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2022 Edition

# Guardianship in Connecticut

A Guide to Resources in the Law Library

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*Prepared by Connecticut Judicial Branch, Superior Court Operations,  
Judge Support Services, Law Library Services Unit*

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- [Best Interest of the Child Standard in Connecticut](#)
- [Child Abuse And Neglect in Connecticut](#)
- [Child Custody Actions in Connecticut](#)
- [Representing Minors in Connecticut](#)
- [Rights of Minors in Connecticut](#)
- [Termination of Parental Rights in Connecticut](#)

These guides are provided with the understanding that they represent only a beginning to research. It is the responsibility of the person doing legal research to come to his or her own conclusions about the authoritativeness, reliability, validity, and currency of any resource cited in this research guide.

View our other research guides at  
<https://jud.ct.gov/lawlib/selfguides.htm>

This guide links to advance release opinions on the Connecticut Judicial Branch website and to case law hosted on **Google Scholar and Harvard's Case Law Access Project**.

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References to online legal research databases refer to in-library use of these databases. Remote access is not available.

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<https://www.jud.ct.gov/policies.htm>

# Section 1: Introduction to Types of Guardianship

A Guide to Resources in the Law Library

- "There are two types of guardianship for minors: guardianship of the person and guardianship of the estate. A guardian of the person has the responsibility to care **for the minor. A guardian of the estate manages the minor's assets.**" [User Guide - Guardians of Minors](#) (CT Probate Courts, 2020).
- "The provisions of sections 45a-603 to 45a-622, inclusive, shall be liberally construed in the best interests of any minor child affected by them, provided the requirements of such sections are otherwise satisfied." Conn. Gen. Stat. § [45a-605](#)(a) (2021).
- "'Guardianship' means guardianship of the person of a minor, and includes: (A) The obligation of care and control; (B) the authority to make major decisions affecting the minor's education and welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment; and (C) upon the death of the minor, the authority to make decisions concerning funeral arrangements and the disposition of the body of the minor;" Conn. Gen. Stat. § [45a-604](#)(5) (2021) (As amended by [Public Act 21-15](#), § 105).
- Father and mother joint guardians: "The father and mother of every minor child are joint guardians of the person of the minor, and the powers, rights and duties of the father and the mother in regard to the minor shall be equal. If either father or mother dies or is removed as guardian, the other parent of the minor child shall become the sole guardian of the person of the minor." Conn. Gen. Stat. § [45a-606](#) (2021).

See - [Section 2: Parents as Guardians](#) (page 6)

- Temporary guardian: "Any parent or guardian of the person of a minor may apply to the Probate Court for the district in which the minor resides, is domiciled or is located at the time of the filing of the petition for the appointment of a temporary guardian of the person to serve for no longer than one year if the appointing parent or guardian is unable to care for the minor for any reason including, but not limited to, illness and absence from the jurisdiction. The temporary guardian will cease to serve when the appointing parent or guardian notifies the court and the temporary guardian to that effect." Conn. Gen. Stat. § [45a-622](#)(a) (2021).

See - [Section 3: Temporary Guardians](#) (page 12)

- Standby guardian **of minor**: "A parent or guardian, as principal, may designate a standby guardian of a minor in accordance with the provisions of sections 45a-624 to 45a-624g, inclusive. Such designation, in a form as provided in section 45a-624b, shall take effect upon the occurrence of a specified contingency, including, but not limited to, the mental incapacity, physical debilitation or death **of the principal....**" Conn. Gen. Stat. § [45a-624](#) (2021).

See - [Section 4: Standby Guardians](#) (page 15)

- **Coguardians:** "If any minor has no parent or guardian of his or her person, the following persons may petition the Probate Court to appoint a guardian or coguardians of the person of the minor: (1) Any adult relative of the minor, including those by blood or marriage; (2) a person with actual physical custody of the minor at the time the petition is filed; or (3) counsel for the minor. The petition shall be filed in the Probate Court in the district in which the minor resides, is domiciled or is located at the time of the filing of the petition. When appointing a guardian or coguardian, the court shall take into consideration the standards provided in section 45a-617." Conn. Gen. Stat. § [45a-616](#)(a) (2021).

"If any minor has a parent or guardian, who is the sole guardian of the person of the child, the Probate Court for the district in which the minor resides, is domiciled or is located at the time of the filing of the petition may, on the petition of the parent or guardian of such child or of the Commissioner of Children and Families with the consent of such parent or guardian and with regard to a child within the care of the commissioner, appoint one or more persons to serve as coguardians of the child.." Conn. Gen. Stat. § [45a-616](#)(b) (2021).

- **Permanent guardianship** "means a guardianship, as defined in subdivision (5) of this section, that is intended to endure until the minor reaches the age of majority without termination of the parental rights of the minor's parents;" Conn. Gen. Stat. § [45a-604](#)(8) (2021) (As amended by [Public Act 21-15](#), § 105).

See - [Section 5: Guardians, Coguardians, and Permanent Guardians Appointed by the Courts](#) (page 17)

- **Guardian of the Estate of Minor - Limitation on receipt or use of minor's property by parent, guardian or spouse:** "A parent of a minor, guardian of the person of a minor or spouse of a minor shall not receive or use any property belonging to the minor in an amount exceeding ten thousand dollars in value unless appointed guardian of the estate of the minor, except that such parent, guardian or spouse may hold property as a custodian under the provisions of sections 45a-557 to 45a-560b, inclusive, without being so appointed." Conn. Gen. Stat. § [45a-631](#)(a) (2021).

See - [Section 6: Guardians of the Estate of a Minor](#) (page 24)

- **Testamentary guardian:** "The parent of an unmarried minor, except a parent who has been removed as guardian of the person of the minor, may by will or other writing signed by the parent and attested by at least two witnesses appoint a person or persons as guardian or coguardians of the person of such minor, as guardian or coguardians of the estate, or both, to serve if the parents who are guardians of the minor are dead." Conn. Gen. Stat. § [45a-596](#)(a) (2021).

See - [Section 7: Testamentary Guardians](#) (page 28)

- **Plenary guardian of a person with intellectual disability:** "means a person, legally authorized state official, corporation, limited liability company, partnership or other entity recognized under the laws of this state, whether or not operated for profit, except a hospital, nursing home facility, as defined in section 19a-521, or residential care home, as defined in section 19a-521, appointed by a Probate Court pursuant to the provisions of sections 45a-669 to 45a-683, inclusive, to supervise all aspects of the care of an adult person, as enumerated in subsection

(d) of section 45a-677, for the benefit of such adult, who by reason of the severity of intellectual disability, has been determined to be totally unable to meet essential requirements for his or her physical health or safety and totally unable to make informed decisions about matters related to his or her care.” Conn. Gen. Stat. § [45a-669](#)(1) (2021).

- Limited guardian “means a person, legally authorized state official, corporation, limited liability company, partnership or other entity recognized under the laws of this state, whether or not operated for profit, except a hospital or nursing home, as defined in section 19a-521, appointed by a Probate Court pursuant to the provisions of sections 45a-669 to 45a-683, inclusive, to supervise certain specified aspects of the care of an adult person, as enumerated in subsection (d) of section 45a-677, for the benefit of such adult, who by reason of the severity of intellectual disability, has been determined to be able to do some, but not all, of the tasks necessary to meet essential requirements for his or her physical health or safety or to make some, but not all, informed decisions about matters related to his or her care.” Conn. Gen. Stat. § [45a-669](#)(3) (2021).

See - [Section 8: Guardians of Intellectually Disabled Adults](#) (page 31)

## Section 2: Parents as Guardians

A Guide to Resources in the Law Library

### SCOPE:

Bibliographic resources relating to parents as guardians of minors in Connecticut.

### DEFINITIONS:

- Mother: "means a woman who is a parent as defined in section 2 of this act." **Conn. Gen. Stat. § 45a-604(1)** (2021) (As amended by [Public Act 21-15](#), § 105).
- Father: "means a man who is a parent as defined by section 2 of this act." **Conn. Gen. Stat. § 45a-604(2)** (2021) (As amended by [Public Act 21-15](#), § 105).
- Parent: "has the same meaning as provided in section 2 of this act." **Conn. Gen. Stat. § 45a-604(3)** (2021) (As amended by [Public Act 21-15](#), § 105).
- Parent: "means a person who has established a parent-child relationship under section 19 of this act." [Public Act 21-15](#), § 2(14).
- Father and mother joint guardians: "The father and mother of every minor child are joint guardians of the person of the minor, and the powers, rights and duties of the father and the mother in regard to the minor shall be equal. If either father or mother dies or is removed as guardian, the other parent of the minor child shall become the sole guardian of the person of the minor." **Conn. Gen. Stat. § 45a-606** (2021).
- Parents as joint guardians: "**The plain purpose** of the statute was to make the legal rights of the father and the mother equal as joint guardians. Though they live separate and apart their legal rights as guardians remain **equal.**" [Pfeiffer v. Pfeiffer](#), 99 Conn. 154, 157, 121 A. 174, 175 (1923).
- Presumption re best interest of the child to be in custody of parent: "In any dispute as to the custody of a minor child involving a parent and a nonparent, there shall be a presumption that it is in the best interest of the child to be in the custody of the parent, which presumption may be rebutted by showing that it would be detrimental to the child to permit the parent to have custody." **Conn. Gen. Stat. § 46b-56b** (2021).
- Claim for paternity by putative father: "Failing perfection of parental rights as prescribed by this section, any person claiming to be the father of a child born out of wedlock (1) who has not been adjudicated the father of such child by a court of competent jurisdiction, or (2) who

has not acknowledged in writing that he is the father of such child, or (3) who has not contributed regularly to the support of such child, or (4) whose name does not appear on the birth certificate, shall cease to be a legal party in interest in any proceeding concerning the custody or welfare of the child, including, but not limited to, guardianship and adoption, unless he has shown a reasonable degree of interest, concern or responsibility for the child's welfare." **Conn. Gen. Stat. § 46b-172a(g)** (2021).

#### USER GUIDES:

#### STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Probate Court  
[Guardians of Minors](#) (2020)
- Conn. Gen. Stat. (2021).  
[Chapter 802h](#). Protected Persons and Their Property  
§ [45a-596](#). Parental appointment of guardian or coguardian of minor upon death of parents.  
§ [45a-605](#). Provisions construed in best interest of minor child.  
§ [45a-606](#). Father and mother joint guardians.  
§ [45a-609](#). Application for removal of parent as guardian. Hearing. Notice. Examination.  
§ [45a-610](#). Removal of parent as guardian.  
§ [45a-611](#). Reinstatement of parent as guardian of the person of minor.  
§ [45a-614](#). Removal of parent as guardian of minor. Parent may not petition for removal of permanent guardian.  
§ [45a-616a](#). Appointment of permanent guardian for minor. Reinstatement of parent as guardian or appointment of successor guardian or permanent guardian.  
§ [45a-624a](#). Consent of parents required for designation of standby guardian.

#### COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2022).  
[Chapter 35a](#). Hearings Concerning Neglected, Abused and Uncared for Children and Termination of Parental Rights  
§ 35a-12A. Motions for transfer of guardianship  
§ 35a-19. Transfer from Probate Court of petitions for removal of parent as guardian or termination of parental rights  
§ 35a-20. Motions for reinstatement of parent or former legal guardian as guardian or modification of guardianship post-disposition
- Connecticut Probate Court Rules of Procedure (2020).  
[Rule 40](#). **Children's Matters: General Provisions**  
Section 40.3. Immediate temporary custody of a minor

- Section 40.4. Order for immediate temporary custody without notice and hearing
- Section 40.5. Appointment of temporary custodian on consent
- Section 40.6. Removal and appointment of guardian on consent
- Section 40.7. Reinstatement as guardian
- Section 40.8. Temporary guardianship

FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) and [Official Court Webforms page](#) for the current forms.

- Probate Court
  - [PC-500](#). Petition/Removal of Guardian (rev. 10/19)
  - [PC-501](#). Petition/Immediate Temporary Custody (rev. 10/19)
  - [PC-502](#). Petition/Temporary Custody (rev. 10/19)
  - [PC-504](#). Petition/Appointment of Temporary Guardian (rev. 8/19)
  - [PC-505](#). Petition/Appointment of Permanent Guardian (rev. 10/19)
  - [PC-506](#). Petition/Reinstatement of Parent as Guardian of Minor (rev. 8/19)
  - [PC-509](#). Petition/Appointment of Coguardian of the Person of a Minor Child (rev. 8/19)
  - [PC-510](#). Custodian’s Affidavit/Immediate Temporary Custody (rev. 10/17)
  - [PC-570](#). Guardian’s Report/Guardianship of the Person of a Minor (rev. 4/19)
- Superior Court, Juvenile Matters
  - [JD-JM-203](#). Motion, Permanent Legal Guardianship (rev. 1/22)

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In Re Zakai F.](#), 336 Conn. 272, 275, 255 A.3d 767, 770 (2020). **“We conclude that, under § 45a-611, once a parent demonstrates that the factors that resulted in the removal of the parent as guardian have been resolved satisfactorily, the parent is entitled to a presumption that reinstatement of guardianship rights is in the best interests of the child.”**
- [In Re Jaccari J.](#), 153 Conn. App. 599, 604, 101 A.2d 961, 965 (2014). **“Ultimately, the court concluded that the children had ‘a long-term continuous relationship with their biological parent, the father. [The grandmother] has been unable to provide for the boys’ medical and therapy needs and follow through with the recommendations of the therapists on a consistent basis’. . .**

The court went on to find, by a fair preponderance of the evidence, that **‘it is in the best interest of both [children] that guardianship and custody be transferred to their father’. . .”**

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In Re Natalie S.](#), 325 Conn. 833, 841-842, 160 A.3d 1056, 1062 (2017). **"Section 17a-111b (a) provides as follows: 'The Commissioner of Children and Families shall make reasonable efforts to reunify a parent with a child unless the court (1) determines that such efforts are not required pursuant to subsection (b) of this section or subsection (j) of section 17a-112, or (2) has approved a permanency plan other than reunification pursuant to subsection (k) of section 46b-129.'** **The respondent asserts that the plain language of the statute required that the department provide reunification efforts with her because the trial court neither determined that such efforts were not required pursuant to General Statutes § 17a-112 nor had it approved a permanency plan pursuant to General Statutes § 46b-129 (k). The department counters that the plain language of § 17a-111b (a), when considered in light of the other relevant statutes, does not require reunification efforts with the respondent in the present case because custody and guardianship was awarded to the other parent."**
- [In Re Crystal H.](#), Superior Court, Judicial District of Middlesex, Juvenile Matters at Middletown, No Number (May 22, 2002) (32 Conn. L. Rptr. 127) (2002 Conn. Super. LEXIS 1783) (2002 WL 1336088). **"Her [the mother's] decision to temporarily relinquish both her custodial and guardianship rights temporarily should not adversely impact the father's rights."**
- [Bristol v. Brundage](#), 24 Conn. App. 402, 405, 589 A.2d 1, 2 (1991). **"This statute [§ 46b-56b] was enacted to counteract the holding of [McGaffin v. Roberts](#), 193 Conn. 393, 479 A.2d 176 (1984), cert. denied, 470 U.S. 1050, 105 S.Ct. 1747, 84 L.Ed.2d 813 (1985), which held that § 45-43 (now § 45a-606) did not create a presumption that a surviving parent is entitled to preference in a custody dispute."**
- [Posey v. Yandell](#), 26 Conn. Supp. 320, 323, 222 A.2d 747, 749 (1966). **"Upon the death of the mother the plaintiff became the sole guardian of the child Carolyn. It follows that the plaintiff has a prior right to custody unless the circumstances are such that to give it to him would not be for the best interests of the child."**

WEST KEY NUMBERS:

- *Guardian and Ward*
  4. Guardians by nature.
  10. Persons who may be appointed.
  29. Custody and control of person.

ENCYCLOPEDIAS:

- 39 *Am Jur 2d* Guardian and Ward, Thomson West, 2019 (Also available on Westlaw).
  - § 5. Parents as joint guardians

- § 6. Rights of father
- § 7. Rights of mother
- § 8. Rights of other relatives
- § 9. Incidents of guardianship by nature
- § 10. Transfer of guardianship or custody of child

- 39 *CJS Guardian and Ward*, Thomson West, 2014 (Also available on Westlaw).
  - § 5. Classes or kinds of guardians
  - § 6. Classes or kinds of guardians—Natural guardians
  - § 28. Parents
  - § 57. Competing rights of guardian and parents

**TEXTS &  
TREATISES:**

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).

Chapter 3. Guardianships

II. Guardianships of Minors

- § 3:5. Challenging legality of involuntary guardianship
- § 3:6. Parent and child—Statutory guardians of the person, custody and control, termination of parental rights, statutory parent
- § 3:10. Status of illegitimate children
- § 3.11. Types of guardianships of minors

- 8 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2021-2022 supplement (also available on Westlaw).

Chapter 42. Child Custody and Visitation

- § 42.1. Parental custody rights—Generally
- § 42.2. Rights of unmarried or noncohabiting parents

Chapter 44. Modification of Custody and Visitation Orders

- § 44.19. Death of custodial parent

- 20 Connecticut Practice Series, *Connecticut Elder Law*, by Kate McEvoy, 2021 ed., Thomson West (also available on Westlaw).

Chapter 13. Relative Caregivers

- § 13:10. Guardianship of person—In general
- § 13:17. Guardianship of person—Removal of parents as guardian

- ***Connecticut Lawyer's Deskbook: A Reference Manual***, 3rd ed., LawFirst Publishing, 2008.

Chapter 21. Child Protection

- Basic Principles: Guardianship of the Person of the Minor in Probate Court (p. 543)

- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2020-2021 supplement.
  - Chapter 11. Guardianship
    - § 11: 1. Guardianship generally
    - § 11: 7. Persons who may be appointed guardian
  
- 1 *Legal Rights of Children*, 3d ed., by Thomas R. Young, 2020-2021 ed., Thomson West (also available on Westlaw).
  - Chapter 2. Child Custody
    - § 2: 18. Preference of the natural parent(s) over others, generally
  
- *A Practical Guide to Probate in Connecticut*, Jennifer A. Basciano and Peter T. Mott, editors, Massachusetts Continuing Legal Education, 2013, with 2018 & 2021 supplements.
  - Chapter 7. Guardians and Conservators
    - § 7.3.2. Types of Guardians
    - § 7.3.3. Removal of a Parent as a Guardian of the Person of a Minor

# Section 3: Temporary Guardians

A Guide to Resources in the Law Library

## SCOPE:

Bibliographic resources relating to temporary guardians of minors in Connecticut.

## DEFINITIONS:

- Temporary guardian: "Any parent or guardian of the person of a minor may apply to the Probate Court for the district in which the minor resides, is domiciled or is located at the time of the filing of the petition for the appointment of a temporary guardian of the person to serve for no longer than one year if the appointing parent or guardian is unable to care for the minor for any reason including, but not limited to, illness and absence from the jurisdiction. The temporary guardian will cease to serve when the appointing parent or guardian notifies the court and the temporary guardian to that effect." **Conn. Gen. Stat. § [45a-622](#)(a)** (2021).
- Rights and obligations **of the temporary guardian**: "The rights and obligations of the temporary guardian shall be those described in subdivisions (5) and (6) of section 45a-604." **Conn. Gen. Stat. § [45a-622](#)(b)** (2021).
- Liability **of the temporary guardian**: "A temporary guardian is not liable as a guardian pursuant to section 52-572." **Conn. Gen. Stat. § [45a-622](#)(b)** (2021).

## USER GUIDES:

- Probate Court  
[Guardians of Minors](#) (2020)

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2021).  
[Chapter 802h](#). Protected Persons and Their Property  
§ [45a-605](#). Provisions construed in best interest of minor child.  
§ [45a-622](#). Appointment of temporary guardian. Application. Rights and obligations.

## COURT RULES:

- Connecticut Probate Court Rules of Procedure (2020).  
[Rule 40](#). **Children's Matters: General Provisions**  
Section 40.8. Temporary guardianship

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) for the current forms.

- Probate Court  
[PC-501](#). Petition/Immediate Temporary Custody (rev. 10/19)  
[PC-502](#). Petition/Temporary Custody (rev. 10/19)  
[PC-504](#). Petition/Appointment of Temporary Guardian (rev. 8/19)  
[PC-510](#). Custodian's Affidavit/Immediate Temporary Custody (rev. 10/17)

[PC-550](#). Physician's Certificate/Immediate Temporary Custody (rev. 10/17)

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In Re Nicholas B.](#), 52 Conn. Supp. 313, 317, 44 A.3d 230, 234-235 (2011). "Under the plan, the first phase was for father to begin contact with the children by writing two letters per week. It was important for father to be supportive of the placements. The temporary guardians were to provide father with feedback regarding the children's reactions to the letters. After six weeks of stable and trouble-free letters, the temporary guardians could then move to phase two, where father would be able to make weekly phone calls to the children in addition to writing letters. After six weeks of trouble-free contact, the temporary guardians could then move to phase three, where father would be able to have monthly visitation if the children desired. If any difficulties arose, then the contact would be adjusted to the last trouble-free level. The evidence demonstrated that father never made any real efforts to comply with the recommended contact/visitation plan."
- [In Re Crystal H.](#), Superior Court, Judicial District of Middlesex, Juvenile Matters at Middletown, No Number (May 22, 2002) (32 Conn. L. Rptr. 127) (2002 Conn. Super. LEXIS 1783) (2002 WL 1336088). "**The child's** mother requested the appointment of a temporary guardian because she wanted to complete her education and was not able carry out her parental responsibilities **while doing so.**"
- [In Re Carmen M.](#), Superior Court, Judicial District of Middlesex at Middletown, No Number (July 30, 1997) (20 Conn. L. Rptr. 393) (1997 Conn. Super. LEXIS 2371) (1997 WL 576592). "**An examination of the probate** statutes dealing with Guardian of the Person of a Minor (Chapter 802h, Part 11) indicates that the probate decree of January 3, 1996, is notwithstanding the language of the probate judge, a decree of temporary custody under § 45a-607, and not a decree appointing a temporary guardian under § 45a-622, which can occur only upon application by the actual parent or guardian. The proceeding in the probate court was instituted by persons who were neither the parents nor the guardian of **Carmen.**"
- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).

TEXTS &  
TREATISES:

- Chapter 3. Guardianships
  - II. Guardianships of Minors
    - § 3.11. Types of guardianships of minors

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- 20 Connecticut Practice Series, *Connecticut Elder Law*, by Kate McEvoy, 2021 ed., Thomson West (also available on Westlaw).  
Chapter 13. Relative Caregivers  
§ 13:13. Guardianship of person—Temporary guardianship
- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2020-2021 supplement.  
Chapter 11. Guardianship  
§ 11:5. Temporary guardianship
- ***Connecticut Lawyer's Deskbook: A Reference Manual***, 3rd ed., LawFirst Publishing, 2008.  
Chapter 21. Child Protection  
Basic Principles: Guardianship of the Person of the Minor in Probate Court  
Temporary Guardian of the Person of a Minor (p. 543)
- *A Practical Guide to Probate in Connecticut*, Jennifer A. Basciano and Peter T. Mott, editors, Massachusetts Continuing Legal Education, 2013, with 2018 & 2021 supplements.  
Chapter 7. Guardians and Conservators  
§ 7.3.2. Types of Guardians  
(b) Temporary Guardian of the Person

# Section 4: Standby Guardians

A Guide to Resources in the Law Library

## SCOPE:

Bibliographic resources relating to standby guardians of minors in Connecticut.

## DEFINITIONS:

- Standby guardian **of minor**: "A parent or guardian, as principal, may designate a standby guardian of a minor in accordance with the provisions of sections 45a-624 to 45a-624g, inclusive. Such designation, in a form as provided in section 45a-624b, shall take effect upon the occurrence of a specified contingency, including, but not limited to, the mental incapacity, physical debilitation or death of the principal, provided a written statement signed under penalty of false statement has been executed pursuant to section 45a-624c that such contingency has occurred. A designation of a standby guardian shall be in writing and signed and dated by the principal with at least two witnesses. The principal shall provide a copy of such designation to the standby guardian." **Conn. Gen. Stat.** § [45a-624](#) (2021).

## USER GUIDES:

- Probate Court  
[Guardians of Minors](#) (2020)

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2021).  
[Chapter 802h](#). Protected Persons and Their Property  
§ [45a-624](#). Designation of standby guardian of minor.  
§ [45a-624a](#). Consent of parents required for designation of standby guardian.  
§ [45a-624b](#). Form for designation of standby guardian.  
§ [45a-624c](#). Written statement that designation of standby guardian in full force and effect.  
§ [45a-624d](#). Authority of standby guardian.  
§ [45a-624e](#). Authority of standby guardian after death of principal.  
§ [45a-624f](#). Revocation of designation of standby guardian.  
§ [45a-624g](#). Probate Court to resolve disputes concerning designation of standby guardian.

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) for the current forms.

- Probate Court  
[Information and Instructions: Designation of a Standby Guardian](#)

ENCYCLOPEDIAS:

- 125 *Am Jur Trials* 363, *Guardianships*, by David L. Ganz, Thomson West, 2012 (Also available on Westlaw).  
§ 8. Standby guardian
- 39 *CJS Guardian and Ward*, Thomson West, 2014 (Also available on Westlaw).  
§ 12. Circumstances affecting propriety of appointment—Existence or nonexistence of natural guardian

TEXTS &  
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).  
Chapter 3. Guardianships  
II. Guardianships of Minors  
§ 3:27. Standby guardians
- 20 Connecticut Practice Series, *Connecticut Elder Law*, by Kate McEvoy, 2021 ed., Thomson West (also available on Westlaw).  
Chapter 13. Relative Caregivers  
§ 13:14. Guardianship of Person—Standby guardianship
- ***Connecticut Lawyer's Deskbook: A Reference Manual***, 3rd ed., LawFirst Publishing, 2008.  
Chapter 21. Child Protection  
Basic Principles: Guardianship of the Person of the Minor in Probate Court  
Standby Guardian (p. 543)
- *2 Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2020-2021 supplement.  
Chapter 11. Guardianship  
§ 11:6. Standby guardianship
- *A Practical Guide to Probate in Connecticut*, Jennifer A. Basciano and Peter T. Mott, editors, Massachusetts Continuing Legal Education, 2013, with 2018 & 2021 supplements.  
Chapter 7. Guardians and Conservators  
§ 7.3.2. Types of Guardians  
(c) Standby Guardian of the Person

# Section 5: Guardians, Coguardians, and Permanent Guardians Appointed by the Courts

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A Guide to Resources in the Law Library

## SCOPE:

Bibliographic resources relating to guardians, co-guardians and permanent guardians of minors appointed by the Court in Connecticut.

## DEFINITIONS:

- **"It is, indeed, the duty of judges of probate to see that infants who need guardians have them . . ."** [Apthorp v. Backus](#), 1 Kirby 407, 410 (Conn. 1788).
- Guardian and Coguardians:  
Without parent: "If any minor has no parent or guardian of his or her person, the following persons may petition the Probate Court to appoint a guardian or coguardians of the person of the minor: (1) Any adult relative of the minor, including those by blood or marriage; (2) a person with actual physical custody of the minor at the time the petition is filed; or (3) counsel for the minor. The petition shall be filed in the Probate Court in the district in which the minor resides, is domiciled or is located at the time of the filing of the petition. When appointing a guardian or coguardian, the court shall take into consideration the standards provided in section 45a-617. The court shall take of such guardian or coguardians a written acceptance of guardianship and, if the court deems it necessary for the protection of the minor, a probate bond." **Conn. Gen. Stat. § [45a-616](#)(a)** (2021).

With only one parent: "If any minor has a parent or guardian, who is the sole guardian of the person of the child, the Probate Court for the district in which the minor resides, is domiciled or is located at the time of the filing of the petition may, on the petition of the parent or guardian of such child or of the Commissioner of Children and Families with the consent of such parent or guardian and with regard to a child within the care of the commissioner, appoint one or more persons to serve as coguardians of the child . . . The court shall take of such guardian or coguardians a written acceptance of guardianship, and if the court deems it necessary for the protection of the minor, a probate bond." **Conn. Gen. Stat. § [45a-616](#)(b)** (2021).

Appointment of permanent guardian for minor. "(a) Upon removing a parent as guardian pursuant to section 45a-610 or at any time after such removal, the Probate Court may establish a permanent guardianship if the court provides notice, as provided in section 45a-609, to

the removed parent that the parent may not petition for reinstatement as guardian or petition to terminate the permanent guardianship, except as provided in subsection (b) of this section, or the court indicates on the record why such notice could not be provided, and the court finds by clear and convincing evidence that the establishment of a permanent guardianship is in the best interests of the minor and that the following have been proven by clear and convincing evidence. . . . ” **Conn. Gen. Stat. § [45a-616a](#)**(a) (2021).

- Rights and obligations of the guardian or coguardian: “shall be those described in subdivisions (5) and (6) of section 45a-604 and shall be shared with the parent or previously appointed guardian of the person of the minor. The rights and obligations of guardianship may be exercised independently by those who have such rights and obligations. In the event of a dispute between guardians or between a coguardian and a parent, the matter may be submitted to the Probate Court which appointed the guardian or coguardian.” **Conn. Gen. Stat. § [45a-616](#)**(d) (2021).
- Powers: “A parent of a minor, guardian of the person of a minor or spouse of a minor shall not receive or use any property belonging to the minor in an amount exceeding ten thousand dollars in value unless appointed guardian of the estate of the minor, except that such parent, guardian or spouse may hold property as a custodian under the provisions of sections 45a-557 to 45a-560b, inclusive, without being so appointed.” **Conn. Gen. Stat. § [45a-631](#)**(a) (2021).
- Factors used in choosing: “When appointing a guardian, coguardians or permanent guardian of the person of a minor, the court shall take into consideration the following factors: (1) The ability of the prospective guardian, coguardians or permanent guardian to meet, on a continuing day to day basis, the physical, emotional, moral and educational needs of the minor; (2) the minor’s wishes, if he or she is over the age of twelve 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 guardian, coguardians or permanent guardian; and (4) the best interests of the child. There shall be a rebuttable presumption that appointment of a grandparent or other relative related by blood or marriage as a guardian, coguardian or permanent guardian is in the best interests of the minor child.” **Conn. Gen. Stat. § [45a-617](#)**(a) (2021).

- Disputes: "In the event of a dispute between guardians or between a coguardian and a parent, the matter may be submitted to the Probate Court which appointed the guardian or coguardian." **Conn. Gen. Stat. § [45a-616](#)**(d) (2021).
- Death: "Upon the death of the parent or guardian, any appointed guardians of the person of a minor child shall become the sole guardians or coguardians of the person of that minor child." **Conn. Gen. Stat. § [45a-616](#)**(e) (2021).

USER GUIDES:

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Probate Court [Guardians of Minors](#) (2020)
- Conn. Gen. Stat. (2021).
  - [Chapter 802h](#). Protected Persons and Their Property
  - [§ 45a-596](#). Parental appointment of guardian or coguardian of minor upon death of parents.
  - [§ 45a-605](#). Provisions construed in best interest of minor child.
  - [§ 45a-608n](#). Designation of minor child as having special immigrant juvenile status pursuant to pending petition for removal or appointment of guardian.
  - [§ 45a-613](#). Removal of guardian, coguardian or permanent guardian of the person of a minor.
  - [§ 45a-616](#). Appointment of guardian or coguardians for minor. Rights and obligations of guardians or coguardians.
  - [§ 45a-617](#). Appointment of guardian, coguardians or permanent guardian of the person of a minor.

COURT RULES:

FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) and [Official Court Webforms page](#) for the current forms.

- Connecticut Probate Court Rules of Procedure (2020).
  - [Rule 40](#). **Children's Matters: General Provisions**
- Probate Court
  - [PC-500](#). Petition/Removal of Guardian (rev. 10/19)
  - [PC-501](#). Petition/Immediate Temporary Custody (rev. 10/19)
  - [PC-502](#). Petition/Temporary Custody (rev. 10/19)
  - [PC-504](#). Petition/Appointment of Temporary Guardian (rev. 8/19)
  - [PC-505](#). Petition/Appointment of Permanent Guardian (rev. 10/19)
  - [PC-506](#). Petition/Reinstatement of Parent as Guardian of Minor (rev. 8/19)
  - [PC-508](#). Petition/Appointment of Guardian of Person Where Parents/Legal Guardians Are Deceased (rev. 8/19)
  - [PC-509](#). Petition/Appointment of Coguardian of the Person of a Minor Child (rev. 8/19)

[PC-510](#). Custodian's Affidavit/Immediate Temporary Custody (rev. 10/17)

- Superior Court, Juvenile Matters  
[JD-JM-203](#). Motion, Permanent Legal Guardianship (rev. 1/22)

#### CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In Re Kayla C.](#), Superior Court, Judicial District of Stamford-Norwalk, Juvenile Matters at Stamford, No. F01CP06001911A (July 19, 2021) (2021 Conn. Super. LEXIS 1215) (2021 WL **3609665**). **"Given that** circumstance, and that the father had neither a job nor his own residence, DCF intervened and took custody of Kayla at the hospital. The paternal grandmother was given custody of Kayla. The grandmother was identified as a guardianship resource and, as noted, the grandmother **has been the court appointed guardian since July 2007."**
- [In Re Jacquelyn W.](#), 169 Conn. App. 233, 240, 150 A.3d 692, 697 (2016). "Although a parent's rights are affected by a permanent transfer of guardianship, the consequences of a permanent transfer are not as severe as a complete termination of a parent's rights. In this case, for example, it was expected that the respondent mother would continue to have regular visits and contact with her daughter, even after the transfer of guardianship. Jacquelyn resides with a relative, but she has expressed the desire to continue her relationship with the respondent. Although the transfer of guardianship is by no means insignificant, it is not as drastic a deprivation as a termination of parental rights, and we decline to exercise our supervisory authority to require a pretrial canvass beyond that which [In Re Yasiel R.](#) requires."
- [In Re Mindy F.](#), 153 Conn. App. 786, 803, 105 A. 3d 351, 363 (2014). "In this case, the court determined that Mindy's best interests would not be served by the transfer of guardianship to the paternal great aunt because the **child 'ha[d] a safe, secure bond and attachment to her current caregivers, and that her removal from their care would [have been] traumatic....'** Once this finding was made by the court, the father could not prevail on his motion. We conclude that, once it was determined that the transfer was not in Mindy's best interests, the court was not required to make any further findings, as the denial of the motion to transfer guardianship was required by law."
- [In Re Salvatore R.](#), Superior Court, Judicial District of Middlesex, Child Protection Session At Middletown, No. CP02001501A (October 14, 2005) (2005 Conn. Super. LEXIS 3107) (2005 WL **3292739**). **"The Court finds that it** is in Sal's best interest to have the respondent father,

Ernesto, appointed as a coguardian with the paternal grandparents. The Court finds based on his conduct that **he is worthy and suitable of this responsibility.**"

WEST KEY  
NUMBERS:

- *Guardian and Ward*
  - 10. Persons who may be appointed.
  - 13. Proceedings for judicial appointment.
  - 17. Operation and effect of appointment.
  - 28-74. Custody and Care of Ward's Person and Estate.**

ENCYCLOPEDIAS:

- 39 *Am Jur 2d* Guardian and Ward, Thomson West, 2019 (Also available on Westlaw).
  - §§ 19-20. Guardianship by Judicial Appointment.
  - §§ 31-73. Judicial Appointment of Guardian.

- 39 *CJS* Guardian and Ward, Thomson West, 2014 (Also available on Westlaw).
  - §§ 56-62. Custody and Care of Ward's Person.

TEXTS &  
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).

Chapter 3. Guardianships

II. Guardianships of Minors

§ 3: 11. Types of guardianships of minors

§ 3: 14. Removal of parents or other guardians of minor's person, temporary custody orders, visitation and reinstatement rights, appointment of guardian or co-guardian

§ 3: 15. Powers and duties of guardian of **minor's person**

- 20 Connecticut Practice Series, *Connecticut Elder Law*, by Kate McEvoy, 2021 ed., Thomson West (also available on Westlaw).

Chapter 13. Relative Caregivers

§ 13: 10. Guardianship of Person—In General

§ 13: 12. Guardianship of Person—Coguardianship

§ 13: 16. Guardianship of Person—Permanent guardianship

§ 13: 17. Guardianship of Person—Removal of parents as guardian

§ 13: 18. Guardianship of Person—Removal to Superior Court

- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.

Chapter 21. Child Protection

Basic Principles: Guardianship of the Person of the Minor in Probate Court

Co-guardians (p. 544)

- *2 Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2020-2021 supplement.
  - Chapter 11. Guardianship
    - § 11: 7. Persons who may be appointed guardian
  
- *A Practical Guide to Probate in Connecticut*, Jennifer A. Basciano and Peter T. Mott, editors, Massachusetts Continuing Legal Education, 2013, with 2018 & 2021 supplements.
  - Chapter 7. Guardians and Conservators
    - § 7.3.1. Jurisdiction and Basis of Decision
    - § 7.3.2. Types of Guardians

Table 1: Sovereign Immunity and State Officials

<a href="#">Prigge v. Raqqaglia</a> , 265 Conn. 338, 828 A.2d 542 (2003)	
p. 340, p. 543	“The plaintiffs brought this action, seeking monetary damages against the defendants both in their official and individual capacities, and also seeking injunctive relief, alleging that the defendants had discriminated against them in certain underlying child custody proceedings.”
p. 349, p. 549	“As to the plaintiffs’ claims for money damages, this issue is controlled by our decision today in <a href="#">Miller v. Egan</a> , 265 Conn. 301, 313, 828 A.2d 549, 2003 WL 21774161 at *5 (2003), in which we held that the exception to the doctrine of sovereign immunity for actions by state officers in excess of their statutory authority applies only to actions seeking declaratory or injunctive relief, not to actions for money damages. When a plaintiff brings an action for money damages against the state, he must proceed through the office of the claims commissioner pursuant to chapter 53 of the General Statutes, §§ 4–141 through 4–165. Otherwise, the action must be dismissed for lack of subject matter jurisdiction under the doctrine of sovereign immunity. In the present case, the plaintiffs have not received permission from the office of the claims commissioner to bring their claims for money damages against the state. Therefore, the doctrine of sovereign immunity bars those claims.”

# Section 6: Guardian of the Estate of a Minor

A Guide to Resources in the Law Library

## SCOPE:

Bibliographic resources relating to guardians of estates of minors in Connecticut.

## DEFINITIONS:

- "A parent of a minor, guardian of the person of a minor or spouse of a minor shall not receive or use any property belonging to the minor in an amount exceeding ten thousand dollars in value unless appointed guardian of the estate of the minor, except that such parent, guardian or spouse may hold property as a custodian under the provisions of sections 45a-557 to 45a-560b, inclusive, without being so appointed." Conn. Gen. Stat. § [45a-631\(a\)](#) (2021).
- "When a minor is entitled to property, the court of probate for the district in which the minor resides may assign a time and place for a hearing on the appointment of a guardian of the estate of the minor." **Conn. Gen. Stat.** § [45a-629\(a\)](#) (2021).
- "If the court finds that there is no guardian of the estate of the minor, it may appoint one or both of the parents or any guardian of the person of the minor to be guardian of his or her estate." **Conn. Gen. Stat.** § [45a-629\(b\)](#) (2021).

## USER GUIDES:

- Probate Court  
[Guardians of Minors](#) (2020)

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2021).  
[Chapter 802h](#). Protected Persons and Their Property  
§ [45a-629](#). Appointment of guardian for minor's estate.  
§ [45a-630](#). Application for appointment of guardian of the estate of a minor.  
§ [45a-631](#). Limitation on receipt or use of minor's property by parent, guardian or spouse. Release.  
§ [45a-632](#). Appointment of guardian of estate of nonresident minor.  
§ [45a-633](#). Lease of minor's real estate by guardian or coguardians of estate.  
§ [45a-634](#). Inventory of ward's property by guardian of estate.  
§ [45a-635](#). Removal by foreign guardian of ward's personal property  
§ [45a-636](#). Removal by foreign guardian of proceeds of sale of ward's real estate.  
§ [45a-637](#). Guardians of estate of minors may make partition.

§ [45a-638](#). Court may order guardian to convey real property.

COURT RULES:

- Connecticut Probate Court Rules of Procedure (2020).  
[Rule 34](#). Guardians of Estates of Minors

FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) for the current forms.

- Probate Court  
[PC-503](#). Petition/Appointment of Guardian of Estate of a Minor (rev. 4/18)  
[PC-503A](#). Petition/Appointment of Guardian of Estate of a Minor/Compromise of Claim (rev. 4/18)  
[PC-571](#). Acceptance of Appointment and Agreement of Guardian of Estate of a Minor (rev. 7/20)  
[PC-580](#). Affidavit of Closing/Receipt and Release of Guardian of Estate of a Minor (rev. 4/19)

CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Hynes v. Jones](#), 331 Conn. 385, 402-403, 204 A.3d 1128, 1138 (2019). **"The salient question is whether the award constitutes property to which the minor child is entitled or property belonging to her within the meaning of §§ 45a-629 (a) and 45a-631 (a), respectively . . . Because we have previously determined that not all interests in property fall within the meaning of property under § 45a-631, a closely related statute to § 45a-629 (a), and because the fund paid the award to the plaintiff in express contemplation of the absence of probate court supervision of her receipt and use of the award, we conclude that a fund award paid directly to a representative payee for the benefit of her minor child is not property to which the minor child is entitled or property belonging to the minor child within the meaning of §§ 45a-629 (a) and 45a-631 (a), respectively."**
- [Caron v. Adams](#), 33 Conn. App. 673, 683, 638 A.2d 1073, 1079 (1994). "Considering the particular facts presented here where a child is a ward of the state without a next friend or guardian of his estate, and has a guardian of his person with interests possibly adverse to his own, we conclude that the statute of limitations is tolled. Under the unique circumstances of this case, the limitations tolled as to both defendants until a court-appointed guardian of the estate was established or until the minor reached the age of majority and was able to act on his own behalf. In this case, no guardian of the estate was ever appointed by the court, but the minor reached majority on November 3, 1985. This action was initiated June 1, 1987, within the two year period and, therefore, was not barred by the statute of limitations. The judgment notwithstanding, the verdict rendered for the hospital must be set aside."
- [Fitzgerald v. Fitzgerald](#), 169 Conn. 147, 152, 362 A.2d 889, 892 (1975). **"The primary duty of the parent to support his minor children, if he is able to do so, is not**

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relieved by the fact that they may have income from a **trust created in their favor.**"

- [Rutkowski v. Connecticut Light & Power Co.](#), 100 Conn. 49, 55, 123 A. 25, 27 (1923). "This claim is based on the assertion that this plaintiff, only five years of age, will not be entitled to the sum awarded to her until she shall come of age. There is no legal ground for this assertion. In fact, this plaintiff was entitled from the date of the judgment to the immediate possession and enjoyment of the full amount of damages allowed to her, although her rights must be exercised by a guardian of her estate."
- [Williams v. Cleaveland](#), 76 Conn. 426, 430, 56 A. 850, 852 (1904). "As natural guardian he was entitled to **neither the possession nor control of his son's property**, either at common law . . . or by statute . . . ."
- [Holbrook v. Brooks](#), 33 Conn. 347, 351 (1866). "A guardian is bound to use reasonable and prudent care in **the management of his ward's property; and the law** justly requires the utmost fairness in all his dealings with the ward. He shall under no circumstances be permitted to reap any personal advantage from the use of the **ward's money or other property, but all the income and profits thereof shall be faithfully accounted for.** And when land is sold at private sale, as in this case, he sells at his **peril, if he sells for less than a fair price.**"

WEST KEY NUMBERS:

- *Guardian and Ward*  
28-74. Custody and Care of Ward's Person and Estate.

ENCYCLOPEDIAS:

- 39 *Am Jur 2d* Guardian and Ward, Thomson West, 2019 (Also available on Westlaw).  
§§ 99-128. Custody and Management of Ward's Property, in General.  
§§ 129-135. Investment and Deposit of Funds.  
§§ 136-151. Sales and Purchases of Property.  
§§ 201-209. Trust Relation Between Guardian and Ward.

- 39 *CJS* Guardian and Ward, Thomson West, 2014 (Also available on Westlaw).  
§§ 75-139. Custody and Care of Ward's Estate.

TEXTS & TREATISES:

- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).  
Chapter 3. Guardianships  
II. Guardianships of Minors  
§ 3:19. **Necessity for guardianship of minor's estate**

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

§ 3:20. Probate court jurisdiction over **guardianship of minor's estate**

§ 3:21. **Appointment of guardian of the minor's estate**

§ 3:25. Probate court rule of procedure for guardians

- 20 Connecticut Practice Series, *Connecticut Elder Law*, by Kate McEvoy, 2021 ed., Thomson West (also available on Westlaw).  
Chapter 13. Relative Caregivers  
§ 13:19. Guardianship of the estate of a minor
- ***Connecticut Lawyer's Deskbook: A Reference Manual***, 3rd ed., LawFirst Publishing, 2008.  
Chapter 21. Child Protection  
Basic Principles: Guardianship of the Person of the Minor in Probate Court  
Guardian of the Estate of a Minor (p. 544)
- *2 Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2020-2021 supplement.  
Chapter 11. Guardianship  
§ 11:1. Guardianship generally
- *1 Legal Rights of Children*, 3d ed., by Thomas R. Young, 2020-2021 ed., Thomson West (also available on Westlaw).  
Chapter 8. Children and Property Laws  
§ 8:9. Guardianship as a form of protection of the property of a child
- *A Practical Guide to Probate in Connecticut*, Jennifer A. Basciano and Peter T. Mott, editors, Massachusetts Continuing Legal Education, 2013, with 2018 & 2021 supplements.  
Chapter 7. Guardians and Conservators  
§ 7.4. Guardians of the Estate of a Minor
- Kyle A. Orsini, ***Guardian Of A Minor's Estate: How Far Can The Guardian Go In Expending The Minor's Money***, 8 *Connecticut Probate Law Journal* 275 (1994).

#### LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

# Section 7: Testamentary Guardian or Guardian Designated by Parent in Event of **Parent's Death**

A Guide to Resources in the Law Library

## SCOPE:

Bibliographic resources relating to testamentary guardians of minors or guardians designated by parent(s) in the event of **parent's death** in Connecticut.

## DEFINITIONS:

- Testamentary guardian: "The parent of an unmarried minor, except a parent who has been removed as guardian of the person of the minor, may by will or other writing signed by the parent and attested by at least two witnesses appoint a person or persons as guardian or coguardians of the person of such minor, as guardian or coguardians of the estate, or both, to serve if the parents who are guardians of the minor are dead. If two or more instruments, whether by will or other writing, contain an appointment, the latest effective appointment made by the last surviving parent has priority. Such appointment shall not supersede the previous appointment of a guardian made by the court of probate having jurisdiction." Conn. Gen. Stat. § [45a-596](#)(a) (2021).

## USER GUIDES:

- Probate Court  
[Guardians of Minors](#) (2020)

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2021).  
[Chapter 802h](#). Protected Persons and Their Property  
§ [45a-596](#). Parental appointment of guardian or coguardian of minor upon death of parents.

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) for the current forms.

- Probate Court  
[PC-508](#). Petition/Appointment of Guardian of Person Where Parents/Legal Guardians Are Deceased (rev. 8/19)

## CASES:

- [In Re Joshua S.](#), 260 Conn. 182, 205, 796 A.2d 1141, 1156-1157 (2002). "All of the foregoing cases speak to a liberty right that has its basis in an ongoing relationship between parent and child. In this case, however, this special relationship no longer exists; what remains is a predeath statement by the parents of strong preference

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for the future regarding who should be guardians for their children. The Ps do not cite and, indeed, we have not discovered, any authority to support the proposition that this fundamental liberty interest of parents survives the death of the parents, much less that it may be passed to testamentary guardians who have had no previous relationship with the child, other than as neighbors. In the case before us, because this special parent-child relationship no longer exists, this constitutionally protected interest, likewise, no longer exists. Therefore, we are not required to give the same deference to a predeath statement of preference as we would were this a decision concerning a child made by a living parent.”

- [Bristol v. Brundage](#), 24 Conn. App. 402, 406, 589 A.2d 1, 2 (1991). “We hold that § 45a-596(a) should be interpreted as mandating the appointment of the sole surviving parent’s testamentary choice of a guardian because it should be presumed that the best interests of the child are served by that appointment. This presumption, like that of § 46b-56b, may be rebutted only by a showing that it would be detrimental to the child to permit the named testamentary guardian to serve as such.”

#### ENCYCLOPEDIAS:

- 67 *A.L.R.2d* 803, *Function, Power, And Discretion Of Court Where There Is Testamentary Appointment Of Guardian Of Minor*, by L. S. Tellier, Thomson West, 1959 (Also available on Westlaw).
- 39 *Am Jur 2d* Guardian and Ward, Thomson West, 2019 (Also available on Westlaw).  
§§ 11-18. Testamentary Guardianship.
- 39 *CJS* Guardian and Ward, Thomson West, 2014 (Also available on Westlaw).  
§ 21. Appointment by deed or will  
§ 22. Appointment by deed or will—Who may appoint

#### TEXTS & TREATISES:

- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).  
Chapter 3. Guardianships  
II. Guardianships of Minors  
§ 3:9. Parent and child—designation of **guardian by parent in event of parent’s death**  
§ 3:11. Types of guardianships of minors  
§ 3:12. Testamentary guardians
- 20 Connecticut Practice Series, *Connecticut Elder Law*, by Kate McEvoy, 2021 ed., Thomson West (also available on Westlaw).

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

#### LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

### Chapter 13. Relative Caregivers § 13:11. Guardianship of person—Advance appointment

- ***Connecticut Lawyer's Deskbook: A Reference Manual***, 3rd ed., LawFirst Publishing, 2008.  
Chapter 21. Child Protection  
Basic Principles: Guardianship of the Person of the Minor in Probate Court  
Testamentary guardian (p. 545)
- *2 Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2020-2021 supplement.  
Chapter 11. Guardianship  
§ 11.10. Testamentary guardianship
- Rosanna Tamam, *Formalism vs. Function: Why the Testamentary Appointment of a Guardian Other Than the Natural Surviving Parent Should Sometimes Be Honored*, 31 Quinnipiac Probate Law Journal 407 (2018).
- Alyssa A. DiRusso and S. Kristen Peters, *Parental Testamentary Appointments of Guardians for Children*, 25 Quinnipiac Probate Law Journal 369 (2012).

# Section 8: Guardianship of Intellectually Disabled Adults

A Guide to Resources in the Law Library

## SCOPE:

Bibliographic resources relating to guardianship of intellectually disabled adults in Connecticut.

## DEFINITIONS:

- Plenary guardian of a person with intellectual disability: "means a person, legally authorized state official, corporation, limited liability company, partnership or other entity recognized under the laws of this state, whether or not operated for profit, except a hospital, nursing home facility, as defined in section 19a-521, or residential care home, as defined in section 19a-521, appointed by a Probate Court pursuant to the provisions of sections 45a-669 to 45a-683, inclusive, to supervise all aspects of the care of an adult person, as enumerated in subsection (d) of section 45a-677, for the benefit of such adult, who by reason of the severity of intellectual disability, has been determined to be totally unable to meet essential requirements for his or her physical health or safety and totally unable to make informed decisions about matters related to his or her care." Conn. Gen. Stat. § [45a-669](#)(1) (2021).
- Limited guardian of a person with intellectual disability: "means a person, legally authorized state official, corporation, limited liability company, partnership or other entity recognized under the laws of this state, whether or not operated for profit, except a hospital or nursing home, as defined in section 19a-521, appointed by a Probate Court pursuant to the provisions of sections 45a-669 to 45a-683, inclusive, to supervise certain specified aspects of the care of an adult person, as enumerated in subsection (d) of section 45a-677, for the benefit of such adult, who by reason of the severity of intellectual disability, has been determined to be able to do some, but not all, of the tasks necessary to meet essential requirements for his or her physical health or safety or to make some, but not all, informed decisions about matters related to his or her care." Conn. Gen. Stat. § [45a-669](#)(3) (2021).

## USER GUIDES:

- Probate Court  
[Guardians of Minors](#) (2020)  
[Persons with Intellectual Disability](#) (2020)

## STATUTES:

- Conn. Gen. Stat. (2021).  
[Chapter 802h](#). Protected Persons and Their Property  
§ [45a-669](#). Definitions.

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

§ [45a-670](#). Petition for guardianship. (Subsection (c) amended by [P.A. 21-100](#), sec. 24)

§ [45a-671](#). Hearing on petition for guardianship. Notice.

§ [45a-672](#). Notice of hearing.

§ [45a-673](#). Appointment of counsel. Payment of cost for indigent persons.

§ [45a-674](#). Hearing for appointment of guardian. Evidence. Report by assessment team. Cross-examination of witnesses. Payment of fees for assessment team. Exception to report or testimony requirement. (Subsection (a) amended by [P.A. 21-100](#), sec. 25)

§ [45a-675](#). Right of respondent to be at hearing.

§ [45a-676](#). Appointment of plenary guardian or limited guardian.

§ [45a-677](#). Powers and duties of plenary or limited guardian. Report. Transfer of file. (Subsection (g) amended by [P.A. 21-100](#), sec. 26)

§ [45a-677a](#). Petition by plenary or limited guardian to manage the finances of a protected person whose assets do not exceed ten thousand dollars.

§ [45a-678](#). Removal of plenary or limited guardian.

§ [45a-679](#). Conflicts between plenary guardian, limited guardian, conservator of the estate or person and temporary conservator to be resolved by Probate Court.

§ [45a-680](#). Appointment of standby plenary guardian or standby limited guardian. Probate bond. Duties. Confirmation by court.

§ [45a-681](#). Review of guardianship by court. (Amended by [P.A. 21-135](#), sec. 5)

§ [45a-682](#). Petition for temporary limited guardian. Notice and hearing. Appointment.

§ [45a-683](#). Immunity from civil liability of plenary guardian, temporary limited guardian or limited guardian.

#### COURT RULES:

- Connecticut Probate Court Rules of Procedure (2020).  
[Rule 43](#). Guardians of Adults with Intellectual Disability

#### FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) for the current forms.

- Probate Court  
[PC-700](#). Petition/Guardianship of Person with Intellectual Disability (rev. 4/21)  
[PC-7006](#). Petition/Appointment of Temporary Limited Guardian for Person with Intellectual Disability (new 10/17)  
[PC-771](#). Guardian's Report/Guardianship of Person with Intellectual Disability (rev. 1/19)

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In Re: The Guardianship of Z.](#), 29 Quinnipiac Prob. L.J. 18, 24 (2015). "Our statutes provide no explicit guidelines to aid the Court in determining what is in the best interest of an intellectually disabled adult when plenary guardianship is contested. Neither party in this matter nor this Court has been able to find a case precisely on point. This category of adults is unique; while they are entitled to the vast majority of civil rights conferred on adults, the reality of their condition requires them to be treated like children in terms of their daily care. Although no one can predict the future with certainty, it is likely that the vast majority of these adults will not change so much as to no longer need a plenary guardian. However, as they age, they may well mature in certain aspects of their life so as to be able to express a preference with respect to what they want to do and with whom they would like to spend their time."
- [In Re Cindy Marie Garcia](#), 26 Quinnipiac Prob. L.J. 219, 220 (2013). "The issue first presented is the standard to be applied in a case appointing a guardian for an adult. The statute and the case law delineate a simple 'best interests' standard. See Conn. Gen. Stat. § 45a-676(f) (2011). The Connecticut Supreme Court has held that a respondent's preference is one factor the court must consider when determining the best interests of the respondent, and the court "may also give weight to other factors that bear on the respondent's 'best interests.'" [Oller v. Oller-Chiang](#), 230 Conn. 828, 849, 646 A.2d 822, 833 (1994) (emphasis in original). The court in Oller also acknowledged that, in some cases, it may be difficult to determine a respondent's preference."
- [Oller v. Oller-Chiang](#), 230 Conn. 828, 831-832, 646 A.2d 822, 826 (1994). "More specifically, we address the following principal issues: (1) whether the act requires that the respondent be present at any court hearing concerning the appointment of a guardian; (2) whether the respondent may waive his or her presence and, if so, the necessary requirements for such a waiver; and (3) whether, in determining what is in the best interests of the respondent, the judge must ascertain the respondent's preference as to who should be his or her guardian."
- [Buchholz's Appeal from Probate](#), 9 Conn. App. 413, 420, 519 A.2d 615, 619 (1987). "Because of the special affinity existing between parent and child, a parent of a mentally retarded adult should enjoy the same legally protected rights and status as the parent of a minor."

## WEST KEY NUMBERS:

- *Mental Health*  
101-210. Guardianship in General.

ENCYCLOPEDIAS:

- 9 A.L.R.3d 774, *Mental Condition Which Will Justify The Appointment Of Guardian, Committee, Or Conservator Of The Estate For An Incompetent Or Spendthrift*, by W. J. Dunn, Thomson West, 1966 (Also available on Westlaw).
- 65 A.L.R.3d 991, *Priority And Preference In Appointment Of Conservator Or Guardian For An Incompetent*, by Peter G. Guthrie, Thomson West, 1975 (Also available on Westlaw).
- 39 *Am Jur 2d* Guardian and Ward, Thomson West, 2019 (Also available on Westlaw).  
§§ 21-30. Guardianship of Mentally Impaired, Physically Disabled, or Other Incapacitated Persons.

TEXTS &  
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).  
Chapter 3. Guardianships  
I. Guardianships of Persons With Intellectual Disability  
§ 3:2. Plenary and limited guardians for intellectually disabled persons  
§ 3.3. Connecticut Uniform Adult Protective Proceedings Jurisdiction Act  
§ 3.4. Probate court procedures involving persons with intellectual disability
- Connecticut Estates Practice Series, *Probate Jurisdiction and Procedure in Connecticut*, 3d ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).  
Chapter 2. Probate Court Jurisdiction and Powers  
§ 2:27. Connecticut Uniform Adult Protective Proceedings Jurisdiction Act
- 20 Connecticut Practice Series, *Connecticut Elder Law*, by Kate McEvoy, 2021 ed., Thomson West (also available on Westlaw).  
Chapter 14. Interventions for Individuals with Diminished Capacity  
§ 14:32. Guardianship of persons with intellectual disabilities  
§ 14:33. Guardians—Compensation  
§ 14:34. Guardianship for individuals with intellectual disabilities—Resources
- *A Practical Guide to Probate in Connecticut*, Jennifer A. Basciano and Peter T. Mott, editors, Massachusetts Continuing Legal Education, 2013, with 2018 & 2021 supplements.  
Chapter 7. Guardians and Conservators

§ 7.3.4. Guardian of the Person for a Person with an Intellectual Disability

- *Special Needs Trusts Handbook*, by Thomas D. Begley Jr. & Angela E. Canellos, Wolters Kluwer, 2008, with 2021-3 supplement.  
Chapter 8. Guardianship of a Minor or a Person with Disabilities
- Michael Dolan, *Do Connecticut's Conservator Statutes Possess the Necessary Due Process Guarantees?*, 9 Connecticut Probate Law Journal 297 (1995).

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

# Section 9: Jurisdiction of the Courts Over Guardianship

A Guide to Resources in the Law Library

SCOPE: Bibliographic resources relating to the Connecticut court's jurisdiction over **guardianships of minor's person** in Connecticut.

DEFINITIONS:

- Transfer of proceeding to Superior Court or Regional **Children's** Probate Court: "Before a hearing on the merits in any case under sections 45a-603 to 45a-622, inclusive, that is contested, the Probate Court shall, on the motion of any party other than a party who applied for the removal of a parent as a guardian, or may, on the court's own motion or motion of the party who applied for the removal of a parent as a guardian, transfer the case to the Superior Court in accordance with rules adopted by the judges of the Supreme Court. In addition to the provisions of this section, the Probate Court may, on the court's own motion or motion of any interested party, transfer any proceeding under sections 45a-603 to 45a-622, inclusive, to a Regional Children's Probate Court established pursuant to section 45a-8a. If the case is transferred and venue altered, the clerk of the Probate Court shall transmit to the clerk of the Superior Court or the Regional Children's Probate Court to which the case was transferred, the original files and papers in the case." Conn. Gen. Stat. § [45a-623](#) (2021).
- Probate Court: "In Connecticut since the earliest colonial days, 'a benign yet arbitrary power, which every sovereignty exercises, to take care of the persons and estates of infants,' has been conferred by statute upon **the courts of probate.**" [Dunham v. Dunham](#), 97 Conn. 440, 442, 117 A. 504, 505 (1922).
- Age of minor: "The Supreme Court issued its opinion in [In re Henry P. B.-P.](#), supra, 327 Conn. at 316, 173 A.3d 928, on December 14, 2017, holding that the Probate Court does not lose its authority to make special immigrant juvenile status findings pursuant to § 45a-608n(b) when the child who is the subject of the petition reaches the age of eighteen during the pendency of the petition." [In Re Sandy J. M.-M.](#), 179 Conn. App. 772, 775, 180 A.3d 1033, 1034 (2018).
- Residence of minor: "...**the residence of a minor means** his or her actual residence and not that imputed to the minor by the residence of his or her parents or guardian." Conn. Gen. Stat. § [45a-603](#) (2021).

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2021).  
[Chapter 801a](#). Probate Court: Jurisdiction, Powers  
[Chapter 802h](#). Protected Persons and Their Property  
§ [45a-599](#). Transfer of guardianship file between Probate Courts.  
§ [45a-616](#). Appointment of guardian or coguardians for minor. Rights and obligations of guardians or coguardians.  
§ [45a-623](#). Transfer of proceeding to Superior Court or Regional Children’s Probate Court.  
[Chapter 815t](#). Juvenile Matters  
§ [46b-121](#). “**Juvenile matters**” defined. Authority of court. (Subsection (b)(1) amended by [P.A. 21-15](#), sec. 116)

## COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2022).  
[Chapter 35a](#). Hearings Concerning Neglected, Abused and Uncared for Children and Termination of Parental Rights  
§ 35a-19. Transfer from Probate Court of petitions for removal of parent as guardian or termination of parental rights
- Connecticut Probate Court Rules of Procedure (2020).  
[Rule 42](#). **Children’s Matters: Overlapping Jurisdiction in Probate Court and Superior Court for Juvenile Matters**  
[Rule 42A](#). Overlapping Jurisdiction in Probate Court and Superior Court-Family Division

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) for the current forms.

- Probate Court  
[PC-507](#). Motion to Transfer Guardianship of Person/Estate of a Minor/Change of Residence (rev. 1/19)

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Hynes v. Jones](#), 331 Conn. 385, 204 A.3d 1128 (2019).  
“The dispositive issue in this certified appeal is whether the Probate Court has jurisdiction to approve or monitor use of a September 11th Victim Compensation Fund (fund) award that had been paid to a surviving spouse as a ‘representative payee’ for the benefit of her minor child.” (p. 386, p. 1129)

“Because we conclude that the fund award was paid directly to the plaintiff in express contemplation of the absence of probate court supervision over her receipt and use of the award, and was not the property of the decedent or his estate, we further conclude that the Probate Court lacked jurisdiction over the award as part of its supervision of the administration of intestate estates

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

under §§ 45a-98, 45a-438 (a) and 45a-437 (a).” (p. 401, p. 1137)

- [Connery v. Gieske](#), 323 Conn. 377, 388, 147 A.3d 94, 100 (2016). “We previously have observed that courts of **probate `are statutory tribunals that have no common-law jurisdiction....** Accordingly, [these courts] can exercise only such powers as are conferred on them by statute.... They have jurisdiction only when the facts exist on which the legislature has conditioned the exercise of their power.... [A] court [that] exercises a limited and statutory jurisdiction is without jurisdiction to act unless it does so under the precise circumstances and in the manner **particularly prescribed by the enabling legislation.**” (Citations omitted; internal quotation marks omitted.) [In re Joshua S.](#), 260 Conn. 182, 214, 796 A.2d 1141 (2002).”
- [Stowell v. Prater](#), Superior Court, Judicial District of Waterbury at Waterbury, No. CV020174420S (May 19, 2004) (37 Conn. L. Rptr. 136) (2004 Conn. Super. LEXIS 1298) (2004 WL 1245630). “However, as this court interprets the statute, once a party has moved to transfer the matter to the Superior Court, the Probate Court lacks discretion in not granting the transfer. The party having so moved, has elected its remedy.”
- [Lewis v. Klingberg](#), 100 Conn. 201, 204-205, 123 A. 4, 6 (1923). “**In acting under statutes conferring jurisdiction,** the probate courts have no powers except those which are expressly granted and such other powers as are necessary to the exercise of the jurisdiction expressly **conferred.**”
- [Dunham v. Dunham](#), 97 Conn. 440, 443, 117 A. 504, 505 (1922). “The jurisdiction and power of the Court of Probate has been long established, has been expressed from time to time in terms adapted to conditions which experience has revealed, is general and ample, and evidently intended to cover the requirements of all circumstances.”
- [White v. Strong](#), 75 Conn. 308, 312, 53 A. 654, 655 (1902). “The question raised by the complaint, whether the defendant, who was chosen guardian by a minor of lawful age to select his own guardian, was a proper person to be appointed, is one which is by statute exclusively within the original jurisdiction of the probate court and the appellate jurisdiction of the Superior Court. The decree of the Court of Probate, upon the question clearly within its jurisdiction, is conclusive upon the plaintiff, who was a party to the proceeding in that court.”

WEST KEY  
NUMBERS:

ENCYCLOPEDIAS:

TEXTS &  
TREATISES:

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References to online databases refer to in-library use of these databases. Remote access is not available.

- *Courts*  
198-202. Courts of Probate Jurisdiction.
- 39 *Am Jur 2d* Guardian and Ward, Thomson West, 2019 (Also available on Westlaw).  
§§ 31-37. Jurisdiction.
- 39 *CJS* Guardian and Ward, Thomson West, 2014 (Also available on Westlaw).  
§ 17. Jurisdiction, generally
- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).  
Chapter 3. Guardianships  
II. Guardianships of Minors  
§ 3:13. Jurisdiction over guardianship of minor's person
- Connecticut Estates Practice Series, *Probate Jurisdiction and Procedure in Connecticut*, 3d ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).  
Chapter 2. Probate Court Jurisdiction and Powers  
§ 2:26. Probate court jurisdiction over guardianships  
§ 2:27. Connecticut Uniform Adult Protective Proceedings Jurisdiction Act
- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2020-2021 supplement.  
Chapter 11. Guardianship  
§ 11.4. Jurisdiction
- *A Practical Guide to Probate in Connecticut*, Jennifer A. Basciano and Peter T. Mott, editors, Massachusetts Continuing Legal Education, 2013, with 2018 & 2021 supplements.  
Chapter 7. Guardians and Conservators  
§ 7.3.1. Jurisdiction and Basis of Decision

# Section 10: Rights and Duties of a Guardian

A Guide to Resources in the Law Library

- SCOPE:** Bibliographic resources relating to the rights and duties of a guardian of a minor in Connecticut.
- DEFINITIONS:**
- **Guardianship:** "means guardianship of the person of a minor, and includes: (A) The obligation of care and control; (B) the authority to make major decisions affecting the minor's education and welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment; and (C) upon the death of the minor, the authority to make decisions concerning funeral arrangements and the disposition of the body of the minor." **Conn. Gen. Stat. § 45a-604(5)** (2021) (As amended by [Public Act 21-15](#), § 105).
  - **Guardian:** "means a person who has the authority and obligations of 'guardianship', as defined in subdivision (5) of this section." Conn. Gen. Stat. § [45a-604\(6\)](#) (2021) (As amended by [Public Act 21-15](#), § 105).
  - "A guardian of a minor child has no legal obligation of support for that child. This conclusion is compelled by our statutes regarding guardianship, by the common law background of those statutes, and by the policy undergirding those statutes and that common law." [Favrow v. Vargas](#), 231 Conn. 1, 18, 647 A.2d 731, 740 (1994).
- USER GUIDES:**
- Probate Court  
[Guardians of Minors](#) (2020)
- STATUTES:**
- Conn. Gen. Stat. (2021).  
[Chapter 802h](#). Protected Persons and Their Property  
§ [45a-606](#). Father and mother joint guardians.  
§ [45a-616](#). Appointment of guardian or coguardians for minor. Rights and obligations of guardians or coguardians.  
§ [45a-616a](#). Appointment of permanent guardian for minor. Reinstatement of parent as guardian or appointment of successor guardian or permanent guardian.  
§ [45a-617](#). Appointment of guardian, coguardians or permanent guardian of the person of a minor.  
§ [45a-622](#). Appointment of temporary guardian. Application. Rights and obligations.  
§ [45a-677](#). Powers and duties of plenary or limited guardian. Report. Transfer of file. (Subsection (g) amended by [P.A. 21-100](#), sec. 26)

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

## LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication. Current law may be different from what is discussed in the reports.

- *Subsidized Guardianship Program*, Katherine Dwyer, Connecticut General Assembly, Office of Legislative Research Report, [2017-R-0208](#) (September 28, 2017).

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) for the current forms.

- Probate Court [PC-570](#). Guardian's Report/Guardianship of the Person of a Minor (rev. 4/19)

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Tayquon H.](#), 76 Conn. App. 693, 698-699, 821 A.2d 796, 801 (2003). "**Reference to pertinent decisional law leaves no doubt that a guardian has the ability to assert his or her ward's legal rights. Although, generally speaking, a person has no standing to assert the rights of another,**6 when the parties include a guardian and a minor ward, as with a mother and daughter, the guardian **is indeed entitled to assert the legal rights of her ward.**"
- [Favrow v. Vargas](#), 231 Conn. 1, 18, 647 A.2d 731, 740 (1994). "**A guardian of a minor child has no legal obligation of support for that child. This conclusion is compelled by our statutes regarding guardianship, by the common law background of those statutes, and by the policy undergirding those statutes and that common law.**"
- [Miller v. Miller](#), 158 Conn. 217, 220, 258 A.2d 89, 91 (1969). "A guardian of the person is entitled to the **custody of his ward. . .**"
- [Ehram v. Lee](#), 101 Conn. 349, 354, 125 A. 621, 623 (1924). "**The guardian's expenditures should in all cases be limited to those reasonably necessary for the ward. . .**"
- [Holbrook v. Brooks](#), 33 Conn. 347, 351 (1866). "**A guardian is bound to use reasonable and prudent care in the management of his ward's property; and the law justly requires the utmost fairness in all his dealings with the ward.**"
- [Potter v. Hiscox](#), 30 Conn. 508, 520 (1862). "The rendering a correct account to a judge of probate, and

having it approved by him, is not all that is required of a guardian. The court of probate does not necessarily find or record the fact that the guardian has delivered the property over to the ward. He adjusts the account, and ascertains the balance or amount of the property left in the guardian's hands. The guardian then delivers this over and takes a discharge from his ward, who being then of full age is competent to give it."

WEST KEY NUMBERS:

- *Guardian & Ward*
  - 28. Representation of ward by guardian.
  - 29. Custody and control of person.
  - 30. Support and education.

ENCYCLOPEDIAS:

- 39 *Am Jur 2d Guardian and Ward*, Thomson West, 2019 (Also available on Westlaw).
  - §§ 86-151. General Powers and Duties of Guardians and Conservators.
  - §§ 152-161. Actions.
  - §§ 182-200. Liability of Guardian and Sureties.

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 8 Connecticut Practice Series, *Family Law and Practice with Forms*, 3d ed., by Arnold H. Rutkin, et al., Thomson West, 2010, with 2021-2022 supplement (also available on Westlaw).
  - Chapter 38. Child Support
    - § 38.11. Support claim not based on birth or adoption
    - § 38.38. Payment to spouse, custodian or guardian
- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).
  - Chapter 3. Guardianships
    - II. Guardianships of Minors
      - § 3:8. Parent and child—Duty of support
      - § 3:15. Powers and duties of guardian of **minor's person**
      - § 3:19. **Necessity for guardianship of minor's estate**
      - § 3:25. Probate court rule of procedure for guardians
- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2020-2021 supplement.
  - Chapter 11. Guardianship
    - § 11.3. Rights and duties of the guardian

# Section 11: Appointment of Guardians

A Guide to Resources in the Law Library

## SCOPE:

Bibliographic resources relating to the appointment of guardians of minors in Connecticut.

## DEFINITIONS:

- Appointment of guardian of the person of a minor: "When appointing a guardian, coguardians or permanent guardian of the person of a minor, the court shall take into consideration the following factors: (1) The ability of the prospective guardian, coguardians or permanent guardian to meet, on a continuing day to day basis, the physical, emotional, moral and educational needs of the minor; (2) the minor's wishes, if he or she is over the age of twelve 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 guardian, coguardians or permanent guardian; and (4) the best interests of the child. There shall be a rebuttable presumption that appointment of a grandparent or other relative related by blood or marriage as a guardian, coguardian or permanent guardian is in the best interests of the minor child." Conn. Gen. Stat. § [45a-617](#) (2021).
- Appointment of guardian of the estate of a minor: "If the court finds that there is no guardian of the estate of the minor, it may appoint one or both of the parents or any guardian of the person of the minor to be guardian of his or her estate. If neither parent nor the guardian of the person of the minor will accept the appointment, or if the parents or guardian of the person of the minor are not proper persons to act as guardian of his or her estate, the court may appoint any proper person or persons chosen by the minor if the minor is twelve years of age or over. If the minor neglects to make choice or fails to choose a proper person or persons or is not of sufficient age, the court of probate shall appoint some proper person or persons, who, as guardian of the estate of the minor, shall have charge of all the minor's property, whether acquired before or after the guardian's appointment, but shall have no control over such minor's person. If any minor who has a guardian marries and owns or thereafter acquires property, the guardianship of such property shall continue during such person's minority. Any guardian so appointed shall give a probate bond." Conn. Gen. Stat. § [45a-629\(b\)](#) (2021).
- Probate Court  
[Guardians of Minors](#) (2020)

## USER GUIDES:

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2021).
  - [Chapter 802h](#). Protected Persons and Their Property
    - § [45a-596](#). Parental appointment of guardian or coguardian of minor upon death of parents.
    - § [45a-616](#). Appointment of guardian or coguardians for minor. Rights and obligations of guardians or coguardians.
    - § [45a-616a](#). Appointment of permanent guardian for minor. Reinstatement of parent as guardian or appointment of successor guardian or permanent guardian.
    - § [45a-617](#). Appointment of guardian, coguardians or permanent guardian of the person of a minor.
    - § [45a-622](#). Appointment of temporary guardian. Application. Rights and obligations.
    - § [45a-629](#). Appointment of guardian for minor's estate.
    - § [45a-630](#). Application for appointment of guardian of the estate of a minor.
    - § [45a-632](#). Appointment of guardian of estate of nonresident minor.
    - § [45a-676](#). Appointment of plenary guardian or limited guardian. (Intellectually disabled adults)

## COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Conn. Practice Book (2022).
  - [Chapter 35a](#). Hearings Concerning Neglected, Abused and Uncared for Children and Termination of Parental Rights
    - § 35a-12A. Motions for transfer of guardianship
    - § 35a-19. Transfer from Probate Court of petitions for removal of parent as guardian or termination of parental rights
    - § 35a-20. Motions for reinstatement of parent or former legal guardian as guardian or modification of guardianship post-disposition
- Connecticut Probate Court Rules of Procedure (2020).
  - [Rule 40](#). **Children's Matters: General Provisions**
    - Section 40.2. Appointment of attorney and guardian ad litem for minor
    - Section 40.3. Immediate temporary custody of a minor
    - Section 40.4. Order for immediate temporary custody without notice and hearing
    - Section 40.5. Appointment of temporary custodian on consent
    - Section 40.6. Removal and appointment of guardian on consent
    - Section 40.7. Reinstatement as guardian
    - Section 40.8. Temporary guardianship

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Probate Court Webforms page](#) and [Official Court Webforms page](#) for the current forms.

- Probate Court
  - [PC-500](#). Petition/Removal of Guardian (rev. 10/19)
  - [PC-501](#). Petition/Immediate Temporary Custody (rev. 10/19)
  - [PC-502](#). Petition/Temporary Custody (rev. 10/19)
  - [PC-503](#). Petition/Appointment of Guardian of Estate of a Minor (rev. 4/18)
  - [PC-504](#). Petition/Appointment of Temporary Guardian (rev. 8/19)
  - [PC-505](#). Petition/Appointment of Permanent Guardian (rev. 10/19)
  - [PC-506](#). Petition/Reinstatement of Parent as Guardian of Minor (rev. 8/19)
  - [PC-508](#). Petition/Appointment of Guardian of Person Where Parents/Legal Guardians Are Deceased (rev. 8/19)
  - [PC-509](#). Petition/Appointment of Coguardian of the Person of a Minor Child (rev. 8/19)
  - [PC-510](#). Custodian's Affidavit/Immediate Temporary Custody (rev. 10/17)
  - [PC-570](#). Guardian's Report/Guardianship of the Person of a Minor (rev. 4/19)
  - [PC-571](#). Acceptance of Appointment and Agreement of Guardian of Estate of a Minor (rev. 7/20)

- Superior Court, Juvenile Matters
  - [JD-JM-203](#). Motion, Permanent Legal Guardianship (rev. 1/22)

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In Re Valerie G.](#), 132 Conn. App. 652, 661, 34 A. 3d 398, 403 (2011). "Both the mother and the grandmother have appealed from the judgment of the court denying the grandmother's motion to transfer guardianship. In support of its judgment denying the motion, the court found that, despite her great love for Valerie, the grandmother lacked a fundamental understanding of, and ability to care properly for, Valerie's substantial special needs. The grandmother challenges this finding, claiming that the court's denial of her motion for transfer of guardianship constituted an abuse of discretion."
- [Garrett's Appeal from Probate](#), 44 Conn. Supp. 169, 184, 677 A.2d 1000, 1011 (1994). "The intent of that body is that a parent may be removed for failure to meet any one of the specified needs of the child, and that in appointing a subsequent guardian, the court must take into consideration the ability of the prospective guardian to meet all of the needs of a child."
- *Guardian and Ward*
  10. Persons who may be appointed.
  11. Appointment by deed or will.
  13. Proceedings for judicial appointment.

## WEST KEY NUMBERS:

17. Operation and effect of appointment.

ENCYCLOPEDIAS:

- 39 *Am Jur 2d* Guardian and Ward, Thomson West, 2019 (Also available on Westlaw).  
§§ 38-51. Selection of Guardian.  
§§ 70-73. Effect of Appointment or Denial Thereof.
- 39 *CJS* Guardian and Ward, Thomson West, 2014 (Also available on Westlaw).  
§§ 10-40. Appointment and Qualification.

TEXTS &  
TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).  
Chapter 3. Guardianships  
II. Guardianships of Minors  
§ 3:11. Types of guardianship of minors  
§ 3:14. Removal of parents or other guardians **of minor's person, temporary custody orders, visitation and reinstatement rights, appointment of guardian or coguardian**  
§ 3:21. **Appointment of guardian of the minor's estate**
- 20 Connecticut Practice Series, *Connecticut Elder Law*, by Kate McEvoy, 2021 ed., Thomson West (also available on Westlaw).  
Chapter 13. Relative Caregivers  
§ 13:18. Guardianship of person—Removal to Superior Court
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.  
Chapter 21. Child Protection  
Basic Principles: Guardianship of the Person of the Minor in Probate Court  
Appointment of a Guardian of the Person of a Minor (p. 546)
- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2020-2021 supplement.  
Chapter 11. Guardianship  
§ 11.7. Persons who may be appointed guardian
- *A Practical Guide to Probate in Connecticut*, Jennifer A. Basciano and Peter T. Mott, editors, Massachusetts Continuing Legal Education, 2013, with 2018 & 2021 supplements.  
Chapter 7. Guardians and Conservators  
§ 7.3.1. Jurisdiction and Basis of Decision  
§ 7.4.1. Requirement of Appointment

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

- **Margaret "Pegi" S. Price, Article, *Best Practices in Handling Family Law Cases Involving Children with Special Needs*, 28 Journal of the American Academy of Matrimonial Lawyers 163 (2015).**

## Section 12: Child's or Respondent's Wishes

A Guide to Resources in the Law Library

### SCOPE:

Bibliographic **resources relating to the child's or intellectually disabled adult's** preference in the appointment of a guardian in Connecticut.

### DEFINITIONS:

- **Guardian of the person of a minor:** "When appointing a guardian, coguardians or permanent guardian of the person of a minor, the court shall take into consideration the following factors. . . (2) the minor's wishes, if he or she is over the age of twelve or is of sufficient maturity and capable of forming an intelligent preference. . . ." Conn. Gen. Stat. § [45a-617](#)(a) (2021).
- **Guardian for minor's estate:** "If the court finds that there is no guardian of the estate of the minor, it may appoint one or both of the parents or any guardian of the person of the minor to be guardian of his or her estate. If neither parent nor the guardian of the person of the minor will accept the appointment, or if the parents or guardian of the person of the minor are not proper persons to act as guardian of his or her estate, the court may appoint any proper person or persons chosen by the minor if the minor is twelve years of age or over." Conn. Gen. Stat. § [45a-629](#)(b) (2021).
- **Guardian of person with intellectual disability:** "In selecting a plenary guardian or limited guardian, the court shall be guided by the best interests of the respondent, including, but not limited to, the preference of the respondent as to who should be appointed as plenary guardian or limited guardian." Conn. Gen. Stat. § [45a-676](#)(f) (2021).

### STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2021).  
[Chapter 802h](#). Protected Persons and Their Property  
§ [45a-605](#). Provisions construed in best interest of minor child.  
§ [45a-617](#). Appointment of guardian, coguardians or permanent guardian of the person of a minor.

### CASES:

- In Re C: A Minor, 30 Quinnipiac Prob. L.J. 305, 312-313. "The Court further finds that Petitioner, the prospective guardian, has the ability to meet on a day-to-day basis the physical, emotional, moral, and educational needs of C. He has been doing so for fifteen years. C expressed his clear desire to have Petitioner appointed his guardian. The Court finds that there exists an established relationship between C and Petitioner; this relationship has existed for

Once you have identified useful cases, it is important to update them to ensure they are still good law. You can [contact your local law librarian](#) to learn about updating cases.

fifteen years. The Court finally finds that it is in C’s best interests that Petitioner be appointed his Guardian, under Conn. Gen. Stat. § 45a-617 and Conn. Gen. Stat. § 45a-605(a).”

- [In re Tayquon H.](#), 76 Conn. App. 693, 703, 821 A.2d 796, **804 (2003)**. “When a conflict arises between the child’s wishes or position and that which counsel for the child believes is in the best interest of the child, the court shall appoint another person as guardian ad litem for the child. The guardian ad litem shall speak on behalf of the best interest of the child and is not required to be an attorney-at-law but shall be knowledgeable about the needs and **protection of children.**”

#### ENCYCLOPEDIAS:

- 85 *A.L.R.2d* 921, *Right Of Infant To Select His Own Guardian*, by L. S. Tellier, Thomson West, 1962 (Also available on Westlaw).
- 39 *Am Jur 2d* Guardian and Ward, Thomson West, 2019 (Also available on Westlaw).  
§ 44. Right of minor ward to select guardian
- 39 *CJS* Guardian and Ward, Thomson West, 2014 (Also available on Westlaw).  
§ 23. Selection by minor

#### TEXTS & TREATISES:

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

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- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).

##### Chapter 3. Guardianships

##### II. Guardianships of Minors

§ 3:6. Parent and child—statutory guardians of the person, custody and control, termination of parental rights, statutory parent

§ 3:14. Removal of parents or other guardians of minor’s person, temporary custody orders, visitation and reinstatement rights, appointment of guardian or co-guardian

- 2 *Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2020-2021 supplement.

##### Chapter 11. Guardianship

##### § 11.8. **Child’s preference**

- American Bar Association Child Custody and Adoption Pro Bono Project, *Hearing Children’s Voices and Interests in Adoption and Guardianship Proceedings*, 41 Family Law Quarterly 365 (2007).

#### LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

## Section 13: Termination of Guardianship

A Guide to Resources in the Law Library

### SCOPE:

Bibliographic resources relating to the termination of guardianship including removal, resignation or death of guardian of a minor in Connecticut.

### DEFINITIONS:

- Removal of parent as guardian. Conn. Gen. Stat. § [45a-610](#) (2021).
- Removal of guardian, coguardian or permanent guardian of the person of a minor. Conn. Gen. Stat. § [45a-613](#) (2021).
- Age of majority: "Except as otherwise provided by statute, on and after October 1, 1972, the terms 'minor', 'infant' and 'infancy' shall be deemed to refer to a person under the age of eighteen years and any person eighteen years of age or over shall be an adult for all purposes whatsoever and have the same legal capacity, rights, powers, privileges, duties, liabilities and responsibilities as persons heretofore had at twenty-one years of age, and 'age of majority' shall be deemed to be eighteen years." Conn. Gen. Stat. § [1-1d](#) (2021).
- Minor: "means a person under the age of eighteen;" Conn. Gen. Stat. § [45a-604](#)(4) (2021) (As amended by [Public Act 21-15](#), § 105).
- Final accounting: "Probate Courts shall have jurisdiction of the interim and final accounts of. . . guardians . . . ." Conn. Gen. Stat. § [45a-175](#)(a) (2021).
- Marriage: "If any minor who has a guardian marries and owns or thereafter acquires property, the guardianship of such property shall continue during such person's minority." Conn. Gen. Stat. § [45a-629](#)(b) (2021).
- Reinstatement of parent or former legal guardian: "If the court has ordered legal guardianship of a child or youth to be vested in a suitable and worthy person pursuant to subsection (j) of this section, the child's or youth's parent or former legal guardian may file a motion to reinstate guardianship of the child or youth in such parent or former legal guardian. Upon the filing of such a motion, the court may order the Commissioner of Children and Families to investigate the home conditions and needs of the child or youth and the home conditions of the person seeking reinstatement of guardianship, and to make a recommendation to the court. A party to a motion for reinstatement of guardianship shall not be entitled to court-appointed counsel or representation by Division of

Public Defender Services assigned counsel, except as provided in section 46b-136. Upon finding that the cause for the removal of guardianship no longer exists, and that reinstatement is in the best interests of the child or youth, the court may reinstate the guardianship of the parent or the former legal guardian. No such motion may be filed more often than once every six months.” Conn. Gen. Stat. § [46b-129\(n\)](#) (2021).

#### USER GUIDES:

- Probate Court  
[Guardians of Minors](#) (2020)

#### STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2021).  
[Chapter 802h](#). Protected Persons and Their Property  
§ [45a-605](#). Provisions construed in best interest of minor child.  
§ [45a-609](#). Application for removal of parent as guardian. Hearing. Notice. Examination.  
§ [45a-610](#). Removal of parent as guardian.  
§ [45a-613](#). Removal of guardian, coguardian or permanent guardian of the person of a minor.  
§ [45a-614](#). Removal of parent as guardian of minor. Parent may not petition for removal of permanent guardian.  
§ [45a-615](#). False or malicious application for removal of guardian. Penalty.  
§ [45a-678](#). Removal of plenary or limited guardian.

#### COURT RULES:

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- Conn. Practice Book (2022).  
[Chapter 35a](#). Hearings Concerning Neglected, Abused and Uncared for Children and Termination of Parental Rights  
§ 35a-12A. Motions for transfer of guardianship  
§ 35a-19. Transfer from Probate Court of petitions for removal of parent as guardian or termination of parental rights  
§ 35a-20. Motions for reinstatement of parent or former legal guardian as guardian or modification of guardianship post-disposition
- Connecticut Probate Court Rules of Procedure (2020).  
[Rule 40. Children’s Matters: General Provisions](#)  
Section 40.3. Immediate temporary custody of a minor  
Section 40.4. Order for immediate temporary custody without notice and hearing  
Section 40.5. Appointment of temporary custodian on consent  
Section 40.6. Removal and appointment of guardian on consent  
Section 40.7. Reinstatement as guardian  
Section 40.8. Temporary guardianship

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## CASES:

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- Probate Court
  - [PC-500](#). Petition/Removal of Guardian (rev. 10/19)
  - [PC-580](#). Affidavit of Closing/Receipt and Release of Guardian of Estate of a Minor (rev. 4/19)
  - [PC-583](#). Resignation of Guardian or Temporary Custodian (rev. 8/19)
- [In Re Avirex R.](#), 151 Conn. App. 820, 835, 96 A. 3d 662, 671 (2014). “. . . it is important to note that a transfer of guardianship pursuant to subsection (j) of § 46b-129 does not terminate the respondent parent’s or former guardian’s relationship with the child. If a court orders, as it did here, legal guardianship of a child or youth to be vested in a suitable and worthy person pursuant to subsection (j) of § 46b-129, the respondent parents or former guardians of the child or youth are not left without recourse. Pursuant to § 46b-129 (n), the respondent parents or former guardian may file a petition to reinstate guardianship of the child or youth in such parent or legal guardian.”
- [In Re Max V.](#), Superior Court, Judicial District of Middlesex, Child Protection Session at Middletown, No. M08CP09011047A (May 12, 2010) (2010 Conn. Super. LEXIS 1554) **(2010 WL 2926045)**. “Removal of a parent as guardian does not terminate the parent’s right to see the child and to be involved in the child’s life. In fact, General Statutes § 45a-612 specifically provides for the visitation rights of a parent removed as guardian. Moreover, General Statutes § 45a-611 provides for the reinstatement of a parent as guardian of the person of a minor child, if appropriate.”
- [In Re Savannah L.](#), Superior Court, Judicial District of Waterbury, Juvenile Matters at Waterbury, No. U06CP09006773 (March 2, 2010) (2010 Conn. Super. LEXIS 507) (2010 WL 1224871). “A court may remove a guardian only if it finds that one or more of the grounds set forth in General Statutes § 46a-610 have been established by clear and convincing evidence. [In Re Helen B.](#), 50 Conn.App. 818, 827, 719 A.2d 907 (1998). The petitioner has not established any one of the grounds set forth in the governing statute. Instead, the petitioner has found an adult male who appears to have contributed biologically to creating this child. However, that man has not been, and does not want or intend to be, the child’s father. That is the only basis on which the petitioner seeks to remove Mr. L. as the guardian. Determining the parent of a child, however, cannot be guided solely on the basis of ‘nature,’ but must also be premised on ‘nurture.’ [Seymour v. Seymour](#), 180 Conn. 705, 712, 433 A.2d

1005 (1980). Not only was Mr. L. the guardian at the time of the commencement of these proceedings, he has been a guardian/father to the child and he intends to continue to be a caring and providing guardian/father to the child. The minimum obligations of a parent or guardian are to demonstrate love and affection for the child; express concern for the child’s health, education and general welfare; supply food, clothing, shelter and medical care; and provide guidance in life’s activities and choices. [In Re Rayna M.](#), 13 Conn.App. 23, 37, 534 A.2d 897 (1987). Mr. L. has the ability and the will to fulfill all of these responsibilities, and this court finds that it would be in the child’s best interests for his role as guardian to continue.”

WEST KEY NUMBERS:

ENCYCLOPEDIAS:

TEXTS & TREATISES:

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- *Guardian and Ward*  
25. Removal.
- 39 *Am Jur 2d* Guardian and Ward, Thomson West, 2019 (Also available on Westlaw).  
§§ 74-78. Termination of Guardianship or Conservatorship.  
§§ 79-85. Resignation and Removal; Appointment of Successor.
- 39 *CJS* Guardian and Ward, Thomson West, 2014 (Also available on Westlaw).  
§§ 50-55. Termination or Revocation of Guardianship; Removal of Guardian
- Connecticut Estates Practice Series, *Incapacity, Powers of Attorney and Adoption in Connecticut*, 4th ed., by Ralph H. Folsom, et al., 2021 ed., Thomson West (also available on Westlaw).  
Chapter 3. Guardianships  
II. Guardianships of Minors  
§ 3:5. Challenging legality of involuntary guardianship  
§ 3:14. Removal of parents or other guardians of minor’s person, temporary custody orders, visitation and reinstatement rights, appointment of guardian or co-guardian  
§ 3:23. Removal, resignation, or death of guardian  
§ 3:24. Termination of guardianships of minors
- 20 Connecticut Practice Series, *Connecticut Elder Law*, by Kate McEvoy, 2021 ed., Thomson West (also available on Westlaw).  
Chapter 13. Relative Caregivers  
§ 13:17. Guardianship of person—Removal of parents as guardian

- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3rd ed., LawFirst Publishing, 2008.  
     Chapter 21. Child Protection  
         Basic Principles: Guardianship of the Person of the Minor in Probate Court  
             Removal of Parent or Other Guardian (p. 545)
- *2 Handling Child Custody, Abuse and Adoption Cases*, 3d ed., by Ann M. Haralambie, Thomson West, 2009, with 2020-2021 supplement.  
     Chapter 11. Guardianship  
         § 11.13. Change of guardian  
         § 11.14. Termination of guardianship
- *A Practical Guide to Probate in Connecticut*, Jennifer A. Basciano and Peter T. Mott, editors, Massachusetts Continuing Legal Education, 2013, with 2018 & 2021 supplements.  
     Chapter 7. Guardians and Conservators  
         § 7.3.3. Removal of a Parent as a Guardian of the Person of a Minor