



STATE OF CONNECTICUT

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Probate Court Rules of Procedure
Advisory Committee Subcommittee II
Meeting Minutes

Tuesday, March 30, 2021
4:00 p.m.

Office of the Probate Court Administrator
186 Newington Road
West Hartford, CT
and via Webex videoconference

The meeting was convened at 4:01 p.m. by Judge Peter C. Barrett, Chair.

Other members in attendance: Judges Brian Mahon (retired), John McGrath, Beverly Streit-Kefalas, Attorneys Christopher Hug, Carmine Perri, and Professor Jeffrey Cooper.

Remarks of the Chair

Judge Barrett remarked that as a new member of the Advisory Committee and new Chair, it is his goal to listen as we review the concepts for the Rules.

Review of subcommittee process

The Subcommittee agreed to review the List of Issues to develop consensus on the topics presented and make recommendations for drafting with subsequent review and approval of any proposed draft language. Once draft language is approved, it will be recommended to the full Committee for adoption.

Refinement of list of topics assigned to the subcommittee

Prior to the meeting, Attorneys Perri and Hug presented additional issues which will be added to the List of Issues for review by the subcommittee.

Discussion of List of Issues

1. **Rule 33 (conservators): Review notice provisions as they relate to federal fiduciaries for VA benefits.** There is consensus to draft language to add notice to federal fiduciaries for VA benefits. The subcommittee seeks additional information on the ability of conservators to act on behalf of the conserved person with the federal fiduciary and the benefit of adding such notice.
2. **Rule 43 (guardians of adults with intellectual disabilities):** Allow for the payment of a single filing fee for appointment of a limited/plenary guardian when filed together with a request for authority to manage finances. This proposed rule offers consistency with Rule 40 and it is agreed to draft language.
3. **Rule 43 (guardians of adults with intellectual disabilities):** Add language similar to Rule 33.4 to require a written request of a guardian with authority to manage a protected person's finances to extend the guardian's authority for 60 days when protected person's assets exceed \$10,000 to allow the guardian to petition for the appointment of a conservator. There is consensus to draft this language. It is noted that the proposed language will parallel statutory provisions.
4. **Rule 44.4 (commitment for treatment of psychiatric disability) and 44.1:** Review provisions as they relate to notice to a conservator of the person appointed for the respondent. After discussion regarding whether a petitioner would know if there was a conservator and noting that the petition itself (PC-801) provides for listing persons of interest such as a conservator, the committee agreed to draft language for further review. Specific attention to the reference in Rule 44.4 to Rule 44.1 and exercise of judge's discretion under Rule 44.1 is to be further discussed.

Next Meeting

The subcommittee has agreed to meet for an hour per meeting and will next meet on Tuesday, April 13, 2021 at 4:00 to 5:00 p.m.

Adjournment

The meeting was adjourned at 5:15 p.m.