

## **Probate Court Rules Advisory Committee**

### **Subcommittee II**

Meeting Minutes  
Wednesday, December 13, 2017

Law Offices of Mahon, Quinn & Mahon  
636 Broad Street  
Meriden, CT

Judge Brian Mahon, Subcommittee Chair, convened the meeting at 2:10 p.m.

Other members in attendance: Attorney Thomas Gaffey and Attorney Carmine Perri.

Members not in attendance: Professor Jeffrey Cooper, Natasha Haims, Attorney Christopher Hug, Judge John McGrath, and Judge Claire Twerdy.

Those present briefly discussed the issues included on the list of Issues for the 2019 Edition distributed previously.

- 1) Rule 33.22 currently provides that petitions to change residence, sell property and terminate a lease can, if filed together, be treated as a single petition for probate fee purposes. It was agreed that it made sense to add petitions for placement to that list
- 2) Under P.A. 17-136, the courts will be able to give guardians of the intellectually disabled authority over limited funds of the protected person. They will need to file inventories and financial reports or accounts. It was agreed that provisions similar to the rules for conservators regarding inventories and accounts be added.
- 3) Sections 44.4 and 45.4 require minor technical amendments to reflect the changes enacted under P.A. 17-136 (2) concerning notice to patients in psychiatric facilities.
- 4) It was suggested that section 64.1 be amended to make clear that exhibits are not part of the permanent record of the court.
- 5) There was discussion of possible modifications to Rule 66 regarding (a) the use of a vendor such as CourtCall to enable persons to participate electronically, and (b) specifically referencing video conferencing to permit incarcerated parents to participate in children's matters. The consensus was that the existing rule is broad enough to include CourtCall or similar services, and video conferencing. It was felt that the addition of some "including but not limited to" might be helpful for clarity.

6) Section 67.2 re interpreters was discussed in light of emerging issues regarding persons with Limited English Proficiency, (LEP). Guidance offered by the Department of Justice was discussed, indicating that courts should be cautious about using family and friends of the LEP person to interpret, particularly in the context of a hearing. It was noted that while we had discussed the use of friends and family in developing the rule, the rule itself contains no reference to friends and family. The rule includes relevant factors for the court's consideration, including the competence and impartiality of a proposed interpreter. It was suggested that the rule be left as is, and that issues particular to family and friends as interpreters be dealt with as a matter of judicial education.

In addition to the issues from the list, the subcommittee discussed a suggestion by Attorney Perri that we make provision for the disclosure of expert witnesses. It was felt that this would be an easy and appropriate addition to section 61.2 (a) re hearing management conferences.

It was agreed that Attorney Gaffey would do some drafting re the issues discussed, to be reviewed and discussed by the whole subcommittee at the next meeting.

The next meeting will take place on Wednesday, January 24 at 2:00 p.m. at the Law Offices of Mahon, Quinn & Mahon.

The meeting adjourned at 2:45 p.m..

Approved January 24, 2018.