

NOTICES

Adoption of Revisions to the Probate Court Rules of Procedure

Notice is hereby given that on April 2, 2024, the justices of the Supreme Court adopted revisions to the Connecticut Probate Court Rules of Procedure which are contained herein, to become effective on July 1, 2024.

These rules have also been posted on the Probate Court Administrator's website at www.ctprobate.gov.

Hon. Beverly K. Streit-Kefalas
Probate Court Administrator

Probate Court Rules of Procedure
Revisions Effective July 1, 2024

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 of a conservator of the estate or petition to excuse an account under section 33.17;

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

(4) an account of an agent acting under a power of attorney;

(5) a motion to modify visitation orders;

~~(5)(6)~~ a motion to transfer a probate file between probate courts under C.G.S. section 45a-599 or 45a-677(h);

~~(6)(7)~~ a motion to transfer a contested children's matter to the Superior Court under C.G.S. section 45a-623 or 45a-715(g);

~~(7)(8)~~ 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)(9)~~ 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 section 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 33 **Conservators**

Section 33.23 Termination of involuntary conservatorship

(a) An adult who has been found to be incapable and is conserved on an involuntary basis may file a written request with the Probate Court to terminate the involuntary conservatorship.

(b) The court shall conduct the hearing on the request to terminate the involuntary conservatorship not later than 30 days after the date the request was filed with the court, unless the hearing is continued for good cause. If the hearing is not held within the 30-day or continuance period, the involuntary conservatorship shall terminate. The person under involuntary conservatorship is not required to present medical evidence.

(c) If the court finds by a preponderance of the evidence that the person under conservatorship is capable of caring for himself or herself, the court shall terminate the conservatorship of the person.

(d) If the court finds by a preponderance of the evidence that the person under conservatorship is capable of managing his or her own financial affairs, the court shall terminate the conservatorship of the estate and the court shall order the conservator of the estate to restore any remaining assets to the conserved person. If the conservatorship of the estate is terminated, the conservator of the estate shall file a final financial report or account with the court not later than 60 days after the court's decree terminating the conservatorship.

Rule 35 **Probate Bonds**

Section 35.8 Fiduciary to report increase in value of estate

(a) A fiduciary from whom a probate bond is required shall file a report listing the receipt of additional assets or income or the recognition of capital gain from the sale of an asset if the aggregate amount of the additional assets, income and capital gain exceeds ten percent of the amount of the bond or \$50,000, whichever is greater. The fiduciary shall file the report not later than 30 days after the receipt or sale occurs. ~~The court may require the fiduciary to increase the amount of the bond in accordance with section 35.6 or deposit the additional assets, income and capital gain in a restricted account under section 35.7.~~

(b) A fiduciary from whom a probate bond was not required shall file a report listing the receipt of additional assets or income or the sale of an asset the proceeds of which may be subject to the requirements of section 35.1. The fiduciary shall file the report not later than 30 days after the receipt or sale occurs.

Section 35.9 Adjustments to amount of probate bond

(a) The court may require a probate bond or adjust the amount of the probate bond to reflect a change in the value of the estate in connection with the review of

an inventory, substitute or supplemental inventory, account or financial report, ~~or~~ receipt of a report under section 35.8 or at any other time.

(b) If the court requires a probate bond to sell real property, the court shall not issue a decree authorizing the sale until the fiduciary has filed the bond.

Rule 40

Children's Matters:

General Provisions

Section 40.7 Reinstatement as guardian

(a) 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.

(b) If the petition for reinstatement is filed by a parent and the court finds that the parent ~~or former guardian~~ has met the burden of proof stated in subsection (a), there is a presumption that reinstatement is in the best interests of the minor. To rebut ~~this~~ the 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 40.24 Assisted reproduction; order of parentage

(a) A person consenting to assisted reproduction, a person who is a parent or intending to be a parent of a child conceived by assisted reproduction or the person giving birth to the child may file a petition under C.G.S. section 46b-517 for an order determining the parentage of the child in the court for the probate district in which either person resides.

(b) The petition shall be accompanied by a copy of the written consent signed by the person who intends to be a parent of the child and the person giving birth to the child. If the written consent is not available, the court may consider other evidence of an agreement.

(c) If the court determines that the parties have complied with C.G.S. sections 46b-509 through 46b-516, including the written consent required by C.G.S. section 46b-512, the court may act on a petition for an order determining parentage of a child conceived through assisted reproduction without notice and hearing.

Section 40.25 Order of parentage under gestational surrogacy agreement

(a) A person who has entered into a gestational surrogacy agreement may file a petition for an order determining the parentage of a child conceived or to be conceived under the terms of the agreement in the court for the probate district in which a party to the agreement resides.

(b) If the court determines that the parties have complied with C.G.S. section 46b-531, including all required certifications and statements, the court may act on a petition for an order determining parentage of a child conceived or to be conceived under the terms of a gestational surrogacy agreement without notice and hearing.

Section 40.26 Validation of genetic surrogacy agreement

(a) A person who has entered into a genetic surrogacy agreement may file a petition to validate the agreement in the court for the probate district in which the child, an intended parent or the surrogate resides.

(b) The court shall give notice of hearing on a petition to validate a genetic surrogacy agreement to each intended parent, the surrogate, and, if applicable, the surrogate's spouse.

Rule 48
Financial Exploitation

Section 48.1 Petition to remove financial hold imposed on suspicion of financial exploitation

(a) A Connecticut resident who is sixty years of age or older may file a petition to remove a financial hold imposed by a financial institution or by a broker-dealer or investment advisor based on suspicion of financial exploitation in the court for the probate district in which the person resides, is domiciled or is located at the time the petition is filed or where the financial institution has an office in this state; provided, however, if the person is under conservatorship, the petition shall be filed in the court for the probate district in which the conservatorship is pending.

(b) The court shall conduct the hearing not later than ten days after the petition has been filed, unless continued for good cause.

Rule 61
Discovery

Section 61.13 Petition for foreign subpoena

(a) A petitioner seeking to conduct discovery in connection with an action pending in another state may petition the probate district in which the discovery is sought to issue a subpoena or subpoena duces tecum.

(b) The petition shall be on a form published by the probate court administrator and shall include the original or true copy of the foreign subpoena.

(c) The court shall issue a subpoena not later than seven days after receipt of the documents described in subsection (b). The court may issue the subpoena without notice and hearing.

(d) The petitioner shall arrange for service on the person to whom the foreign subpoena is directed in accordance with C.G.S. section 52-148e.

(e) A party may petition the court that issued the subpoena under this section for an order to enforce, quash or modify the subpoena.

Supreme Court Sessions

Notice is hereby given that the calendar of sessions for the next court year has been adopted.

Sessions last approximately two weeks and are subject to change. Any deviation from the calendar as adopted, will be noticed in the court's Docket.

The first day of each of the sessions for the 2024 - 2025 court year is as follows: September 16, 2024; October 28, 2024; December 2, 2024; January 27, 2025; March 3, 2025; April 7, 2025; and May 12, 2025.

Carl D. Cicchetti
Chief Clerk

Appellate Court Sessions

Notice is hereby given that the calendar of sessions for the next court year has been adopted.

Sessions last approximately three weeks and are subject to change. Any deviation from the calendar as adopted, will be noticed in the court's Docket.

The first day of each of the sessions for the 2024 - 2025 court year is as follows: September 3, 2024; October 7, 2024; November 12, 2024; January 6, 2025; February 3, 2025; March 10, 2025; April 14, 2025; and May 19, 2025.

Carl D. Cicchetti
Chief Clerk

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 April 10, 2024:

Bryan D. LaPlant Jadian Capital

Certified as of April 15, 2024:

Andrea N. Grossman Melissa & Doug, LLC

Certified as of April 25, 2024:

Stephen B. Kaplan HealthPlanOne, LLC

Certified as of May 3, 2024:

Amanda J. Goldstein LPL Financial, LLC

Certified as of May 7, 2024:

Maya C. Gittens M&T Bank/Wilmington Trust
Crystal C. Neifert The Hartford

Hon. Elizabeth A. Bozzuto
Chief Court Administrator

Notice of Reprimand of Attorney

Pursuant to Practice Book § 2-54, notice is hereby given that on June 12, 2024, this Court reprimanded Attorney Kristyn Marie Dusel, Juris #431773. See UWYCV246077221S, *Office of Chief Disciplinary Counsel v. Kristyn Marie Dusel* for the full order of the Court.

Barbara N. Bellis, Judge
