



STATE OF CONNECTICUT

OFFICE OF THE
PROBATE COURT ADMINISTRATOR

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

Thursday, April 22, 2021
3:00 p.m.

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

The meeting was convened at 3:09 p.m. by Judge Kathleen N. Maxham, Chair.

Other members in attendance: Judge Steven T. Zelman (retired), Attorneys Mary M. Ackerly, Douglas R. Brown, Caitlin Calder, Heather L. Dostaler and Greta E. Solomon, and Mr. Stephen A. Pedneault, CPA, CFE, CFF, FCPA.

Approval of minutes of April 7, 2021

The subcommittee unanimously approved the minutes of April 7, 2021, meeting.

Discussion of List of Issues

- 1. Rule 1 (definitions): Revise section 1.1(15) to clarify that electronic signature does not include juris number or conformed signature.** Although there was consensus to draft language to clarify that an attorney cannot use a juris number in place of a signature and no party can use a conformed signature at the April 7, 2021 meeting, the subcommittee agreed to further review to determine whether clarification is necessary.
- 2. Rule 13 (court-appointed guardian ad litem): Add a new section to include defined procedure for consideration and scope of guardian ad litem fees.** Attorney Calder provided additional materials to review prior to the meeting. Judge Maxham asked to table further discussion of this issue so that the materials could be thoroughly reviewed. The subcommittee will plan to discuss at the next meeting.

3. **Rule 16.6 (public access to hearings and records): Add a section to address the concept of redaction of the name and address of party in a nonconfidential matter for an initial petition to seal for safety reasons.** There was consensus that there should be a procedure for a party in a nonconfidential matter to request redaction or sealed records without a hearing to address safety concerns.
4. **Rule 18 (transfer of a matter between probate courts): Add language that a Probate Court may act without notice and hearing in section 18.5(a).** There was consensus that the judge of a Probate Court that does not participate in a Regional Children’s Probate Court should be able to transfer the matter without notice and hearing after consultation with the Administrative Judge of the Regional Children’s Probate Court. There was also discussion of other transfer concerns which the subcommittee is not recommending at this time because they would require statutory changes.
5. **Rule 22 (eFiling for state agencies): Review provisions as they relate to state agencies as registered eFilers with eFiling access.** There was consensus that Rule 22 should be clear that employees of Connecticut state agencies should have eFiling access when the agency is a party or the agency has a statutory duty or obligation in the matter. It was also agreed that there should be a new section tailored to state agencies. The subcommittee felt that an agency mandate would be premature at this time but that all employees of any agency that voluntarily participates in eFiling should be required to eFile.
6. **Rule 22 (eFiling access for auditors): Allow for the court to grant eFiling access to an auditor appointed by the Probate Court and the Office of the Probate Court Administrator during the duration of the appointment.** There was consensus that a court- or PCA-appointed auditor should have eFiling access to case documents during the scope of appointment. Once the report is filed, the auditor would no longer have access.
7. **Rule 22 (eFiling): Remove reference to a request for electronic access for an attorney in Rule 22.2(d).** There was consensus that the rule should be amended to reflect changes to eFiling system since rule was adopted.
8. **Rule 36.13 (fiduciary accounting: general provisions): Update the list of records required to be maintained by a fiduciary in light of advances in technology in the finance world.** Stephen Pedneault agreed to draft a list of documents specifically with reference to cryptocurrency and other technology based financial matters for the subcommittee to consider at the next meeting. Attorney Brown asked that the subcommittee consider amending the rule to make it clear that substantial compliance or reasonable efforts to comply may satisfy the requirements of the rule.

Next Meeting

The next meeting will be Thursday, May 6, 2021 at 3:00 to 4:00 p.m.

Adjournment

The meeting was adjourned at 4:15 p.m.