
NOTICES

Corrected Notice of Public Hearing on Proposed Revisions to Probate Court Rules of Procedure

Adoption of Revisions to the Probate Court Rules of Procedure

Notice is hereby given that on December 9, 2025 at 3:30 p.m., the probate court judges designated by the Probate Court Administrator will conduct a public hearing in the Supreme Court in Hartford for the purpose of receiving comments concerning the following proposed revisions to the Connecticut Probate Court Rules of Procedure. The proposed revisions are recommended by the Probate Court Administrator pursuant to the provisions of § 45a-78 of the Connecticut General Statutes and are also posted on the Probate Court Administrator's website at www.ctprobate.gov.

Written comments concerning these proposed revisions may be forwarded to the following address:

Probate Court Administrator
186 Newington Road
West Hartford, CT 06110

Written comments must be received by December 8, 2025.

Hon. Beverly K. Streit
Probate Court Administrator

Rule 6 Probate Fees

Section 6.1 Filing fee

(a) Except in a proceeding concerning a decedent's estate or an accounting, a petitioner shall submit the statutory filing fee at the time of filing a petition, unless:

(1) the court has waived or postponed the fee or the matter is exempt under C.G.S. section 45a-111;

(2) the state of Connecticut or the United States Department of Veterans Affairs Connecticut Healthcare System is the petitioner; or

(3) the filing fee for a competing petition in the same matter has already been paid.

(b) Except as provided under subsection (a), a petition does not commence a matter until the required fee is paid.

Rule 7

Filing Requirements

Section 7.1a Documents not to be eFiled

A person may not eFile:

- (1) an original will, codicil or other testamentary document, including an exemplified copy of the will and record of proceedings to commence an ancillary estate under C.G.S. section 45a-288;
- (2) ~~an original probate bond or bond rider;~~
- (3) ~~an original record of adoption on a form published by the commissioner of public health;~~
- (4)(3) an original record of parentage on a form published by the commissioner of public health; or
- (5)(4) a document that the court requires in paper form.

Rule 22

eFiling

Section 22.1 Registration for eFiling system

(a) Except as provided in subsection (c), an attorney who appears or is appointed by the court in a probate matter and a conservator appointed by the court in a probate matter for which compensation may be paid by the Probate Court Administration Fund shall register for the eFiling system. Registration for the system is optional for all other persons.

(b) A registered filer shall comply with the standards established by the probate court administrator for use of the system.

(c) The administrator may excuse any person ~~an attorney~~ from the requirement to use the system if the person ~~attorney~~ is unable due to disability.

Rule 30

Decedents' Estates

Section 30.17 Mutual distribution agreement

(a) In an intestate estate, a mutual distribution agreement is valid if all the heirs execute the agreement in accordance with the requirements of C.G.S. section 45a-433(b). A mutual distribution agreement under this subsection may provide for distribution of property to a person other than an heir.

(b) In a testate estate, a mutual distribution agreement is valid if all the beneficiaries whose interests are affected by the distribution ~~and any~~

contestant to the validity, admissibility to probate or construction of a will execute the agreement in accordance with the requirements of C.G.S. section 45a-434(c). If a beneficiary under the will or any current or presumptive remainder beneficiary of a trust established under the will is a charity or charitable interest, a mutual distribution agreement is valid only if the Attorney General is a party to the agreement. A mutual distribution agreement under this subsection may provide for distribution of property to a person other than a beneficiary under the will.

Rule 35

Probate Bonds

Section 35.2 Probate bond to be filed before appointment

If the court requires a probate bond from a fiduciary, the court shall not issue a decree appointing the fiduciary or issue a probate certificate evidencing the appointment until the fiduciary has filed the bond. ~~If necessary to obtain the probate bond, the court may issue a decree or fiduciary certificate granting the fiduciary limited interim authority.~~

Section 35.7 Restricted account

(a) The court may authorize a fiduciary to establish a restricted account to hold the assets of an estate. Except as specified in an order of the court, the fiduciary shall deposit all assets and income in the restricted account immediately on receipt.

(b) A restricted account may be established only by execution of an agreement in the exact form published by the probate court administrator under which the fiduciary and a financial institution approved by the court agree that no disbursements may be made except on written approval of the court.

(c) If the court requires the fiduciary to establish a restricted account, the court shall not issue a decree appointing a fiduciary or issue a certificate evidencing the appointment until the fiduciary has filed the fully executed agreement establishing the restricted account. If necessary to obtain the restricted account, the court may issue a decree or certificate granting the proposed fiduciary limited interim authority.

(d) Not later than ten days after receipt of any income or assets, the fiduciary shall submit proof of deposit into the restricted account.

(e) Whenever the fiduciary is required to submit a financial report or account, the fiduciary shall submit verification that the restricted account remains in force and the most recent statement for the restricted account. The verification shall be on a form published by the probate court administrator or on a substantially similar form.

(f) On request of the fiduciary, the court may authorize disbursement of funds from the restricted account. The court may act on the request without notice and hearing. If the court authorizes funds to

be disbursed without a hearing, the disbursement is subject to review in connection with the fiduciary's financial report or account covering the period in which the disbursement is made.

Rule 36

Fiduciary Accounting: General Provisions

Section 36.13 Records to be maintained by fiduciary

(a) Subject to subsection (c), a fiduciary shall maintain complete records of the fiduciary's management of the estate including, but not limited to, the paper copy or electronic equivalent of:

(1) each accounting, report, journal or ledger used in managing the estate, including all data recorded with accounting software;

(2) calculations, tabulations, spreadsheets or documentation itemizing how the fiduciary determined the summations reported on any accounting or financial report filed with the court;

~~(2)~~(3) each statement and passbook for each financial account, including savings, checking, money market, certificates of deposit, investment, individual retirement and other types of accounts;

~~(3)~~(4) each canceled check or check image for each financial account, if provided by the financial institution;

~~(4)~~(5) a receipt for each deposit made into each financial account and supporting information relating to the deposit;

~~(5)~~(6) supporting information relating to each disbursement made from each financial account, including original supporting vendor invoices and receipts;

~~(6)~~(7) supporting information relating to each peer-to-peer commerce and any other electronic means to transfer funds;

~~(7)~~(8) each statement for each credit card, including a store card, account;

~~(8)~~(9) supporting information relating to each charge made on each credit card, store card or debit card, including supporting vendor invoices and charge slips or receipts;

~~(9)~~(10) supporting information relating to transactions involving electronic wallets, electronic currency, cryptocurrencies and other forms of virtual financial transactions;

~~(10)~~(11) supporting information relating to each distribution made from the estate or trust to any heir, beneficiary, conserved person or minor, as applicable;

~~(11)~~(12) with respect to a conservatorship of the estate, supporting information relating to each gift or other transfer for less than full consideration made from the estate to a party other than the conserved person, provided, however, that a conservator may make gifts

and transfers only with prior court approval under C.G.S. section 45a-655(e);

~~(12)~~(13) detailed payroll information for each employee engaged or paid by the estate for each pay period, including time reporting records, original payroll registers, journals, and reports and copies of all Internal Revenue Service Forms 940, 941, 942, W-3 and W-2 and other payroll tax forms;

~~(13)~~(14) details of each contracted service provider engaged or paid by the estate for each calendar year, including original invoices from contractors and copies of all Internal Revenue Service Forms 1096 and 1099 and other tax forms;

~~(14)~~(15) a detailed journal describing the fiduciary's services and compensation paid to the fiduciary;

~~(15)~~(16) with respect to a decedent's estate or trust, a copy of each state and federal fiduciary income tax return filed by or on behalf of the estate or trust;

~~(16)~~(17) with respect to a conservatorship of the estate or guardianship of the estate of a minor, a copy of each state and federal personal income tax return filed by or on behalf of the person under conservatorship or minor, including each form and information received for each tax year used in the completion of each return;

~~(17)~~(18) with respect to a conservatorship of the estate, a copy of each state and federal gift tax return filed by or on behalf of the person under conservatorship;

~~(18)~~(19) supporting information relating to the sale of any asset required to be reported on an inventory such as real property, motor vehicles or other personal property;

~~(19)~~(20) with respect to rental property, copies of all lease agreements and supporting information for security deposits, income and expenses for each property;

~~(20)~~(21) supporting information relating to trademarks, copyrights, patents and other forms of intellectual property; and

~~(21)~~(22) any other record not specified in this section documenting the fiduciary's actions in the management of the trust or estate.

(b) The fiduciary shall not destroy any estate financial records until the court approves the fiduciary's financial report or account, the conclusion of any appeal on the report or account, or the termination of any other applicable record retention requirement, whichever is later.

(c) When considering whether the fiduciary has satisfied the requirements of subsection (a), the court shall consider the totality of the circumstances, the extent of compliance and whether the fiduciary made good faith efforts to comply.

Rule 42
Children's Matters:
Overlapping Jurisdiction in
Probate Court and Superior Court for Juvenile Matters

Section 42.1 Prior pending matter in Superior Court for Juvenile Matters

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 stay the matter until final disposition in the Superior Court or dismiss the petition.

Section 42.2 Prior pending matter 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 and any party having knowledge of the pending matters shall immediately give written notice to each court that the matters are pending in both courts.

(b) On notification that the Superior Court has a pending matter concerning a minor for whom there was a prior pending matter in a Probate Court, the judges of the two courts shall communicate to determine which court should proceed and, which court should dismiss the matter or stay its proceedings until final disposition by the other court ~~and whether the dismissal should be without prejudice~~. The courts may allow the parties to participate in the communication.

(c) The courts shall arrange for an audio recording or stenographic record of a communication made under subsection (b). The parties shall be promptly informed of the communication and may, on payment of applicable charges, obtain a copy of the audio recording or transcript of the communication.

(d) The courts may communicate on scheduling, calendars, court records and other administrative issues without making a record and without informing the parties of the communication.

Section 42.3 When Probate Court grants custody or guardianship to commissioner of children and families

(a) If a Probate Court appoints the commissioner of children and families as temporary custodian or guardian of a minor, the clerk of the court shall immediately contact the Department of Children and Families' Careline to notify the commissioner of the appointment. 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 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.~~

(b) If a Probate Court appoints the commissioner of children and families as temporary custodian, the commissioner shall review the matter to determine whether to file a petition for neglect or uncared for under C.G.S. section 46b-129 in the Superior Court for Juvenile Matters. The commissioner shall notify the Probate Court within fourteen days of the Probate Court appointment whether a petition will be filed and confirm completion of that filing.

(c) If a Probate Court appoints the commissioner of children and families as 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 of the filing.

(d) If the commissioner of children and families files a petition under C.G.S. section 46b-129 in the Superior Court for Juvenile Matters, the Superior Court shall assume jurisdiction. Upon the issuance of a Superior Court order regarding custody of the minor, the Probate Court shall stay the matter in Probate Court and dismiss the matter upon issuance of any Superior Court order regarding custody of the minor.

Section 42.4 Emergency action by the commissioner of children and families when prior pending matter in Probate Court

(a) If the commissioner of children and families determines that exigent circumstances necessitate a 96-hour hold or a motion 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 temporary custody hearing in the Superior Court under C.G.S. section 46b-129.

(b) If the Superior Court grants the motion for an order of temporary custody under subsection (a), the Probate Court shall dismiss the matter.

Section 42.5 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 for Juvenile Matters.

(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 notify the Probate Court immediately in writing upon completion of the filing. ~~file the petition not later than eight days after informing the Probate Court of the intended action and notify the Probate Court 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 written 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.~~

Rule 45

Proceedings for Medication and Treatment of Psychiatric Disability

Section 45.5 Petition for shock therapy

(a) A petition for shock therapy under C.G.S. section 17a-543(c) shall be filed in the court for the probate district in which the patient is hospitalized or in which the treating facility is located.

(b) The court shall give notice of hearing on the petition to the patient by personal service. The court shall give notice of the hearing to the petitioner and to other persons as the court directs under section 45.1 by regular mail or other reasonable means.

Rule 61

Discovery

Section 61.3 Taking deposition

(a) A party may take the testimony of any person by deposition in accordance with C.G.S. sections 52-148a through 52-159.

(b) A party may compel another party to testify at a deposition by giving notice of the deposition in accordance with C.G.S. section 52-148b. The notice may include a request for the other party to produce documents and tangible things at the deposition.

(c) An attorney for a party may compel any person to testify at a deposition by issuing a subpoena under C.G.S. section 52-148e. The subpoena may include a request for the person to produce documents and tangible things at the deposition.

(d) A deponent who is not a resident of this state may be compelled to give a deposition within the state of their residence if such deponent is served by a subpoena issued under authority of a court in that state

pursuant to the Interstate Depositions and Discovery Act or, if that state has not adopted the Act, pursuant to the provisions of C.G.S. section 52-148c.

(~~de~~) On motion of a self-represented party, the court may compel any person to testify at a deposition by issuing a subpoena. The cost of serving the subpoena shall be paid by the party requesting it.

(~~ef~~) A party or attorney for the party shall send notice of a deposition to each party and attorney of record.

(~~fg~~) A person whose deposition is sought under subsection (b), (c) or (d) may move to quash or modify the notice or subpoena.

(~~gh~~) C.G.S. section 52-148e and section 13-30 of the Connecticut Practice Book shall govern the conduct of a deposition under this rule and the procedure for resolution of a dispute related to the deposition.

(~~hi~~) A party or attorney for the party may use a deposition in a proceeding in the manner provided under section 13-31 of the Connecticut Practice Book.
