

**Probate Practice Book Advisory Committee  
Subcommittee II**

Meeting Minutes  
Wednesday, April 23, 2014

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Judge Brian Mahon, Subcommittee Chair, convened the meeting at 3:10 p.m.

Other members in attendance: Professor Jeffrey Cooper, Attorney Thomas Gaffey, Judge John McGrath, Attorney Carmine Perri, and Judge Claire Twerdy.

Not in attendance: Attorney Christopher Hug, Mr. Arthur Teal and Attorney David Biklen, Committee Reporter.

**Approval of minutes**

The members in attendance unanimously approved the minutes of the meeting of January 8, 2014.

**Discussion of comments of full committee**

*Section 67.3 Interpreter to act under oath*

The subcommittee agreed to adopt the recommendation of the full committee, providing an exception to the requirement that the interpreter be under oath if the interpreter is a member of court staff or a commercial interpreting service.

*Section 33.9, Jointly owned assets and joint liabilities*

The full committee recommended that the language be reviewed to insure that it consistently refers to assets under subsection (a), and is not limited to jointly owned assets. The subcommittee concurred.

*Section 33.14, When conservator to submit final account*

The subcommittee agreed with the recommendation of the full committee to amend subsection (d) to provide that in the absence of an executor or administrator of a deceased conservator, a successor conservator may file a final account for the deceased conservator. It was agreed that it should be a “may”, and should not obligate the successor to do so. However, it was felt that this could help the successor to limit his or her potential liability for acts of the predecessor. In the event that the successor is unable to fully discover what happened to estate funds, it would

enable the successor to file an account to the best of his or her ability, and the court could then appoint an auditor to investigate the matter more fully.

### **Discussion of additional questions**

The subcommittee also considered some additional questions that had been brought to its attention.

*Should a conservator filing a petition to be excused from filing a final account pursuant to section 33.7 be required to certify that copies of the petition were sent to all parties and attorney?*

The consensus of the subcommittee was not to recommend such a change. It was noted that the court would send notice to all parties and that they could request copies if they chose, and could request a hearing or object to the petition. It was also noted that under such circumstances there would likely be little or no funds remaining in the estate and that such a requirement would add to the cost.

*Should rule 33 be amended to provide a mechanism to remove a notice of pending conservatorship application pursuant to C.G.S. §45a-653?*

The subcommittee discussed this issue at some length. The question was raised as to who would record such a notice on the land records, and who would bear the cost of same. It was suggested that in the event the conservator petition was denied, the respondent should not have to bear that burden. Another difficulty is that the court would have no way of knowing where the petitioner may have filed such notice. There was also concern as to possible due process deficiencies in the statute.

In light of the above and the infrequent use of the statute, the subcommittee agreed not to recommend a rule in this area. It was noted forms are being developed for this purpose, and it was agreed that those forms should be sufficient to address any problems that might arise in a particular case.

*Should rule 33 require a notice of termination of conservatorship to be recorded on the land records or filed with financial institutions?*

The Subcommittee agreed, similar to the question above, that the forms should be sufficient to address the issue and that no rule should be recommended.

### **Adjournment**

The meeting was adjourned at 4:00 p.m.