabilities, AND
- Is committed to a DMHAS state hospital for psychiatric disabilities (see list on form PC-50 and CM Appendix 11-6), AND
- The doctor was on DMHAS' current "Listing of Physicians and Psychiatrists for Commitment of Adults" BEFORE being appointed by the probate court.

DMHAS will not pay a doctor if any of the three conditions listed below apply:

- The doctor is not listed on DMHAS' current list of doctors for commitments of adults.
- The court determines that the person does not have psychiatric disabilities. In that case, the petitioner pays.
- The person is committed to a private hospital.
 - **EXCEPTION:** DMHAS will pay if the court commits a person with psychiatric disabilities to a DMHAS state hospital for psychiatric disabilities (as specified in the court's decree), BUT no beds are available at the DMHAS state hospital for psychiatric disabilities, requiring the patient to remain at a non-state facility.

PC-50 (REV. 12/11) – Invoice for Psychiatric Evaluations/Services Rendered in DMHAS Commitment

PC-50, which is found in CMS under "Tools," is for use by doctors solely for the purpose of billing DMHAS for services rendered in a commitment where a person with psychiatric disabilities is committed to a DMHAS state hospital for psychiatric disabilities.

INVOICE NUMBER (Required)

It is critical that the doctor assign an "INDIVIDUAL and UNIQUE" invoice number to every PC-50 invoice. Failure to do so will result in DMHAS' rejection of the invoice.

DMHAS will reject an invoice:

- If the invoice number is a duplicate of a number that has been used in the past. Suggestions to avoid duplication of invoice numbers:
 - If the doctor uses the patient's file number, he or she should add a suffix to the number to differentiate the current invoice from invoices previously submitted in the same matter.
 - Do not make a copy of an invoice that already has an invoice number assigned to it.
 - If the doctor is using a sequential numbering system, the sequence should not start over for a new year, but should be continued into the next year. Examples of sequential numbering systems:
 - (2006) ASMITH11/8/06, (2007) ASMITH1/25/07
 - (2006) 1, 2, 3, 4, 5, (2007) 6, 7, 8, 9, 10, etc.
 - (2006) 06-0001, 06-0002, (2007) 07-0001, 07-0002
- If there is NO invoice number assigned to the invoice.

FEE SCHEDULE

DMHAS established this fee structure. It applies **ONLY** to court-appointed doctors in a commitment matter where the respondent is found to have psychiatric disabilities AND is committed to a DMHAS state hospital for psychiatric disabilities.

- For services rendered \$175.00 per hour

SUBMITTING AN INVOICE

The doctor should mail the completed invoice to the appointing probate court for certification.

PROBATE COURT TO REVIEW INVOICE

When the probate court receives an invoice from a doctor regarding an evaluation in a DMHAS commitment matter, it is the court's responsibility to make sure that the doctor has correctly completed the invoice. If an invoice number is missing, the court must follow up with the doctor to correct the invoice.

JUDGE'S CERTIFICATION

After completing its review of the invoice, the court will complete the section entitled "Must Be Completed By Probate Court." **A COPY OF THE DECREE (PC-861) MUST BE ATTACHED TO THE INVOICE. The court will then mail the invoice to DMHAS/Fiscal Services Bureau at the address indicated on the invoice.**

DMHAS' REJECTION OF INVOICE

DMHAS will reject an invoice that does not meet its requirements as set forth in these instructions. The invoice will be mailed back to the appointing probate court, along with an explanation of why it is being returned. It will be up to the court to resolve the issue with the appropriate parties.

NON-PAYMENT OF INVOICE BY DMHAS

In the event that DMHAS does not pay for a psychiatric examination (due to the death of the respondent, the election of voluntary commitment, cancellation of the hearing, or any situation where the court finds that the respondent does not have psychiatric disabilities), the petitioner shall pay the doctors' fees.

FEES PAID BY THE PETITIONER/HOSPITAL

Doctors must be paid in a timely manner. In all cases where the patient is NOT committed to a DMHAS state hospital for psychiatric disabilities, and the patient is indigent, the petitioner/hospital may bill the appropriate third party payer (i.e., family members, Medicare, Medicaid, SAGA, private insurance, and any other applicable payer) for reimbursement of fees paid to the doctors for a psychiatric evaluation. However, the petitioner must not delay payment to a doctor while the petitioner seeks third-party reimbursement. It is suggested that the petitioner/hospital obtain third party billing information from the respondent (or other party who may possess this information) before the patient's release. In cases where the petitioner/hospital is paying a doctor for an evaluation, the doctor and the petitioner/hospital should establish the fee to be paid.

BILLING QUESTIONS

The doctor or probate court may call DMHAS directly with questions regarding the payment status of an invoice. Due to DMHAS' method of payment verification, the caller MUST be able to provide an invoice number when calling to check on the payment status. Direct your billing questions to the DMHAS Fiscal Services Bureau in Middletown at **(860) 262-6944**.

GENERAL QUESTIONS

Contact Alison (Roz) Blair at the Office of the Probate Court Administrator (860) 231-2442 x325 or ablair@ctprobate.gov.

THIS PAGE IS BLANK INTENTIONALLY.
PC-50, formerly found here, is now in CMS under “Tools.”

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-8 (Formerly TR 82-293)

DECEMBER 2014

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

**RE: COMMITMENT OF MENTALLY ILL CHILDREN, C.G.S. § 17a-75 et seq.
PANEL OF PHYSICIANS AND PSYCHIATRISTS**

Instructions: The list of physicians or psychiatrists re the commitment of mentally ill children is on the probate court intranet.

In proceedings pertaining to the commitment of children, C.G.S. § 17a-77(b) requires that the court appoint two impartial physicians, one of whom must be a physician specializing in psychiatry. Physicians' reports to the court must be made on form PC-870, Physician's Evaluation/Commitment of Child. Please furnish blank copies of this form and form CO-17 for payment to the physicians appointed by your court.

As set forth in C.G.S. § 17a-82, the Department of Children and Families pays the physicians' fees if the child is hospitalized in a state hospital or if the applicant is indigent. The CO-17 forms must be obtained from the Probate Court Administrator's office.

The forms should be returned for payment directly to Fiscal Services, Department of Children and Families, 505 Hudson Street, Hartford, CT 06106. Please affix a certification directly on the form similar to that used in adult commitments. C.G.S. § 17a-519 states that the physicians conducting exams are entitled to "reasonable compensation" established by the Commissioner of Mental Health and Addiction Services. Currently, the fee that will be paid for physicians' examinations and reports is \$175.00 per hour for actual time expended, including travel time. This rate took effect on July 1, 2008. When applications are filed by individuals and not hospitals, it is recommended that arrangement for payment of physicians be made in advance whenever possible, because C.G.S. § 17a-82 places the responsibility for payment on the applicant if the judge decides not to commit the child or if the child is committed to a private hospital.

/s/ Paul J. Knierim
Probate Court Administrator

CM App. 11-8
Rev. 12/14
Page 2

Instructions: **The list of physicians or psychiatrists re the commitment of mentally ill children is on the probate court intranet. Please retain this page until such time as the Clerk's Manual Appendix is renumbered.**

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-9 (Formerly TR 86-360)

REV. JULY 2012

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: CONFIDENTIALITY OF ESTATE and SUCCESSION TAX RETURNS

NOTE: This memorandum was originally written when the succession tax and C.G.S. § 12-359 were still in effect. It was revised in 2005 to incorporate the estate tax provisions, which apply to the estates of decedents dying on or after January 1, 2005. The relevant statute for decedents dying on or after January 1, 2005 is C.G.S. § 12-392, as amended.

July 2012 – Please see the charts re confidentiality of estate and succession tax returns on pp. CM App.32.1 and 32.2

1. Confidentiality of Estate Tax Returns. C.G.S. § 12-398 (c) (1) provides for the confidentiality of estate tax returns as stated below. The exceptions for disclosing returns appear in boldface type.

Notwithstanding the provisions of sections 1-200, 1-205, 1-206, 1-210 to 1-213, inclusive, 1-225 to 1-232, inclusive, 1-240 and 19a-342 a court of probate shall not disclose to any person or state or municipal board, commission, department or agency, estate tax returns and estate tax return information that are provided to such court under this chapter, **except the Probate Court shall, upon request, disclose such returns and return information to the Probate Court Administrator and to the Commissioner of Revenue Services, and may disclose such a return or return information to an executor, administrator, trustee, grantee, donee, beneficiary, surviving joint owner or other interested party, when any such person establishes, to the satisfaction of such court, that he or she has a material interest which will be affected by information contained in such return.** (Emphasis added.)

2. Confidentiality of Succession Tax Returns. The purpose of this memorandum is to suggest a policy to each court of probate in regard to confidentiality of succession tax returns so that we might approach the problem on a uniform basis. It should be emphasized at the outset, however, that each judge is free to interpret the relevant statutes as he or she sees fit.

In October of 1985, all courts were sent a copy of the decision of the Freedom of Information Commission declaring that a judge of probate may refuse a request from a newspaper reporter to inspect a succession tax return in accordance with the provisions of C.G.S. § 12-15. As a result of that decision, former Probate Court Administrator Glenn Knierim asked President-Judge Penfield Mead to convene a committee of judges to discuss the decision and make recommendations for procedures in the light of the decision. Judge Mead appointed Judge Robert Killian, Jr. of Hartford as chair of the committee, with member judges Richard Patterson of Branford, Beverly Patterson of Suffield, June Dressing of Clinton, and Linda Salafia of Norwich.

The committee analyzed the courts' involvement with the succession tax return as being on two bases: first, the filing of a succession tax return with the court under C.G.S. § 12-359 is on an administrative basis, and it falls within the general records-keeping function of the court. Second, the court deals with the succession tax return on a judicial basis when there are issues to be resolved, such as when the Commissioner of the Department of Revenue Services objects to the valuations or concessions of taxability appearing in the return, under C.G.S. § 12-359(b). In the latter case, the court is required to assign a time and place for a hearing on the Commissioner's objections.

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We will first address the policy recommendation in connection with the administrative function of the court in receiving and placing on file a succession tax return. The committee agrees and it is recommended that C.G.S. § 12-15 would apply and would restrict the access to such return to the specific categories outlined in that statute. It should be noted that the statute gives no specific authority to a judge of probate, or court personnel, to permit examination or copying of the return under any circumstances. Specific authority is, however, given to “the commissioner” who may disclose such information under the stated specific fact situations. It is recommended that while probate judges and court personnel are not the agent nor the attorney of the commissioner, judges and court personnel may nevertheless permit disclosure within the limitations outlined in C.G.S. § 12-15. This conclusion is reached on the theory that the courts of probate have implied power to carry out their statutory function. Since C.G.S. § 12-359 provides that one copy of the return is to remain on file in the court, by implication, the Court then has the authority to permit the return to be seen by those persons whom the legislature has directed. “Statutory authority carries with it implied power to do what is necessary to exercise the jurisdiction expressly conferred.” *Connecticut Estates Practice, Jurisdiction and Procedure 2nd*, Wilhelm & Folsom, Sec. 2:39, p. 2-107. See also, *The Probate Court*, Locke & Kohn, Vol. 1, Sec. 86.

That being the case, the next question is what the word “taxpayer” means in exception #5 under C.G.S. § 12-15. If the word “taxpayer” is construed narrowly to mean only that person who signs the succession tax return, then persons who may have a direct interest in the estate will be unable to review the return. On the other hand, if the term “taxpayer” is considered to be an heir or beneficiary, or a person whose economic interest may be diminished by the payment of the tax, **then those who have a direct interest in the information in the return may be allowed to see it.** It was the committee's conclusion, and our recommendation, that the latter interpretation be adopted, and **that any person who has a direct financial interest in the amount of the tax or the taxability of the items in the return, including heirs and beneficiaries, and persons whose economic interest may be diminished by the information in the return be permitted to inspect it under C.G.S. § 12-15.** As specified in that section, an authorized representative of a taxpayer may also have similar access. Courts may wish to limit that access to that portion of the return in which the requesting individual or his authorized representative has a direct interest.

Obviously, there are many persons who may have an interest in a tax return, although they do not fall within the definition of “taxpayer.” For example, a person who believes that a joint and survivorship bank account was created as the result of undue influence may want to seek information regarding that bank account in order to maintain a legal action in Superior Court regarding title of the bank account. In those cases, it is recommended that a person seeking information who is not otherwise entitled thereto as a “taxpayer” be advised to file an application under the provisions of C.G.S. § 45a-129 to have the Probate Court summon any person to appear and give testimony under oath relating to the matter. If this is done, the proceeding will be a judicial one rather than an administrative one, and the court will be bound by its own judicial interpretation of the statutes. The issue then will be whether the fiduciary or other person having the requested information is under a duty to disclose that information, not necessarily through release of the succession tax return, but also from the original documentation in the possession of the respondent. In making its decision, the court may be guided by the fiduciary responsibilities of diligence, impartiality, and loyalty. It should be noted that fiduciary duties apply to the relationship of an executor or administrator with the legatees, distributees, and creditors. Therefore, an application under C.G.S. § 45a-129 should be reviewed in this light.

Access to tax returns by title searchers does not fall in those categories mentioned above. In most cases, title searchers can rely on other court documents to verify proper reporting of real estate on a succession tax return. If direct access to the return is required, an authorization must be obtained from the person filing the return to permit access to the title searcher.

I call your attention to the following sentence in C.G.S. § 12-15: “Any person who violates any provision of this section shall be fined not more than one thousand dollars or imprisoned not more than one year or both.” For this and other reasons, we urge caution in administering your responsibilities under this statute.

/s/ Paul J. Knierim
Probate Court Administrator

CM App.-32

Confidentiality of Estate Tax Returns and related documents

Pursuant to C.G.S. §12-398(c)(1), the probate courts shall not disclose estate tax returns and estate tax return information except the court shall, upon request, disclose such return or return information to the Commissioner of Revenue Services and the Probate Court Administrator. The court may also disclose such return or return information to an executor, administrator, trustee, grantee, donee, beneficiary, surviving joint owner or other interested party when any such person establishes to the satisfaction of the court that he or she has a material interest that will be affected by information contained in the return. The returns and return information may also be disclosed to representatives of the Internal Revenue Service.

The following chart lists estate tax-related documents that are confidential, except as provided above, and documents that are open to the public. The basic rule is: if any information regarding the actual or estimated value of a taxable estate appears on the document, the document is confidential. Documents should be scanned into confidential files and non-confidential folders accordingly.

ESTATE TAX RETURNS: CT-706/709 and CT-706 NT

CONFIDENTIAL DOCUMENTS	DOCUMENTS OPEN TO THE PUBLIC
Estate Tax Returns, CT-706/709;CT 706 NT and any amendment to the return	Opinion of No Connecticut Estate Tax Due, PC-255 or PC-255A
Application for Certificate Releasing Estate Tax Lien, PC-205	Certificate Releasing Connecticut Estate Tax Lien , PC-256 (solely owned) and PC-256A (non-solely owned property)
Domicile Declaration, C-3	Application for Extension of Time to File Form CT 706 NT: CT-706 NT EXT
Application for Extension of Time to File Estate and Gift Tax Return, CT 706/709 EXT	
Estate Tax Assessments***	
Correspondence containing specific return information that is not on the probate inventory, i.e., declaration of taxable assets, valuation issues, etc.	

***Any Estate Tax Assessment recorded in non-confidential volumes or LaserFiche folders prior to the date of this memorandum may remain in these volumes or folders

July 2012.

Confidentiality of Succession Tax Returns and related documents

Under C.G.S. §12-15, tax returns and return information, including succession tax returns, are confidential. See pp. CM App.- 31 and 32 for a more complete discussion of the confidentiality of succession tax returns.

The following chart lists succession tax-related documents that are confidential (except as noted on p. CM App. - 31) and documents that are open to the public. The basic rule is: if any information regarding the actual or estimated value of a taxable estate appears on the document, the document is confidential. If the court records succession tax documents, they should be scanned into confidential files and non-confidential folders accordingly.

SUCCESSION TAX RETURNS

CONFIDENTIAL DOCUMENTS	DOCUMENTS OPEN TO THE PUBLIC
Succession Tax Returns, S-1, S-2, S-4. (prior forms were designated by an "E")	Certificate of No Succession Tax, PC-255S
Domicile Declaration, C-3	
Application for Certificate Releasing Connecticut Succession and Estate Tax Liens, PC-205S	Tax Certificate for Land Records, PC-252S/PC-253S, PC-254S
Succession Tax Assessments**	Certificate Releasing Connecticut Succession and Estate Tax Liens, PC-256S
Correspondence containing specific return information that is not on the probate inventory, i.e., declaration of taxable assets, valuation issues, etc.	

** Succession Tax Assessments recorded in non-confidential volumes (or scanned into non-confidential folders) prior to the date of this memorandum may remain in these volumes.

July 2012

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-10 (Formerly Memorandum to All Courts Dated 8/11/2011)

OCTOBER 2011

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: **CHANGES TO ESTATE TAX FORMS AND CORRESPONDING PROBATE PROCEDURES**

There have been numerous changes to Connecticut estate tax law and corresponding forms in recent months. The purpose of this memo is to highlight the various changes and their impact on probate court procedures.

There have also been staff changes at DRS. Stuart Gollinger, who worked closely with probate court staff for many years retired on June 30, 2011. Barbara Collins is the person who has been designated as our contact person at DRS. She can be reached at Barbara.Collins@po.state.ct.us or (860) 541-3239.

Summary of Changes in the Law:

Reduction of exemption for Connecticut estate tax to \$2 million for decedents dying on or after January 1, 2011

The state budget that went into effect on May 4, 2011 reduced the Connecticut estate tax exemption from \$3.5 million to \$2 million, retroactively, for decedents dying on or after January 1, 2011. Any release of an estate tax lien issued by the probate court and filed with a town clerk by May 4, 2011 is deemed valid.

Elimination of out-of-state real and tangible property from the basis for probate fees for estates commencing on or after January 1, 2011

Pursuant to P.A. 10-184, codified in Section 45a-107(b):

- Real property or tangible personal property located outside of Connecticut is excluded from the calculation of probate fees for decedents domiciled in Connecticut.
- For decedents who were non-residents of Connecticut, only real property located in Connecticut is included in the calculation of probate fees.
 - If, however, the court grants **original jurisdiction** to probate or administer an estate for a decedent who was not domiciled in Connecticut at death pursuant to §45a-287 or §45a-303(a)(2), probate fees will be calculated as if the decedent was domiciled in this state. This does not apply to ancillary administration.

Interest on probate fees on certain estates dying on or after January 1, 2011

Interest will accrue on probate fees:

- 30 days after the date of a court's invoice
- 30 days after the due date of a Connecticut estate tax return – or any extension of the due date.

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 October 2011
 Page two

Interest on probate fees on certain estates of decedents dying on or after January 1, 2011

Interest will accrue on probate fees:

- 30 days after the date of a court's invoice
- 30 days after the due date of a Connecticut estate tax return – or any extension of the due date.

An estate is exempt from interest if:

- The basis for costs does not exceed \$40,000
- Any portion of the estate passes to a surviving spouse and the basis for costs does not exceed \$500,000.

Delegation from DRS to extend the date for filing a Form CT-706 NT, Connecticut Estate Tax Return (for Nontaxable Estates)

The Commissioner of DRS has granted probate courts authority to extend the time to file a CT-706 NT using Form CT-706 NT EXT. A copy of Commissioner Sullivan's delegation was sent to the courts by email on April 8, 2011. The form must be filed in court on or before the original due date of the return, i.e., within six months of the date of death, and may only be granted one time. The delegation permits a court to extend the filing deadline for six months for reasonable cause.

The new Form CT-706 NT EXT which requests authority to extend the time to file a tax return should be distinguished from CM-79, a request to extend the time for payment of probate fees.

Changes in Forms and CMS:

Revisions to probate forms re: reduction of estate tax exemption to \$2 million for decedents dying on or after 1/1/2011

The following probate forms were modified to reflect the change in the Connecticut estate tax exemption: PC-255 and 255A, Opinions of No Estate Tax Due. No changes were needed on the Certificate Releasing of Estate Tax Lien (PC-256) and Application for Certificate Releasing Estate Tax Lien (PC-205).

Revisions to Form CT-706 NT

Several recent changes have been made to Form CT-706 NT, the Connecticut Estate Tax Return for Nontaxable Estate, for decedents dying on or after January 1, 2011.

- The forms have been revised to reference the current Connecticut estate tax exemption of \$2 Million for decedents dying on or after 1/1/2011.
- New sections 5 and 6 have been added regarding the basis for costs for probate fees.

The new sections 5 and 6 assist taxpayers and the courts in identifying real and tangible personal property located outside of Connecticut and the value of any such property passing to a spouse.

This information is needed to accurately calculate probate fees for estate proceedings commencing on or after January 1, 2011. Sections 5 and 6 on the CT-706 NT have simplified the process for entering relevant data in CMS to calculate PF charges.

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Inasmuch as all courts have access to the internet, we recommend that the court (and taxpayers) obtain estate tax forms from the DRS website: ct.gov/drs. Follow links to forms and select gift/estate/fiduciary/succession. You may want to save this as a favorite place on your computer for easy reference.

DRS will be revising Form CT-706/709 for 2011 later in the year. Since these DRS estate tax forms are revised at least yearly and current forms are available on the DRS website, we have removed them from CMS in the near future.

New CMS features for the CT-706 NT EXT

CMS has been updated to provide a new activity for applications to extend the filing of a CT-706 NT. The application to extend the time for filing an estate tax return, CT-706 NT EXT, is to be distinguished from the CM-79, an application to extend the time to pay probate fees, which is entered as a form received.

If the court approves the extension and enters the CT-706 NT EXT as an activity in CMS, the due date for the tax return is automatically extended for six months on the Decedent #2 screen and in the CMS tickler system.

Inasmuch as probate fees are generally charged on the receipt of the estate tax return, the time for paying probate fees is automatically extended for six months if the court approves the CT-706 NT EXT. There is no need to file a CM-79 during this six month period.

As noted above, the CT-706 NT EXT may be filed only once and must be received on or before the due date, which is six months from the date of death. If the due date falls on a weekend or holiday, the court may accept the CT-706 NT EXT on the next business day. In such case, the activity date entered in CMS would be the due date of the return.

It is possible to file a CT-706 NT EXT prior to the filing of an estate in the probate court. In this case, the court should open a TPO estate in order to process the application to extend the time to file a CT-706 NT. If a full estate is opened at a later date, the case type can be changed.

While the CT-706 NT must be signed by the fiduciary, an attorney who has filed an appearance for the fiduciary may file the CT-706 NT EXT.

As noted above, Form CT-706 NT EXT is available on the DRS website.

Form CT-706/709 EXT

The Commissioner of Revenue Services has the authority to extend the time for filing an estate tax return in a taxable estate. If a CT-706/709 EXT is granted by DRS, the taxpayer will receive a nine (9) month extension to file the CT 706/709. If filed in court, the court should enter the CT-706/709 EXT as a form received, which will automatically extend the due date of the tax return for a nine month period. Interest on probate fees will not accrue during this extended nine-month period.

/s/ Helen B. Bennet
Attorney

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-11 (Formerly TR 95-463)

REVISED DECEMBER 2011

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

**RE: INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN ACT
(C.G.S. §17a-175)**

Instructions: Please replace the page dated October 2011 with this updated page. Noreen Bachteler has retired, and Lisa Flower is the new contact for the Interstate Compact.

All courts should be aware of a potential hazard when invoking the Interstate Compact on the Placement of Children. As we are involved with more and more cases of sending children to relatives or other individuals who live in another state, we sometimes fall squarely within the provisions of the Interstate Compact. The typical reason for doing so is that our courts request an investigation to be made by the out-of-state equivalent of DCF.

When a Connecticut court requests such an investigation, it is asked to submit an application (Form 100A) in which the court is designated as the “sending agency.” What many judges do not realize is that the invocation of the Interstate Compact may very well subject the court to this provision of Article 5: **“The sending agency shall continue to have financial responsibility for support and maintenance of the child during the period of the placement.”** Conceivably, this could involve a gigantic, open-ended obligation. For example, if a child we had temporarily placed with an out-of-state resident got into an accident and incurred large medical bills that were not covered by private insurance and were rejected by the other state, it is not inconceivable that the hospital could look to the probate court for reimbursement as the “sending agency” pursuant to this article. Therefore, extreme caution should be exercised in utilizing the Interstate Compact in such cases.

In addition, please note the requirement of Article III(d) that states that a child shall not be sent into another state until that state has indicated **in writing** that the proposed placement does not appear to be contrary to the interest of the child. Again, it is only if you are invoking the compact that you are then governed by this prohibition.

Because these matters can be involved, we urge you to contact this office if you have cases involving the Interstate Compact. In addition, you may contact the Interstate Compact Office at (DCF) and speak to Lisa Flower, Deputy Compact Administrator. Her telephone number is 860-550-6542. The main telephone number for the Interstate Compact Office is (860) 550-6469.

/s/Paul J. Knierim
Probate Court Administrator

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-12 (Formerly TR 04-523)

OCTOBER 2013

TO: Judges of the Courts of Probate and Court Personnel

RE: Program of Connecticut Criminal Records Checks

Instructions – Please replace pp. CM App.-37 and 39 with these revised pages, which now indicate that criminal records checks can be conducted for matters involving conservatorships and persons with intellectual disability.

This memo provides further instructions with respect to the memorandum dated June 17, 2004. As a result of meetings early in 2004 with the former Probate Court Administrator, Judge James Lawlor, and Judge Robert Killian, Jr., then-Commissioner Arthur Spada of the Department of Public Safety granted this office access to the Connecticut criminal records database. The goal is to assist the courts in custody, removal, temporary guardianship, termination of parental right matters, conservatorships, guardianships of persons with intellectual disability and name changes by quickly providing criminal background checks on prospective guardians, custodians, conservators and other household members, if requested.

Note 1): In children's matters, these records checks are conducted separately from the Department of Children and Families' investigations, which are mandated by statute and can only be waived for cause shown. We provide a preliminary report so that judges will be comfortable making decisions to place children pending the outcome of the DCF investigation and report.

Note 2): As warranted, criminal background checks may be requested for matters in addition to those listed.

The procedure for the criminal records check is as follows:

1. Upon receipt of an application for a children's matter or other matter where a record check is indicated, the court may fax the attached "Fax/Mail Request for Connecticut Criminal Records Search" to this office at the following fax number: **860-236-3457**. **(Please do not use the "regular" fax number.)**

IMPORTANT: Due to the confidential nature of these requests, we can only respond by fax to courts that have a fax machine in the court. If your fax machine is out of service, and you need a records check, please complete the request sheet and mail it to Alison Green at this office. Mark the envelope "CONFIDENTIAL." If the matter is urgent, please telephone us with the relevant information.

▪ Be sure to check the box for the type of proceeding and list the date and time of the hearing. **It is helpful if you call when sending requests for matters marked "URGENT."**

Please note: There is also a box for "Other" matters. If this box is checked, please be as specific as possible about the matter.

▪ For each records check, we **MUST** have the person's first name, last name, and date of birth. (At the very minimum, a year of birth must be provided.) The person's maiden name (if applicable) and "AKAs" (if any) may be also listed. In addition, the person's social security number is extremely helpful. With respect to children's matters, a records check can be run on any member of the household where the child will be placed.

2. This office will run the records check and will notify the court of the results by fax. Most often, we will simply return the "Fax/Mail Request for Connecticut Criminal Records Search" This sheet must be recorded/microfilmed in a confidential volume. There is space at the top of the form for volume information.

CM Appendix 11-12

Page two

Rev. April 2013

Instructions – References to the Department of Public Safety have been changed to “Department of Emergency Services and Public Protection.”

3. If a listed person has a criminal record, we will provide it to the court. After review by the judge, the record must be sealed in a “CONFIDENTIAL” envelope until it is no longer needed, at which point, the record must be destroyed by shredding or some other means. Under no circumstances can the record simply be placed in the trash.

4. **Important:** If a judge grants a change of name to a person with a criminal record, the court must send a certified copy of the decree to the following address:

Department of Emergency Services and Public Protection
 Division of State Police
 Bureau of Identification
 1111 Country Club Road
 P.O. Box 2794
 Middletown, CT 06457-9294

Please review this section carefully. It contains updated information about the time frame for record checks.

The judge may also wish to send a certified copy of the decree to the local police department.

NOTE: The State Police Bureau of Identification (SPBI), which is part of the Department of Emergency Services and Public Protection, generates and/or updates criminal records using information provided by the Judicial Branch. The database that we utilize is updated daily, but it is not current. There is a significant backlog because certain checks and transactions (such as processing fingerprint records) must be performed before the staff at SPBI can update the database. The Department is working on a permanent solution to this problem, but it may be a year or more before it is in place.

In the meantime, the Department has implemented a temporary solution to the backlog problem that may add a few days to the records check process. We have access to an additional computer screen that provides us with the most current information about parties involved in matters before the court. Please note the following:

- If the additional screen does not produce any new information, we will follow the usual procedure of sending a fax to the court, usually on the day of the court’s request.
- If the additional screen contains updated information, we must send a fax to the State Police Bureau of Identification, and there will be a delay of approximately **10days** while the staff at the SPBI updates the main database. When the SPBI has updated the database, we will run the records check again and fax the information to the court.

NOTE: Given the 10-day waiting period, it is essential that the courts note the hearing date and time on the fax cover sheet FOR EVERY MATTER. Please use the fax sheet dated 4/13.

Please continue to mark “URGENT” cases on the fax sheet as needed. In the event that information is found on the SPSC system, and an urgent matter requires immediate attention, the waiting period will be waived, and the SPBI will provide “same-day” service.

Please call me if you have any questions or comments.

/s/Alison Green
 Staff Assistant

RECORDED(CONFIDENTIAL VOLUME):

FAX/MAIL REQUEST/RETURN FOR CONNECTICUT CRIMINAL RECORDS SEARCH

REV. 10/13 RE: CM Appendix 11 – 12

To/From Alison Green/Roz Blair**From/To:** _____Office of the Probate Court Administrator
186 Newington Road, West Hartford, CT 06110**Probate District of:** _____**Fax:** 860-236-3457**# of Pages:** _____**Phone:** 860-231-2442**Date:** _____**Re:** State Police Criminal Records Check**REQUIRED: – Hearing Date/Time:** _____ This matter is URGENT● **Comments:** This court has received a petition for the following matter: Immediate Temporary Custody Temporary Custody Removal of Guardian Temporary Guardian Term. of Parental Rights Conservatorship Guardianship of Person with Intellectual Disability Name Change Other: _____

Please conduct a Connecticut criminal records check on the following person(s): (Please type or print clearly.)

(PCA USE ONLY) Record found ?	
No Yes: See Attached. Suspense Matter* See "NOTE" below	1 Full Name (First, Middle Initial, Last): _____ Maiden Name, if applicable: _____ SS# (If available) _____ "AKA," if any _____ Date of Birth (REQUIRED): _____
No Yes: See Attached Suspense Matter* See "NOTE" below.	2 Full Name (First, Middle Initial, Last): _____ Maiden Name, if applicable: _____ SS# (If available) _____ "AKA," if any _____ Date of Birth (REQUIRED): _____
No Yes: See Attached Suspense Matter* See "NOTE" below.	3 Full Name (First, Middle Initial, Last): _____ Maiden Name, if applicable: _____ SS# (If available) _____ "AKA," if any _____ Date of Birth (REQUIRED): _____

***NOTE:** There is a pending matter on the State Police Suspense Check System (SPSC). The State Police Bureau of Identification (SPBI) cannot release this information until it has been verified for accuracy and authorized for release. (In some cases, arrests are dismissed after entry into the database, and the statutes prohibit the release of this information.) We have faxed a request for updated information and expect an answer in the next **10 days**, when we will send updated information.

Disclaimer from the Department of Emergency Services and Public Protection: The result of this search is based on name and date of birth and only contains State of Connecticut criminal history record information. Please be advised that the information you are provided is only current as of the date the data is extracted from the computerized criminal history record system of the Department of Emergency Services and Public Protection. Neither the Department of Emergency Services and Public Protection nor the State of Connecticut shall be responsible for any errors or omissions resulting from subsequent dissemination of this data. The subject and/or requester assume all liability in the use of data obtained from this database.

REV. 5/13 – IMPORTANT: There is a backlog in the database of criminal records maintained by the State Police Bureau of Identification at the Department of Emergency Services and Public Protection. The Department is working on a permanent solution. In the meantime, the Department has implemented a temporary solution that involves the viewing of information on the State Police Suspense Check System (SPSC). The SPSC may contain updated information on the individual(s) in question. **NOTE:** Except in emergency situations, any information that we obtain from this screen will not be available for approximately 10 days.

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-13 (Formerly an attachment to TR 00-505)

REVISED JULY 2012

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: Interagency Agreement

Instructions: There is new language in the chart on p. CM App.- 40.3. After "Neglect petition granted, transfer of guardianship ordered, the phrase "(whether or not termination is granted)" appears. Please note that the revision dates for pages 40.1 and 40.2 are unchanged: 12/ 11 and 3/12, respectively.

**INTERAGENCY AGREEMENT AMONG THE PROBATE COURTS,
THE SUPERIOR COURT FOR JUVENILE MATTERS AND
THE DEPARTMENT OF CHILDREN AND FAMILIES**


In the interest of the meeting the needs of abused and neglected children and preventing cases involving a child from being heard simultaneously in more than one court the parties agree to the following protocols:

1. DCF duty to notify. Whenever the Department of Children and Families (hereinafter "DCF") is involved in a proceeding in the Superior Court for Juvenile Matters (hereinafter "Superior Court") or a Probate Court, DCF shall submit an affidavit to such court indicating that the assigned worker has made diligent and current efforts to determine if a matter concerning the same child is pending in any other Superior Court. DCF shall notify both the Superior Court and the Probate Court immediately upon discovery that a matter concerning the same child is pending in another court.
2. Prior pending matter in Superior Court. When a matter is pending in the Superior Court prior to the filing of a petition in a Probate Court concerning the same child, the Probate Court shall dismiss the petition.
3. Prior pending matter in Probate Court.
 - a. Matter is pending only in Probate Court. If a Probate Court matter is pending and no case concerning the same child is pending in the Superior Court, DCF may, as part of its investigation, determine whether family needs would be better served through the Superior Court. Factors involved may include, without limitation, whether the child is already living with a suitable relative and whether the family requires services from DCF. If DCF files a neglect petition in the Superior Court based upon the determination, it shall provide the Probate Court with sufficient evidence of the filing in the Superior Court, and the matter shall be addressed in accordance with subparagraph (b).
 - b. DCF files petition in Superior Court while matter is pending in Probate Court. If DCF files a petition in the Superior Court while a matter is already pending in a Probate Court, DCF shall notify both the Superior Court and the Probate Court immediately that the matter is pending in both courts. The judges of the Superior Court and the Probate Court shall communicate to determine which court should proceed and which court should dismiss the matter. The courts may allow the parties to participate in the communication. A record

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Page two
December 2011


must be made of a communication under this section. The parties must be informed promptly of the communication and granted access to the record. For purposes of this section, "record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable. Notwithstanding the foregoing, communications between courts on schedules, calendars, court records and similar matters may occur without informing the parties and a record need not be made of the communication.

- c. Probate Court grants custody or guardianship to DCF. If a Probate Court appoints DCF as temporary custodian or guardian of a child, DCF will immediately file a petition for neglect in the Superior Court and will notify the Probate Court upon completion of the filing. The Superior Court will assume jurisdiction. The Probate Court will defer further action and dismiss the matter upon the issuance of any Superior Court order regarding custody of the child.
- d. Emergency Action by DCF. Nothing herein shall prevent DCF from executing a 96 hour hold or filing a petition for an order of temporary custody in the Superior Court for a child about whom a Probate Court has a prior pending matter if DCF believes the conduct of the parent, temporary custodian, or guardian who has custody as a result of the Probate Court's order justifies the hold or order of temporary custody. DCF shall immediately notify the Probate Court of the agency's action and report to the Probate Court regarding the outcome of the proceedings in the Superior Court following the ten day OTC hearing. If the Superior Court grants the petition for an order of temporary custody, the Probate Court will dismiss any pending matter involving the child.
4. Prior DCF involvement without court action. If the Probate Court becomes aware that a family member involved in a matter has previously entered into a Safety Agreement/Service Agreement with DCF, the Probate Court will, prior to acting on the matter, contact the DCF social worker or supervisor to determine if DCF intends to file a neglect petition in the Superior Court. If DCF indicates that it does not plan to file a neglect petition, the probate proceeding shall continue. If DCF indicates that it plans to file a neglect petition, this will be done within eight days, and DCF will notify the Probate Court upon completion of the filing, after which the Probate Court will dismiss the matter. If DCF fails to file a neglect petition within that time, the probate proceedings shall continue.



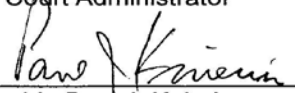
Honorable Joette Katz
Commissioner, Dept. of Children & Families

11-21-11
Date



Honorable Barbara Quinn
Chief Court Administrator

11/28/2011
Date



Honorable Paul J. Knierim
Probate Court Administrator

11-17-11
Date

Chart Showing Provisions of Interagency Agreement RE DCF, SCJM and Probate Courts (CM App. 11-13, 3/2012)
DCF Duty to Notify. Whenever the Department of Children and Families (hereinafter “DCF”) is involved in a proceeding in the Superior Court for Juvenile Matters (hereinafter “Superior Court”) or a probate court, DCF shall submit an affidavit to the court indicating that the assigned worker has made diligent and current efforts to determine if a matter concerning the same child is pending in any other Superior Court. DCF shall notify both the Superior Court and the probate court immediately upon discovery that a matter concerning the same child is pending in another court.

Prior pending matter in Superior Court. When a matter is pending in the Superior Court **before** a petition is filed in a probate court concerning the same child, the probate court shall dismiss the petition.

At time of filing in probate court. no matter(s) pending in SCJM

DCF files petition in Superior Court while matter is pending in probate court. If DCF files a petition in the Superior Court while a matter is already pending in a probate court, DCF shall notify both the Superior Court and the probate court immediately that the matter is pending in both courts. The judges of the Superior Court and the probate court shall communicate to determine which court should proceed and which court should dismiss the matter. The courts may allow the parties to participate in the communication. A record must be made of a communication under this section. The parties must be informed promptly of the communication and granted access to the record. For purposes of this section, “record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable. Notwithstanding the foregoing, communications between courts on schedules, calendars, court records and similar matters may occur without informing the parties, and a record need not be made of the communication.

Probate Court grants custody or guardianship to DCF. If a probate court appoints DCF as temporary custodian or guardian of a child, DCF will immediately file a petition for neglect in the Superior Court and will notify the Probate Court upon completion of the filing. The Superior Court will assume jurisdiction. The probate court will defer further action and dismiss the matter upon the issuance of any Superior Court order regarding custody of the child.

Emergency Action by DCF. Nothing herein shall prevent DCF from executing a 96-hour hold or filing a petition for an order of temporary custody in the Superior Court for a child about whom a probate court has a prior pending matter if DCF believes the conduct of the parent, temporary custodian or guardian who has custody as a result of the probate court’s order justifies the hold or order of temporary custody. DCF shall immediately notify the probate court of the agency’s action and report to the probate court regarding the outcome of the proceedings in the Superior Court following the ten-day OTC hearing. If the Superior Court grants the petition for an order of temporary custody, the probate court will dismiss any pending matter involving the child.

Prior DCF involvement without court action. If the probate court becomes aware that a family member involved in a matter has previously entered into a DCF Service Agreement/ Safety Plan with DCF, the probate court will, prior to acting on the matter, contact the DCF social worker or supervisor to determine if DCF intends to file a neglect petition in the Superior Court. If DCF indicates that it does not plan to file a neglect petition, the probate proceeding shall continue. If DCF indicates that it plans to file a neglect petition, this will be done within eight days, and DCF will notify the probate court upon completion of the filing, after which the probate court will dismiss the matter. If DCF fails to file a neglect petition within that time, the probate proceedings shall continue.

**Interagency Agreement Among
The Probate Courts, The Superior Court for Juvenile Matters and
The Department of Children and Families**

The Interagency Agreement requires the Probate Court to dismiss an application if there is a **prior pending matter in the Superior Court for Juvenile Matters**. This rule applies to all children's matters, including ITC, TC, removal, TPR, temporary guardianship, emancipation, paternity, and adoption. The chart below summarizes the types of matters that constitute a pending matter under the Interagency Agreement:

What type of matter is before the Superior Court?	Is it a prior pending matter for purposes of the Interagency Agreement?
Ex parte order of temporary custody (OTC) granted (child in DCF custody), neglect petition not yet decided	Yes
Ex parte order of temporary custody (OTC) confirmed at preliminary hearing , neglect petition not yet decided	Yes
Ex parte order of temporary custody (OTC) denied at preliminary hearing (child returned to custody of parent or guardian), neglect petition not yet decided	Yes
Neglect petition filed, no application for order of temporary custody (OTC) (child in custody of parent or guardian), neglect petition not yet decided	Yes
Neglect petition not granted because neglect not found , court orders return of child to custody of parent or guardian	No
Neglect petition granted, commitment ordered (child remains in DCF custody)	Yes, during period of commitment
Neglect petition granted, transfer of guardianship ordered (whether or not termination is granted)	No, unless juvenile court retains jurisdiction
Neglect petition granted, protective supervision ordered (child returned to custody of parent or guardian, subject to continuing jurisdiction by the court)	Yes, for period of protective supervision, including any extensions
Emancipation Petition	Yes

Prior DCF Involvement Without Superior Court Action

The Interagency Agreement requires the Probate Court Clerk to contact the Department social worker or supervisor if the Probate Court receives a petition for a children's matter and the Probate Court becomes aware of a DCF safety agreement (also referred to as a service agreement). This means that DCF is providing support and services to a family administratively but has not initiated court involvement.

The Probate Court clerk must contact the DCF social worker or supervisor to determine if DCF intends to file a neglect petition in the Superior Court. **The clerk must record the date and time of the call to DCF.** The chart below summarizes the action the Probate Court should take depending on DCF's intent:

DCF Social Worker Indicates:	What action should the Probate Court take?
DCF has no plan to file a petition in the Superior Court for Juvenile Matters.	The Probate Court matter may proceed.
DCF plans to file a petition in the Superior Court for Juvenile Matters.	DCF has eight (8) calendar days to file in the Superior Court. In the meantime, the Probate Court may hear and decide an ITC or TC within the eight-day period.
DCF confirms that it has filed a petition in the Superior Court.	Probate Court must dismiss any petition.
DCF fails to file within 8 calendar days.	The Probate Court matter may proceed.

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-14 (Formerly TR 86-365)

OCTOBER 2011

TO: PROBATE COURT JUDGES AND COURT PERSONNEL

RE: **GUARDIANSHIP OF PERSONS WITH INTELLECTUAL DISABILITY (C.G.S.§45a-669 ET SEQ.)
Department of Developmental Services City and Town Listing and Contact Information**

Cities and Towns by DDS Region

West Region

* Bakersville * Bantam * Barkhamsted * Beacon Falls * Bethel * Bethlehem * Botsford * Bridgewater * Bridgeport * Brookfield * Brookfield Center * Byram * Canaan * Candlewood Isle * Cheshire * Colebrook * Cornwall * Cornwall Bridge * Cos Cob * Danbury * Darien * East Canaan * East Hartland * East Norwalk * Easton * Fairfield * Falls Village * Gaylordsville * Georgetown * Glenbrook * Glenville * Goshen * Greens Farms * Greenwich * Hartland * Harwinton * Hawleyville * Kent * Lakeside * Lakeville * Litchfield * Marble Dale * Middlebury * Monroe * Morris * Naugatuck * New Canaan * New Fairfield * New Hartford * New Milford * New Preston * Newtown * Norfolk * Noroton * Noroton Heights * North Canaan * Northfield * Norwalk * Oakville * Old Greenwich * Oxford * Pine Meadow * Pleasant Valley * Prospect * Redding * Redding Ridge * Ridgefield * Riverside * Riverton * Rowayton * Roxbury * Salisbury * Sandy Hook * Saugatuck * Sharon * Sherman * South Britain * South Kent * Southbury * Southport * Springdale * Stamford * Stevenson * Stratford * Taconic * Thomaston * Torrington * Trumbull * Union City * Warren * Washington Depot * Washington Green * Waterbury * Watertown * Waterville * West Cornwall * West Goshen * West Hartland * West Redding * Weston * Westport * Wilton * Winchester * Winchester Center * Winsted * Wolcott * Woodbury *

North Region

* Abbington * Addison * Amston * Andover * Ashford * Attawagan * Avon * Ballouville * Berlin * Bloomfield * Bolton * Bristol * Broad Brook * Brooklyn * Buckland * Burlington * Canterbury * Canton * Canton Center * Central Village * Chaplin * Collinsville * Columbia * Coventry * Danielson * Dayville * East Berlin * East Glastonbury * East Granby * East Hartford * East Killingly * East Windsor * East Windsor Hill * East Woodstock * Eastford * Ellington * Elmwood * Enfield * Fabyan * Farmington * Forestville * Gilead * Glastonbury * Granby * Grosvenordale * Hampton * Hartford * Hazardville * Hebron * Kensington * Killingly * Manchester * Mansfield * Mansfield Center * Mansfield Depot * Marion * Marlborough * Mechanicsville * Melrose * Merrow * Milldale * Moosup * New Britain * Newington * North Canton * North Granby * North Grosvenordale * North Windham * North Woodstock * Oneco * Pequabuck * Plainfield * Plainville * Plantsville * Plymouth * Pomfret * Pomfret Center * Poquonock * Putnam * Quinebaug * Rockville * Rocky Hill * Rogers * Scotland * Simsbury * Somers * Somersville * South Glastonbury * South Killingly * South Willington * South Windham * South Windsor * South Woodstock * Southington * Stafford * Stafford Springs * Staffordville * Sterling * Storrs * Suffield * Talcotville * Tariffville * Terryville * Thompson * Tolland * Union * Unionville * Vernon * Wapping * Warehouse Point * Warrenville * Wauregan * Weatogue * West Granby * West Hartford * West Simsbury * West Suffield * West Willington * Wethersfield * Willimantic * Willington * Windham * Windsor * Windsor Locks * Windsorville * Woodstock * Woodstock Valley *

South Region

* Ansonia * Baltic * Bethany * Black Point * Borough * Bozrah * Branford * Centerbrook * Centerville * Chester * Clinton * Cobalt * Colchester * Cromwell * Deep River * Derby * Devon * Durham * East Haddam * East Hampton * East Haven * East Lyme * Essex * Fair Haven * Franklin * Gales Ferry * Gardner Lake * Gilman * Glasgow * Griswold * Groton * Guilford * Haddam * Hadlyme * Hamden * Hanover * Higganum * Huntington * Ivoryton * Jewett City * Killingworth * Lebanon * Ledyard * Lisbon * Lyme * Madison * Meriden * Middle Haddam * Middlefield * Middletown * Milford * Montville * Moodus * Mt. Carmel * Mystic * New London * New Haven * Niantic * Noank * North Branford * North Franklin * North Haven * North Stonington * North Westchester * Northford * Norwich * Oakdale * Old Lyme * Old Mystic * Old Saybrook * Orange * Pawcatuck * Portland * Preston * Quaker Hill * Rockfall * Salem * Saybrook * Seymour * Shelton * Short Beach * South Lyme * South Meriden * Sprague * Stonington * Stony Creek * Taftville * Uncasville * Versailles * Voluntown * Wallingford * Waterford * West Haven * West Mystic * Westbrook * Westville * Whitneyville * Woodbridge * Yalesville * Yantic *

Department of Developmental Services (DDS)

West Region General Contact Information

West Region 55 West Main Street Waterbury, CT 06702 email: ddsct.west@ct.gov	Telephone: (203) 805-7400 Telephone (Toll Free): (800) 274-3888 After Hours Emergency: 203-725-5297 Fax: (203) 805-7410
Southbury Training School P.O. Box 872 Southbury, CT 06488	Telephone: (203) 586-2000 Telephone (Toll Free): (800) 811-0173 Fax: (203) 586-2700

West Region Contacts:

Fritz Gorst
 Regional Director
 Office of the Regional Director
 55 W. Main Street
 Waterbury, CT 06702
fritz.gorst@ct.gov
 Tel: (203) 805-7401
 Fax: (203) 805-7410

Eunice Rivera
 Executive Secretary
 Office of the Regional Director
 55 W. Main Street
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 Fax: (203) 805-7410

Eugene Harvey
 Director
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 Fax: (203) 586-2720

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 Fax: (203) 805-7410

Shannon O'Brien
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 Fax: (203) 805-7410

Donna Josephson
 Assistant Regional Director
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 Tel: (203) 805-7417
 Fax: (203) 805-7410

Jackson-Pierre-Louis
 Assistant Regional Director

Southbury Training School
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**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-15 (Formerly TRs 89-395 and 89-396)

DECEMBER 2014

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: **1) Panel of Psychologists Re Placement of Persons with Intellectual Disabilities and 2) Interdisciplinary Panel Re Sterilization of Persons with Intellectual Disabilities (C.G.S. §§ 17a-274 et seq. and 45a-695)**

Instructions: The list of panel members now appears on the probate court intranet.

1) **Placement of a person with intellectual disability.** C.G.S. § 17a-274 provides that the Probate Court must appoint a licensed psychologist to examine the respondent in a placement proceeding. A list of psychologists from which appointments must be made is on the following page.

At the time of the psychologist's appointment, please inform him or her of the following compensation rates. Compensation will be made at the rate of \$50.00 per hour for each hour of preparation, subject to a maximum of \$500.00, **unless prior court permission is received**; \$75.00 per hour for the first hour or any portion thereof for one or more court hearings and an additional \$50.00 per hour for each subsequent hour or any portion thereof for one or more court hearings, subject to a maximum of \$300.00 per diem. Maximum fees for preparation and court hearings shall not exceed \$1,000.00 per case, without prior written approval of the appointing judge. The invoice should be sent to the court for certification, and the Court should then forward the invoice to the proper department for payment.

2) **Interdisciplinary panel in sterilization proceedings.** C.G.S. § 45a-695 provides that Court shall appoint a three-member panel to examine the respondent in a sterilization proceeding. The psychologists on the list have all agreed to be a part of the interdisciplinary panel, and there are also two retired social workers who serve on the panel.

Payment for interdisciplinary panel members shall be made from funds appropriated to the Probate Court Administration Fund if the respondent is unable to pay such compensation. Otherwise, the respondent is responsible for payment. The compensation rates for panel members are given in Section 14.6 of the Probate Court Regulations, which is reprinted as part of this appendix. Please provide panel members with this information when they are appointed. All invoices paid by the Probate Court Administration Fund are to be on form CO-17 and mailed to the Administrator's office.

We recommend that you affix the following certification on the invoice.

"I hereby certify that the appointment as panel member was made in a sterilization proceeding, and that the services have been provided for a person I have determined to be unable to pay for the services of said panel member, and that the fee for services is reasonable."

/s/ Paul J. Knierim
Probate Court Administrator

CM Appendix 11-15

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Rev. 12/14

Instructions: The list of panel members now appears on the probate court intranet. Please retain this page until such time as the Clerk's Manual Appendix is renumbered.

Instructions:

COMPENSATION OF INTERDISCIPLINARY TEAM PANEL MEMBERS

Reprinted from Probate Court Regulations section 14

14.6 Compensation of Interdisciplinary Team of Panel Members

14.6.1 Reasonable compensation of an interdisciplinary team of panel members shall be established by the court and paid from funds available from the Probate Court Administration Fund. The interdisciplinary team members whose names are listed on the panel will be advised at the time of notification of inclusion on the panel that the maximum rate of compensation that will be considered reasonable shall be \$50.00 per hour for physicians. The \$50.00 per hour rate applies to both examination (evaluation) time and court appearances.

14.6.2 Psychologists, educators, social workers and residential programmers shall be paid \$50.00 for each hour of work, subject to a maximum of \$500.00 unless the judge's permission is received prior to the additional services being rendered. For court attendance on any one day, whether regarding one or more than one respondents on that day, the maximum payment shall be \$75.00 per hour for the first hour or any portion thereof and an additional \$50.00 per hour for each subsequent hour or any portion thereof, subject to a maximum per diem payment of \$300.00

14.6.3 Sections 14.6.1 and 14.6.2 set forth the maximum fees which shall be considered reasonable compensation for panel members paid by the Probate Court Administration Fund, whether that panel member is one appointed pursuant to selection by the respondent or one appointed from the panel.

Placement of a person with intellectual disability. C.G.S. § 17a-274 provides that the Probate Court must appoint a licensed psychologist to examine the respondent in a placement proceeding.

The following compensation rates apply. Compensation will be made at the rate of \$50.00 per hour for each hour of preparation, subject to a maximum of \$500.00, **unless prior court permission is received**; \$75.00 per hour for the first hour or any portion thereof for one or more court hearings and an additional \$50.00 per hour for each subsequent hour or any portion thereof for one or more court hearings, subject to a maximum of \$300.00 per diem. Maximum fees for preparation and court hearings shall not exceed \$1,000.00 per case, without prior written approval of the appointing judge. The invoice should be sent to the court for certification.

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-16 (Formerly TR 03-520)

JANUARY 2014

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: **CHANGE OF NAME PROCEDURES AND THE SEX OFFENDER AND DEADLY WEAPON OFFENDER REGISTRIES (C.G.S. section 45a-99)**

Instructions: Please replace pp. 48-50 dated October 2013. References to the Deadly Weapon Offender Registry have been incorporated into the appendix.

Pursuant to C.G.S. section 45a-99(b), whenever the Probate Court or the Superior Court orders a change of name, the court must notify the Commissioner of Emergency Services and Public Protection of the issuance of the decree if the person is listed in the Sex Offender Registry and/or the Deadly Weapon Offender Registry maintained by the Department of Emergency Services and Public Protection (DESPP). In order to meet this requirement, the commissioner has asked that all adults applying for a change of name be screened at the time of the petition to determine if they are listed on either registry.

C.G.S. section 45a-99 prohibits Superior Courts or Probate Courts from issuing orders or otherwise allowing people required to register as sex offenders to change their names unless the offenders:

1. notify the emergency services and public protection commissioner of their intent to seek a name change before filing a petition with the court;
2. include in the notice the new name being sought; and
3. include in the petition a sworn statement that the change is not being sought to avoid the legal consequences of a criminal conviction, including registration as a sex offender or deadly weapon offender.

The commissioner has standing, through the Attorney General, to challenge the petition in the court where the name change is being sought. The court may deny the petition if it finds, by a preponderance of the evidence, that the petitioner is seeking the name change to avoid the legal consequences of a criminal conviction.

Please do the following upon receipt of a petition for an adult change of name:

1. Notify the Department of Emergency Services and Public Protection's Sex Offender Registry Unit and Deadly Weapon Offender Registry Unit using the revised fax sheet dated January 2014.
2. Adults applying for a change of name are to supply two forms of identification, such as a driver's license or social security card, along with form PC-901. This instruction appears on page 1 of the "Miscellaneous" section of the *Clerk's Manual*. (See list under "Forms to be used for change of name.")
3. Items number 4 and 5 on PC-910, Affidavit Re Change of Name (Adult) contain boxes relating to offenses. Pursuant to C.G.S. section 45a-99, the boxes that specifically refer to the Sex Offender Registry and the Deadly Weapon Offender Registry state that a person whose name appears on either registry notified the Commissioner of Emergency Services and Public Protection before filing the petition to change his or her name. Note: The petitioner will submit the affidavit with PC-901.
4. As noted above, pursuant to C.G.S. section 45a-99, the Commissioner of Emergency Services and Public Protection has standing to challenge a petition for change of name sought by a person who is listed on the Sex Offender Registry or the Deadly Weapon Offender Registry. Therefore, the instructions in the *Clerk's Manual* indicate that the commissioner must receive notice in these cases.

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1/2014

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5. As noted above, *if the Probate Court grants a change of name for a person listed on the Sex Offender Registry or the Deadly Weapon Offender Registry, a copy of the decree MUST BE SENT to the staff in the Sex Offender Registry Unit or the Deadly Weapon Offender Registry Unit, as applicable.* A “Note” about this requirement and the units’ addresses appear in the name change instructions in the “Miscellaneous” section of the *Clerk’s Manual*.

There is no specific statute that prohibits sex offenders or deadly weapon offenders from changing their names. (The applicable statutes are found in C.G.S. sections 54-250 to 261.) The court may, however, deny the petition if the judge finds, by a preponderance of the evidence, that the person applied for the change of name for the purpose of avoiding the legal consequences of a criminal conviction, including, but not limited to, a criminal conviction that requires the person to register as a sex offender or deadly weapon offender. In addition, the statutes do require sex offenders and deadly weapon offenders to “register such person’s name” with the Commissioner of Emergency Services and Public Protection.

/s/Alison Green
Staff Assistant

REVISED 1/2014

FROM:
Probate Court , District of:**FAX:****Telephone:**

Fax

To: Dept. of Emergency Services and Public Protection,
Sex Offender Registry Unit (SOR)
Deadly Weapon Offender Registry Unit (DWOR)**From:****Fax:** 860-685-8349 (SOR) **and** 860-685-8005 (DWOR) **Pages:****NOTE:** Send fax to **both** numbers.**Phone:** 860-685-8060 (SOR) & 860-685-8465 (DWOR)**Date:****Re:** Sex Offender Registry Check **and** Deadly Weapon Offender Registry Check**● Comments:**

This court has received a Petition for Change of Name for the individual listed below. Please check the following registries maintained by the Department of Emergency Services and Public Protection to determine if the person listed below is a registered offender or will be required to register upon his or her release into the community.

- Sex Offender Registry
- Deadly Weapon Offender Registry

First and Last Name: _____

Date of Birth: _____ OR Inmate No. _____

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-17 (Formerly TR 00-501)

OCTOBER 2011

Instructions:

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: HABEAS CORPUS PETITIONS — ATTENDANCE OF INMATES AT PROBATE COURT HEARINGS

In 2000, the Commissioner of Corrections and this office entered into a memorandum of understanding relating to the attendance of inmates at probate court hearings. The commissioner had expressed concern about the number of writs of habeas corpus issued by the Probate Courts that required the transportation of inmates to probate court hearings involving the inmates. Since many of these inmates are a risk to public safety, and virtually none of our courts have appropriate facilities to deal adequately with these public safety concerns, the commissioner had asked for our assistance in reaching an accommodation on the subject. Members of the general public who had witnessed inmates in chains sitting in the corridors of their town halls had also made complaints.

The Memorandum of Understanding was reissued in 2003, and a copy is part of this appendix.

The law is not clear regarding the right of an inmate to appear *personally* at a court hearing except on matters of the most compelling and personal constitutional nature. Such a right *does* exist, for example, in termination of parental rights cases, which our courts elevate closely to those of criminal proceedings. However, all the other matters that we adjudicate have not been specifically addressed by the courts.

The Memorandum of Understanding leaves *total discretion* to each of our judges. The issuance of a writ of habeas corpus rests in the court's sound discretion and this office will not interfere with that responsibility. However, I would ask you to endorse and utilize the procedures that have been worked out. I believe they are fair and reasonable and respect the different roles of the judge and the commissioner in such matters. Thank you for your anticipated cooperation.

/s/ Paul J. Knierim
Probate Court Administrator

NOTE: In agreement with section 6 of the Memorandum of Understanding, the Commissioner of Corrections has designated MaryAnn Stratton (Tel. 860-692-7656) as the contact person for matters involving writs of habeas corpus. She will also arrange prisoner attendance at hearings via speakerphone or other electronic means. The courts may fax copies of requests for writs or speakerphone attendance to: 860-692-6284. Dawn DiCesare (Tel. 860-692-6909) may be contacted if MaryAnn Stratton is not available.

MEMORANDUM OF UNDERSTANDING*between***THE COMMISSIONER OF CORRECTIONS
OF THE STATE OF CONNECTICUT***and***THE PROBATE COURT ADMINISTRATOR
OF THE STATE OF CONNECTICUT**

Whereas, the Commissioner of Corrections (“the Commissioner”) believes that the attendance of certain inmates within the jurisdiction of the Department of Corrections at probate court hearings poses an undue risk to the public safety; and,

Whereas, the Probate Court Administrator (“the Administrator”) recognizes that inmates have the legal and constitutional right to participate in certain probate hearings in which they have a protected interest; and,

Whereas, the Commissioner and the Administrator desire to set forth a procedure for securing the public safety and protecting the rights of inmates to participate meaningfully in probate proceedings.

Now, therefore, the parties agree as follows:

1. The Administrator shall issue a non-binding memorandum to the 123 courts of probate within the State of Connecticut, requesting their compliance with the terms and procedures of the Memorandum.
2. At the time that a court requests the Commissioner or his agent to produce an inmate at a court hearing, by the issuance of a *habeas corpus* or otherwise, the Commissioner shall have the sole right and authority to determine the extent to which the public safety might be jeopardized by transporting the inmate to such hearing at a court facility.
3. If the Commissioner determines that the transportation of the inmate to the court facility would present an undue risk to the public safety, if the matter at issue such that the inmate has a clear constitutional and legal right to participate in those court proceedings (e.g., a termination of parental rights matter), and if the inmate objects to participating in the court proceedings via speakerphone, the court may request the Commissioner to arrange the inmate’s presence by transporting the inmate to the correctional facility nearest to the court, at which the hearing would take place.
4. If the Commissioner determines that the transportation of the inmate to the court facility would present an undue risk to the public safety, but the matter at issue is such that the inmate does not have a clear constitutional right to attend the hearing (e.g., decedent’s estates matters, trust accountings, change of name applications, temporary and co-guardianship proceedings, appointment of a guardian of the estate for a minor and conservatorship proceedings), the inmate’s participation in such proceedings via speakerphone shall be sufficient.
5. If the Commissioner determines that the transportation of the inmate to the court facility would not present an undue risk to the public safety, regardless of the level of

constitutional protection of the inmate to participate in such proceedings, the court shall determine whether the inmate should be physically transported to the court facility for the hearing or whether the inmate's attendance by speakerphone will be sufficient.

6. The Commissioner shall designate one or more employees of the Department to administer and carry out the content of this Memorandum, such that the clerk of each probate court will be able to call one such employee within the Department to arrange for the inmate's participation, regardless of the particular correctional facility in which the inmate happens to reside.
7. The Commissioner and his designees shall use their best efforts in assuring the timely participation of their inmates in any such probate proceeding. In the event that a hearing is held at a correctional facility near the court, provisions shall be made for the conduct of the court hearing in a dignified, safe and secure setting.
8. These procedures shall become effective within thirty days of the execution of this Memorandum by both parties.

Theresa C. Lantz
Commissioner of Corrections

Judge James J. Lawlor
Probate Court Administrator

Dated: 10/7/03

Dated: 10/1/03

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-18 (Formerly TR 03-519)

OCTOBER 2011

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: **AVAILABILITY OF MEDICAL EVIDENCE: The Health Insurance Portability and Accountability Act**

Instructions:

In 1996, Congress enacted the Health Insurance Portability and Accountability Act (HIPAA). The act addresses a variety of health care issues, but its confidentiality requirements are of particular importance. The act establishes broad-ranging provisions regarding the privacy of health care information in the hands of health care providers. It extends to all types of health care providers, including physicians, hospitals and nursing homes. The deadline for implementation of these provisions was April of 2003.

HIPAA is of concern to the Probate Courts because many probate matters require medical evidence. For example, in conservatorship matters and in proceedings for the commitment of the mentally ill, consideration of current medical evidence concerning the respondent is mandated by statute. In addition, guardians ad litem and counsel for respondents may require access to their client's medical information in order to properly represent the client's interests. However, as health care providers implement the confidentiality requirements of HIPAA, medical information that was previously readily available will become more difficult to obtain.

HIPAA contains various exceptions permitting disclosure of medical information. Most notably here, disclosure is permitted in the course of a judicial proceeding "in response to an order of a court... provided that the covered entity discloses only the protected health information expressly authorized by such order." 45 C.F.R. 164.512(e)(1)(i). In 2004, the legislature enacted P.A. 04-142, which specifically addressed the ability of the Probate Court to order the disclosure of necessary medical information. This legislation clarifies the Court's authority in this area, although it is our opinion that the Court already had this power under existing law. Section 45a-98 (a)(7) empowers the Probate Courts to "make any lawful orders or decrees to carry into effect the power and jurisdiction conferred upon them by the laws of this state."

Where necessary to obtain medical information required in connection with a matter before the Court, the Court may properly issue an order for the disclosure of that information. A form for this purpose was drafted in response to the new public act. Form CM-73, Order Re Disclosure of Protected Health Information, is found in the "Miscellaneous" section of the *Probate Clerk's Manual*, along with a discussion of the public act. It is important to note that federal law restricts disclosure under court order to the information "expressly authorized by such order." 45 C.F.R. 164.512 (e)(1)(i). Therefore, as noted on the form, the order should clearly indicate the person who is the subject of the medical information, the person to whom disclosure is to be made, and the health care provider to whom the order is being directed. Further, the court should be as specific as possible in describing the information to be disclosed.

Note: In 2007, the Procedures Review Committee revised form PC-182, Appointment of Representative for Interested Party, in accordance with Section 15(g) of P.A. 07-116. That section states that an attorney for a respondent or conserved person in a conservatorship matter "on presentation of proof of authority" shall have access to all pertinent information in the matter, "including immediate access to medical records available to the respondent's or conserved person's treating physician."

Should you have questions concerning matters arising in your courts, please don't hesitate to contact this office.

/s/Thomas Gaffey
Chief Counsel

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-19 (Formerly TR 93-439)

OCTOBER 2011

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: REGULATIONS CONCERNING IDENTIFIED ADOPTIONS

Sections 45a-728-1 through 45a-728-10 of the Regulations of the Department of Children and Families govern identified adoptions in Connecticut. These regulations, entitled “Adoption Placement of Children Who Have Been Identified or Located by Prospective Adoptive Parents” are part of this appendix. .

NOTE: In an identified adoption, the prospective adoptive parents locate the birth mother whose child they wish to adopt. A licensed child-placing agency must still be involved with the actual placement.

The regulations were drafted in response to three 1993 Public Acts. Two of the acts are codified in C.G.S. § 45a- 728; the third act is codified in C.G.S. § 45a- 728d.

1. P.A. 93-50, AAC Counseling of Birth Mothers in Identified Adoptions

C.G.S. § 45a-728 as amended by the act states that persons with a masters or doctoral degree in counseling, psychology or related mental health disciplines from an accredited college or university may provide counseling to the birth mother. Section 45a-728-7 of the regulations provides for counseling of the birth mother.

2. P.A. 93-81, AAC Permissible Payments to Birth Mother in Identified Adoptions.

DCF regulation 45a-728-8 addresses permissible payments by the prospective adoptive parents in identified adoptions, including payment to the birth mother of up to \$1,500.00 for living expenses. The courts may approve additional expenses for “unusual circumstances.” The court may also approve payment for reasonable telephone and maternity clothing expenses. Section two of P.A. 93-81 amended C.G.S. § 45a- 728 to permit payment of transportation costs to and from birth parent counseling.

3, P.A. 93-101, AAC Advertising for Adoption

This act amended C.G.S. § 45a-728d to permit a birth parent or prospective adoptive parent to advertise in the State of Connecticut for the placement of a child for the purpose of an identified adoption. The corresponding section of the DCF Regulations is 45a-728-6.

/s/ Paul J.Knierim
Probate Court Administrator

Connecticut Department of Children and Families

Agency Regulations

Adoption Placement of Children Who Have Been Identified or Located by Prospective Adoptive Parents

Section 45a-728-1. Scope of regulations

The Commissioner or a child placing agency may place a child in adoption who has been identified or located by a prospective adoptive parent provided any such placement shall be made in accordance with these regulations. If any such placement is not made in accordance with these regulations, the Probate Court shall not approve the adoption application. (Effective February 1, 1994)

Section 45a-728-2. Definitions

As used in sections 45a-728-1 through 45a-728-10, except as otherwise provided therein:

- (a) "Department" means the Department of Children and Families.
- (b) "Commissioner" means the Commissioner of the Department of Children and Families.
- (c) "Child placing agency" means any agency within or without the State of Connecticut licensed or approved by the Commissioner of Children and Families for the placement of children for the purpose of adoption.
- (d) "Birth parent" means the mother who bore or is bearing the child and the biological father.
- (e) "Identify" means to give, share, or obtain any information regarding a specific child or birth parent(s) or expectant birth parent for the purpose of adoption.
- (f) "Locate" means to engage in the process of searching for or seeking out a child or children for the purpose of adoption.
- (g) "Non-approved child placing agency" means an agency in any of the United States or its political subdivisions which is not approved by the Department but is licensed or similarly regulated by the jurisdiction in which it is located. Such agency is prohibited from the placement of a child, for any purpose, into the State of Connecticut.
- (h) "Place for adoption" or "placement for adoption" means the act of giving or transferring physical possession of a child or children to the prospective adoptive parent(s) by a child placing agency or the Department, or by a person designated by a child placing agency or the Department, provided such person is designated in writing and qualified under subsection (b) of section 45a-728-7 of the Regulations of Connecticut State Agencies.
- (i) "Homestudy" means the process of assisting the prospective adoptive family to assess their own readiness to adopt and parent, including a determination of the compliance of the family and their residence with:
 - (1) Department licensing regulations 17a-145-48 et seq, if the homestudy is completed on a family residing in the State of Connecticut, or
 - (2) licensing requirements of the state in which the family resides if the family resides outside of the State of Connecticut.

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(j) "Cohabitor" means one who lives with another as a husband and wife or as though the conjugal relationship existed.

(k) "Identified Adoption" means an adoption where a non-related child was identified and/or located for the purpose of adoption by prospective adoptive parent(s) prior to the child's placement in the home.

(l) "Fee Schedule" means the method by which an agency establishes a rate of compensation for its services and/or payments on behalf of birth parents related to the identified adoption placement. (Effective December 23, 1994)

Section 45a-728-3. Restricted activities and penalties

(a) No person, persons, association, corporation or any other entity except a child placing agency or the Department shall offer, give, request, receive, or accept payment of cash or other consideration, directly or indirectly, for the identification or location of a specified child or children for prospective adoptive parent(s) or for information regarding birth parents.

(b) No person, persons, association, corporation or any other entity, other than a child placing agency or the department or a person designated by a child placing agency or the Department, provided such person is designated in writing and qualified under subsection (b) of section 45a-728-7 of the Regulations of Connecticut State Agencies, shall be permitted to physically place a child with the prospective adoptive parent(s) for adoption.

(c) These provisions shall not restrict physicians or attorneys from receiving reasonable payment for services (other than those set forth in subsection (a) of this section) customarily performed by such physicians or attorneys.

(d) Any child-placing agency violating any provision of sections 45a-728-1 through 45a-728-10 of the Regulations of Connecticut State Agencies may be subject to revocation of its license or approval to operate in the state of Connecticut in accordance with section 17a-150-8 of the Regulations of Connecticut State Agencies. (Effective December 23, 1994)

Section 45a-728-4. Permissible activities for non-approved child placing agencies

Non approved child placing agencies - the activities of out-of-state non approved child placing agencies shall be permitted so long as such activities are not performed within the State of Connecticut and are of the type customarily performed by a child placing agency, and provided further that the actual placement of a child is made only by the Department or a child placing agency, or a person designated by a child placing agency or the Department, provided such person is designated in writing and qualified under subsection (b) of section 45a-728-7 of the Regulations of Connecticut State Agencies. (Effective December 23, 1994)

Section 45a-728-5. Prospective adoptive parents--homestudy

(a) Prospective adoptive parents should initiate the identified adoption process by requesting a homestudy by a child placing agency. During the homestudy process, the child placing agency shall provide the prospective adoptive parents detailed information regarding the identified adoption process and a copy of these regulations.

(b) Prospective adoptive parents and their home must be studied and determined to meet licensing standards prior to the placement of a child in their home. Such determination should be done prior to the identification of a prospective child for adoption. However, a child placing agency (or the Department in the case of a child or youth in the care or custody of the Commissioner) may accept a request for a homestudy where the identification of a child has been made prior to the initiation or completion of the homestudy unless the manner of location or identification of the child is inconsistent with these regulations.

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(c) In all cases, placement of a child with the prospective parent(s) shall not be permitted less than forty-five (45) days from the initiation of the homestudy process (which is defined as the first in person meeting regarding adoption between the prospective adoptive parent(s) and a qualified representative of a child placing agency, or a non approved child placing agency).

(d) In all cases placement of a child with a prospective adoptive parent shall not be permitted until the home is determined by the child placing agency or non-approved child placing agency to have met the requirements of the state into which the child is to be placed.

(e) No homestudy for adoption purposes by any child placing agency or the Department shall be permitted if the child is already residing in the home of the prospective adoptive family. This prohibition shall not apply:

(1) in cases where the child was placed in the home by a child-placing agency or the Commissioner;

(2) in cases when the placement of the child in the home was not for adoption purposes and the adoption application will be brought before the Adoption Review Board under the provisions of section 45a-764 of the Connecticut General Statutes. (Effective December 23, 1994)

Section 45a-728-5a. Prospective Adoptive Parents - Permissible Activities

(a) Prospective adoptive parents may:

(1) participate in the labor and birth of the child identified for adoption; and

(2) visit the newborn child, provided the birth mother, her physician and the child placing agency agree and, if such participation and visitation are consistent with the medically necessary procedures of the hospital.

(b) Prospective adoptive parents may be present at the discharge of the infant from the hospital with the approval of the child placing agency.

(c) Prospective adoptive parents shall receive either through the hospital, at the time of discharge, or through the child placing agency any nonidentifying information customarily provided to birth parents concerning the care, feeding, and health of the infant.

(d) Prospective adoptive parents shall be permitted to participate in any program of instructions regarding infant care and child development that is available through the licensed hospital to birth parents, provided the prospective adoptive parents pay the cost of participation in such program. (Effective December 23, 1994)

Section 45a-728-6. Advertising

(a) Any birth parent or prospective adoptive parent may advertise through any Connecticut public media for the purposes of identified adoption in accordance with the provisions of Public Act 93-101.

(b) The Department and child placing agencies may advertise in any Connecticut public media regarding the availability of their adoption services or for the placement of a child for the purpose of adoption. (Effective December 23, 1994)

Section 45a-728-7. Birth parent counseling

(a) Counseling of the birth mother may occur anytime during the pregnancy, but shall not occur later than seventy-two (72) hours after the birth of the child, or as soon as possible thereafter should the mother's medical condition prevent such counseling. In the case of a child whose age exceeds seventy-two (72) hours and where counseling of the birth mother was not delayed as the

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result of a medical condition, counseling shall be provided to the birth mother prior to placement. Counseling shall also be offered to the birth father, if known, within the time conditions provided for in this subsection.

(b) Such counseling shall be done by a staff person from a child placing agency or the Department designated to provide this type of counseling or one of the following with the approval of the child placing agency or the Department:

- (1) A staff person in a Council on Accreditation of Services of Families and Children (hereafter referred to C.O.A.) accredited family services or child placing agency designated to provide this type of counseling.
- (2) A staff person in a mental health facility accredited by the C.O.A. or the Joint Commission on the Accreditation of Hospitals designated to provide this type of counseling.
- (3) A staff person in a governmental child welfare or child placing agency or a non- approved child placing agency designated to provide this type of counseling.
- (4) A person who is a member of the Academy of Certified Social Workers.
- (5) A person with a masters or doctoral degree in counseling, psychology or related mental health disciplines from an accredited college or university.

(c) Such counseling shall consist of:

- (1) An explanation and consideration of alternatives to adoption available to the birth parent(s) to assist the birth parent(s) in determining the best course of action.
- (2) detailed information regarding the identified adoption process including reviewing and providing a copy of these regulations.
- (3) A thorough explanation and consideration of the legal and personal impact of terminating parental rights and adoption.
- (4) An explanation of informed consent by using and having executed Affidavit/Consent to Termination of Parental Rights (Form JD-JM-60) if the termination of parental rights is to occur in Connecticut. such informed consent shall not be executed earlier than forty-eight (48) hours after birth pursuant to subsection (a) of section 45a-715 of the Connecticut General Statutes.
- (5) completion of Department birth parent social and medical history forms in accordance with Section 45a-746 of the Connecticut General Statutes.

(d) The counselor shall prepare a written report containing a description of the topics covered as required pursuant to sections 45a-728-1 through 45a-728-10, inclusive, of the Regulations of Connecticut State Agencies and the results thereof, including his/her opinion indicating whether or not the birth parent(s) understood all issues and was/were capable of informed consent. This report shall be submitted to the child placing agency no later than the date of placement of the child for adoption.

(e) The counselor's report, together with executed Affidavit/Consent to Termination of Parental Rights--Form JD-JM-60, shall be attached to and made a part of the report to the Probate Court required by subsection (e) of section 45a-717 or subsection (b) of section 45a-727 of the Connecticut General Statutes.

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(f) The child placing agency or the Department shall also certify that, if the birth father did not receive counseling, a reasonable effort was made to notify him of the availability of the counseling required by these regulations. Such certifications shall be made a part of the report required by subsection (e) of section 45a-717 or subsection (b) of section 45a-727 of the Connecticut General Statutes. (Effective December 23, 1994)

Section 45a-728-8. Permissible payments by prospective adoptive parents and/or child placing agencies involved in identified placements

In addition to the payments by the prospective adoptive parents to the child placing agency in accordance with its fee schedule on file with the Department, the payments listed below shall also be permitted. The child placing agency shall be required to investigate and offer to both the prospective adoptive parents and the birth parents possible alternative sources for payment of all of the permitted expenses listed here. No payment shall be made directly to the birth parent, to any relative by blood or marriage, to any cohabitor nor to anyone on their behalf by the prospective adoptive parents. All payments by the prospective adoptive parents, or anyone on their behalf, must be transmitted to the child placing agency for distribution. In no event may payments by the child placing agency to or on behalf of the birth parent(s) exceed the following:

(a) Living Expenses of Birth Mother - Payment for living expenses of a birth mother by the prospective adoptive parents shall be permitted in an amount not to exceed one thousand five hundred dollars or such amount as may be approved in unusual circumstances by the Probate Court responsible for such adoption. In addition to the payment of living expenses, payment by the prospective adoptive parents of reasonable telephone and maternity clothing expenses of the birth mother shall be permitted.

(b) Transportation, Lodging, Food Expenses

(1) Birth parent. Payment for transportation, lodging and food costs for a birth parent incurred as a direct result of effecting or attempting to effect the placement with a child placing agency of a child for adoption shall be permitted at a cost not to exceed round trip coach fare on a common carrier from and to the birth parent's established place of residence, plus necessary related connecting transportation and reasonable and necessary lodging and food costs.

(2) Agency Representative. Payment for expenses of transportation, lodging and food costs for a child placing agency representative incurred as a direct result of activities customarily engaged in by child placing agencies including but not limited to expenses incurred as a direct result of effecting or attempting to effect the placement of a child for adoption shall be permitted at a cost not to exceed round trip coach fare from and to the agency representatives' established place of employment on a common carrier plus necessary related connecting transportation, and reasonable and necessary lodging and food costs.

(c) Counseling Expenses - Payment for up to twelve (12) hours of birth parent counseling expenses shall be permitted for each birth parent at rates not to exceed regional fee scales compiled by Family Service America for such counseling. Such rates shall be on file with the Commissioner and kept current. The permissible payment of expenses for birth parent counseling shall include the transportation costs to and from counseling for the birth parent.

(d) Foster Care Expenses - Payment for necessary foster care expenses for the child, who is to be adopted, in a licensed, approved or certified foster home shall be permitted at reasonable and prevailing rates where the foster home is located.

(e) Maternity Home Expenses - Payment for a birth mother's expenses in a licensed or governmental-approved maternity home for not longer than sixty (60) days shall be permitted.

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(f) Medical Expenses - The cost of pre-natal medical care related to the pregnancy for the birth mother and for delivery and medical expenses of the newborn may be paid. Payments for such services shall not exceed established and generally accepted reasonable and prevailing rates in the community in which the child is born. No payment for medical expenses of birth mothers incurred more than thirty (30) days after delivery shall be made except that payment may be made for one post-partum check up visit after such thirty (30) day period. (Effective December 23, 1994)

Section 45a-728-9. Provision for less affluent to participate

Each child placing agency participating in identified adoptions shall be required to file a fee schedule with the Department indicating a reasonable method by which less affluent families may participate in the identified adoption process. (Effective December 23, 1994)

Section 45a-728-10. Financial affidavits

(a) The birth mother shall sign a sworn financial affidavit on a form prescribed by the Probate Court containing such information as may be required concerning any payments or gratuities already made or promised to be made on her behalf, directly or indirectly, in connection with the freeing of her child for adoption. Such affidavit shall also state that no payments have been made or promised to her or, to the best of her knowledge, to any other person by any person(s) involved in the adoption except as provided by these regulations. The affidavit shall also include any additional information required by the prescribed form. Such affidavit shall be submitted to the placing agency prior to the placement of the child with the prospective adoptive parents. Such affidavit shall also be submitted to the Probate Court together with the application for approval of the adoption agreement.

(b) The adoptive parent(s) shall sign a sworn financial affidavit on a form prescribed by the Probate Court containing such information as may be required concerning any payments or gratuities already made or promised, directly or indirectly, in connection with the placement of a child with them for adoption, including attorney fees, if any. Such affidavit shall be submitted to the child placing agency (which will be the statutory parent of said child) no later than the date of placement. The affidavit shall also include any additional information prescribed by the form.

The affidavit shall be updated to include any payments made or promised to be made prior to or subsequent to placement and filed with the Probate Court together with the application for approval of the adoption agreement.

(c) A duly authorized representative of the child placing agency or the Department placing the child for adoption shall sign a sworn affidavit on a form prescribed by the Probate Court containing such information as may be required concerning all payments or gratuities received by the agency from the prospective adoptive parent(s) in connection with the adoption and all expenditures made by the agency on behalf of the birth parent(s), prospective adoptive parent(s), or any other person or group of persons associated in any way with the adoption. This affidavit shall be updated to include any such payments made or promised to be made prior to or subsequent to placement and filed with the Probate Court together with the application for approval of the adoption agreement. (Effective December 23, 1994)

Content Last Modified on 12/4/2006 1:57:21 PM

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-20 (Formerly TR 95-456)

OCTOBER 2011

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: STATUTORY PARENT ADOPTIONS INVOLVING OUT-OF-STATE APPROVED AGENCIES

The DCF Interstate Compact Administrator has advised our office that if form ICPC-100A, which appears on the following page, is properly executed and attached to the application for adoption, the Court need **not** appoint a Connecticut licensed agency as statutory parent when an approved out-of-state agency is involved in giving the child in adoption. The out-of-state approved agency can, in fact, act as statutory parent and give the child in adoption (C.G.S. §17a-175).

The court should request a completed copy of ICPC-100A from the Connecticut agency that is assisting the out-of-state agency.

An overview of the Interstate Compact on Placement of Children prepared by the Department of Children and Families appears after the form.

If you have questions, please do not hesitate to contact this office.

/s/ Paul J. Knierim
Probate Court Administrator

ag/

ICPC-100A
REV. 8/2001

INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN REQUEST

One form per child. Please type.

TO:			FROM:		
SECTION I -- IDENTIFYING DATA					
NOTICE IS GIVEN OF INTENT TO PLACE - (Name of Child)			ETHNICITY: HISPANIC ORIGIN: <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unable to determine/unknown		
SOCIAL SECURITY NUMBER		ICWA ELIGIBLE <input type="checkbox"/> Yes <input type="checkbox"/> No		RACE: <input type="checkbox"/> American Indian or Alaskan Native <input type="checkbox"/> Asian <input type="checkbox"/> Native Hawaiian/Other Pacific Islander <input type="checkbox"/> Black or African American <input type="checkbox"/> White	
SEX	DATE OF BIRTH	TITLE IV-E DETERMINATION <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Pending			
NAME OF MOTHER			NAME OF FATHER		
NAME OF AGENCY OR PERSON RESPONSIBLE FOR PLANNING FOR CHILD				PHONE	
ADDRESS:					
NAME OF AGENCY OR PERSON FINANCIALLY RESPONSIBLE FOR CHILD				PHONE	
ADDRESS:					
SECTION II -- PLACEMENT INFORMATION					
NAME OF PERSON(S) OR FACILITY CHILD IS TO BE PLACED WITH				SOC SEC # (optional) : SOC SEC # (optional) :	
ADDRESS				PHONE	
Type Of Care Requested	<input type="checkbox"/> Foster Family Home	<input type="checkbox"/> Residential Treatment Center <input type="checkbox"/> Institutional Care Article VI, Adjudicated Delinquent	<input type="checkbox"/> Parent	<input type="checkbox"/> Adoption	
	<input type="checkbox"/> Group Home Care		<input type="checkbox"/> Relative (Not Parent) Relationship _____	<input type="checkbox"/> IV-E Subsidy <input type="checkbox"/> Non IV-E Subsidy	
	<input type="checkbox"/> Child Caring Institution		<input type="checkbox"/> Other _____	To be finalized in: <input type="checkbox"/> Sending State <input type="checkbox"/> Receiving State	
Current Legal Status of Child	<input type="checkbox"/> Sending Agency Custody/Guardianship		<input type="checkbox"/> Parental Rights Terminated - Right to Place for Adoption		
	<input type="checkbox"/> Parent Relative Custody/Guardianship		<input type="checkbox"/> Unaccompanied Refugee Minor		
	<input type="checkbox"/> Court Jurisdiction Only		<input type="checkbox"/> Other: _____		
	<input type="checkbox"/> Protective Supervision				
SECTION III -- SERVICES REQUESTED					
Initial Report Requested (if applicable) <input type="checkbox"/> Parent Home Study <input type="checkbox"/> Relative Home Study <input type="checkbox"/> Adoptive Home Study <input type="checkbox"/> Foster Home Study		Supervisory Services Requested <input type="checkbox"/> Request Receiving State to Arrange Supervision <input type="checkbox"/> Another Agency Agreed to Supervise <input type="checkbox"/> Sending Agency to Supervise		Supervisory Reports Requested <input type="checkbox"/> Quarterly <input type="checkbox"/> Semi-Annually <input type="checkbox"/> Upon Request <input type="checkbox"/> Other: _____	
NAME AND ADDRESS OF SUPERVISING AGENCY IN RECEIVING STATE					
ENCLOSED:	<input type="checkbox"/> Child's Social History <input type="checkbox"/> Home Study of Placement Source	<input type="checkbox"/> Court Order <input type="checkbox"/> ICWA Enclosure	<input type="checkbox"/> Financial/Medical Plan <input type="checkbox"/> IV-E Eligibility Documentation	<input type="checkbox"/> Other Enclosures	
SIGNATURE OF SENDING AGENCY OR PERSON				DATE	
SIGNATURE OF SENDING STATE COMPACT ADMINISTRATOR, DEPUTY OR ALTERNATE				DATE	
SECTION IV -- ACTION BY RECEIVING STATE PURSUANT TO ARTICLE III(d) OF ICPC					
<input type="checkbox"/> Placement May be Made <input type="checkbox"/> Placement Shall Not Be Made		REMARKS			
SIGNATURE OF RECEIVING STATE COMPACT ADMINISTRATOR, DEPUTY OR ALTERNATE				DATE	

DISTRIBUTION (Complete six (6) copies): Sending Agency retains a (1) copy and forwards completed original plus (4) copies to: Sending Compact Administrator, DCA, or alternate retains a (1) copy and forwards completed original and three (3) copies to: Receiving Agency Compact Administrator, DCA, or alternate who indicates action (Section IV) and forwards a (1) copy to receiving agency and the completed original and one (1) copy to sending Compact Administrator, DCA, or alternate within 30 days. Sending Compact Administrator, DCA, or alternate retains a completed copy and forwards the completed original to the sending agency.

Connecticut Department of Children and Families

Interstate Compact on the Placement of Children - ICPC

Overview

This law (Connecticut General Statute 17a-175-182) is designed to protect the best interests of children who are being placed outside of Connecticut and those children who are being placed in Connecticut in foster care, relative care, adoption, or a residential facility.

In Connecticut, the Interstate Compact for the Placement of Children (ICPC) is housed in the Department of Children and Families and administered by the Office of Foster Care and Adoption Services, 505 Hudson Street, Hartford, CT 06106.

What is the Interstate Compact on the Placement of Children?

The ICPC is a statutory law in all 52-member jurisdictions (CGS 17a-175-182) and a binding contract between member jurisdictions that establishes uniform legal and administrative procedures governing the interstate placement of children.

What is the purpose of the ICPC?

The ICPC is based on the premise that children requiring out-of-state placement should receive the same protections and services that would be provided if they remained in their home states. Each child who requires placement out of their home state should receive the maximum opportunity to be placed in a suitable environment and with persons/institutions that have appropriate qualifications and facilities to provide the necessary/desirable degree and type of care that said child requires. In addition, the ICPC assures that legal and financial responsibilities are assigned for supporting the placement prior to making the placement.

What safeguards are offered by the ICPC?

The sending state can have:

- A home study and evaluation of placement resource in receiving state.
- Continued jurisdiction over the child in the receiving state.
- Supervision and regular reports on child's adjustment and progress in placement.

The receiving state can ensure that the:

- Placement is not contrary to the interests of the child.
- Child is guaranteed legal and financial protection by determining these responsibilities prior to placement.

Who must use the ICPC?

Sending agencies that send, bring, or cause a child to be sent or brought from one party jurisdiction to another must use the ICPC. Sending agencies include the following:

- A state party to the ICPC or any officer or employee of a party state;
- A subdivision, such as a county or a city, or any officer or employee of the subdivision;
- A court of a party state; or
- Any person (including parents and relatives in some instances), corporation, association, or charitable agency of a party state.

What types of cases are subject to the ICPC?

Generally-placements preliminary to a possible adoption or foster care, including:

- Placements with Parents: birth parent reunification in another state whenever a court has jurisdiction over a child who is being placed;
- Kinship Care: kinship care by a relative in another state whenever a court has jurisdiction over a child who is being placed;
- Foster Family Care/Foster Group Homes: placements unrelated to the child;
- Residential Care: placement in a residential facility.
- Domestic Adoption: by a public agency or private child-placing agency;
- International Adoption: when not finalized in the foreign country.

What type of placements are exempt from the ICPC?

- Placements between relatives: sending or bringing of a child into a receiving state by his parent, step-parent, grandparent, adult aunt or uncle, or his/her guardian and leaving the child with any such relative or non-agency guardian in the receiving state
- Placements made under other compacts: i.e., the Interstate Compact on Juveniles
- Placements into certain types of institutions. i.e., boarding schools, hospitals, Job Corps, etc.
- Placements made pursuant to Divorce: divorce, custody investigations involving home studies
- Visits

Visits - Regulation No. 9

A visit is defined under regulation #9 and does not require ICPC approval to wit. A visit is defined as a stay for 30 days or less, unless it takes place entirely within a child's academic summer vacation. The visit is to provide a child with a social or cultural experience and cannot be extended or renewed to exceed the presumed visit time frames.

Placements with Non-custodial Parents - Regulation No. 3

The Compact does not apply whenever a court transfers the child to the non-custodial parent and the court:

- Does not have evidence before it that such parent is unfit
- Does not seek such evidence
- Does not retain jurisdiction over the child after the court transfers the child

Excerpted from <http://www.ct.gov/dcf/cwp/view.asp?a=2561&q=317036>

NOTE: In accordance with the provisions of C.G.S. section 45a-623 as amended, CM Appendix 11-21 is now obsolete.

The next page is CM-App. – 68. Please retain this page in place of CM Appendix 11-21 until such time as the pages that follow are renumbered.

12/2012

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-22 (Formerly TR 92-427)

REV. APRIL 2013

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

**RE: LICENSED CONNECTICUT CHILD-PLACING AGENCIES/APPROVED OUT-OF-STATE
CHILD-PLACING AGENCIES**

Instructions: Please replace the page dated October 2011 with this page, which provides updated instructions for accessing the DCF website.

The Department of Children and Families publishes listings of licensed child-placing agencies in Connecticut and approved out-of-state child-placing agencies on the department's website.

Please access this information as follows:

1. Go to: <http://www.ct.gov/dcf>
2. Click on the "About DCF" tab.
3. Go to "L" for Licensing. This brings up the "DCF Licensing Unit" page.
4. Scroll down to the bullet for "DCF licensed agencies" and select it.
5. Under "Listings of facilities licensed or approved by DCF," select "Child-Placing Agencies" or "Out-of-State Approved Adoption Agencies."

If there is a question about a Connecticut agency's license, please call the Licensing and Quality Assurance division of DCF at (860) 550-6445 and ask to speak to a licensing worker. He or she will confirm the new expiration date. If an agency is not listed, the licensing worker can also confirm whether the agency has been licensed by DCF. If the agency is in another state, contact the Interstate Compact office at (860) 550-6469 for licensing information.

/s/Paul J. Knierim
Probate Court Administrator

/ag

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-23 (Formerly TR 90-408)

OCTOBER 2011

TO: JUDGES OF THE PROBATE COURTS AND COURT PERSONNEL

RE: REQUESTS FOR ADOPTION STUDIES ON APPLICATIONS FOR STEPPARENT, CO-PARENT, AND RELATIVE ADOPTIONS

**NOTE: This Memorandum Contains Important Instructions about the
Correct Procedure for Obtaining Adoption Studies.**

Instructions:

Whenever an investigation and report is required in conjunction with a stepparent, co-parent, or relative adoption, we strongly urge courts to refer families that have the ability to pay to the private agencies for studies. The statute provides for such referrals to private child-placing agencies, and a list of such agencies follows this memorandum.

Please do the following: **1) provide the list of licensed private agencies to the petitioner AND 2) request that the petitioner contact the private agency and then provide the court with the agency's name so that the court may follow up with the agency to obtain the investigative report.**

NOTE: If there is a contested termination of parental rights proceeding, DCF must conduct the investigation.

Please also note that if DCF is conducting the termination study and is aware of the proposed adoption, then we would encourage DCF to make a recommendation for that adoption if it has the information and the ability to do so.

The relevant portions of the statutes pertaining to home studies appear below.

C.G.S. §45a-717(e)(1) provides that in any **termination of parental rights matter**, "The court may, and in any contested case, shall request the commissioner of children and families or any child-placing agency licensed by the commissioner to make an investigation and written report to it, within ninety days from receipt of such request. . . ."

C.G.S. §45a-727(b)(1) provides that for each **adoption matter**, "The court of probate shall request said 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. . . ."

C.G.S. §45a-727(b)(6) further provides, "For any report under this section the court of probate may assess against the adopting 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 report, as the case may be, provided the report shall be made within the sixty-day period or other time set by the court . . ."

C.G.S. §45a-733, **Procedure on Application for adoption by stepparent**, provides that ". . . in the case of a child sought to be adopted by a stepparent, the court shall waive, unless good cause is shown for an investigation and report, all requirements for an investigation and report by the commissioner of children and families or by a child-placing agency."

It is the recommendation of the Probate Court Administrator's office that the investigation should not be waived, unless the judge personally knows the parties and has received several letters of recommendation (including place of employment, church, school, etc.). Cause shown for requiring the investigation would be that the parties are unknown to the court.

/s/ Paul J. Knierim
Probate Court Administrator

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Instructions: The most current version of this list is on the probate court intranet.
The next page is CM-App. – 72. Please retain this page until such time as the
Clerk's Manual Appendix is renumbered.

List of Private Child-Placing Agencies Willing to Provide Investigations and Reports on Relative, Stepparent, and Co-parent Adoptions. Unless otherwise specified, reduced fees may be considered.

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-24 (Formerly TR 87-384)

JULY 2014

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

**RE: LIST OF PANEL MEMBERS FOR APPOINTMENT UNDER C.G.S. section 45a-752
RE THE AVAILABILITY AND CONFIDENTIALITY OF INFORMATION CONCERNING
ADOPTION AND TERMINATION OF PARENTAL RIGHTS**

C.G.S. section 45a-752 provides that

Any person requesting information under section 45a-746 who is of the opinion that any item of information is being withheld by the child-placing agency or department, or any person requesting information under section 45a-751 who has been refused release of the information may petition the Court of Probate for a hearing on the matter.

Further, the statute provides that

When a petition...is received by the court, and if such court is satisfied as to the identity of the petitioner, the court shall first refer the matter within thirty days of receipt of the petition to an advisory panel consisting of four members appointed from a list of panel members provided by the Probate Court Administrator. This list shall include adult adopted persons, biological parents, adoptive parents, and social workers experienced in adoption matters. In convening this panel, the court shall make a reasonable effort to include one member from each category of qualified persons....Within thirty days of referral of the matter, the panel shall begin interviewing witnesses, including the petitioner if he wants to be heard, and reviewing such other evidence as it may deem relevant, and within forty-five days following its initial meeting, shall render a report including recommendations to the judge of probate having jurisdiction.

Accordingly, we have compiled the attached list of panel members.

/s/ Paul J. Knierim
Probate Court Administrator

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Instructions: The most recent list of panel members is found on the probate court intranet..

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CONNECTICUT 06110**

CM Appendix 11-25**REV. APRIL 2013 (Formerly TR 95-468)****TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL****RE: CLOSING INACTIVE FILES (DORMANCY)**

Instructions: Please replace the page dated October 2011 with this page. The statutory references to C.G.S. § 45a- 251 have been corrected to C.G.S. § 45a- 245.

Every court has in its files matters of various types which, despite the court's best efforts, remain open and inactive. As you are aware, C.G.S. § 45a-331(b) provides for the closing of decedents' estates for dormancy under certain circumstances. There are, however, several practical problems with the application of this statute:

- 1) It requires the court to hold the matter open for ten years before it may be closed for dormancy.
- 2) It applies only to decedents' estates.
- 3) It requires that the court give public notice, the cost of which must generally be borne by the court.

C.G.S. § 45a- 245 makes similar provision concerning conservatorships, guardianships of the estate or testamentary trusts. The procedures are virtually the same as in the case of decedents' estates under C.G.S. § 45a-331(b), except that there is no requirement that the matter have been open for ten years.

The purpose of this memo is to suggest an alternative procedure which, it is hoped, will assist the courts in dealing with some of these matters without the above limitations.

There are certain powers which have been recognized as inherent, and necessary to the proper operation of every court, even in the absence of legislative authority. Wilhelm, Connecticut Estates Practice, Jurisdiction and Procedure 2d, 2:40; 20 Am Jur 2d Courts § 78. Such powers do not add to the jurisdiction of the courts, but are necessary to the orderly and efficient exercise of the jurisdiction of the court. 20 Am Jur 2d, Courts, supra. Courts have inherent power, not granted by rule or statute, but by the control necessarily vested in courts, to manage their own affairs to achieve an orderly and expeditious disposition of cases. *In the Matter of Presnick*, 19 Conn. App. 340, 350 (1989).

The ability to close matters as discussed herein would appear to be such a power. Certainly the court must have control over its own docket. Where the court has made all reasonable efforts to complete a matter, but has been unable to do so due to the refusal or neglect of the fiduciary, and where no purpose is to be served by appointing a successor, the court must have the ability to put that matter to rest in order that it may devote its attention to other matters. Such an order would also seem to be supported statutorily by C.G.S. § 45a-98, which allows the Probate Courts to make “any lawful orders or decrees to carry into effect the power and jurisdiction conferred upon them.”

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The inherent nature of this power is also supported by the procedure used in the Superior Courts for closing dormant cases. There appears to be no statutory provision conferring upon the Superior Courts the power to close such cases. Rather, the matter is dealt with in § 14-3 of the Connecticut Practice Book, a rule of practice adopted by the judges of that court, and not enacted by the legislature. In construing the predecessor to that rule, the Supreme Court noted that it was intended to give the courts an additional tool to implement the moving of cases and to prevent cases from clogging the docket because of the lack of diligent prosecution. *Jenkins v. Ellis*, 169 Conn. 154, 159 (1975). The court further noted that such provision was in accord with the ancient legal maxim “interest reipublicae ut sit finis litium.” *Id.* Translated, this indicates that it is in the interest of the state that there be an end to a lawsuit. *Ballantine's Law Dictionary*, 3rd Ed.. This precept would seem to be equally applicable to any court, including the Probate Court.

Assuming that the courts have the inherent power to enter such an order, the effect of C.G.S. §§ 45a-331(b) and 45a-245 must then be considered. Contempt powers have been held to be inherent in all courts, including the Probate Courts, without regard to statutory authority. *Middlebrook v. The State*, 43 Conn. 257, 267 (1876). It has also been held that the statutes concerning contempt are not so much a grant of power as the regulation of the exercise of an existing power which is inherent in all courts. *State v. Jackson*, 147 Conn. 167, 169 (1960); *Middlebrook v. The State*, *supra*. The same may be said of the court's power to close for dormancy. It is our opinion that such power is not granted by C.G.S. § 45a-331(b) but is merely regulated thereby. Therefore, the court may exercise its inherent power to the extent that such exercise is not inconsistent with the provisions of the statute. The exercise of the power to close inactive cases would not be inconsistent with the statute if the court does not release the bond. Thus the court may close in less than ten years and without the requirement of public notice. This procedure may be applied to decedent's estates as well as other types of matters. **The court may not, however, release any probate bond without fully complying with C.G.S. §§ 45a-331(b) or 45a-245.**

It is suggested that the application of the court's inherent power in this manner requires the careful exercise of discretion. The requirements of the Code of Probate Judicial Conduct should be kept in mind. Canon 3 B(8) requires that a judge dispose promptly of the business before the court. Further it requires the judge to use his or her good offices to promulgate the expeditious settlement of all matters pending before the court. Canon 3 C(1) requires the judge to diligently discharge his or her administrative responsibilities. It would seem that the court has the obligation to attempt to secure the reasonably prompt settlement of the estate by the fiduciary in the normal course. The court should continue to monitor the progress of the matters before it and to request action by the fiduciary as necessary. It is only when repeated requests of this type have gone unheeded that the court should consider closing the estate as discussed herein.

As a rule, the court should require a hearing after notice to the interested parties. Canon 3 B(7), requires a judge to provide all interested parties with full rights to be heard. Beneficiaries may allow considerable time to pass on the mistaken assumption that the matter is proceeding properly before the court. Accordingly they should be advised of the court's intention to close a matter which is not so proceeding, in order that they voice their concerns to the court. The identity of interested parties and the manner of notice should be determined by the court as in other cases. It is our feeling that notice by publication should not routinely be required in these matters. On the other hand, it is suggested that notice be dispensed with entirely only in the unusual case and upon a finding of good cause.

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It has been suggested that, while the ten years provided in the statute may be too long, nonetheless there should be some minimum time period required before a matter could be closed in this fashion. It is our feeling, however, that there is no one period which would be workable in all of the various types of matters which appear before the Probate Courts. This seems to be reflected in the language of C.G.S. § 45a-245, which contains no specific time frame for the closure of conservatorships, guardianships of the estate, or testamentary trusts. Instead, it is suggested that the court carefully exercise its discretion with reference to both the type of matter before it and the facts of the specific case. The court should utilize this procedure only where it determines that the matter remains unsettled after the passage of an unreasonable period of time.

Of course, the fact that the estate remains open after an unreasonable period of time is not enough, in itself, to justify its closing. The court's obligation of diligence requires that it consider other alternatives, most notably the removal of the fiduciary and the appointment of a successor. The court should close a matter as discussed herein only where it appears that no useful purpose would be served by the appointment of a successor, such as where there are no assets, or where the only party entitled to the assets is also the fiduciary. The procedure outlined herein is intended as a last resort.

It hardly needs to be said that the court, in so closing a matter, may do nothing which in any way relieves the fiduciary of any liability or responsibility imposed by virtue of his or her appointment as fiduciary. In order to obtain such release the fiduciary must properly administer the matter to its conclusion, which generally means that he or she must fully account to the court and have that account approved. Further, as noted above, the court may not release any bond, except where the requirements of C.G.S. §§ 45a-331 or 45a-245 have been met. It is our suggestion that the court should generally not concern itself with the release of the bond in these matters except at the request of a proper party, generally the surety.

The action of the court in closing any inactive matter should be essentially administrative in nature. It should not adjudicate or otherwise prejudice the rights or interests of any party. We suggest that the order of the court be carefully limited to closing the matter subject to further order of the court. A suggested decree is attached hereto. Of course, the court could at any time reopen the matter for cause shown.

It should be re-emphasized that the use of this procedure requires the careful exercise of discretion. The determination of whether it is appropriate in particular matters requires a case by case examination of each such file. We believe, however, that this procedure will provide a useful and flexible tool to assist the courts in dealing with a problem which is common to all courts.

/s/Thomas E. Gaffey
Chief Counsel

Probate Court,

, District No.

Estate of

DECREE RE: ADMINISTRATIVE CLOSING OF ESTATE

Upon the court's motion to administratively close the above-named matter by reason of the failure of the fiduciary to complete the administration thereof, notice was given in accordance with the order of notice previously entered.

After due hearing had and upon a review of the record of the above-captioned matter, the court finds that:

- a) No one appeared at said hearing;
- b) was appointed by this court as
of said estate on

c) Said fiduciary has failed or refused to complete the administration of the estate;

d) Said fiduciary has failed to respond to repeated communications from the court concerning the administration of the estate;

e) It appears that the appointment of a successor fiduciary would serve no useful purpose.

WHEREFORE, IT IS ORDERED AND DECREED THAT the estate shall be deemed administratively closed, to be reopened only upon further order of this Court, provided further that:

1) This decree shall not be construed as relieving the fiduciary of any liability or obligation arising from his or her appointment as fiduciary;

2) This decree shall not be construed to release any existing probate bond, restriction on control of assets, or other form of surety, as regards any past or future act or omission of said fiduciary.

Dated at this day of , .

.....
Judge

**STATE OF CONNECTICUT
OFFICE OF THE PROBATE COURT ADMINISTRATOR
186 NEWINGTON ROAD
WEST HARTFORD, CT 06110**

CM Appendix 12-26

DECEMBER 2012

TO: JUDGES OF THE COURTS OF PROBATE AND COURT PERSONNEL

RE: **CONFIDENTIALITY OF PROBATE RECORDS AND PROCEEDINGS**

The confidentiality chart indicates those matters that are confidential and the source of authority.

Confidentiality of Probate Records and Proceedings

Type of matter	Confidential	Description/Authority	Effective Date
Decedents' estates	Partial	Estate tax return only, §12-398 (c)	
Custody of remains of deceased persons	N		
Trusts	N		
Removal of parent as guardian of minor	Y	§45a-754 (a), P.A. 75-201	10/1/75?
Temporary guardian	Y	§45a-754 (a), P.A. 11-128 §8	10/1/11
Guardians of the estates of minors	N		
Conservators	Partial	Physician evaluations. only, §45a-650 (c), P.A. 04-142	10/1/04
Special limited conservators [§17a-543a]	Y	§17a-500, P.A. 04-160	10/1/04
Guardians for persons with intellectual disability	Partial	Confidential except identity of guardian §45a-670	10/1/00
Involuntary placement of persons with intellectual disability	Y	§17a-274 (b), P.A. 00-22	10/1/00
Sterilization	Y	§45a-692, P.A. 00-22	10/1/00
Termination of parental rights	Y	§45a-754, P.A. 75-201	10/1/75?
Adoption	Y	§45a-754	1/1/44
Uniform Transfers to Minors Act [45a-557 et seq]	N		
Emancipation of minors	Y	§46b-124 (b), P.A. 98-219 §45a-754 (a), P.A. 11-128 §12	10/1/98 10/1/11
Claim for Paternity	N		
Commitment, adults	Y	§17a-500, P.A. 77-595	10/1/77
Commitment, children	Y	§17a-500, P.A. 79-511	1/1/91*
Shock therapy	Y	§17a-500, P.A. 71-834	1/1/91*
Involuntary meds.	Y	§17a-500, P.A. 93-369	10/1/93
Commitment, drug and alcohol	Y	§17a-688 (a), P.A. 98-219	10/1/98
Quarantine, §19a-221, 19a-131b	N		
Tuberculosis treatment	Y	§19a-265 (o), P.A. 98-138	10/195
Removal of life support	N		
Relief from federal firearms disability	Y	§45a-100 (n)	7/1/11

*The acts concerning administration of electroshock therapy, (effective 7/1/71), and commitment of children, (effective 10/1/79), do not address the issue of confidentiality. Confidentiality is provided by means of incorporation by reference in §17a-500 (formerly 17-180). However, no such reference existed until the former statute was recodified as §17a-500 in 1991.

12/24/12

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