



STATE OF CONNECTICUT

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**Probate Court Rules of Procedure
Advisory Committee
Subcommittee II
Meeting Minutes**

Tuesday, April 13, 2021
4:00 p.m.

Office of the Probate Court Administrator
186 Newington Road
West Hartford, CT
and via Webex videoconference

The meeting was convened at 4:03 p.m. by Judge Peter C. Barrett, Chair.

Members in attendance: Judges Brian Mahon (retired), John McGrath, Beverly Streit-Kefalas, Attorneys Christopher Hug, Carmine Perri, and Professor Jeffrey Cooper.

Remarks of the Chair

No remarks.

Approval of minutes of the March 30, 2021 meeting

By motion of Judge Mahon, seconded by Judge McGrath, the motion carried and the minutes were unanimously approved.

List of issues assigned to the subcommittee

The committee continued its review of issues, and started with a review of issues shared by Attorney Hug on behalf of the CBA Estates and Probate section.

- **Rule 60.2 (hearing management conferences): consider general review to enhance use and effectiveness:** The committee agreed that no revision is recommended regarding Rule 60.2 nor the related scheduling order (PC-134). Additional education for judges and attorneys on encouraged use of the PC-134 may be beneficial.

- **Complex Docket concept: whether the Probate Courts should develop a complex litigation docket similar to that utilized in Superior Court.** There was committee consensus and understanding that probate judges are elected officials and are elected to hear the cases in their districts. Enhanced training on complex legal issues may address the concern raised.
- **Clarification of decrees: consider procedure to request clarification:** The committee discussed the provisions of Conn. Gen. Stat. § 45a-128 *Reconsideration, modification or revocation of order or decree*, Rule 20 provisions for approval or instruction, and impact on appeals. It was noted that such procedures do not toll the time to file an appeal. The committee agreed to continue discussion for a possible new rule regarding CGS sec. 45a-128.
- **Issue of enforcement of decrees:** Committee agreed to take no action on this issue at this time.

Judge Barrett then returned the discussion to the List of Issues previously circulated:

- **Rule 45.1 and 45.4 (proceedings for medication and treatment of psychiatric disability) and Rule 46 (commitment for treatment of drug and alcohol dependency): Review provisions as they relate to notice to a conservator of the person appointed for the respondent.**
There was consensus to draft language to parallel provisions in Rules 45.1, 45.4 and 46.1 as discussed at the last meeting of the subcommittee regarding Rules 44.1 and 44.4 to clarify that a conservator of a person for the patient is a party to the proceeding to be given notice. The committee may seek additional review by probate judges who handle a large caseload of these types of proceedings.
- **NEW CONCEPT: Prof. Cooper noted that Rule 44.1 is missing “guardian”.** The committee agreed to revise Rule 44.1 to add “or a guardian” to 44.1(a) to read “a parent or a guardian of a respondent who is under the age of 16...”.
- **Rule 60 (conferences before the court): consider adding provisions regarding disclosure of expert disclosures.** There was discussion on whether Rule 60.2(a)(8) should require further detail regarding expert witnesses or whether the current language is sufficient to leave it to the judge or parties’ discretion to require more detail in any particular hearing management scheduling order. The committee agreed to continue discussion at the next meeting.

Next Meeting

The next meeting will be held Tuesday, April 27, 2021 from 4:00 p.m. to 5:00 p.m. and will continue on alternating weeks.

Adjournment

The meeting was adjourned at 5:15 p.m.