

Legislative History for Connecticut Act

PA 14-104

SB155

House	6729-6730, 6733-6736	6
Senate	2297-2299, 2343-2344	5
Judiciary	902, 904-906, 907-910, 914-916, 963-965, 1095- 1097, 1106-1108, 1219- <u>1227</u>	29

40

H – 1200

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 20
6540 – 6911**

Bill 154, AN ACT CONCERNING PROBATE COURT OPERATIONS.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

I'd like to move the following item to the

Consent Calendar, Mr. --

DEPUTY SPEAKER GODFREY:

The question --

REP. ARESIMOWICZ (30th):

-- Speaker.

DEPUTY SPEAKER GODFREY:

-- is on placing this on the Consent Calendar.

Is there objection?

Hearing none, so ordered.

Mr. Clerk, Calendar 511.

THE CLERK:

House Calendar 511, Favorable Report of the joint
standing Committee on Judiciary, Substitute Senate

Bill 155, AN ACT CONCERNING PROBATE COURTS.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to move the following item
to the Consent Calendar.

DEPUTY SPEAKER GODFREY:

The question is on moving this to the Consent Calendar. Is there objection?

Hearing none, so ordered.

Mr. Clerk, 458.

THE CLERK:

House Calendar 458, Favorable Report of the joint standing Committee on Judiciary, Substitute Senate Bill 262, AN ACT CONCERNING APPLICATIONS FOR THE PRETRIAL ALCOHOL EDUCATION PROGRAM.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to move the following item to the Consent Calendar.

DEPUTY SPEAKER GODFREY:

The question is on moving this on the Consent Calendar. Is there any objection?

Hearing none, so ordered.

Mr. Clerk, 491.

THE CLERK:

House Calendar 491, Favorable Report of the joint standing Committee on Judiciary, Substitute Senate Bill 456, AN ACT CONCERNING THE ADOPTION OF THE

506 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

506 is removed from the Consent Calendar.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to remove Calendar 508 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

Calendar 508 is removed from the Consent Calendar.

SB72

Mr. Clerk, would you kindly call the Consent Calendar.

THE CLERK:

Mr. Speaker, Consent Calendar Number 1, consisting of Calendar Numbers 548; 512, as amended by Senate "A"; 450, as amended by Senate "C"; 236, as amended by Senate "A"; Calendar 425; Calendar 518, as amended by Senate "A"; Calendar 452; Calendar 511; Calendar 5 -- excuse me -- 458; Calendar 491; Calendar 467; Calendar 468; item under suspension, 535; Senate Bill 00114, as considered under suspension; Senate Bill 417, suspension; Calendar Number 537, as amended by Senate "A"; Calendar 498; Calendar 499, as amended by Senate "A"; Calendar 508; and, House Bill -- what

SB176
SB179
SB70
SB247
SB271
SB426
SB154
SB155
SB262
SB456
SB463
SB493
SB114
SB417
SB269
SB309
HB5312

is it? Is off -- excuse me -- and House Bill 5312,
which was done under suspension with Senate "A" and
"B."

DEPUTY SPEAKER GODFREY:

Thank you, Mr. Clerk.

Just -- just for my own clarification, was --
that was 326 not 236?

THE CLERK:

Three-two-six.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Aresimowicz, what's your pleasure
on today's Consent Calendar?

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move passage of the bills on
today's Consent.

DEPUTY SPEAKER GODFREY:

Question is on passage of the bills on the
Consent Calendar.

Staff and guests please come to the well of the
House. Members take their seat. The machine will be
open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll, by --
on today's first Consent Calendar. Will members
please report to the Chamber immediately.

DEPUTY SPEAKER GODFREY:

Have all the members voted?

Ladies and gentlemen, before I call for the
machine being locked, I need to note that the board is
not completely in line with the motion. Calendar 520
"A," which unfortunately is up on the board, was --
there was no motion to put that on the Consent
Calendar. Unless there's objection, we'll just fix it
ministerially and proceed on. Is there any objection
to that solution?

Thank you all.

If all the -- if everyone has voted, the machine
will be locked. Clerk will take a tally.

And the Clerk will announce the tally.

THE CLERK:

Consent Calendar Number 1.

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	148
Those voting Nay	0

Those absent and not voting 3

DEPUTY SPEAKER GODFREY:

The Consent Calendar as moved, the bills on it
are passed.

And now, Mr. Clerk, we will do Calendar 528.

THE CLERK:

House Calendar 528, Favorable Report of the joint
standing Committee on Insurance and Real Estate,
Senate Bill 480, AN ACT CONCERNING LIFE INSURANCE
PROCEDURE LICENSES AND REGISTRATIONS OF BROKER-
DEALERS, AGENTS, INVESTMENT ADVISERS AND INVESTMENT
ADVISER AGENTS.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Insurance and
Real Estate Committee, Representative Megna.

REP. MEGNA (97th):

Thank -- thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the joint
committee's Favorable Report and passage of the bill,
in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

The question is on passage and concurrence.
Would you explain the bill, please, Representative --

REP. MEGNA (97th):

S - 675

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2014**

**VOL. 57
PART 7
1971 - 2310**

lgg/rd/cd
SENATE

135
May 2, 2014

And for the defendant to end up being the net beneficiary possibly down the road, there's just not a soul on the planet that you could recite those facts to that wouldn't say that that's just wrong.

And so again, I urge support for the legislation, commend the leadership of the Judiciary Committee for moving this bill forward.

And thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill? Will you remark further on the bill?

Senator Coleman.

SENATOR COLEMAN:

Mr. President, if there are no further remarks to be made and if there's no objection, I would move that this item be placed on our Consent Calendar.

THE CHAIR:

Seeing and hearing no objection, so ordered.

Mr. Clerk, do we have anything?

THE CLERK:

On page 12, Calendar 400, Substitute for Senate Bill Number 155, AN ACT CONCERNING PROBATE COURTS, favorable report of the Committee on Judiciary.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

lgg/rd/cd
SENATE

136
May 2, 2014

Thank you, Mr. President.

I move acceptance of the joint committee's favorable report.

THE CHAIR:

On acceptance and passage well, your remark, sir?

SENATOR COLEMAN:

And passage of the bill, thank you, Mr. President.

Mr. President, the bill before us does four primary things. And first of all, the first sections of the bill address the issue of adult adoptions. And sometimes within our legal framework a person over the age of 18 agrees to be adopted by another person who is unrelated and older. This most frequently occurs in the situation where an adult wishes to establish a legal relationship with a step parent, and for the most part of adult adoptions occur because of inheritance rights.

Additionally, the bill updates some of our statutes that govern intrastate succession as those provisions relate to children that are born out of wedlock. And additionally the bill addresses the issue of special immigrant juvenile status. Our federal law permits state courts that have jurisdiction over children's matters to make findings of fact that a family may then use to apply for special immigrant juvenile status.

And finally, the bill addresses records sharing between the probate courts and juvenile court and it permits the juvenile court to disclose records which otherwise would be confidential to the judges and the employees of the probate court. I urge my colleagues to support the bill.

Thank you, Mr. President.

THE CHAIR:

lgg/rd/cd
SENATE

137
May 2, 2014

Thank you Senator.

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Mr. President.

And I stand in support of these relatively minor reforms to our probate court system. Nonetheless I know this bill is important to the folks that run the probate courts and the probate court administrator and his staff and deputies. And happy to commend Senator Coleman for bringing this bill forward this evening and urge the circle's support thereof.

Thank you, Mr. President.

THE CHAIR:

Thank you, Senator.

Will you remark further on the bill? Will you remark further on the bill?

Senator Coleman.

SENATOR COLEMAN:

Without further remarks, without objection, I'd ask that the item be placed on the Consent Calendar.

THE CHAIR:

Seeing and hearing no objections, so ordered.

Mr. Clerk.

THE CLERK:

Also on page 12, Calendar 409, Senate Bill Number 491, AN ACT CONCERNING HARASSMENT OF A VICTIM OF VIOLENT CRIME OR A RELATIVE OF A VICTIM OF VIOLENT CRIME, favorable report of the Committee on Judiciary. There are amendments.

**S - 676
CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2014**

**VOL. 57
PART 8
2311 – 2667**

lgg/rd/cd
SENATE

181
May 2, 2014

THE CHAIR:

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President.

THE CHAIR:

Oops, I'm sorry, Senator McLachlan.

Senator Looney, why do you stand, sir?

SENATOR LOONEY:

Thank you, Madam President.

If this item might be passed temporarily. We will return to it shortly but first would ask the Clerk to read the items on the Consent Calendar so that we might proceed to a vote on the Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On today's Consent Calendar, page 4, Calendar 292, Senate Bill 438; on page 7, Calendar 335, House Bill 5149.

On page 12, Calendar 392, Senate Bill 261; Calendar 400, Senate Bill 155; Calendar 409, Senate Bill 491.

And on page 33, Calendar 45, Senate Bill 14.

On page 34, Calendar 130, Senate Bill 45; also on page 34, Calendar 133, Senate Bill 179; Calendar 100, Senate Bill 55.

On page 37, Calendar 195, Senate Bill 61; page 40, Calendar 271, Senate Bill 194; and on page 41, Calendar 285, Senate Bill 464.

lgg/rd/cd
SENATE

182
May 2, 2014

THE CHAIR:

Mr. Clerk, will you call for a roll call vote on the Consent Calendar. The machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Immediate roll call on the first Consent Calendar for the day has been ordered in the Senate.

THE CHAIR:

Have all members voted? All members voted. The machine will be closed.

Mr. Clerk, will you please call a tally on the first Consent Calendar?

THE CLERK:

On today's first Consent Calendar.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The Consent Calendar passes.

Senator Looney, shall we return to page 42?

SENATOR LOONEY:

Madam President.

THE CHAIR:

**JOINT
STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 3
886 – 1483**

2014

SENATOR COLEMAN: Are there further questions?
Seeing none, thank you very much for your
testimony.

REP. FLEISCHMANN: Thank you.

SENATOR COLEMAN: Next is Paul Knierim, Probate
Court Administrator.

JUDGE PAUL KNIERIM: Good morning, Senator Coleman,
Representative Fox, Senator Kissel,
Representative Rebimbas, members of the
Committee, I'm Paul Knierim and I'm Probate
Court Administrator, primarily here to testify
on two bills this morning concerning the
probate court system. They are Senate Bills
154 and 155, also comment briefly on one other
provision, 5218, a uniform act concerning
partition of heirs' property.

The two bills that I mentioned first, 154 and
155, both represent the ongoing efforts of the
Probate Assembly and my office together to
continually streamline probate court procedures
and update the provisions of probate law
embodied in Title 45a.

I've given you written testimony in which is a
detailed outline of each of those provisions,
but I'll summarize a few of the provisions that
I think are key and that I'd like to call to
your attention.

In Senate Bill 154, Section 2 deals with our
communications internally as a state to the
NICS Database, the National Instant Criminal
Background Check System, which deals with
eligibility to purchase and possess firearms.

Probate court says, well, if the superior
courts have a role in that system in that
adjudications concerning mental health, can
under both state and federal law render a

serving, there would be a successor that could automatically step into that role.

We've had a similar arrangement on the books for guardians of adults with intellectual disability for many years and we recommend adding that to the conservatorship statute as well.

Senate Bill 155, just a couple of provisions to call to your attention, if I might. Sections 1 and 2 deal with adult adoption. That is the legal structure by which an adult person agrees with another unrelated and older person to be adopted. It comes up in many different scenarios, but probably most typical is in a step-parent scenario in which a step-parent may have had a major role in raising the child but for whatever family reasons they choose to wait until the adulthood of the child to seek probate court approval of the legal relationship.

What those two sections are doing is simply trying to clarify an ambiguity under the current statute. Specifically, that ambiguity relates to what happens to the legal relationship between biological parents and an adult adopted person when that adoption occurs.

Current statute has one explicit scenario in which the biological parent/child relationship remains, notwithstanding the adult adoption, and that is when the other biological parent has predeceased and the surviving parent remarries and the adoption is by the spouse of the surviving parent.

It leaves open the question, what about other scenarios? So what we've proposed here is clarifying language that would make it specific that under any circumstance in which a parent joins with the adoptive parent in the adoption,

that biological parent would remain, the legal rights would stay intact but for a parent who does not join in that adoption, the legal rights would be terminated.

And because, we've had this statutory framework for a number of years and this ambiguity, I am suggesting that this would be retroactively effective to clarify that ambiguity.

Sections 3 through 6 briefly update the intestate succession statutes, that is the statutes that deal with the disposition of property when a person dies without a will, but specifically in the area of children born out of wedlock.

What we have not is a disconnect between the intestate succession statutes on the one hand and the other statutes by which paternity is established and this proposal would sync up those two and in a nutshell would say that for purposes of intestate succession, paternity is established exactly the same way as it is under 46b and, Title 46b and all other purpose.

That is to say, either by a written acknowledgment of paternity by both parents or an adjudication by either the superior court or the probate court of paternity.

Lastly, Sections 8 and 9 of that bill deal with giving the probate court specific jurisdiction, specific authority to address a matter of available under jurisdiction under federal law in a framework known as special immigrant juvenile status, so that is a creature of federal law, but under federal law, both juvenile and probate courts when dealing in children's matters are authorized to make specific findings that relate to the child's potential status as a special immigrant, which has beneficial ramifications under federal law.

So under that arrangement, if a probate court is dealing with a guardianship matter or a termination of parental rights or an adoption, the court would have the authority to make findings as to whether the child is dependent on the court system, whether reunification with the parent is viable or not due to situations such as abuse, neglect, or the other standards that are already in our statute, and whether or not return to the home country is in the child's best interest.

Those findings by a probate court or a juvenile court don't have binding effect in and of themselves. The family then has the opportunity to petition the Department of Homeland Security and based on those findings, seek that status.

But in essence, I'll say this. The probate courts have been seeing petitions under this statutory framework and the intent of this would be to make it clear that Connecticut probate courts have legislative authorization when handling these types of children's matters to also make these findings.

My last comment in on House Bill 5218 CONCERNING THE ADOPTION OF THE UNIFORM PARTITION OF HEIRS' PROPERTY ACT. We see the framework of that act as being beneficial. It provides clarity in procedures and the criteria that courts would use in that scenario.

The one technical comment we have is that we need to coordinate it with an existing probate statute. It's Section 45a-326, which deals with partition matters that arise during the course of decedent's estate administration and I've given a little more detail in my testimony on that, but I think that's a simple matter of coordinating language.

Thank you very much for your attention.

SENATOR COLEMAN: Questions for Judge Knierim?
Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chairman, and good
morning, Your Honor.

JUDGE PAUL KNIERIM: Good morning, Representative.

REP. REBIMBAS: Just following up on the last point
that you were talking about, probate judges
being able to categorize special immigrant
status to minor children as to whether or not
finding if it's in their best interest to stay
in the United States.

SB 155

Do you know whether or not superior court
judges have that ability to make those types of
decisions?

JUDGE PAUL KNIERIM: Yes, they do, and I've
conferred with Judge Conway, the Chief
Administrative Judge for the Juvenile Court.
They, too, like the probate courts are seeing
petitions under this and as a court of general
jurisdiction, my understanding is that they
wouldn't need specific statutory authority to
exercise that jurisdiction.

The framework is available under federal law
and because of the broad jurisdiction of
superior court they are able to make those
findings.

I'm taking a cautious approach with respect to
probate courts though, to make it, I have a
clear understanding whether the Legislature
intends us to have that jurisdiction.

REP. REBIMBAS: And do you know if there's other
states that have passed legislation to codify
that?

JUDGE PAUL KNIERIM: It's a great question. I don't know the answer to it, but I'd be happy to get back to you on it.

REP. REBIMBAS: Do you also intend to provide additional training for these probate judges regarding these types of situations?

JUDGE PAUL KNIERIM: I would say absolutely, yes. Much of what my office does is ongoing continuing legal education for judges and court staff. We always have sessions for judges and staff on new legislation arising each year. There always are some matters that come out of the Legislative Session, so we would by all means make it part of that.

And then we also have specialized trainings in all of the areas, including children's matters. By all means, that would be part and parcel of that training.

REP. REBIMBAS: And also just to follow up on the adoption of adults. Is that, would that be completely new legislation in the State of Connecticut?

JUDGE PAUL KNIERIM: No, it would not. The adult adoption statute has been around for decades. I can't say specifically how many, but I think it goes quite far back.

Like many of the statutes in Title 45a, it needed an update. It has some obsolete language in it, but the concept has been used for many years and it's really just this issue of ambiguity, the impact of an adult adoption on the legal relationship between a biological parent and child that we were seeking to clarify.

REP. REBIMBAS: And obviously the proposals, the provisions you highlighted would be the new proposals for the change. With that said,

based on the example that you have provided, or explanation whereas the biological parent was a part of the process, they would not lose their rights if they sought not to have their rights taken away.

If a biological parent is not located or unable to be located, would their rights then be terminated?

JUDGE PAUL KNIERIM: Yes, they would. And you raise a very important issue and one that I've thought about many times.

As you may have seen in my written testimony, I pointed out that the key difference between the adoption of a minor child as against the adoption of an adult in our statutory framework, is that termination of parental rights is not a prerequisite. In fact, it's not even part of the process for an adult.

Whereas, for the adoption of a minor, an adoption doesn't go forward at all unless the parental rights of the biological parents have been terminated or they predecease.

In the adult adoption framework there is no provision, never has been, for involvement of the biological parent. So if they come forward and are part of the process, then they are part of the process, but there is no statutory requirement of notice to the biological parent.

So if an adult seeks to be adopted by another person, that process moves ahead potentially without the biological parent being aware at all that it's going on.

REP. REBIMBAS: And I believe during your testimony you said that this is going to be retroactive. Is that correct?

JUDGE PAUL KNIERIM: Well, I did want to put that principle forward in that. I see it as clarifying an ambiguity in the statute and obviously I have a concern about people's understanding about the ramifications for those adult adoptions that have happened over the past several decades since the enactment of that legislation.

REP. REBIMBAS: And if you just wouldn't mind clarifying what the effect may be if it is made retroactive to those other matters that were already on the (inaudible).

JUDGE PAUL KNIERIM: Thank you very much. So the effect would be that in any circumstance in which a biological parent had joined in the adult adoption process, that parent, the parental rights of that parent would not be terminated as a consequence of the adult adoption.

REP. REBIMBAS: But then in that case for the parent who may be possibly wasn't located, and again, that wasn't a requirement or had no knowledge of it, ultimately then, would their parental rights be terminated as a result of this being retroactive?

JUDGE PAUL KNIERIM: Yes, they would. I think any read of existing law would have the same outcome. I don't see this proposed legislation as having, as making any change with respect to a non-participating biological parent. It would only be to make it clear that a participating biological parent remains in the legal relationship of parent/child.

REP. REBIMBAS: Thank you for that clarification. And I was just wondering if you could elaborate a little bit more regarding the successes of the pilot truancy clinic in Waterbury, seeing

SB154

As long as there's still an ability for someone to say, listen, let's get this resolved and we don't really have to follow this outline that's set forth in the statute. I'm okay with it.

If it's delineated that you have to follow the statutory procedures, then I'm not sure why we're doing it. I'm not sure if I'm drilling down to the question. Do you understand where I'm coming from?

JUDGE PAUL KNIERIM: I believe I do. And going into my comfort zone, Title 45a in the context of a decedent's estate settlement, by all means that's how the existing statute operates and any change we would attempt to make to sync up the uniform act with existing probate procedure would keep that intact.

So to the extent that we're in the context of the decedent's estate, there is jointly owned property and the parties have come to a resolution as to how to address that common interest, no formal procedure is necessary at all.

I see it as nothing more than approval of how it was handled in the fiduciary's final account.

REP. SMITH: That response makes me happy and thank you for your testimony this morning. Always good to see you.

JUDGE PAUL KNIERIM: Thank you. Appreciate the opportunity to be here.

SB 155

SENATOR COLEMAN: Are there other members with questions? Let me ask a quick question.

Do I understand correctly that an adult adoption could occur irrespective of whether or not the young adult that's being adopted is

subject to some physical or mental condition that might require a dependency to a parent?

JUDGE PAUL KNIERIM: I would say yes, so the adult adoption framework can still operate if either party has some disability. Both the existing language and the proposed language would direct the court to consider, the statute uses terms such as the welfare and best interest of the party, so I would expect a court to scrutinize an adoption in that scenario to make sure that it's entirely voluntary as well as in the best interest of the party.

The court would also have discretion if it thought it was appropriate to appoint a guardian ad litem to scrutinize even further the voluntariness of it and that it is, in fact, in the best interest of the parties. Am I answering your question?

SENATOR COLEMAN: Yes, I think so. And another hopefully quick question. Do I assume correctly that only one potential adoptive parent may exist in this scenario so that if there was a divorce between the biological parents and there were in fact two step-parents that were in the picture, do I assume correctly that both step-parents would not be eligible to adopt the young adult?

JUDGE PAUL KNIERIM: That is correct. That is how the proposal is drafted in such a way as to assure that the outcome is never more than two parents.

So to the extent that there is a biological parent who is joining in the adoption agreement, then the answer to your initial question is yes. Only one other person can be an adoptive parent.

SENATOR COLEMAN: I get a little confused by your comment that there can only be two parents. Let's go back to the scenario that Representative Rebimbas proposed.

So assuming that there is a biological parent and a step-parent pursuing an adoption, the biological parent who is the spouse of that step-parent joins in the adoption, could the other parent who is not the spouse of the step-parent pursuing the adoption also join in the adoption proceedings?

JUDGE PAUL KNIERIM: Not as it's drafted.

SENATOR COLEMAN: Okay.

JUDGE PAUL KNIERIM: So as long as there is a biological parent who is participating in the adult adoption, only one other person can be an adoptive parent and the converse is also true the way it's drafted, only one biological parent can join in that adoption.

SENATOR COLEMAN: Okay. Thank you. Are there others with questions? If not, thank you for your testimony.

JUDGE PAUL KNIERIM: Thank you very much.

SENATOR COLEMAN: Next is Senator Martin Looney. I don't see him in the room. Next would be then Judge Carroll and Stephen Grant.

STEPHEN GRANT: Good morning.

SENATOR COLEMAN: Good morning.

SB152

STEPHEN GRANT: Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee, my name is Stephen Grant and I was recently appointed the Executive Director of the Court Support Services Division.

But I do agree with you. I think we should leave it up to the local boards and the local departments to determine what the right way to handle that is, and I appreciate your time and testimony.

SANDRA STAUB: Thank you. And if you remember last year, I testified directly after one of the chiefs from one of the towns that implemented one of these memos and it was the ACLU and the chief agreeing all the way that this was the way to go, so.

REP. O'DEA: We love agreement. Thank you.

SENATOR COLEMAN: Are there other questions? If not, thank you, Sandra.

SANDRA STAUB: Thank you.

SENATOR COLEMAN: Edwin Colon is next, to be followed by James McGaughey.

EDWIN COLON: Good afternoon, Representative Fox and Senator Coleman and distinguished members of the Judiciary. My name is Edwin Colon. I'm an attorney at the Center for Children's Advocacy. The Center provides free legal representation for our poor children in communities in Connecticut through individual and systemic reform.

We're here in support of Sections 8 and 9 of Raised Bill Number 155. This bill seeks to codify the federal language pertaining to special immigrant juvenile status into the Connecticut General Statutes.

Special immigrant juvenile status is a form of protection for children who have been abandoned, abused and neglected. It's a two-part process in which the federal government allows a child who has been abandoned, abused or neglected to regularize our immigration

status so that they don't return to the same conditions they fled from.

And it requires first, the state court to make findings as to whether a child has been abandoned, abused or neglected. This child then can take that order and apply for immigration protection with the federal immigration authorities.

This state court order itself does not provide the child with status. These are children like Juan, who I represented last year who came from Honduras; fled terrible conditions of abuse and neglect from the very early age and walked for miles to jump into a moving train, risking life and limb in order to make it safely across the border, only to be apprehended.

Children like Lisa, who at the age of three was brought here from Guatemala by her parents, was soon abandoned and abused by her parents, went through a number of caregivers who abandoned and abused her and by the age of 15 finally found a family that was able to care for her. Among other things, they were able to seek legal representation to allow her to remain here lawfully and not be returned to the country that she has never known, which she doesn't even speak the language.

We think this bill and these specific sections, 8 and 9, will do three things that will increase outcomes for kids in Connecticut.

First of these outcomes is that statutory changes will provide children with increased access to protection under existing federal law.

As part of our representation in the probate court system, we've seen situations where the judges are a little reticent or a little

apprehensive about issuing orders that include federal language. We think that this bill will help judges get clear directives as to their authority. They are authorized under federal law to make these findings.

The second outcome is that it will ensure that the language used in the court order is the exact language required and necessary for these children to actually bring this court order into the federal realm and apply for status.

We've seen many of these orders where the language is not accurate, and so it's required us to go and file to reopen the case. If I may, just 30 seconds?

The third outcome will be, we think that this bill will accomplish is that for children whose findings have not been made, this statute will allow them to go back into the court and reopen the decree so that the court can make these findings.

We urge you to pass this bill. We think that by doing so you'll be protecting children like Juan and Lisa, and thank you for your time. If you have any questions?

SENATOR COLEMAN: Thank you. Are there questions?
None. We appreciate your testimony.

EDWIN COLON: Thank you.

SENATOR COLEMAN: Thank you. James McGaughey.

JAMES MCGAUGHEY: Good afternoon, Senator Coleman, Representative Fox, members of the Committee. For the record, my name is Jim McGaughey. I'm Director of the Office of Protection and Advocacy for Persons With Disabilities and I thank you for this opportunity to speak on one of the bills on your agenda today, Raised Bill 54 AN ACT CONCERNING COLLABORATION BETWEEN

I understand this has been discussed today, so I'll try to keep it short, set out a few key points and answer any questions that you have.

You know, the proposed bill aims to codify what we believe to be the common law rule adopted by many of the jurisdictions around the country. It does not seek to change the substantive laws in any manner. Moreover, it simply creates the default rule in the absence of written agreements. If there's a written agreement, the written agreement will supersede the statute.

Again, the purpose of the statute is really just to remove an obstacle to closing, residential closings created by the Fannie Mae Seller's Guidelines.

You guys have the testimony that we've already submitted, so I won't go any further, but if you guys have any questions, I'd be happy to answer them, otherwise happy to help out in any way.

SENATOR COLEMAN: Are there questions for Attorney Lewis? Seeing none. We've heard a considerable amount concerning this issue but thank you for your contribution today.

WILLIAM LEWIS: Thank you.

SENATOR COLEMAN: Dolman Higueros.

DOLMAN HIGUEROS: Actually, I'm an interpreter for Dolman who is going to make his statement in Spanish.

My name is Dolman Higueros. I'm 16 years old originally from Guatemala and a resident of Stamford, Connecticut. I'm here in support of Sections 8 and 9 of Raised Bill No. 155.

From a very young age I suffered abuse and abandonment by my father. My dad refused to provide us with food as a form of domestic violence against my mother. I remember going to be hungry many times and watching my poor mom prepare hot water mixed with sugar to sustain us.

During the first nine years of my life I witnessed physical violence against my mom at the hands of my dad. Fleeing from this abuse we were forced to live in a storage room infested with rats, which often came and bit, bit our skin while we slept. Even when we fled our father, he continued to abuse against us to the point where he once tried to kill us with his truck while we were all walking along a rural road.

Three years later my mom fled Guatemala fearing for her life on account of the endless abuse by my father. I was left in the care of my maternal grandmother but she died of cancer shortly after. In the years that followed, my father left me with my paternal grandparents who removed me from school, beat me, denied me food and forced me to work hauling gravel by hand out of a river bed.

Finally, my mom was able to send for me and bring me to the safety of her care in the United States. However, I was stopped by the border patrol and placed in deportation proceedings.

After being reunited with my mom while I waited for the deportation process a lawyer from the Center for Children's Advocacy helped me with a request to remove my father as guardian and asked the court to make a special finding that has allowed me to petition for special immigrant juvenile status with the United States Customs and Immigration Services,

thereby ensuring that I can remain in the safety and care of my mother. If my father were to continue to have legal custody I would surely return to the deplorable conditions with my paternal grandparents, from which I was finally able to escape.

I currently attend the tenth grade. I have excellent grades and continue to learn English. I also recently got my work permit as part of the immigration process. I finally feel safe and happy in the care of my mother.

I support this bill because I know it can benefit other children who like me were forced across the border alone to find a safe home free from abuse and neglect. Thank you for the opportunity to testify. Respectfully, Dolman Higueros.

SENATOR COLEMAN: Thank you both. Are there questions? Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chairman. No questions, but just a comment. Gracias por (inaudible) aqui. Thank you for your testimony and your bravery for being here.

SENATOR COLEMAN: Others with comments or questions? Mr. Colon. Just, Mr. Colon, it may have been included in his testimony. I know I got his name and his age. Where is he going to school?

EDWIN COLON: He goes to school in Stamford.

SENATOR COLEMAN: In Stamford, okay.

EDWIN COLON: Yeah.

SENATOR COLEMAN: Okay. I appreciate that. Thank you. Apologies to Joelen Gates who can come and address the Committee now.

JOELEN GATES: Thank you, Senator Coleman, members of the Judiciary Committee. My name is Joelen

HB 5215

SENATOR COLEMAN: Are there questions for Attorney Marone? Thank you for your very thorough testimony and please convey our gratitude to Attorneys Marone and Boorman. I'm sorry, Attorney Boorman and Miss Walsh regarding their assistance to this Committee.

RICHARD MARONE: Thank you very much. I will.

SENATOR COLEMAN: Christina Coke is next.

CHRISTINA COKE: Good afternoon.

SENATOR COLEMAN: Good afternoon.

CHRISTINA COKE: My name is Christina and I'm a resident of Bridgeport, Connecticut. I am here in support of Sections 8 and 9 of Raised Bill Number 155.

I was born in Jamaica. When I was less than a month old my mother could no longer care for me and sent me to live with relatives. Over the next years I lived with several different families. I only met my father once when I was 12 and he died shortly after.

By the time I was nine years old, one of the families that had taken me into their home brought me back to my mother because they could no longer care for me. Unfortunately, my mother was also unable to care for me at the time.

With no place to go, one of my teachers from school brought me to her home and offered me a place to stay. A few months later my teacher's niece, Charmaine, who lived here in Bridgeport, Connecticut learned about my life in Jamaica and offered to provide me with a loving and permanent home.

Over the next years, she took care of my basic needs and visited me often with her daughters.

She also started the process to bring me along to live permanently in the United States. In the meantime, my mother relinquished her parental rights.

Unfortunately, the process took far too long and by the time I turned 16, Charmaine could no longer petition for me as an adopted child. By this time, I was staying with her here in Bridgeport, Connecticut and I had no place to return home to in Jamaica.

As a result, I was a child with no legal parents. With the help of a lawyer from the Center for Children's Advocacy, I was able to have Charmaine appointed as my legal guardian. Now I have a permanent home.

My lawyer also made a petition to the probate court to make special findings which have allowed me to apply for lawful permanent residency in the United States so that I can stay with my family.

After graduating with honors from Harding High School, I started attending college and I hope to become a physician some day.

I strongly support Sections 8 and 9 of Raised Bill Number 155 because I do believe that it will allow other children and youth like me not just to have the ability to find their permanent family but also to be able to stay with them forever. Thank you for the opportunity to testify.

SENATOR COLEMAN: Thank you for being here. Are there questions? Where are you going to college?

CHRISTINA COKE: Norwalk Community College.

SENATOR COLEMAN: Okay. Good luck with your aspirations.

CHRISTINA COKE: Thank you.

SENATOR COLEMAN: Sorry. It looks like Representative Grogins might have a comment or a question.

REP. GROGINS: (Inaudible).

SENATOR COLEMAN: Did your friend want to speak or is she just your moral support? Okay. Bethany Brockmeyer is next.

BETHANY BROCKMEYER: Good afternoon, Chairman Coleman and Chairman Fox and members of the Judiciary Committee. My name is Bethany Brockmeyer and I'm a second-year MSW Policy Practice candidate at UConn Social Work School and I am one of the interns that Nancy Humphreys had referred to that has worked with her on the research that we did for SB54 for the Puerto Rican Legislative Caucus.

I have also been an educator in alternative education programs, community college, along with developing education and training programs for workplace literacy in manufacturing companies.

I'm here today to testify on Senate Bill 54. I support this bill as it addresses the need to evaluate and restrict the use of in-school arrests as a disciplinary avenue for minor behavior issues.

SB54 requires the use of a graduated response model and a memorandum of understanding regarding use of in-school arrests as a means to provide options and resolutions to student behavioral problems.

This is an important component to design and implement procedures to eliminate arbitrary in-school arrests due to minor behavioral problems.

**TESTIMONY OF CHRISTINA COKE IN SUPPORT OF SECTIONS 8 AND
9 OF RAISED BILL NO. 155**

My name is Christina and I am a resident of Bridgeport, Connecticut. I am here in support of sections 8 and 9 of Raised Bill No. 155.

I was born in Jamaica. When I was less than a month old, my mother could no longer care for me and sent me to live with relatives. Over the next few years I lived with several different families. I only met my father once when I was 12 years old and he died soon after I met him.

By the time I was nine years old one of the families that had taken me into their home brought me back to my mother because they could no longer care for me. Unfortunately my mother was also unable to care for me at that time. With no place to go, one of my teachers at school brought me to her home and offered me a place to stay. A few months later, my teacher's niece, Charmaine, who lived in Bridgeport, Connecticut learned about my life in Jamaica and offered to provide me with a loving and permanent home.

Over the next few years she took care of my basic needs and visited me often along with her daughters. She also started the process to bring me along to live permanently in the United States. In the meantime my mother gave up her parental rights over me. Unfortunately, the process took far too long and by the time I turned 16 Charmaine could no longer petition me as an adopted child. By

this time, I was staying with her in Bridgeport and had no place to return to in Jamaica.

As a result I was a child with no legal parents. With the help of a lawyer from the Center for Children's Advocacy, I was able to have Charmaine appointed as my legal guardian. Now I have a permanent home. My lawyer also made a petition to the Probate Court to make special findings which have allowed me to apply for lawful permanent residence in the United States so that I can stay with my family. After graduating with Honors from Harding High School I started attending college and hope to become a physician in the future.

I support sections 8 and 9 of Raised Bill No. 155, because I believe that it will allow other children and youth like me to not just have the ability to find their permanent family but also be able to stay with them forever.

Thank you for the opportunity to testify.

Respectfully,
Christina Coke

Center for Children's Advocacy

**TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY
IN SUPPORT OF SECTIONS 8 and 9 of RAISED BILL NO. 155, AN ACT
CONCERNING PROBATE COURTS**

This testimony is submitted on behalf of the Center for Children's Advocacy, a private, non-profit legal organization affiliated with the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

The Center for Children's Advocacy supports sections 8 and 9 of Raised Bill No. 155, which codifies federal language pertaining to Special Immigrant Juvenile Status (SIJS) into Connecticut General Statutes. The purpose of the federal language is to protect children who have been abandoned, abused or neglected by allowing them to regularize their immigration status. As a result, children who are eligible for this protection do not face the human tragedy of being returned to the terrible child abuse or neglect conditions which caused them to flee their country. SIJS is a two part process: if a state court pursuant to a guardianship or a child abuse/ neglect proceeding makes some specific findings as to the immigrant child, he or she can then take the state court order and apply for the SIJS protection with federal immigration authorities. The state court order itself does not grant an immigration benefit, it is merely a prerequisite which allows the child to apply for an immigration benefit.

Children like Juan¹ who was abandoned at birth by his parents, neglected and abused by his many caregivers and threatened by certain death in his country of Honduras, he made the brave decision to travel north with the equivalent of two dollars in his pocket, walking for weeks and jumping onto moving trains in order to find refuge and safety in the United States. Youth like fifteen year old Lisa², who was brought to the United States from Guatemala at the age of three by her parents. Abandoned and abused by her parents, Lisa went from one neglectful caregiver to another until she found a loving family who took care of all her needs including legalizing her immigration status to ensure she would not be returned to a country she does not know and where there is no one that can care for her.

Sections 8 and 9 of this bill will achieve three important outcomes for children in our State.

I. These statutory changes will provide children with increased access to protection under existing federal law.

As part of our representation of children in the probate court system, we have encountered many instances where the court has needed guidance and briefing on its

Board of Directors
Douglas Colosky, *Chair*
Claudia Connor, *Vice Chair*
Jill J Hutensky, *Treasurer*
Natalia Xiomara-Chrefto, *Secretary*
Mario Borelli
Rudolph Brooks
David Cooney
Timothy Demand
Kathryn Emmett (ex officio)
Nichelle A. Mullins
Paul Sarkis
Martha Stone (ex officio)
Antonia Thompson

Advisory Board
Ninam Berkman
John Britten
Brett Dignam
L. Philip Guzman
Wesley Horton
Elizabeth Morgan
Eileen Silverstein
Preston Tisdale
Stanley A. Twardy, Jr
Stephen Witzner

Executive Director
Martha Stone, JD

65 Elizabeth Street
Hartford, CT 06105
Phone 860-570-5327
Fax 860-570-5258
www.kidscounsel.org

¹ Names substituted to protect our client's identity

² Id

ability to issue SIJS findings pursuant to federal law³. By expressly authorizing the court to make these findings, children will have greater access to an existing legal protection under federal law.

II. Sections 8 and 9 will ensure that the exact language necessary to allow children to apply for this immigration benefit is utilized across all probate courts.

Similarly, we have represented children, sometimes previously represented by counsel, where findings have been made but the language used in the decree does not contain the necessary language to allow the child to apply for protection in the immigration realm. In these cases, it has been necessary to re-open the decree and request that the court re-write their order so that the language complies with federal requirements. However, this process has not been successful for children who are no longer under the court's jurisdiction either due to their age or because the timeframe to re-open the decree has lapsed.

III. Children eligible for SIJS protection and for whom the requisite findings were not made will have the ability to file a motion with the court to request the necessary findings.

By expressly creating a statutory right to file a motion after a decree has been issued, we can ensure that children have full access to their federal right. Children should not be penalized for the lack of knowledge by either by their legal representative or the court regarding these very specific federal language requirements. This provision should apply retroactively to any child who can still benefit from the SIJS federal protection.

We hope that you are compelled to pass sections 8 and 9 of Raised Bill No. 155. By passing this bill you will protect other children in our State who like Juan and Lisa face a likely return to the same conditions they fled from.

Respectfully submitted,
Edwin Colon, Esq.
Staff Attorney

³ See 8 U.S.C. § 1101(a)(27)(J)

TESTIMONY OF MEGAN R. NAUGHTON
IN SUPPORT OF SECTIONS 8 and 9 of RAISED BILL NO. 155, AN ACT CONCERNING
PROBATE COURTS

This testimony is submitted by Megan R. Naughton, a partner at Robinson & Cole LLP in Hartford, Connecticut. I have practiced in the field of immigration for almost 15 years in the State of Connecticut. In the past 10 years, I have filed five Special Immigrant Juvenile petitions with the U.S. Citizenship and Immigration Services (USCIS), serving as pro-bono counsel to the Center for Children's Advocacy.

I support sections 8 and 9 of Raised Bill No. 155, which codifies federal language pertaining to Special Immigrant Juvenile Status (SIJS) into Connecticut General Statutes. As a business immigration attorney, the most rewarding cases that I work on are these SIJS cases involving foreign-born children in the U.S. without status who have escaped abuse or neglect from one or both parents. U.S. immigration laws offer a path to permanent residence for children who qualify as special immigrant juveniles. It can be a challenge to obtain the best evidence to present in these cases and to hold the hope of a child in your hands while working in an immigration system that can be unpredictable. It would assist the process greatly if the probate court was given a clear legislative mandate as to the findings necessary to assist in the processing of the SIJS petition with USCIS. These cases already have many issues regarding evidence and immigration documentation to contend with and I believe that it would expedite the process greatly to have the appropriate and necessary language included in the special findings language used by the probate court. These children have already faced enough obstacles.

For example, I had one case where the child's petition had been denied, and we had to refile before she turned 21. It was her last chance. We discovered at the last moment before refiling that the birth certificate provided to her by her abusive father, who abandoned her in the U.S., was fraudulent and that her mother's name was actually a name she had never heard before. The name on the fraudulent birth certificate was the name of the woman who accompanied her father to the U.S. when she was brought here as a young child.

This new evidence was able to legitimize my client's claim all along that her real mother had died when she was born and that she was abandoned in the U.S. by her father (the U.S. Citizenship and Immigration Services previously believed she lied because it had proof that the woman named on the fraudulent birth certificate had accompanied my client and her father to the U.S.). Ultimately, the case was approved, and this amazing young woman has been able to move on with her life and live legally in the U.S. Luckily, because the Center for Children's Advocacy was involved the appropriate language was used in the special findings. If not, we may not have had enough time to achieve the necessary.

The USCIS can be unforgiving in its adjudications. If the correct language is not included, the case will be denied. Because most SIJ cases are filed along with Applications for Adjustment to Permanent Resident (Form I-485), both the SIJ petition and the I-485 application would be denied together. The filing fee of as much as \$1,070 for the I-485 can be lost and is not refunded by the USCIS. This can be devastating to a case which has limited resources. It is critical that the appropriate language is used to help children which are eligible for this status.

I hope that you are compelled to pass sections 8 and 9 of Raised Bill No. 155. By passing this bill you will protect children in our State who truly are among the most vulnerable and greatly assist those trying to help them.

Respectfully submitted,
Megan R. Naughton, Esq.
Robinson & Cole LLP

Testimony of Dolman Higueros in Support of Sections 8 and 9 of Raised Bill No. 155

My name is Dolman Higueros. I am 16 years old, originally from Guatemala and a resident of Stamford, Connecticut. I am here in support of sections 8 and 9 of Raised Bill No. 155.

From a very young age, I suffered abuse and abandonment by my father. My dad refused to provide food to me and my sisters as a form of domestic violence against my mother. I remember going to bed hungry many times and watching my poor mother prepare hot water mixed with sugar to sustain us.

During the first 9 years of my life I witnessed physical violence against my mother at the hands of my father. Fleeing from this abuse we were forced to live in a storage room infested with rats which often bit our skin while we slept. Even when we fled, our father continued the abuse against us to the point that he once tried to kill us with his truck while we were walking along a rural road.

Three years later, my mother fled Guatemala fearing for her life on account of the endless abuse by father. I was left in the care of my maternal grandmother, but she died of cancer shortly after.

In the years that followed, my father left me with my paternal grandparents who removed me from school, beat me, denied me food and forced me to work hauling gravel by hand out of a river bed.

Finally, my mom was able to send for me and bring me to the safety of her care in the United States. However, I was stopped by the border patrol and placed in deportation proceedings. After being reunited with my mother while I waited for the deportation process a lawyer from the Center for Children's Advocacy, helped me with a request to remove my father as guardian and asked the Court to make special findings that have allowed me to petition for Special Immigrant Juvenile Status with the United States Customs and Immigration Services thereby ensuring I can remain in the safety and care of my mother. If my father were to continue to have legal custody I would surely return to the deplorable conditions with my paternal grandparents from which I was finally able to escape

I attend the tenth grade, have excellent grades and continue to learn English. I also recently got my work permit as part of the immigration process. I finally feel safe and happy in the care of my mother

I support this bill because I know it can benefit other children who like me were forced to cross the border alone to find a safe home free from abuse and neglect.

Thank you for the opportunity to testify

Respectfully,
Dolman Higueros



STATE OF CONNECTICUT

OFFICE OF THE
PROBATE COURT ADMINISTRATOR

PAUL J. KNIERIM
Probate Court Administrator

THOMAS E. GAFFEY
Chief Counsel

HELEN B. BENNET
Attorney

DEBRA COHEN
Attorney

186 NEWINGTON ROAD
WEST HARTFORD, CT 06110

TEL (860) 231-2442
FAX (860) 231-1055

To: Senate Co-Chair Eric Coleman
House Co-Chair Gerald Fox
Senate Ranking Member John Kissel
House Ranking Member Rosa Rebimbas
Honorable Members of the Judiciary Committee

From: Paul J. Knierim
Probate Court Administrator

Re: RB 155 An Act Concerning Probate Courts

Date: February 24, 2014

Thank you for the opportunity to testify in support of Raised Bill No. 155, which the Connecticut Probate Assembly and the Office of the Probate Court Administrator jointly support. This testimony will summarize each section of the bill.

Sections 1 and 2 deal with the statutes governing adult adoption. Adult adoption is a legal framework under which a person over the age of 18 agrees to be adopted by another person who is unrelated and older than the adopted person. Individuals seek adult adoption in a variety of circumstances, but it is most frequently used when a young adult wishes to establish a legal relationship with a stepparent

Like the adoption of a minor, adult adoption requires Probate Court approval, but a key difference is that an adult adoption occurs without a prior proceeding to terminate the parental rights of the adopted person's biological parents. Adoptions for minors and adults also differ in their legal consequences. While the adoption of a minor brings with it duties of financial support and rights of custody, the principal legal effect of adult adoption relates to inheritance rights.

The proposed language is intended to clarify the circumstances under which the legal relationship between a biological parent and an adult child is not terminated when the child is adopted by another person. Current law describes only one explicit circumstance under which the relationship between a biological parent and child continues after an adult adoption, which is set forth in C.G.S. section 45a-734 (d). Under that provision, the legal relationship between an adopted person and his or her biological parent is not terminated if the adopted person's other biological parent is deceased and the adoptive parent is the spouse of the surviving parent. It is not clear whether the statute is intended to sever the relationship between the biological parent and the adult adopted person in all other circumstances.

The bill would answer that uncertainty by establishing that a biological parent is not terminated if he or she joins in the adoption agreement between the adult child and the adoptive parent. The bill also makes it clear that an adult may be adopted by only one person when a biological parent is a party to the agreement (thus limiting the adult adopted person to two parents) and that the parent who does not join in the adoption agreement is terminated.

Due to the ambiguity of the C.G.S. section 45a-734, sections 1 and 2 of this bill are intended to have retroactive effect

Sections 3 through 6 update the statutes governing intestate succession as they relate to children born out of wedlock. The intestate succession statutes, which determine how the property of a person who dies without a will is distributed, refer to criteria for determining paternity that are inconsistent with other statutory provisions dealing with paternity. For example, C.G.S. section 45a-738b provides that a person may inherit from a deceased child only if he can prove that he had "acknowledged in writing he is the father of the child and openly treated the child as his."

The proposed amendments would replace the varied methods of establishing paternity in the intestate succession statutes with reference to the two methods by which paternity is established for all other legal purposes: (1) a written acknowledgement of paternity signed under oath by both the mother and father pursuant to C.G.S. section 46b-172 or (2) an adjudication of paternity by a court.

An important companion to these revisions is contained in **Section 7**, which amends the statute governing paternity proceedings in the Probate Courts. Under C.G.S. section 46b-172a, a person claiming to be the father of a child born out of wedlock may petition the Probate Court for a paternity determination. The bill would broaden the statute to permit paternity claims at any time during the child's life or after the death of the child.

Sections 8 and 9 would establish a statutory framework by which Connecticut's Probate Courts can exercise available jurisdiction under the provisions of federal

immigration law. Federal law permits state courts that have jurisdiction over children's matters to make findings of fact that a family may then use to apply for Special Immigrant Juvenile Status (SIJS) with the U.S. Citizenship and Immigration Services. A person who is granted SIJS status is able to legally remain in the United States.

Under the proposal, a party to a Probate Court proceeding involving guardianship, parental rights or adoption may file a motion requesting written findings in connection with an SIJS petition. The written findings address whether reunification with one or both of the parents is viable and whether return to the country of origin is in the child's best interests.

Section 10 permits the Superior Court for Juvenile Matters to disclose otherwise confidential records to judges and employees of the Probate Courts. Existing statutes already permit Probate Courts to disclose records to the Superior Court and to DCF and allow DCF to disclose records to both courts. Enactment of this provision will ensure that agency and court personnel are able to share critical information about the safety and well-being of a child in the event that legal proceedings affecting the child transition from one court to another.

On behalf of the Probate Court system, I respectfully request that the committee to act favorably on the bill. Thank you for your consideration.