

**Probate Practice Book Advisory Committee  
Subcommittee III**

Meeting Minutes  
Monday, April 2, 2012  
3:00 p.m.

New Haven Regional Children's Probate Court  
873 State St.  
New Haven, CT

Judge Michael Albis, Chair of Subcommittee III, convened the meeting at 3:06 p.m.

Other members in attendance: Ms. Suzette Farrar, Attorney Patricia Kaplan, Judge Robert Killian, Attorney Gabriella Kiniry, Judge Paul Knierim, Attorney Andrew Knott

Members not present: Judge Gerald Fox, Mr. Stephen Pedneault, CPA

Also in attendance: Attorney Michael Besso, Assistant Attorney general, Attorney David Biklen, Committee Reporter, Stephanie Janes, Manager of Mental Health and Family Programs

**Approval of Minutes of March 5, 2012 Meeting**

The minutes of the March 5, 2012 meeting were unanimously approved.

**Review of draft rules on Children's Matters (Rules 42-44)**

The subcommittee reviewed the draft rule on children's matters identified as "children 3-16-12 DDB draft with PJK edits."

**Section 42.3 Temporary custody.** The words "current physical care" should be substituted for "physical custody" in the interpretation of "custody" in § 42.3(a), (c), and (d). Sections (c) and (d) should be revised to make it clear that a parent who has current physical care of a minor may petition for temporary custody.

**Section 42.4 Immediate temporary custody.** The committee reviewed the various positions articulated by judges at the March Judges Institute and the email exchange that followed it. The committee concluded that the proposed rule should be revised as follows: If the judge determines that it is necessary to meet with the petitioner before deciding an immediate temporary custody petition, the court shall record the meeting. If the judge grants immediate temporary custody, the judge shall recuse himself or herself from the 5 day hearing.

**Sections 42.5 and 42.6 Appointment of temporary custodian or guardian on respondent's consent.** The rule should explicitly permit the court to proceed on the court's own motion to determine whether there are grounds for appointment of a temporary custodian or guardian if the respondent does not consent to an alternate custodian or guardian. Judge Albis will draft an additional provision to make it clear that a court can, if it determines the statutory requirements are met, order alternate remedies without a new or additional petition.

**Section 42.14 In court review.** To clarify, the rule should refer to written orders to remove or terminate.

**Sections 42.16(d) and 43.1(e).** These provisions are clerical in nature and should be moved to the Clerk's Manual.

**New Section 42.17 Findings on appointment of DCF as custodian or guardian.** A new section should be added to Rule 42 to require the court, when appointing DCF as temporary custodian or guardian, to make written findings whether DCF made reasonable efforts to maintain the child in the home and whether continuation in the home is contrary to the best interests of the child.

**Section 43.3 PCO reports.** The section should make it clear that a judge may read a PCO report or a DCF report before the hearing by stating that the court may review any material that is statutorily admissible.

**Sections 44.2 to 44.5.** The rule should refer generally to petitions under § 46b-129, rather than specifying neglect petitions by DCF, to capture the range of possible petitions and petitioners.

**Section 44.4 Emergency action.** The text of the rule should refer to actions of an emergency nature to distinguish this section from section 44.2.

**Section 44.5 Safety and service agreement.** The rule should explicitly authorize a probate court to issue an immediate temporary custody or temporary custody order during the eight day period in which DCF is preparing its petition for Superior Court.

### **Review draft rule on Guardianship of Estates of Minors (Rule 41)**

The subcommittee reviewed the draft rule on estates of minors identified as "GOE 3-13-12 DDB draft with PJK edits."

**Section 41.1 When hearing required.** The rule should be modified to permit the court to excuse a hearing altogether if the guardian signs a document acknowledging his or her responsibilities as a guardian.

Revised drafts of the three rules incorporating the above-referenced changes and miscellaneous edits are attached to these minutes.

### **Next Meeting**

Our next meeting will be held on Monday May 7, 2012 at 3:00 p.m. at the New Haven Regional Children's Probate Court.

The meeting was adjourned at 6:15 p.m.

Approved 5/7/12

## State of Connecticut Probate Practice Book

### Rule 42 Children's Matters: General Provisions

**Sec. 42.1 When streamline notice procedure may be used in children's matters.** See section 8.5.

**Sec. 42.2 Appointment of attorney and guardian ad litem for minor child.** When considering the appointment of representatives under C.G.S. section 45a-620, the court may appoint an attorney as the sole representative of a minor. If the court determines that the minor is unable to express his or her wishes to the attorney, the court may appoint one individual to serve as both attorney and guardian ad litem. If the court determines that the minor's wishes, if followed, could lead to substantial physical, financial or other harm to the minor, the court may appoint an individual as attorney and another individual as guardian ad litem.

*(C.G.S. section 45a-620)*

**Sec. 42.3 Temporary custody of a minor.**

(a) When deciding a petition for immediate temporary custody under C.G.S. section 45a-607(b), the court shall base its determination whether a parent or guardian has custody of a minor on the court's finding whether the minor is in the current physical care of the parent or guardian at the time a petition for immediate temporary custody is filed. The determination whether a parent or guardian has custody of a minor shall not be based on the legal rights of the parent or guardian regarding the custody or guardianship of the minor.

(b) A person authorized to petition to remove a parent as guardian under C.G.S. section 45a-614 or terminate parental rights under C.G.S. section 45a-715(a), including a parent of the minor, may petition for immediate temporary custody or temporary custody of a minor.

(c) If a minor is in the current physical care of a parent or guardian at the time a petition for immediate temporary custody is filed and the parent or guardian having current physical care is not the person seeking immediate temporary custody, the court shall not grant immediate temporary custody on an ex parte basis, except in accordance with C.G.S. § 45a-607(b)(2).

(d) If a minor is not in the current physical care of a parent or guardian at the time a petition for immediate temporary custody of the minor is filed or if the person seeking temporary custody is a parent or guardian having current physical care of the minor, the court shall not grant immediate temporary custody on an ex parte basis, except in accordance with C.G.S. sections 45a-607(b)(1) through (3).

**Sec. 42.4 Order for immediate temporary custody without notice and hearing.**

(a) The court may decide a petition for immediate temporary custody without notice to the parties and without conducting a hearing.

(b) If the court determines that it is necessary to meet with the petitioner before deciding a petition for immediate temporary custody, the court shall make an audio recording of the meeting, which recording shall be available to the parties. If the court grants immediate temporary custody and the five day hearing on temporary custody required by C.G.S. section 45a-607(b)(3) is contested, the judge who met with the petitioner shall be disqualified from conducting the five day hearing.

*(C.G.S. § 45a-607(b); Subcommittee II general provision on ex parte orders; See C.P.P.B. Rule 23)*

**Sec. 42.5 Appointment of temporary custodian on consent of parent or guardian.** If a parent or guardian consents to the grant of temporary custody in

connection with a petition that names a proposed temporary custodian, the court shall not appoint another individual as custodian unless:

(a) the parent or guardian consents to the appointment of the other individual as custodian; or

(b) the court, on the motion of a party or on the court's own motion, finds by a fair preponderance of the evidence that:

(1) the parent or guardian has performed acts of omission or commission set forth under C.G.S. sections 45a-610(2 ) through (5); and

(2) because of the acts, the minor child is suffering from serious physical illness or serious physical injury, or is in the immediate threat of serious physical illness or serious physical injury, or is in immediate physical danger.

**Sec. 42.6 Removal of parent and appointment of guardian on consent.** If a parent or guardian consents to removal as guardian in connection with a petition that names a proposed guardian, the court shall not appoint another individual as guardian unless:

(a) the parent or guardian consents to the appointment of the other individual as guardian; or

(b) the court, acting on the motion of a party or on the court's own motion, finds by clear and convincing evidence that:

(1) the parent or guardian has performed acts of omission or commission set forth under C.G.S. sections 45a-610(2 ) through (5); and

(2) the proposed appointment should be made in the light of the factors set forth in C.G.S. section 45a-617.

**Sec. 42.7 Reinstatement as guardian.** A parent or former guardian who was removed as guardian of a minor and who seeks reinstatement has the burden of proving that the factors that resulted in removal have been resolved satisfactorily. If the court finds by a preponderance of the evidence that the parent or former guardian has met the burden of proof, the court shall determine whether reinstatement of the parent or former guardian is in the minor's best interests.

*(C.G.S. § 45a-611)*

**Sec. 42.8 Temporary guardianship.** A parent or guardian may petition the court to appoint a temporary guardian for a minor without another parent or guardian joining as co-petitioner. The court shall give notice in accordance with Rule 8 to all parties and attorneys of record, including any non-petitioning parent or guardian.

*(C.G.S. § 45a-622)*

**Sec. 42.9 Publication notice in termination proceeding when name or location of parent unknown.**

(a) A petitioner seeking to terminate the parental rights of a parent has the duty to make diligent effort to determine the name and current address of the parent. If the petitioner cannot determine the name or current address, the petitioner shall include with the petition a statement signed under penalties of false statement indicating that the petitioner cannot determine the name or current address of the parent and stating the last known address of the parent, if known, the search efforts that the petitioner has made, and relevant information that might assist in determining the name or current address of the parent.

(b) If the current address of a parent is unknown, the court shall publish notice of the hearing on the petition to terminate parental rights in a newspaper having general circulation in the city in which the parent was last known to reside or, if no such address is known, in the probate district in which the petition was filed. If the name of the parent is unknown, the court shall publish notice in a newspaper having general circulation in the city in which the minor was born. The notice shall include the full name of any known parent, the first name and first initial of the last name of the minor, and the minor's date and city of birth.

*(C.G.S. § 45a-716(c))*

**Sec. 42.10 Pre-adoption hearing.** The court may, after notice in accordance with Rule 8, conduct a pre-adoption hearing to address any issues associated with an adoption.

The notice shall indicate that the adoption will not be finalized at the pre-adoption hearing.

*(C.G.S. section 45a-727(c)(1))*

**Sec. 42.11 Appointment of out-of-state child placing agency as statutory parent to give child in adoption.** An out-of-state child placing agency may petition to be appointed as statutory parent of a minor who the agency has placed in this state for adoption under the Interstate Compact for the Placement of Children. The court may, after giving notice under Rule 8, appoint the agency as statutory parent if the court finds that:

- (1) the minor is free for adoption; and
- (2) no statutory parent has been appointed for the minor in this state.

*(C.G.S. sections 17a-175 (Interstate Compact on the Placement of Children, Article V), 17a-112, 45-707, 45a-717, 45a-718, 45a-725 and 45a-727)*

**Sec. 42.12 Adoption by same sex married couple.**

(a) Even if both spouses of a same sex married couple are considered parents of a child under the law of this state, a petition by one of the spouses for the other spouse to adopt the child may be brought as a step-parent adoption under C.G.S. section 45a-724(a)(2).

(b) In a proceeding brought under section 42.12(a), the court may waive notice to the commissioner of children and families and shall waive, unless good cause is shown, all requirements for an investigation and report by the department of children and families or by a child-placing agency.

*(C.G.S. sections 45a-724(a)(2) and 45a-733)*

**Sec. 42.13 Notice in adult adoption proceeding.** In a proceeding to approve an adult adoption, the court shall give notice to the parties and attorneys of record under Rule 8. The court may give notice to other persons interested in the welfare of the parties, including relatives and friends of the proposed adoptive parent and adopted person. The notice to other persons may be in lieu of or in addition to publication notice.



**Sec. 42.14 In court review for possible modification of order.** At any time before issuing a written order granting or denying a petition to remove a parent as guardian or terminate parental rights, the court may, on the motion of a party or on the court's own motion, conduct a hearing designated as an in court review to consider possible modification of a previously entered order. The court shall give notice of the hearing under Rule 8 and the notice shall specify the order that is the subject of review.

**Sec. 42.15 Criminal background check.**

(a) Unless an immediate appointment is necessary to ensure the safety of a minor, the court shall obtain a criminal background check of a proposed temporary custodian, guardian of the person, temporary guardian or co-guardian of the person before issuing a decree appointing the fiduciary.

(b) If the requirement of a criminal background check is waived at the time of appointment under section 42.15(a), the court shall obtain a criminal background check as soon as reasonably possible after issuing the decree making the appointment.

**Sec. 42.16 Transfer of contested removal or termination petition to juvenile court.**

(a) A party may move to transfer to the superior court for juvenile matters any contested proceeding on a petition to remove a parent as guardian or terminate parental rights. Unless the court grants an extension of time to file the motion for good cause, the transfer motion shall be filed at least three days before the first day on which the court conducts a hearing on the removal or termination petition.

(b) The party moving for transfer under section 42.16(a) shall send copies of the transfer motion to all parties and attorneys of record and shall certify to the court that the copies have been sent.

(c) If the transfer is requested by any party other than the petitioner, the transfer is mandatory and the court shall, without further notice to the parties and without conducting a hearing, issue an order granting the motion not later than five days after

receipt of the motion. If the transfer is requested by the petitioner, the transfer is discretionary and the court shall continue the hearing on the underlying petition and give notice of a hearing on the transfer motion under Rule 8. The court may, with or without hearing, transfer a proceeding to the superior court on the court's own motion.

*(C.G.S. § 45a-623; 45a-715(g))*

**Sec. 42.17 Appointment of commissioner of children and families as temporary custodian or guardian.** If the court appoints the commissioner of children and families as temporary custodian or guardian of the person of a minor, the court shall make written findings to indicate whether the commissioner made reasonable efforts to maintain the minor in the home and whether continuation in the home is contrary to the minor's best interests.

## **Rule 43 Children's Matters:**

### **Regional Children's Probate Courts**

#### **Sec. 43.1 Transfer of children's matter to regional children's probate court.**

(a) A party may move to transfer to a children's matter from a local probate court to a regional children's probate court. Unless the court grants an extension of time to file the motion for good cause, the transfer motion shall be filed at least three days before the first day on which the court conducts a hearing on the underlying petition.

(b) The party moving for transfer shall send copies of the transfer motion to all parties and attorneys of record and shall certify to the court that the copies have been sent.

(c) The transfer of a proceeding to a children's court on the motion of a party is discretionary and the court shall continue the hearing on the underlying petition and give notice of a hearing on the transfer motion in accordance with Rule 8. The court may, with or without hearing, transfer a matter to a children's court on the court's own motion.

(d) A proceeding transferred to a children's court may be heard by the judge who granted the transfer or by another judge who participates in the children's court.

*(C.G.S. sections 45a-8a, 45a-623 and 45a-715(g))*

Scribe's note: Should the AJ of a children's court have the right to reject a matter?

**Sec. 43.2 Duties of probate court officer.** In proceedings being heard at a regional children's probate court, the court may assign a probate court officer to perform any of the following duties:

(1) conduct conferences with the parties and their attorneys, representatives of the department of children and families and social service providers;

(2) facilitate development of the family's plan for the care of the minor;

(3) facilitate development of a visitation plan;

(4) coordinate with the department of children and families to facilitate a thorough review of the matter;

(5) assess whether the family's plan for the care of the minor is in the minor's best interests;

- (6) assist the family to engage community services;
- (7) testify at hearings; and
- (8) conduct follow-up regarding orders of the court.

**Sec. 43.3 Files maintained by probate court officer.**

(a) A probate court officer shall maintain all notes, correspondence, reports and other materials gathered or created in the scope of the officer's duties in a file separate from the court's case file.

(b) Except for any report that is statutorily admissible into evidence and other materials that are admitted into evidence, the court shall not review materials in the officer's file.

(c) Except as provided in C.G.S. section 45a-754, all materials in the officer's file in a proceeding for removal of parent as guardian, termination of parental rights, appointment of statutory parent, adoption, temporary guardianship or emancipation of a minor are confidential and not open to public inspection and shall not be disclosed to any person.

*(C.G.S. section 45a-754)*

**Rule 44 Children's Matters:**  
**Overlapping Jurisdiction in Superior and Probate Courts**

**Sec. 44.1 Prior pending matter in superior court.** If a matter concerning a minor is pending in the superior court for juvenile matters before a petition is filed in a probate court concerning the same minor, the probate court shall dismiss the petition.

**Sec. 44.2 Petition in superior court when prior matter pending in probate court.**

(a) If a matter concerning a minor is pending in a probate court before the filing of a petition in the superior court for juvenile matters concerning the same minor, the commissioner of children and families shall immediately notify the superior court and the probate court that the matter is pending in both courts.

(b) On notification that the superior court has a pending matter concerning a child for whom there was a prior pending matter in a probate court, the judges of the superior court and probate court shall communicate to determine which court should proceed and which court should dismiss the matter.

(c) The superior court and the probate court shall make an audio recording or call in a court reporter to record a communication made under section 44.2(b). The parties shall be promptly informed of the communication and granted access to the audio recording or transcript. The courts may allow the parties to participate in the communication. The courts may communicate on scheduling, calendars, court records and similar matters without making a record and without informing the parties of the communication.

*(C.G.S. section 46b-129)*

**Sec. 44.3 Petition in superior court when probate court grants custody or guardianship to commissioner.** If a probate court appoints the commissioner of children and families as temporary custodian or guardian of the person of a minor, the commissioner shall immediately file a petition under C.G.S. section 46b-129 in the

superior court for juvenile matters and notify the probate court on completion of the filing. The superior court shall assume jurisdiction. The probate court shall defer further action and dismiss the matter on issuance of a superior court order regarding custody of the minor.

**Sec. 44.4 Emergency action by the commissioner when prior matter pending in probate court.**

(a) If the commissioner of children and families determines that emergent circumstances necessitate a 96 hour hold or a petition for an order of temporary custody in the superior court for juvenile matters for a minor for whom a matter is pending in a probate court, the commissioner shall immediately notify the probate court of the commissioner's action and report to the probate court the outcome of the ten-day temporary custody hearing in the superior court.

(b) If the superior court grants the petition for an order of temporary custody under section 44.4(a), the probate court shall dismiss the matter.

**Sec. 44.5 Safety and Service Agreement.**

(a) If the probate court becomes aware that a family member has entered into a safety and service agreement with the commissioner of children and families for a minor for whom the court has a pending matter, the court shall contact a social worker or supervisor in the department of children and families to determine whether the commissioner intends to file a petition regarding the minor in the superior court.

(b) If the commissioner indicates that the commissioner does not plan to file a petition regarding the minor in the superior court, the probate court shall proceed to hear and decide the matter.

(c) If the commissioner indicates that the commissioner plans to file a petition in the superior court, the commissioner shall file the petition not later than eight days after informing the probate court of the intended action and notify the probate court upon completion of the filing. The probate court may hear and decide a pending petition for temporary custody before receipt of notification that the petition has been filed in the superior court. On receipt of notification that the petition has been filed in the superior

court, the probate court shall defer further action and dismiss the matter on issuance of a superior court order regarding custody of the minor.

(d) If the commissioner fails to file a petition within eight days of informing the probate court of the intention to file, the probate court shall proceed to hear and decide the matter.

## **Definitions**

- () “Mother” has the meaning in C.G.S. §45a-604. [May not be needed]
- () “Father” has the meaning in C.G.S. §45a-604. [May not be needed]
- () “Parent” has the meaning in C.G.S. §45a-604. [May not be needed]
- () “Minor” has the meaning in C.G.S. §45a-604. [We should pick either minor or minor child]
- () “Minor child” has the meaning in C.G.S. §45a-604.
- () “Guardian” has the meaning in C.G.S. §45a-604.
- () “Guardianship” has the meaning in C.G.S. §45a-604. [May not be needed]
- () “Termination of parental rights” has the meaning in C.G.S. §45a-604. [May not be needed]
- () “Adoption” has the meaning in C.G.S. §45a-707. [May not be needed]
- () “Child-placing agency” has the meaning in C.G.S. §45a-707.
- () “Relative” has the meaning in C.G.S. §45a-707.
- () “Statutory parent” has the meaning in C.G.S. §45a-707.

**State of Connecticut**  
**Probate Practice Book**

**Rule 41 Guardianship of Estates of Minors**

**Sec. 41.1 When streamline notice procedure may be used in estate of minor proceeding.** See section 8.5.

**Sec. 41.2 Hearing to review duties of guardian of estate.** Before authorizing a guardian of the estate to take control of the assets of the estate, the court shall require the guardian to attend a hearing to review the duties of a guardian of the estate. If the guardian has executed a form published by the Probate Court Administrator to acknowledge and agree to perform the duties of a guardian ad litem, the court may excuse attendance of the guardian at the hearing.

**Sec. 41.3 Guardian of estate to send copies of inventory to all parties.** A guardian of an estate shall send a copy of the inventory and each supplemental or substitute inventory to each party and attorney of record at the time of filing with the court and shall certify to the court that the copies have been sent.

**Sec. 41.4 Restriction on use of estate of minor for support obligations.**

(a) A guardian of the estate shall not use the assets of the estate for support expenses of the minor without prior court approval.

(b) The court may authorize a guardian to use the assets of the estate for reasonable and necessary support expenses of the minor if the court determines that:

- (1) no person is legally liable for support of the minor; or
- (2) the minor has a parent who has a support obligation, but the proposed expenditure is in the best interests of the minor.



**Sec. 41.5 Settlement of claims in favor of estate of minor.**

(a) A petitioner may use a single petition to request appointment as guardian of the estate and authorization to settle a disputed or doubtful claim in favor of the estate of the minor.

(b) A guardian or proposed guardian petitioning the court for authorization to settle a claim shall accompany the petition with a settlement statement that includes:

(1) the gross amount of the proposed settlement;

(2) an itemized list of the expenses associated with the settlement, including any proposed attorney's fees; and

(3) the anticipated net proceeds that the estate will receive.

(c) The guardian shall file an inventory not later than 30 days after receipt of the proceeds of the settlement.

**Sec. 41.6 Sale of real property from estate of minor.**

(a) Publication notice of a hearing on the petition of a guardian of the estate for authority to sell real property shall not be required unless the court determines that notification of the public is necessary to protect the interests of the minor.

(b) The guardian seeking authority to sell real property shall submit an inventory containing a legal description of the real property.

(c) The court may require the guardian seeking authority to sell real property to submit a comparative market analysis, appraisal, municipal assessment, or other information about the fair market value of the property.

(d) If a prospective purchaser of real property notifies the court that it is willing to pay a higher price for the property than the amount under the proposed contract of sale that is the subject of the petition, the court may continue the hearing and direct the guardian to take such further action as the court determines to be in the best interests of the minor. The court may appoint a committee under C.G.S. section 45a-167.

*(C.G.S. sections 45-164 through 45a-169, 45a-324, 45a-341(e); C.P.P.B. (section on publication notice))*

**Sec. 41.7 Release of funds from restricted account in estate of minor.** See section 33.7.

**Sec. 41.8 When financial report or account to be filed for estate of minor.**

(a) A guardian of the estate shall submit an annual financial report or account for the first year following the guardian's appointment or, with prior court approval, for the first year following the guardian's first receipt of funds on behalf of the estate.

(b) After submitting the first annual financial report or account in accordance with section 41.8(a), the guardian shall thereafter submit a periodic financial report or account at least once during each three year period, unless otherwise directed by the court.

(c) A guardian shall submit a final financial report or account when the minor reaches age 18 or when the guardian seeks to resign or is removed by the court.

(d) The executor or administrator of the estate of a guardian who dies while administering the estate shall file a final financial report or account on behalf of the deceased guardian.

*(C.G.S. § 45a-177, 45a-180, 45a-597)*

**Sec. 41.9 Required contents of financial report or account of guardian of estate.** See Rules 34 through 36.

**Sec. 41.10 Guardian of estate to send copies of financial report or account to all parties.** A guardian of the estate submitting a financial report or account shall send a copy to each party and attorney of record at the time of filing with the court and shall certify to the court that the copies have been sent.

**Sec. 41.11 When estate assets fall below statutory threshold for guardianship.**

(a) Except as provided in section 41.11(b), the court shall retain jurisdiction over the estate of a minor for which a guardian has been appointed even if the value of the estate falls below the maximum amount that a parent or guardian of the person may hold without a guardianship under C.G.S. § 45a-631.

(b) If the court finds that the requirements of C.G.S. § 45a-558c have been met, the court may authorize the guardian to transfer funds from the estate to a custodian under the Connecticut Transfers to Minors Act.

*(C.G.S. sections 45a-631 and 45a-558c)*

**Sec. 41.12 Reimbursement of fees to petitioner in estate of minor proceedings.**

(a) Except as provided in section 41.12(b), the court may, on the motion of any party or on the court's own motion, after notice under Rule 8, order a guardian of the estate to reimburse a party for any probate court fees incurred in making a petition to the court concerning the guardianship, including the initial petition to appoint a guardian, if the court determines that reimbursement of probate fees is equitable. If the court determines that reimbursement of probate fees is equitable but the court previously waived the petitioning party's probate court fees under C.G.S. section 45a-111 due to indigency, the guardian shall remit payment to the Probate Court Administration Fund. The reimbursed probate court fees shall be paid from estate assets as an administration expense.

(b) If the court determines that the estate must be restricted to maintain the minor's eligibility for public assistance, the court shall deny any petition for reimbursement of probate court fees under section 41.12(a).

*(C.G.S. sections 45a-105 through 45a-112, and 52-251)*

**Sec. 41.13 Petition to determine title relating to estate of minor.** If the court declines jurisdiction to hear a petition concerning title to property relating to the estate of a minor under C.G.S. § 45a-98a, the court shall send written notice of the declination to all parties and attorneys of record.

*(C.G.S. § 45a-98a)*

**Definitions:**

() “Structured settlement” means an arrangement under which a claimant accepts deferred payment of some or all of the proceeds of the settlement of a disputed or doubtful claim.