

NOTICES

Notice of Certification as Authorized House Counsel

Upon recommendation of the Bar Examining Committee, in accordance with § 2-15A of the Connecticut Practice Book, notice is hereby given that the following individuals have been certified by the Superior Court as Authorized House Counsel for the organization named:

Certified as of August 28, 2021:

Angela Borreggine

Virtus Investment Partners LLC

Certified as of September 13, 2021:

Melissa A. Snyder

Foley Carrier Services, LLC

Certified as of September 28, 2021:

A. Gregory Finkell

Raytheon Technologies Corp
Pratt & Whitney Div.

Certified as of September 29, 2021:

Sadaf Nakhaei

Beiersdorf Inc.

Notice of Suspension of Attorney and Appointment of Trustee

Pursuant to Practice Book § 2-54, notice is hereby given that on August 9, 2021, in Docket Number HHD-CV17-6084248-S, Robert O Wynne, Juris No., was suspended from the practice of law as follows: regarding motion no. 141, the Respondent is suspended from the practice of law for a period of one (1) year, retroactive to January 27, 2021; regarding motion no. 149, the Respondent is suspended from the practice of law for a period of one (1) year, retroactive to January 27, 2021. The intent of the court is that these suspensions run consecutively, not concurrently.

The Respondent shall comply with Practice Book § 2-47B (Restrictions on the Activities of Deactivated Attorneys) and any orders of this court regarding employment as a paralegal previously issued pursuant to Practice Book § 2-47B.

Any application for reinstatement shall be made pursuant to the provision of Practice Book § 2-53.

Prior to any reinstatement, the Respondent shall take, at his own expense, three credit hours of continuing legal education (CLE) in IOLTA Account Management.

Pursuant to Practice Book § 2-64, Attorney Cody N. Guarnieri, Juris No. 434005, of Brown Paindiris & Scott, LLP, 100 Pearl Street, Hartford, CT 06103, is appointed Trustee to take such steps as are necessary to protect the interests of Respondent's clients, inventory the client files, receive the business mail, and take control of Respondent's clients' funds, IOLTA, and all fiduciary accounts.

The Trustee shall not make any disbursements from said accounts without the prior authorization of the Court. The Trustee shall notify all active clients of the

Respondent's suspension and the need to arrange for their self-representation or successor counsel, if necessary.

The Respondent shall cooperate with the Trustee in all respects.

Susan Quinn Cobb
Presiding Judge

OFFICE OF STATE ETHICS

Office of State Ethics advisory opinions are published herein pursuant to General Statutes Sections 1-81 (3) and 1-92 (5) and are printed exactly as submitted to the Commission on Official Legal Publications.

Advisory Opinion No. 2021-3. September 23, 2021

Questions Presented: **The petitioner asks whether the Code would prohibit him “from both . . . continuing to hold [his] appointed state position as a Deputy Commissioner at the Department of Administrative Services (DAS’), and . . . concurrently serving [his] community as a volunteer in an elective position on the Guilford Board of Education; and whether “there [are] any ethical conflicts that are created by the fact that in [his] state . . . position, [he is] responsible for oversight of the Office of School Construction[.]”**

Brief Answers: **We conclude: (1) Section 5-266a-1 of the regulations—which bars certain state employees from holding elective municipal office—does not apply to the petitioner in his capacity as a Deputy Commissioner at DAS; (2) his uncompensated service on the Guilford Board of Education would not constitute “employment” and thus would not violate the Code’s outside-employment rules; and (3) the Code’s conflict provisions would not, by virtue of his uncompensated service on the Guilford Board of Education, bar him from taking any official actions as Deputy Commissioner at DAS.**

At its August 19, 2021 regular meeting, the Citizen’s Ethics Advisory Board (“Board”) granted the petition for an advisory opinion submitted by Noel Petra, Deputy Commissioner of Real Estate & Construction Services at DAS. The Board now issues this advisory opinion in accordance with General Statutes § 1-81 (a) (3) of the Code of Ethics for Public Officials (“Code”).

Background

In his petition, Mr. Petra provides the following for our consideration:

My name is Noel Petra, I live at 44 Old Quarry Rd, Guilford, CT, and I am the Deputy Commissioner for Real Estate and Construction Services at the Department of Administrative Services (“DAS”). I am planning to run for the Board of Education in my hometown, Guilford, Connecticut. This is an uncompensated, elective position.

Are there any provisions of the State Code of Ethics that would prohibit me from both (1) continuing to hold my appointed state position as a Deputy Commissioner at DAS, and (2) concurrently serving my community as a volunteer in an elective position on the Guilford Board of Education?

Specifically, are there any ethical conflicts that are created by the fact that in my state Deputy Commissioner position, I am responsible for oversight of the Office of School Construction?

Analysis

We start (as always) with the issue of jurisdiction. Persons generally subject to the Code are described in it as either “Public officials” or “State employees.” The Code defines the former to include (among others) “any person appointed to any office of the . . . executive branch of state government by the Governor or an appointee of the Governor” General Statutes § 1-79 (11). As a Deputy Commissioner at DAS, Mr. Petra was appointed to a state executive-branch office by the Commissioner of Administrative Services, a gubernatorial appointee. See General Statutes §§ 4-4 through 4-8. He is, therefore, a “Public official” and, as such, is subject to the Code, including its outside-employment and conflict provisions, about which he specifically inquires.

Before addressing those provisions, we stress, as did our predecessor, the former State Ethics Commission, that when it comes to political activity, our “jurisdiction . . . is limited.” Declaratory Ruling 97-A; see also Informal Request for Advisory Opinion No. 3062 (2002) (“[t]he Ethics Commission has very limited jurisdiction regarding the political activity of state employees”); Informal Request for Advisory Opinion No. 1783 (1997) (“[t]he Commission’s jurisdiction regarding political activity is limited”).

Indeed, we have “jurisdiction over only one aspect of state employee political activity.” Informal Request for Advisory Opinion No. 3168 (2002). Our jurisdiction stems from General Statutes § 5-266a (b), which mandates that “[t]he Citizen’s Ethics Advisory Board shall establish by regulation definitions of conflict of interest which shall preclude persons in the *classified state service or in the Judicial Department* from holding elective office.” (Emphasis added.) That regulation—§ 5-266a-1 of the Regulations of Connecticut State Agencies—provides that “[t]here is a conflict of interests which precludes a person in State service from holding or continuing to hold elective municipal office” in one of two instances. The first is when “[t]he Constitution or a provision of the General Statutes prohibits a *classified State employee or a person employed in the Judicial Department* from seeking or holding the municipal office.” (Emphasis added.) Regs., Conn. State Agencies § 5-266a-1 (a) (1). The second is when “[t]he *classified State employee* has an office or position which has discretionary power to” do as follows:

- (A) Remove the incumbent of the municipal office;
- (B) Approve the accounts or actions of the municipal office;
- (C) Institute or recommend actions for penalties against the incumbent of the municipal office incident to the incumbent’s election or performance of the duties of said office;
- (D) Regulate the emoluments of the municipal office;
- (E) Affect any grants or subsidies, administered by the State, for which the municipality in which the municipal office would be held is eligible.

(Emphasis added.) Regs., Conn. State Agencies § 5-266a-1 (a) (2).

As is clear from the italicized language above, § 5-266a-1 applies to just two groups of persons—namely, “classified State employee[s]” and “person[s] employed by the Judicial Department”—and Mr. Petra fits within neither group. That is, as a Deputy Commissioner at DAS, he is employed by the executive, not judicial, branch of state government; see General Statutes § 4-38c; and as an appointed official under General Statutes § 4-8, he is not a “classified state employee.”¹ Accordingly, the prohibition in § 5-266a-1 does not apply to Mr. Petra in his capacity as a Deputy Commissioner at DAS. See Advisory Opinion No. 95-5 (concluding that the Deputy Commissioner of the Department of Veterans Affairs “is an appointed official rather than a classified state employee,” and that the “restriction [in ’ 5-266a-1 therefore] does not apply to him”).

Moving on to the Code’s outside-employment and conflict provisions, Mr. Petra asks, concerning the former, whether “the outside employment provisions of the Code of State Ethics, specifically C.G.S. Secs. 1-84(b) and 1-84(c), prohibit me from participating as a member of the Guilford Board of Education[.]” Subsections (b) and (c) of § 1-84 house the Code’s primary outside employment rules, which provide, in relevant part, as follows:

(b) No public official . . . shall accept other employment which will either impair his independence of judgment as to his official duties or employment or require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties.

(c) No public official . . . shall use his public office . . . or any confidential information received through his holding such public office . . . to obtain financial gain for himself, his spouse, child, child’s spouse, parent, brother or sister or a business with which he is associated.

These provisions, according to the regulations, “are violated when the public official . . . accepts outside employment with an individual or entity which can benefit from the state servant’s official actions (e.g., the individual in his or her state capacity has specific regulatory, contractual, or supervisory authority over the private person).” Regs., Conn. State Agencies § 1-81-17.

In this case, it appears that the town of Guilford and its Board of Education, on which Mr. Petra wants to serve, could benefit from his position as Deputy Commissioner at DAS due to his “responsibil[ity] for oversight of the Office of School Construction[.]” Even so, his service on the Board of Education would not trigger the Code’s outside-employment prohibitions, given that his *uncompensated* service would not constitute “employment,” about which the regulations have this to say:

[T]he term employment shall be construed to include any work or endeavor, whatever its form, undertaken in order to obtain *financial gain* (e.g., employee of a business, sole practitioner, independent contractor, investor, etc.). *The term shall not, however, include any endeavor undertaken only as a hobby or solely for charitable, educational, or public service purposes, when no compensation or other financial gain for*

¹ The job description for Deputy Commissioner of Construction Services at DAS states, under “Job Class Designation,” that the position is “Unclassified.” <https://www.jobapscloud.com/CT/specs/classspecdisplay.asp?ClassNumber=0692EX&LinkSpec=RecruitNum2&R1=&R3=>.

the individual, his or her immediate family or a business with which the individual is associated is involved.

(Emphasis added.) Regs., Conn. State Agencies § 1-81-14. Given that Mr. Petra’s “endeavor” (i.e., service on the Board of Education) would be undertaken solely for public service purposes, and that there would be no compensation or other financial gain for him (or, presumably, for his immediate family or any “business with which he [may be] associated”), his service would not constitute “employment” and thus would not violate the Code’s outside-employment provisions. See Advisory Opinion No. 81-9 (concluding that uncompensated service on a local board of education “is not, as subsection 1-84(b) requires, ‘employment’”).

Turning to the Code’s conflict provisions, General Statutes §§ 1-85 and 1-86 (a), Mr. Petra asks three questions: (1) whether “there any substantial or potential conflicts with me participating on my local board of education”; (2) whether “my participation on the Board of Education [would] prohibit me from taking any official actions in my role overseeing the Office of School Construction”; and (3) whether “there [are] any matters in which I would be required by the Code . . . to abstain from taking official action[.]”

Sections 1-85 and 1-86 (a)—which define and proscribe substantial and potential conflicts of interests for Code purposes—apply to Mr. Petra’s conduct only in his state capacity (and not in his capacity as a member of the Board of Education). Under § 1-85, Mr. Petra generally has a substantial conflict (and may not take official action on a matter) if he has “reason to believe or expect that he, his spouse, a dependent child, or a *business with which he is associated* will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. . . .”² (Emphasis added.) And under § 1-86 (a), he generally has a potential conflict (and likewise may not take official action on a matter) if he “would be required to take an action that would affect . . . [his] financial interest . . . [or that of his] spouse, parent, brother, sister, child or the spouse of a child or a *business with which [he] . . . is associated.* . . .”³ (Emphasis added.)

To answer Mr. Petra’s questions concerning those provisions, we must first answer whether the Board of Education is a “business with which he is associated,” which (with an exception not pertinent here) is defined, in General Statutes § 1-79 (2), as follows:

[A]ny sole proprietorship, partnership, firm, corporation, trust or other entity through which business for profit or not for profit is conducted in which the public official or state employee or member of his or her immediate family is a director, officer, owner, limited or general partner, beneficiary of a trust or holder of stock constituting five per cent or more of the total outstanding stock of any class. . . . “Officer” refers only to the president, executive or senior vice president or treasurer of such business.

That definition was the subject of Advisory Opinion No. 90-29, titled “Application of ‘Business With Which Associated’ to Governmental Entities.” One of the ques-

² There is an exception in § 1-85 to the general rule: An individual does not have a substantial conflict, “if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group.”

³ No potential conflict exists if the financial impact is de minimis (i.e., less than \$100 per person per year) or indistinct from that of a substantial segment of the general public (e.g., all homeowners). General Statutes § 1-86 (a); Regs. Conn. State Agencies § 1-81-30.

tions there was “whether governmental entities are excluded from the . . . Code’s definition of ‘Business with which . . . associated’” The answer, in the former State Ethics Commission’s opinion (with which we agree), was yes: “The Commission declines . . . to . . . rule that the term . . . includes municipalities and other governmental entities,” for “[n]othing in the legislative history supports such a construction,” and “no Connecticut case has held that the terms ‘business’ and ‘government’ are in any way synonymous.”

Here, then, the Board of Education would not be a “business with which [Mr. Petra] is associated” because it is not a business, but rather a governmental entity. See *Cheney v. Strasburger*, 168 Conn. 135, 141 (1975) (noting that “a town board of education is an agent of the state when carrying out the educational interests of the state,” and that its “members . . . are . . . officers of the town”). And because it would not be a “business with which he is associated,” his mere uncompensated service on the Board of Education would not create any conflicts under §§ 1-85 and 1-86 (a), meaning those provisions would not (in answer to his questions) prohibit him from taking any official actions as Deputy Commissioner at DAS (including actions in his role overseeing the Office of School Construction).⁴

Before concluding, we stress that this opinion interprets the Code only, and that it does not address appearance issues, which are beyond the Code’s scope. See Advisory Opinion No. 2009-7 (“[t]he Code . . . does not speak of appearances of conflict, only actualities,” so in “interpreting and enforcing the Code . . . [we are] limited, by statute, from addressing appearances or perceptions of conflict of interest” [internal quotation marks omitted]).

Conclusion

We conclude that (1) the prohibitions in § 5-266a-1 do not apply to Mr. Petra in his capacity as a Deputy Commissioner at DAS; (2) his uncompensated service on the Guilford Board of Education would not constitute “employment” and thus would not violate the Code’s outside-employment rules; and (3) §§ 1-85 and 1-86 (a) would not, by virtue of his uncompensated service on the Guilford Board of Education, prohibit him from taking any official actions as Deputy Commissioner at DAS.

By order of the Board,

Dated 9/23/21

/s/Dena Castricone
Chairperson

⁴ This assumes, of course, that neither Mr. Petra himself nor any of the family members listed in §§ 1-85 and 1-86 (a) would be impacted financially by virtue of such official action.

**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 November 17, 2021 at 2:00 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 November 16, 2021.

Hon. Beverly K. Streit-Kefalas
Probate Court Administrator

Rule 1

Definitions

Section

1.1 Definitions

Section 1.1 Definitions

In these rules:

(15) “Electronic signature” means an electronic symbol or process executed or adopted by a person with the intent to sign the document: and does not include a juris number or conformed copy of a signature.

(17) “Fiduciary” means a person serving as an administrator, executor, conservator of the estate, conservator of the person, guardian of an adult with intellectual disability, guardian of the estate of a minor, guardian of the person of a minor, temporary custodian of the person of a minor, trustee or person serving in any other role that the court determines is fiduciary in nature. “Exemplified copy” means a copy of a document that has been authenticated by a court of competent jurisdiction.

(17)(18) “Fiduciary” means a person serving as an administrator, executor, conservator of the estate, conservator of the person, guardian of an adult with intellectual disability, guardian of the estate of a minor, guardian of the person of a minor, temporary custodian of the person of a minor, trustee or person serving in any other role that the court determines is fiduciary in nature.

(18)(19) “Financial report” means a simplified form of accounting meeting the requirements of rule 37 by which a fiduciary provides summary information about the management of an estate.

~~(19)~~(20) “Heir” means an individual who would take any share of the estate of a decedent who died intestate.

~~(20)~~(21) “Intestate” means having died without a valid will.

~~(21)~~(22) “Minor” has the meaning provided in C.G.S. section 45a-604(4).

~~(22)~~(23) “Motion” means a written filing seeking court action that is incidental to the matter before the court.

~~(23)~~(24) “News media” means an entity, or representative of an entity, that is regularly engaged in the gathering and dissemination of news and is approved by the office of the chief court administrator.

~~(24)~~(25) “News media coverage” means broadcasting, televising, recording or photographing a hearing or conference by news media.

~~(25)~~(26) “Nontaxable estate” means the estate of a decedent whose Connecticut taxable estate is less than or equal to the amount that is exempt from the Connecticut estate tax under C.G.S. section 12-391.

~~(26)~~(27) “Party” means a person having a legal or financial interest in a proceeding before the court, a fiduciary under section 4.2 and any other person whom the court determines to be a party. The term has the same meaning as interested party.

~~(27)~~(28) “Person” means an individual or entity.

~~(28)~~(29) “Person under conservatorship” means a conserved person as defined under C.G.S. section 45a-644(h) or a person under voluntary representation under C.G.S. section 45a-646.

~~(29)~~(30) “Personal surety” means a surety that does not meet the requirements to be a corporate surety.

~~(30)~~(31) “Petition” means a written filing that commences a matter in the court. The term has the same meaning as application.

~~(31)~~(32) “Presumptive remainder beneficiary” means a trust beneficiary who would be a distributee or permissible distributee of trust income or principal on the date the beneficiary’s interest is determined if:

(A) the trust terminated on the date; or

(B) the interests of the current beneficiaries terminated on the date without causing the trust to terminate.

~~(32)~~(33) “Probate bond” has the meaning provided in C.G.S. section 45a-139.

~~(33)~~(34) “Probate court administrator” means the individual holding the office of the probate court administrator of this state.

~~(34)~~(35) “Probate Court Rules” means the Connecticut Probate Court Rules of Procedure.

~~(35)~~(36) “Public notice” has the meaning provided in C.G.S. section 45a-126.

~~(36)~~(37) “Purported will” means an instrument purporting to be a decedent’s last will and testament and any codicil to it that has not been admitted to probate.

~~(37)~~(38) “Registered filer” means a person who has registered to use the eFiling system.

~~(38)~~(39) “Send” means transmit by electronic means, United States mail, private carrier, in-hand delivery or other commonly accepted method of communication.

~~(39)~~(40) “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.

~~(40)~~(41) “Taxable estate” means the estate of a decedent whose Connecticut taxable estate exceeds the amount that is exempt from the Connecticut estate tax under C.G.S. section 12-391.

~~(41)~~(42) “Testate” means having died leaving a valid will.

~~(42)~~(43) “Trust beneficiary” means a person that has a present or future beneficial interest in a trust, whether vested or contingent.

~~(43)~~(44) “Trust protector” means a person identified in a will or other governing instrument who is charged with protecting the interests of a trust beneficiary and is identified as a trust protector, trust advisor, or beneficiary surrogate or as a person in an equivalent role.

~~(44)~~(45) “Will” means an instrument and any codicil to it admitted to probate as the last will and testament of a decedent.

Rule 4

Parties

Section 4.1 Parties

(a) Except as otherwise permitted by the court, only a party may participate in a proceeding before the court.

(b) Special notice under C.G.S. section 45a-127 or ~~The listing of a person on an order of notice~~ does not make the person a party.

Rule 5

Self-representation; Representation by Attorney and Appearance

Section 5.5 Form of appearance

(a) An appearance of an attorney shall:

(1) list in the heading the name of the matter, the name of the Probate Court and the date of the appearance;

(2) contain the name and mailing address of the client represented by the attorney;

~~(3)~~ be signed by the attorney making the appearance;

~~(3)~~(4) contain the attorney’s name, juris number, law firm, mailing address, email address and telephone number; and

~~(4)~~(5) indicate whether the appearance is filed in lieu of, or in addition to, an appearance on file.

(b) An attorney shall send a copy of the appearance to each attorney and self-represented party and certify to the court that the copy has been sent.

(c) If the appearance is in lieu of an appearance on file, the attorney filing the new appearance shall, in addition to the requirements of subsection (b), send a copy of the new appearance to the attorney whose appearance is to be replaced and certify to the court that the copy has been sent.

Rule 7

Filing Requirements

Section 7.1 General filing requirements

(a) Except as provided in section 7.1a, a registered filer who has been granted eFiling access to a matter under section 22.2 shall eFile all documents relating to the matter. A person without eFiling access to the matter shall file all documents in paper form.

(b) A document filed with the court shall:

(1) be typed or printed and, if submitted on paper, be prepared using ink;

(2) be signed in accordance with section 7.4;

(3) after the matter is commenced, refer to the name that the court assigned the matter; and

(4) satisfy the filing requirements under governing statutes and these rules.

(c) The court may accept for filing a document that is in substantial compliance with the requirements of subsection (b).

(d) The court may require a party to file an amended or substitute document to correct a document by substituting a corrected or substituted document or page previously filed with the court.

(e) If required by these rules, a person filing a petition or other document shall send a copy of the petition or document to each party and attorney of record and certify to the court that the copy has been sent. If these rules do not require the filing party to send a copy of the petition or document to each party and attorney, the filing party shall send a copy of the filing to any party or attorney who requests it, free of charge.

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) an original record of paternity on a form published by the commissioner of public health; or

(5) a document that the court requires in paper form.

Rule 8

Notice

Section 8.6 Streamline notice procedure

(a) The streamline notice procedure described in subsections (b) through (f) is an alternative method of notifying the parties of a pending petition. For the types of matters described in subsections (g) and (h), use of the streamline notice procedure under this section satisfies a requirement for notice and hearing under statute or these rules.

(b) When using the streamline notice procedure, the court shall give notice of the right to request a hearing to each person that the court determines is entitled to notice under section 8.2.

(c) A notice of the right to request a hearing shall include a statement that:

(1) the court will, on written request of a party, schedule a hearing on the motion or petition;

(2) the court must receive the written request for a hearing on or before the date specified in the notice; and

(3) the court may approve the motion or petition without a hearing if a written request for a hearing is not received on or before the date specified in the notice.

(d) The court shall give notice of the right to request a hearing at least ten days before the deadline to request a hearing.

(e) If the court receives a timely written request for a hearing, the court shall schedule a hearing and give notice of the hearing.

(f) If the court does not receive a timely written request for a hearing, the court may approve the motion or petition. The court may not deny the motion or petition without scheduling a hearing and giving notice of the hearing.

(g) Except as provided in subsection (i), the court shall use the streamline notice procedure under this section in the following types of matters:

(1) decedents' estates; and

(2) trusts.

(h) Except as provided in subsection (i), the court may use the streamline notice procedure under this section in the following types of matters:

(1) an account of a guardian of the estate of a minor;

(2) an account or petition to excuse an account under rule 33.17 of a conservator of the estate;

(3) an account of a guardian of an adult with intellectual disability;

(4) a motion to modify visitation orders;

(5) a motion to transfer a probate file between probate courts under C.G.S. section 45a-599 or 45a-677(h);

(6) a motion to transfer a contested children's matter to the Superior Court under C.G.S. section 45a-623 or 45a-715(g); ~~and~~

(7) a petition to transfer a conservatorship matter to another state or accept a transfer from another state under C.G.S. section 45a-667p or 45a-667q; ~~and~~

(8) a motion to transfer a children's matter to a Regional Children's Probate Court by a court that does not participate in a children's court under rule 18.5.

(i) The court shall schedule a hearing rather than using the streamline notice procedure for a proceeding specified in subsection (g) or (h) if the court determines that:

(1) the matter is contested or requires testimony or legal argument;

(2) public notice is required to protect the interests of a party;

(3) the circumstances related to the particular petition require the conduct of a hearing with attendance by a party; or

(4) the matter involves the doctrine of cy pres or equitable deviation or the construction of a document that affects a charitable beneficiary or interest.

Rule 13

Court-appointed Guardian Ad Litem

Section

13.9 Guardian ad litem fees and expenses

Section 13.9 Guardian ad litem fees and expenses

The court shall determine whether the guardian ad litem fees and expenses are reasonable in light of the scope of appointment, whether or not an interested party raises an objection to the fees or expenses.

Rule 18

Transfer of Matter between Probate Courts

Section 18.5 Transfer of children's matter to Regional Children's Probate Court

(a) On motion of a party or on the court's own motion, a court that does not participate in a Regional Children's Probate Court may transfer a children's matter to a children's court.

(b) Before deciding a motion to transfer, the court shall consult with the administrative judge of the children's court concerning the resources available at the children's court to handle the matter. The court may act on its own motion without notice and hearing.

(c) A matter transferred under this section may be heard by the transferring judge or a judge who participates in the children's court.

Rule 22

eFiling

Section 22.2 eFiling access in a matter

(a) No person may access an existing matter through the eFiling system unless the person is:

~~(1)~~ a registered filer who has requested eFiling access to the matter; and is:

(1) a party; or

(2) an attorney for a party in the matter; or

(3) a guardian ad litem for a party in the matter;

(4) an auditor appointed by the court under C.G.S. section 45a-175(f) or by the probate court administrator under C.G.S. section 45a-181; or

(5) a Connecticut state agency that is a party or has a statutory duty or obligation in the matter.

(b) By requesting eFiling access, a person agrees to receive eService of filings, notices, decrees and other documents and to waive any other form of notice specified in statute or rule.

(c) The court shall approve a person's request for eFiling access to an existing matter on verification that the person is a party to the matter.

(d) The court shall ~~approve an attorney's request for~~ provide eFiling access to an existing matter to an attorney on:

(1) receipt of the attorney's appearance on behalf of a party in the matter;

(2) appointment of the attorney to represent a party in the matter; or

(3) admission of an out-of-state attorney to appear pro hac vice in the matter.

(e) The court shall approve the request of a court-appointed guardian ad litem for eFiling access to an existing matter.

(f) Court approval is not required to eFile a petition that commences a new matter or an appearance as an attorney in a matter.

(g) An auditor appointed under C.G.S. section 45a-175(f) or 45a-181 shall have eFiling access until the auditor's report is filed with the court.

Rule 30

Decedents' Estates

Section

30.27 Where to file petition to access safe deposit box to search for will or cemetery deed

Section 30.19 When executor or administrator to submit financial report or account

(a) An executor or administrator shall submit a final financial report or account when the executor or administrator has completed settlement of a decedent's estate or when the executor or administrator seeks to resign or is removed by the court.

(b) The fiduciary of the estate of an executor or administrator who dies while administering a decedent's estate shall file a final financial report or account on behalf of the deceased executor or administrator. A successor executor or administrator appointed for the original decedent's estate may file a final financial report or

account on behalf of the deceased executor or administrator if no fiduciary has been appointed for the deceased executor or administrator's estate.

(c) On motion of a party or on the court's own motion, the court may direct the executor or administrator to file an interim financial report or account if necessary to protect the interests of the estate.

(d) An executor or administrator may submit a final financial report or account simultaneously with a petition for determination of insolvency under C.G.S. section 45a-383.

Section 30.27 Where to file petition to access safe deposit box to search for will or cemetery deed

A petition to access a safe deposit box to search for a will or cemetery deed may be filed:

(1) in the court for the probate district in which the decedent was domiciled on the date of death if the decedent was a Connecticut resident.

(2) in the court for a probate district meeting the requirements of C.G.S. section 45a-287 or 45a-303 if the decedent was not a Connecticut resident.

Rule 31

Estate Tax Matters

Section 31.3 Valuation of property for nontaxable estates

(a) Except as provided in subsection (c), a person filing a DRS Form CT-706 NT for a nontaxable estate shall substantiate the fair market value of real property required to be reported on the form by submitting any one of the following:

- (1) a comparative market analysis prepared by a real estate broker or agent;
- (2) information from the municipal assessment of the property, adjusted to reflect 100 percent of the fair market value as of the date of the assessment;
- (3) a written appraisal; or
- (4) written proof of the actual sales price if the property is sold in an arm's-length transaction that is completed not later than six months after the death of the decedent.

(b) Except as provided in subsection (c), the court may require a person filing a DRS Form CT-706 NT to substantiate the fair market value of any personal property required to be reported on the form by supplying a written appraisal or other reasonable proof of value, including, but not limited to, an affidavit setting forth the fair market value of the decedent's interest in an entity, such as a membership interest in a limited liability company, and the method used to determine the value of the interest.

(c) If an Internal Revenue Service Form 706 is required for the decedent, the person filing a DRS Form CT-706 NT shall report each asset on the DRS Form CT-706 NT at the value shown on the Internal Revenue Service Form 706.

Rule 32

Trusts

Section 32.2 Notice in trust proceeding

(a) The court shall send notice of a proceeding concerning a trust to:

- (1) the settlor, if living;
- (2) each current beneficiary;
- (3) each presumptive remainder beneficiary;
- (4) the Attorney General, if:

(A) a current beneficiary or presumptive remainder beneficiary is a charity or charitable interest; or

(B) the trust is a special needs trust established under C.G.S. section 45a-151(b) or 45a-655(e);

(5) the trustee;

(6) the trust protector, if any; ~~and~~

(7) the trust director, if any;

(8) a designated representative, if any; and

(~~7~~)9) other persons as the court determines.

(b) Notice to contingent remainder beneficiaries is not required unless the court determines that the interests of the presumptive remainder beneficiaries conflict with the interests of the contingent remainder beneficiaries.

Section 32.3 Virtual representation and appointment of guardian ad litem in trust proceeding

(a) A petitioner in a trust proceeding shall inform the court if a trust beneficiary entitled to notice under section 32.2 is a minor or is incompetent, undetermined or unborn or if the beneficiary's name or address is unknown. The petitioner shall indicate whether an adult beneficiary who is legally capable of acting can virtually represent the beneficiary under ~~Public Act 19-137, sections 17-20~~ C.G.S. sections 45a-499q to 45a-499t.

(b) On receipt of information under subsection (a) or on the court's own motion, the court shall make a written determination whether a beneficiary or class of beneficiaries will be virtually represented in the proceeding. If the court determines that the interests of the beneficiary or class of beneficiaries are not virtually represented or that the representation might be inadequate, the court shall appoint a guardian ad litem to represent the interests of the beneficiary or class of beneficiaries. The court may act under this subsection without notice and hearing.

Section 32.4 Trustee to send copy of inventory, financial report or account, affidavit of closing, and petition to terminate to each party and attorney

(a) A trustee of a testamentary trust or other trust subject to continuing jurisdiction of the court shall send a copy of the inventory and each supplemental or substitute inventory, at the time of filing, to each party and attorney of record and shall certify to the court that the copy has been sent.

(b) A trustee of a testamentary trust, an inter vivos trust subject to the jurisdiction of the court under C.G.S. section 45a-175 or another trust subject to continuing jurisdiction of the court shall send a copy of each financial report or account and the affidavit of closing, at the time of filing, to each party and attorney of record and shall certify to the court that the copy has been sent.

(c) The trustee of a testamentary trust, an inter vivos trust subject to the jurisdiction of the court under C.G.S. section 45a-175 or another trust subject to continuing jurisdiction of the court shall send a copy of a petition to terminate the trust under ~~Public Act 19-137, section 35~~ or C.G.S. section ~~45a-499ii~~ or 45a-520, at the time of filing, to each party and attorney of record and shall certify to the court that the copy has been sent.

(d) If a beneficiary of a trust is a charity or charitable interest, the trustee shall send a copy of each filing under subsection (a), (b) or (c), at the time of filing, to the Attorney General and shall certify to the court that the copy has been sent.

Rule 34

Guardians of Estates of Minors

Section 34.8 When guardian of estate to submit financial report or account

(a) A guardian of the estate of a minor 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 under subsection (a), the guardian shall thereafter submit a periodic financial report or account at least once during each three-year period, unless the court directs more frequent accounts.

(c) The 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) If the guardian dies while administering the estate, the executor or administrator of the estate of the deceased guardian shall file, on behalf of the deceased guardian, a final financial report or account for the guardianship estate. If an executor or administrator has not been appointed for the estate of the deceased guardian, a successor guardian of the estate may file, on behalf of the deceased guardian, a final financial report or account for the guardianship estate.

Rule 36

Fiduciary Accounting: General Provisions

Section 36.13 Records to be maintained by fiduciary

(a) ~~Subject to subsection (c).~~ A ~~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) each statement and passbook for each ~~bank-financial~~ account, including savings, checking, money market, certificates of deposit, ~~investment, individual retirement~~ and other types of accounts;

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

(4) ~~each statement for each investment account;~~

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

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

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

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

(8) ~~each statement for each store card account;~~

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

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

(11) 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) 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 returns forms;

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

(15) 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) 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) 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; and

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

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

~~(18)~~(21) 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 39

Fiduciary and Attorney's Fees

Section 39.2 Task statement of fiduciary and attorney

(a) In reviewing a proposed fee for services already rendered, the court may require a fiduciary or attorney to submit a task statement describing the services performed.

(b) A fiduciary's task statement shall address:

- (1) size of the estate;
- (2) responsibilities involved;
- (3) character of the work required;
- (4) special problems and difficulties met in doing the work;
- (5) results achieved;
- (6) knowledge, skill and judgment required;

- (7) manner and promptness in which the matter was handled;
 - (8) time and labor required; and
 - (9) other relevant and material circumstances.
- (c) An attorney's task statement shall include a copy of the attorney's engagement letter and shall address:
- (1) time and labor required;
 - (2) novelty and difficulty of the questions involved;
 - (3) skill required to perform the legal service properly;
 - (4) likelihood, if made known to the client, that the acceptance of the particular employment will preclude other employment by the attorney;
 - (5) fee customarily charged in the locality for similar legal services;
 - (6) value of the estate involved, results obtained and time limitations imposed by the client or circumstances;
 - (7) nature and length of the attorney's professional relationship with the person whose estate is being administered or with the fiduciary;
 - (8) experience, reputation and ability of the attorney performing the services; and
 - (9) whether the fee is fixed or contingent.

Rule 40

Children's Matters: General Provisions

Section

40.23 Notice in proceedings to determine parentage after death

Section 40.7 Reinstatement as guardian

Except as provided under C.G.S. section 45a-611, a parent or guardian who was removed as guardian of a minor may file a petition seeking reinstatement as guardian. The petitioner shall have the burden of proving by a preponderance of the evidence that the factors that resulted in removal have been resolved satisfactorily. If the court finds 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~~ there is a presumption that reinstatement is in the best interests of the minor. The evidentiary standard for the findings in this section and C.G.S. section 45a-611 is preponderance of the evidence. To rebut this presumption, a party opposing reinstatement of guardianship must present clear and convincing evidence that reinstatement is not in the best interests of the minor.

Section 40.8 Temporary guardianship

(a) A parent or guardian may petition to appoint a temporary guardian for a minor without another parent or guardian joining as copetitioner. The court shall give notice to each party, including a nonpetitioning parent or guardian, and each attorney of record.

(b) ~~The~~ ~~if the~~ appointing parent or guardian ~~may terminate~~ ~~terminates~~ a temporary guardianship under in accordance with C.G.S. section 45a-622 by notifying the temporary guardian and filing written notice of the termination with the Probate Court. On receipt of the written notice, the court shall notify each party and attorney of record that the guardianship is terminated. The court is not required to give notice if the temporary guardianship expires on the date specified in the order establishing the guardianship.

Section 40.23 Notice in proceedings to determine parentage after death

(a) Except as otherwise provided under C.G.S. section 46b-172a, the court shall send notice of hearing on a petition seeking the determination of parentage of an alleged genetic parent after the death of a child to:

- (1) the petitioner;
- (2) the birth parent;
- (3) the fiduciary of the estate of the deceased child, if any;
- (4) each beneficiary under the will of the deceased child or heir of the deceased child;
- (5) each attorney of record;
- (6) each guardian ad litem, if any;
- (7) the Attorney General; and
- (8) other persons as the court determines.

(b) Except as otherwise provided under C.G.S. section 46b-172a, the court shall send notice of hearing on a petition seeking the determination of parentage of a deceased alleged genetic parent of a child after the death of an alleged genetic parent to:

- (1) the petitioner;
- (2) the child;
- (3) the fiduciary of the estate of the deceased alleged genetic parent, if any;
- (4) each beneficiary under the will of the deceased alleged genetic parent or heir of the deceased alleged genetic parent;
- (5) each attorney of record;
- (6) each guardian ad litem, if any; and
- (7) other persons as the court determines.

Rule 43**Guardians of Adults with Intellectual Disability****Section**

43.9 Extension of authority of guardian to manage finances pending decision on conservatorship of estate petition

43.10 Single petition to appoint a guardian with authority to manage finances and appoint a plenary or limited guardian of an adult with intellectual disability

Section 43.9 Extension of authority of guardian to manage finances pending decision on conservatorship of estate petition

On written request of a party, the court may extend the authority of a guardian of an adult with intellectual disability to manage finances until disposition of a pending conservatorship of estate petition, provided that the extension may not exceed 60 days. The court may act on the request without notice and hearing.

Section 43.10 Single petition to appoint a guardian with authority to manage finances and appoint a plenary or limited guardian of an adult with intellectual disability

(a) If a petitioner simultaneously files a petition for appointment of a guardian of an adult with intellectual disability, whether plenary or limited, and a petition to appoint a guardian with the authority to manage finances of the adult, the court may treat the petitions as a single petition subject to one filing fee.

(b) The court may charge a separate filing fee for a petition under subsection (a) if the court determines that it is necessary to hear the petitions separately.

Rule 44

Commitment for Treatment of Psychiatric Disability

Section 44.1 Confidentiality of psychiatric commitment proceeding

The court shall exclude a person who is not a party or an attorney for a party from attending or participating in any hearing relating to commitment for treatment of psychiatric disability under C.G.S. sections 17a-75 through 17a-83 or sections 17a-495 through 17a-528, except that:

(1) a parent or guardian of a respondent who is under the age of 16 may participate in the hearing; ~~and~~

(2) a conservator or guardian of the respondent may participate in the hearing; and

~~(2)~~(3) the court may:

(A) on request of the respondent, permit a person to participate in the hearing;

(B) after considering any objection of the respondent, permit a relative or friend who is interested in the welfare of the respondent to participate in the hearing; and

(C) permit a witness to attend any part of the hearing.

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 ~~or medication to treat psychiatric disability~~

45.2 Audio recording of proceeding for medication to treat psychiatric disability or shock therapy ~~or medication to treat psychiatric disability~~

45.3 Where to file petition for medication to treat psychiatric disability

45.4 Notice of hearing on petition for medication to treat psychiatric disability

45.5 Petition for shock therapy

Section 45.1 Confidentiality of proceeding for medication to treat psychiatric disability or shock therapy ~~or medication to treat psychiatric disability~~

(a) Except as provided in subsections (b) and (c), ~~The the~~ court shall exclude a person who is not a party or attorney for a party from attending or participating in a hearing on a petition for medication for treatment of a psychiatric disability under C.G.S. section 17a-543(e), 17a-543(f), 17a-543(g) or 17a-543a or a hearing on a petition for shock therapy under C.G.S. section 17a-543(c), ~~except that: the court may:~~

(b) A conservator or guardian of the respondent shall be permitted to participate in a hearing on a petition for medication for treatment of a psychiatric disability or for shock therapy.

(c) The court may,

(1) on request of the patient, permit a person to participate in the hearing;

(2) after considering any objection of the patient, permit a relative or friend who is interested in the welfare of the patient to participate in the hearing; and

(3) permit a witness to attend any part of the hearing.

Rule 46

Commitment for Treatment of Drug and Alcohol Dependency

Section 46.1 Confidentiality of drug and alcohol dependency commitment proceeding

~~(a) Except as provided in subsections (b) and (c), the court shall exclude a person who is not a party or attorney for a party from attending or participating in a hearing on a petition for commitment for treatment of drug or alcohol dependency, except that the court may:~~

~~(b) A conservator or guardian of the respondent shall be permitted to participate in the hearing.~~

~~(c) The court may,~~

- ~~(1) on request of the patient, permit a person to participate in the hearing;~~
- ~~(2) after considering any objection of the patient, permit a relative or friend who is interested in the welfare of the patient to participate in the hearing; and~~
- ~~(3) permit a witness to attend any part of the hearing.~~

Rule 66

Participation in Hearing by Electronic Means

Section 66.1 When participation by electronic means permitted

~~(a) On~~ Unless otherwise prohibited by law, on request of a party, or witness, or attorney of record, or on the court's own motion, the court may allow participation in a hearing, conference or deposition by ~~telephonic or other~~ electronic means.

~~(b) In determining whether to allow participation by electronic means, the court shall consider:~~

- ~~(1) the importance, subject matter, and nature of the proceeding;~~
 - ~~(+)(2) the nature of the rights at issue;~~
 - ~~(3) the technology available to the court, parties, witnesses and attorneys;~~
 - ~~(2)(4) whether surprise or prejudice would result from electronic participation or from the inability to participate by electronic means;~~
 - ~~(3) whether a party is unable to secure the presence of the witness in person;~~
 - ~~(4) the cost of attending the hearing in person;~~
 - ~~(5) any efficiency or cost savings to be achieved by allowing participation by electronic means;~~
 - ~~(5)(6) whether participation by electronic means will allow full and effective examination and cross examination;~~
 - ~~(6) the importance of the testimony;~~
 - ~~(7) whether the subject matter of the testimony is disputed;~~
 - ~~(8)(7) the convenience of the parties and witnesses, including representatives of state agencies; and~~
 - ~~(9)(8) other relevant factors.~~
-