

**Regular Meeting of the
Legislative Committee
of the Connecticut Probate Assembly**

Minutes

Friday, November 20, 2020

10:00 a.m.

Trumbull Town Hall
5866 Main Street
Trumbull, CT 06611

The meeting was called to order at 10:05 a.m. by Judge T.R. Rowe. The meeting was conducted in-person and by Cisco Webex videoconference.

Present: Co-Chairs Judges Fox and Rowe, Judges Baram, Bartlett, Dorval, Gardner Riordan, Maxham, Wright

Other attendees: Judge Streit-Kefalas, Probate Court Administrator, Melissa Riley, PCA

Co-chairs Judges Fox and Rowe welcomed both new and existing members of the Legislative Committee.

The committee discussed the Probate Court system's budget initiatives for the 2021 legislative session and strategies for educating policy makers of our future needs. Judge Streit-Kefalas remarked that it is critical to communicate with legislative delegations regarding the needs of the probate courts as the legislature begins the 2022-2023 biennial budget process. The Chairs will continue to provide to the committee further information as the session unfolds. Of particular note will be the Governor's budget address to the General Assembly in early February.

Following the budget discussion, the committee reviewed proposals to be included in the probate court operations bill. There was no action on the 2020 probate court operations bill, Raised Bill 249, as the General Assembly cut short the session due to the COVID-19 pandemic. The 2020 concepts will be reintroduced in the 2021 bill. Judge Streit-Kefalas briefly outlined the concepts included in RB249 and new concepts for consideration.

2020 Raised Bill 249

- Section 1 proposes amendment to relevant statutes to incorporate changes and consistency with provisions of P.A. 19-137, AAC Adoption of the Connecticut Uniform Trust Code.
- Sections 2 and 3 amend relevant statutes, at the request of state agencies, to add section 17b-131 (in addition to sec. 17b-84) include probate fee reductions when the state has paid expense of burial and funeral under the state-administered general assistance program.
- Sections 4 and 5 amends probate fee statutes to include reference to all probate fee statutes by including sec. 45a-106a as well as to change the term “entry” fee to “filing” fee for consistency with past statutory revisions.
- Section 6 amends sec. 45a-113b to allow for processing fees when making payment of probate fees by electronic funds transfer (in addition to current statute allowing payment by credit or debit card).
- Section 7 amends sec. 17a-11 for consistency with the provisions of sec. 45a-599(c), 45a-661 and 45a-677(h) to allow for transmittal of digital images of court documents when transferring files between courts.

2021 Additions to Probate Court Operations bill:

- Amend C.G.S. Section 45a-106a as may be required to address matters under proposed CT Parentage Act
- Amend C.G.S. Section 45a-186 and C.G.S. Section 45a-186a to add C.G.S. Section 19a-131b to list of appeals on the record
- Amend C.G.S. Section 46b-172a(c) to clarify court appoints a guardian ad litem in these proceedings only when the child is a minor at the time of the probate proceedings. (Statute re: paternity had been amended in 2014 to allow a petition for paternity to be filed at any time during the lifetime of the child)
- Add to bill minimum probate fee of \$150 if hearing is held pursuant to CGS [NEW] sec. 45a-107b and basis for fees is less than \$10,000.00 to align with proposed CBA bill if passed (see 2020-RB 5050 AAC the Duration and Release of Estate and Probate Fee Liens and the Repeal of Chapter 216 of the General Statutes)
- Amend statutes as needed to allow electronic means of notice to state agencies with expansion of eFiling to state agencies Amend C.G.S. Section 45a-597 to also apply to guardianships of adults with intellectual disabilities where financial authority has been granted under C.G.S. Section 45a-677a

A motion was made by Judge Wright to refer the probate court operations bill as articulated to the Executive Committee for approval. Judge Maxham seconded the motion. A vote was called by Judge Rowe and all voted in favor of referral.

The committee requested the Office of the Probate Court Administrator to research the legislative history of creditors' claims period in decedent estates.

A motion to adjourn was made by Judge Gardner Riordan and seconded by Judge Barum. The meeting adjourned at 11:01 a.m.