

**Probate Practice Book Advisory Committee  
Subcommittee III**

Meeting Minutes  
Monday, November 18, 2013  
3:00 p.m.

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

Judge Paul Knierim convened the meeting at 3:10 p.m.

Other members in attendance: Judge Robert Killian, Ms. Suzette Farrar, Attorney Patricia Kaplan.

Members not present: Judge Gerald Fox, Attorney Gabriella Kiniry, Attorney Andrew Knott, Mr. Stephen Pedneault, CPA, Judge Beverly Streit-Kefalas.

Also in attendance: Attorney David Biklen, Committee Reporter

**Approval of minutes of October 10, 2013 meeting**

The subcommittee unanimously approved the minutes of the October 10, 2013 meeting.

**Review draft revisions to Rule 30 Decedents' Estates**

The subcommittee reviewed the draft revisions to the rule on decedents' estates, revised as of 11-14-13.

**Section 30.6 Notice in proceeding to admit will to probate.** The subcommittee discussed whether language should be added to clarify the circumstances under which the court can dispense with notice of hearing based on waivers of notice submitted by parties, and specifically whether waivers are not required from the petitioner, attorney for the petitioner or proposed executor. The subcommittee concluded that the issue is adequately addressed in section 8.7, which deals generally with waivers of notice of hearing.

**Section 30.12 Executor or administrator to send copy of inventory, financial report, account and affidavit of closing to each party and attorney.** The draft revision excuses the fiduciary from sending copies of certain documents to the beneficiary of a specific bequest who has signed a written acknowledgement of receipt of the bequest. The subcommittee concluded that the court should continue to send notice of all subsequent

hearings to any such beneficiary unless the beneficiary specifically waives notice.

**Section 30.22 When inventory and final financial report or account excused.** Provision should be added to require notice to creditors for a hearing to close an estate without an inventory or account on the basis of the fiduciary's representation that the estate has no assets.

**30.26 Withholding of distribution when heir or beneficiary charged with certain crimes.** The phrase "until final disposition of the charge" should be added to the end of the provision to clarify when an order to withhold distributions terminates.

### **Review of draft revisions to Rule 31 Estate Tax Matters**

The subcommittee reviewed the draft revisions to the rule on estate tax matters, revised as of 11-14-13. There were no substantive revisions to this draft.

### **Review of draft revisions to Rule 32 Trusts**

The subcommittee reviewed the draft revisions to the rule on trusts, revised as of 11-14-13. There were no substantive revisions to this draft.

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

### **Review remaining issues from feedback list**

The subcommittee reviewed the list of issues pertaining to children's matters and commitments from the document entitled "Probate Court Rules of Procedure Feedback as of September 19, 2013." Following discussion, the subcommittee reached the following conclusions:

### **Rule 40 Children's Matters: General Provisions**

**Section 40.3 Immediate temporary custody of a minor.** Add reference in subsection (a) to removal of a guardian (as opposed to removal of a parent) under section 45a-613.

**Section 40.9 Public notice in termination proceeding when name or location of parent unknown.** In subsection (b), add "name" before "or address."

Add a new provision to specify that, when a removal proceeding has already been commenced, notice of any subsequent competing removal petition can be made by regular mail rather than personal service.

## **Rule 44 Commitment for Treatment of Psychiatric Disability**

### **Section 44.1 Confidentiality of psychiatric commitment proceeding.**

Add references to sections 17a-80, 17a-498 (g) and 17a-510 to clarify that review hearings are confidential.

### **Section 44.2 Audio recording of psychiatric commitment proceeding.**

Add references to sections 17a-80, 17a-498 (g) and 17a-510 to clarify that audio recording is required for review hearings.

**Section 44.4 (b) Notice of hearing on psychiatric commitment.** Provide for notice to the guardian, if any, in a proceeding for the commitment of a child.

## **Rule 45 Proceedings for Medication and Treatment of Psychiatric Disability**

**Section 45.1 Confidentiality of proceeding for medication to treat psychiatric disability or shock therapy.** Add reference to section 17a-543 (g) to clarify that involuntary medication proceedings held pursuant to patient request are confidential.

**Section 45.2 Audio recording of proceeding for medication or treatment of psychiatric disability.** Add reference to section 17a-543 (g) to clarify that audio recording is required for involuntary medication proceedings held pursuant to patient request.

**Section 45.4 Notice of hearing on petition for medication to treat psychiatric disability.** Add reference to section 17a-543 (g) to include involuntary medication proceedings held pursuant to patient request in the notice requirements.

**Section 45.5 Petition for shock therapy.** Add the option under subsection (a) of filing a petition for shock therapy in the court where the patient is hospitalized.

## **Next Meeting**

In light of the progress made at the meeting today, the planned December meeting is canceled. Drafts of proposed revisions to rules 40, 44 and 45 will be circulated among subcommittee members for comment prior to the January 16, 2014 meeting of the full committee.

The meeting adjourned at 4:40 p.m.

Approved May 5, 2014