

SB 400 -- Redline

File No. 588 to Chaptered -- AN ACT CONCERNING PROBATE COURT OPERATIONS.

Deletions ~~struck~~ · Insertions underlined

Substitute Senate General Bill Assembly File No.

~~588~~400 ~~February Public Session, Act 2026 Substitute Senate Bill~~ No.

~~400~~26-87 ~~Senate, AN April ACT 13, CONCERNING 2026 PROBATE The COURT Committee OPERATIONS, on Judiciary reported through SEN.~~

~~WINFIELD of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.~~

~~AN ACT CONCERNING PROBATE COURT OPERATIONS.~~

~~sSB400~~Sec. / ~~File No.~~

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~~588 Sec.~~

~~(a) Substitute Any Senate person Bill having No. a federal firearms disability under 18 USC 922(d)(4) and 18 USC 922(g)(4), as a result of an adjudication or commitment rendered in this state, may petition the [probate court] Probate Court for the district in which such person resides, or, if such person does not reside in Connecticut, the Probate Court that rendered the adjudication or commitment, for relief from the federal firearms disability that resulted from such adjudication or commitment.~~

400 (a) Any person having a federal firearms disability under 18 USC 922(d)(4) and 18 USC 922(g)(4), as a result of an adjudication or commitment rendered in this state, may petition the [probate court] Probate Court for the district in which such person resides, or, if such person does not reside in Connecticut, the Probate Court that rendered the adjudication or commitment, for relief from the federal firearms disability that resulted from such adjudication or commitment.

~~sSB400~~(b) Any File person aggrieved by an order, denial or decree of a Probate Public Act No.

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~~588~~400 (b) ~~Any person aggrieved by an order, denial or decree of a Probate Court may appeal therefrom to the Superior Court.~~

(d) An appeal from a decision rendered in any case after a recording ~~of Public the Act proceedings is made under section 17a-498, 17a-543, 17a-543a, 17a-685, or 19a-131b, sections 45a-644 to 45a-667v, inclusive, or section sSB400 / File No.~~

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~~588~~400 of the proceedings is made under section 17a-498, 17a-543, 17a-543a, 17a-685, or 19a-131b, sections 45a-644 to 45a-667v, inclusive, or section 51-72 or 51-73, shall be on the record and shall not be a trial de novo.

(h) If service has not been made on an interested party, the Superior Court, on motion, shall make such orders of notice of the appeal as are ~~reasonably Public calculated Act to No. notify any necessary party not yet served.~~

~~(i) 26-87 A4 hearing of in 11 an Substitute appeal Senate from Bill probate proceedings under section 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685, 19a-131b, 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-sSB400 / File No.~~

~~588~~400 4 ~~reasonably sSB400 calculated File to No. notify any necessary party not yet served.~~

~~588~~(i) A hearing in an appeal from probate proceedings under section 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685, 19a-131b, 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-699, 45a-703, 45a-717 or section 45a-98e shall commence, unless a stay has been issued pursuant to subsection (j) of this section, not later than ninety days after the appeal has been filed.

(3) The following matters shall not be referred to a special assignment ~~probate Public judge Act pursuant No. to this subsection:~~

~~Appeals 26-87 (A) 5 under sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688, inclusive, and 19a-131b, (B) of children's 11 matters Substitute as Senate defined Bill in subsection (a) of section 45a-8a, as amended by this act, (C) under section 45a-98e, (D) under sections 45a-644 to 45a-663, inclusive, 45a-669 to 45a-683, inclusive, and 45a-690 to 45a-700, inclusive, and (E) any matter in a Probate Court sSB400 / File No.~~

~~588~~400 5 ~~probate sSB400 judge File pursuant No. to this subsection:~~

~~588~~Appeals (A) under sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688, inclusive, and 19a-131b, (B) of children's matters as defined in subsection (a) of section 45a-8a, as amended by this act, (C) under section 45a-98e, (D) under sections 45a-644 to 45a-663, inclusive, 45a-669 to 45a-683, inclusive, and 45a-690 to 45a-

700, inclusive, and (E) any matter in a Probate Court heard on the record in accordance with sections 51-72 and 51-73.

(2) (A) The court shall direct that personal service of the citation be made, by a state marshal, constable or an indifferent person, upon the respondent and the respondent's spouse, if any, if the spouse is not the ~~applicant.~~Public Act No.

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400 applicant.

Any such publication shall be in a newspaper of general circulation in the place of the last known address of the person to be notified, whether within or without this state, or if ~~§SB400 no~~ such ~~File~~address ~~No.~~is known, in the place where the petition has been filed.

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~~588 no such address is known, in the place where the petition has been filed.~~

and (F) the person in charge of the hospital, nursing home or some other institution, if the respondent is in a ~~hospital,~~Public nursing Act home~~No.~~or some other institution.

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400 hospital, nursing home or some other institution.

~~§SB400(b)~~ 4The File~~Probate No.~~Court Administrator shall establish, supervise and fund a program of training for newly-elected probate judges that shall include:

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~~588 (b) The Probate Court Administrator shall establish, supervise and fund a program of training for newly-elected probate judges that shall include:~~

~~(a)Public TheAct ProbateNo. Court Administrator, within available appropriations, may cause [an account of] a conservator of the estate, as defined in section 45a-644, to be audited in accordance with the provisions of this section.~~

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400 (a) The Probate Court Administrator, within available appropriations, may cause [an account of] a conservator of the estate, as defined in section 45a-644, to be audited in accordance with the provisions of this section.

The Probate Court shall continue any ~~§SB400~~previously ~~4scheduled File~~hearing ~~No.~~on [the] an account pending the outcome of the audit and shall notify all parties of the audit and the continuance by first-class mail.

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~~588 previously scheduled hearing on [the] an account pending the outcome of the audit and shall notify all parties of the audit and the continuance by first-class mail.~~

(e) An auditor performing an audit under this section shall complete the audit and submit a report of his or her findings to the Probate Court not later than ninety days after the date the auditor receives notice of ~~the~~Public auditing Act assignment.~~No.~~

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400 the auditing assignment.

The Probate Court Administrator may, from time to time, establish hourly rates and allowable expenses ~~§SB400for 4the File~~compensation ~~No.~~of auditors under this section.

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~~588 for the compensation of auditors under this section.~~

The court may, in its discretion, also postpone payment of any filing fee or other fee or expense due under sections 45a-106a to 45a-112, inclusive, and enter any matter if it appears to the court that to require such filing fee or other fee or expense to accompany submission of the matter would cause undue delay or hardship, but in such case the applicant, petitioner or moving ~~party~~Public shall Act be~~No.~~liable for the filing fee and all other fees and expenses upon receipt of an invoice therefor from the court.

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400 party shall be liable for the filing fee and all other fees and expenses upon receipt of an invoice therefor from the court.

(Effective from passage) ~~§SB400Governor's 4Action: File~~ ~~No.~~

~~588Approved 10June §SB4004, File2026 Public Act~~ No.

~~58826-87 This11 actof shall11 take effect as follows and shall amend the following sections:~~

~~Section 1 October 1, 2026 45a-8a(a) Sec.~~

~~2 January 1, 2027 45a-100(a) Sec.~~

~~3 from passage 45a-754(a) Sec.~~

~~4 October 1, 2026 45a-186 October 1, 2026 Sec.~~

~~5 45a-649(a) Sec.~~

~~6 October 1, 2026 45a-27(b) Sec.~~

~~7 October 1, 2026 45a-181 Sec.~~

~~8 October 1, 2026 45a-111(d) Sec.~~

~~9 October 1, 2026 45a-113a Sec.~~

~~10 from passage Repealer section JUD Joint Favorable Subst.~~

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~~588 The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose.~~

~~In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge.~~

~~Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.~~

~~OFA Fiscal Note State Impact:~~

~~None Municipal Impact:~~

~~None Explanation The bill makes various procedural changes affecting probate court operations, resulting in no fiscal impact because the Probate Court Administration has the resources and expertise to meet the bill's requirements.~~

~~The Out Years State Impact:~~

~~None Municipal Impact:~~

~~None sSB400 / File No.~~

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~~588 OLR Bill Analysis sSB 400 AN ACT CONCERNING PROBATE COURT OPERATIONS.~~

~~SUMMARY This bill makes changes in various laws governing probate court operations and related matters. It:~~

~~1-~~

~~expands the types of children's matters that may be heard in regional children's probate courts to include name changes (Sec. 1);~~

~~2-~~

~~allows someone under a federal firearms disability due to an in-state adjudication or commitment, if the person does not live in Connecticut and seeks to regain their firearm rights, to petition the probate court that ordered the decision (Sec. 2;~~

~~see BACKGROUND);~~

~~3-~~

~~specifically extends to cases concerning appointing a minor's guardian the same confidentiality rules that apply to various other child-related matters (Sec. 3);~~

~~4-~~

~~specifically requires that appeals of probate matters on appointment of a minor's (a) guardian, temporary guardian, or statutory parent or (b) emancipation, be filed in the Superior Court for Juvenile Matters, as is already the case for other children's-related matters (for example, parental rights terminations) (Sec. 4);~~

~~5-~~

~~specifies that when someone appeals a probate court matter in Superior Court, the required mailing of a copy to the probate court must occur when filing the appeal (Sec. 4);~~

~~6-~~

~~clarifies when notice of an involuntary conservatorship hearing must be given to certain parties (Sec. 5);~~

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~~588 7.~~

~~expands the probate judge training program for new judges to include a mentorship component (codifying existing regulations) and observation of probate court hearings and proceedings, including confidential proceedings (Sec. 6);~~

~~8-~~

~~allows the probate court administrator to provide for an audit of a conservator of the estate's financial management generally, not just the conservator's account (Sec. 7);~~

~~9.~~

~~allows probate courts to waive filing fees or other court fees if they are no more than \$5 and the court determines that they are uncollectable (Sec. 8);~~

~~10.~~

~~eliminates the requirement for probate courts to issue refunds for overpayments if the amount due is under \$5 (Sec. 9);~~

~~and 11.~~

~~repeals a 2025 law that created a working group to study and make recommendations on probate court guardianship proceeding laws, policies, and procedures (in practice, the group has never met) (Sec. 10). The bill also makes minor, technical, and conforming changes.~~

~~EFFECTIVE DATE:~~

~~October 1, 2026, except the (1) record confidentiality provision and working group repeal are effective upon passage and (2) firearms disability provision is effective January 1, 2027.~~

~~Sec. 3 -- RECORD CONFIDENTIALITY The bill specifically extends to appointment of a guardian's minor the same record confidentiality provisions that already apply to probate court cases on other specified child-related matters, such as termination of parental rights, removal of parents as guardians, and temporary guardianship.~~

~~Under these rules, case records generally are not disclosable to third parties, but are available to (1) the parties and their counsel, (2) the Department of Children and Families, (3) any licensed child-placing agency involved in the case, (4) any Connecticut judge or court employee who needs access to perform his or her duties, (5) the SSB400 / File No.~~

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~~588 Office of the Probate Court Administrator, and (6) other states' courts under the Uniform Child Custody Jurisdiction and Enforcement Act.~~

~~Sec. 5 -- NOTICE OF INVOLUNTARY CONSERVATORSHIP PROCEEDINGS By law, if the court receives an involuntary conservatorship application, it must generally give notice, at least 10 days before the hearing, to (1) the respondent and the respondent's spouse (if the spouse was not the applicant) by personal service and (2) in some circumstances, certain other family members by certified mail.~~

~~The hearing generally must be held within 30 days after the court receives the application.~~

~~Under current law, the court must generally notify parties within 30 days after receiving the application.~~

~~The bill instead specifies that parties other than those described above must be given notice at least 10 days before the hearing.~~

~~Sec. 6 -- TRAINING FOR NEW PROBATE JUDGES Under existing law, the Probate Court Administrator must establish, supervise, and fund a training program for newly elected probate judges.~~

~~The bill requires the program to assign each new judge a mentor in line with regulations adopted by the administrator.~~

~~Under existing regulations, (1) a mentor must be a judge with at least four years of service and (2) among other things, the new judge must observe at least eight hours of hearings before the mentor within two months after the election (this may include time spent in related discussions).~~

~~Under the bill, the training program also must include observing probate court hearings and proceedings, including proceedings that are confidential under law, so new judges can meet the minimum level of proficiency.~~

~~Sec. 7 -- AUDITS Under current law, the probate court administrator, within available appropriations, may audit an account of a conservator of the estate (by assigning an auditor from an approved list), and may randomly select SSB400 / File No.~~

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~~588 accounts or use other criteria she deems effective in deterring and detecting fiduciary wrongdoing. The bill allows these audits of the conservators generally (for financial mismanagement) and not just of their accounts.~~

~~It makes conforming changes to apply current law's provisions to these audits (such as the conservator's duty to cooperate). It also specifically requires the court, at the required hearing, to hear any recommendations in the audit report.~~

~~By law, a "conservator of the estate" is generally a person the probate court appoints to supervise the financial affairs of someone (1) found to be incapable of managing his or her own affairs or (2) who asks the court to make such an appointment, including temporary conservators.~~

~~BACKGROUND Restoration of Firearm Rights 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 (18 U.S.C.~~

~~Sec. 922(d)(4) & (g)(4) and 34 U.S.C.~~

~~Sec. 40015).~~

~~State law has a probate court procedure for restoring these privileges.~~

~~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.~~

~~COMMITTEE ACTION Judiciary Committee Joint Favorable Substitute Yea 37 Nay 0 (03/24/2026) SSB400 / File No.~~

~~588-16~~