

**PA13-212**

HB6680

House	3549-3554	6
Judiciary	2793, 2794-2801, 3253-3254	11
Senate	4930, 5043-5044	3
		<b>20</b>

**H - 1160**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VOL.56  
PART 11  
3446 - 3814**

law/djp/gbr  
HOUSE OF REPRESENTATIVES

440  
May 9, 2013

voted, the machine will be locked and the Clerk will  
take a tally.

Clerk please announce the tally.

THE CLERK:

S.B. 235 in concurrence as amended by Senate "A".

Total number voting	135
Necessary for passage	68
Those voting Yea	135
Those voting Nay	0
Those absent and not voting	15

SPEAKER SHARKEY:

The Bill as amended passes in concurrence with  
the Senate.

Will the Clerk please Calendar 479?

THE CLERK:

Calendar 479, on page 30, favorable report of the  
Joint Standing Committee on Judiciary, Substitute  
House Bill 6680, AN ACT CONCERNING THE ACCESS OF  
JOINTLY OWNED ASSETS THAT ARE LOCKED IN SAFE DEPOSIT  
BOX.

SPEAKER SHARKEY:

Representative Dan Fox of the 148th, you have the  
floor, sir.

REP. FOX (148th):

law/djp/gbr  
HOUSE OF REPRESENTATIVES

441  
May 9, 2013

Yes, thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the Bill.

SPEAKER SHARKEY:

The question before the Chamber is the acceptance of the Joint Committee's favorable report and passage of the Bill.

Will you remark, sir.

REP. FOX (148th):

Yes, Mr. Speaker, thank you. Mr. Speaker, the legislation provides a means by which a joint owner of a particular asset can access that asset should it a safe deposit box. Mr. Speaker, the Clerk has an amendment, LCO 6789. I ask the Clerk to please call the Amendment and that I be granted leave of the Chamber to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 6789, which will be designated House Amendment "A".

THE CLERK:

House Amendment "A", LCO 6789, as introduced by Representative Fox, et al.

SPEAKER SHARKEY:

Gentleman seeks leave of the Chamber to

summarize.

Is there objection? Is there objection?

Please proceed with summarization, sir.

REP. FOX (148th):

Thank you very much, Mr. Speaker. Mr. Speaker, whenever a sole owner of a safe deposit box dies and no probate proceedings have been instituted for the estate of the deceased owner, any person showing a sufficient interest in jointly owned stocks, bonds, annuities or certificates of deposit, may petition the probate court for a preliminary order requesting that the safe deposit box be opened, the contents inventoried.

Subsequent to that inventory being resubmitted to the probate court, the probate court may provide an ex parte order authorizing the individual to have access for those particular assets, so jointly held assets as listed on the inventory. Thereafter, the individual may access those particular assets without a hearing or if necessary, with a hearing dependent upon the probate court's determination upon reviewing of the inventory.

At that point in time, the bank is to resubmit to the probate court, a listing of -- designation of the

law/djp/gbr  
HOUSE OF REPRESENTATIVES

443  
May 9, 2013

items that were removed from the probate court --  
removed from the safe deposit box and the individual  
to whom they were granted. The bank may then charge a  
reasonable fee for the performance of the duties  
required for this section. Thank you, Mr. Speaker, I  
move adoption.

SPEAKER SHARKEY:

Thank you, sir.

Care to remark further on the Amendment before  
us? Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker. Representative Fox did  
such a thorough excellent job explaining that  
Amendment that I just ask that everyone support it  
based on his representations. Through you, Mr.  
Speaker.

SPEAKER SHARKEY:

Thank you, Madame.

Do you care to remark further on the Amendment  
before us?

If not, let me try your minds. All those in  
favor of House Amendment "A", please signify by saying  
Aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed Nay.

The Ayes have it. The Amendment is adopted.

Would you care to remark further on the Bill as amended? Would you care to remark further on the Bill as amended?

If not, staff and guests to the well of the house, members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately?

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Members please check the board to make sure your vote is properly cast. If all the members have voted, the machine will be locked and the Clerk will take a tally.

Clerk, please announce the tally.

THE CLERK:

H.B. 6680 as amended by House "A".

Total number voting 135

law/djp/gbr  
HOUSE OF REPRESENTATIVES

445  
May 9, 2013

Necessary for passage	68
Those voting Yea	135
Those voting Nay	0
Those absent and not voting	15

SPEAKER SHARKEY:

The Bill as amended passes.

Are there any announcements or introductions?

Representative Piscopo of the 76th, you have the floor, sir.

REP. PISCOPO (76th):

Thank you, Mr. Speaker, for a journal notation?

SPEAKER SHARKEY:

Please proceed, sir.

REP. PISCOPO (76th):

Thank you, Mr. Speaker. On the journal please note that Representatives Molgano, Camillo, Floren, missed votes due to illness. Representatives Kokoruda, Noujaim, Srinivasan, missed votes due to legislative business in their district. Representatives Zupkus and Rocco, missed votes business in the district. Representatives O'Dea and Williams, missed votes, they are out of state on business. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

**S - 667**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2013**

**VOL. 56  
PART 16  
4803 - 5160**

rgd/gbr  
SENATE

128  
June 4, 2013

Also calendar page 8, Calendar 568, House Bill 6445,  
move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also Madam President, calendar page 9, Calendar 590,  
House Bill Number 6680, move to place on the consent  
calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Counter page 10, Calendar 607, House Bill Number 6688,  
move to place that item on the consent calendar.

THE CHAIR:

Seeing no objection, sir.

THE CHAIR:

Thank you, Madam President.

Calendar page 11, Calendar 612, House Bill 6448, move  
to place on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might move to mark some

rgd/gbr  
SENATE

241  
June 4, 2013

Page 3, Calendar 422, Senate Bill 978; on page 4, Calendar 475, Senate Bill 1052; on page 8, Calendar 567, House Bill 6387; Calendar 568, House Bill 6445; and Calendar 580, House Bill 6623.

On page 9, Calendar 583, House Bill 5149; and Calendar 590, House Bill 6680; page 10, Calendar 607, House Bill 6688; and calendar 608, House Bill 6384.

Page 11, Calendar 612, House Bill 6448; and Calendar 621, House Bill 6488. On page 12, Calendar 634, House Bill 6403; and Calendar 636, House Bill 6394; page 13, Calendar 645, House Bill 6454; and page 14, Calendar 652, House Bill 6702.

On page 16, Calendar 674, House Bill 6441; page 17, Calendar 677, House Bill 6644; on page 18, Calendar 685, House Bill 6009; and on page 23, Calendar 380 Senate Bill 1054; page 24, Calendar 452, Senate Bill 1142; and Calendar 566, House Bill 6375.

Page 25, Calendar 646, House Bill 5844; and on page 26, Calendar 304, Senate Bill 1019.

THE CHAIR:

At this time, Mr. Clerk, will you call for a roll call vote on a first consent calendar?

The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators, please return to the chamber. Immediate roll call on the first consent calendar has been ordered in the Senate.

THE CHAIR:

If all members have voted? All members have voted. The machine will be closed.

Mr. Clerk, will you please call the tally?

THE CLERK:

rgd/gbr  
SENATE

242  
June 4, 2013

The first consent calendar.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The consent calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, would move for immediate transmittal to the House of Representatives of all items acted on thus far today requiring additional action in that chamber.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also, Madam President, on an item previously placed on the foot of the Calendar, would now seek to remove that item and just mark it PR, and that is an item calendar page 16, Calendar 672, House Bill 5480, AN ACT PROHIBITING TAMPERING WITH HYDRANTS. Would just move to remove that item from the foot and to mark it PR.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 9  
2774 - 3140**

**2013**

Seeing none, thank you, Attorney Kane.

CHIEF STATE'S ATTORNEY KEVIN KANE: Thank you.

SENATOR COLEMAN: Next is Paul Knierim.

PAUL KNIERIM: Good morning, Senator Coleman, Representative Fox, Representative Rebimbas, members of the committee, I'm Paul Knierim, probate court administrator, and there are two bills I'd like to offer brief testimony on this morning.

HB 6680

The first is 6448, AN ACT CONCERNING PROBATE COURT FEES. This is a pretty simple and pretty straightforward piece of legislation that the Office of the Probate Court Administrator and the Probate Assembly are offering jointly, and it is essentially clean up of our fee statutes.

Specifically, it would repeal absolutely provisions that deal with the calculation of probate fee for the decedent's estates. These are fee schedules that go back pre-1998 so we're operating, essentially, under the 1998 fee schedule. The fact that these are still on the books causes people confusion, simply a clean up.

A second element to the bill is to change nomenclature for the calculation of fees for accountings matters other than decedent's estates. The change simply is reflecting revision to our rules of procedure and the use of new terminology, but it has no net impact on the amount of the fees.

And lastly, the bill contains a provision that would add a new fee for a petition for an out-of-state attorney to be able to hear in a single matter. This, too, reflects our recent

adoption of revised rule of procedure. We now do have a rule that would permit on an exceptional basis an out-of-state attorney to appear in a Connecticut Probate Court. It parallels the rule that's applicable in Superior Court. And I might mention that the fee for admission in Superior Court is \$600, our proposed amount is \$250.

The second bill that I wanted to comment on is 6680, CONCERNING ACCESS TO JOINTLY HELD ASSETS LOCATED IN A SAFE DEPOSIT BOX. We are generally supportive of this bill. I think it's a good idea to have a simplified procedure by which an individual who has claimed ownership of an asset held in a decedent's safe deposit box when that box is solely owned.

I will say that it seems that most common those with a joint ownership interest in an asset in a safe deposit box typically also are joint owners on the safe deposit box. So it's probably not a frequent issue, nonetheless, it -- it certainly can arise. Our suggestion is simply that the bill be amended to have some procedural safeguards so that an individual wouldn't be able to unilaterally remove assets from a safe deposit box.

So the suggestion is we could work with the existing framework by which a probate court can authorize the opening of a decedent's safe deposit box, provide for a person who is operating such an order to bring back to the court an inventory of the assets. And if she or he wishes to remove an asset, to petition for a specific order. It could be a simplified procedure. I think the court could be authorized to have the discretion to act without notice to parties on an ex parte basis if ownership is very clear.

On the other hand, if it appears that it might be a muddy issue, let's say, it's tangible personal property, an item of jewelry, for example, where other parties may have a different version of ownership, the court could send notice to heirs and beneficiaries so that everybody would have -- they would be alerted to the fact that this is happening and would have an opportunity to challenge the claim of ownership.

So with some modification in that regard, we would be supportive of this concept.

That's my testimony on those two items, and I'd be happy to answer any questions.

Thank you for your attention.

SENATOR COLEMAN: Thank you for your presentation.

Are there questions for --

Senator Meyer and then Senator --  
Representative Buck-Taylor.

SENATOR MEYER: Hi, Paul.

PAUL KNIERIM: Good morning, Senator. How are you.

SENATOR MEYER: I'm well.

With respect to the safe deposit box bill, does the Department of Revenue Services have any rights with respect to the opening of a safe deposit box after death in Connecticut?

PAUL KNIERIM: I believe that under the statute, the Department of Revenue Services could be a proper petitioner for the opening a safe deposit box. As the statute is currently framed, a court issues that order solely for

the purpose of determining whether there's a will or a cemetery deed in the box. And there's no authority to remove anything from it. So it's a very limited scope.

More broadly getting into an estate settlement, once an executor or administrator is appointed, she or he would have full access to it. So I suppose that if the DRS was taking an interest in the contents of a box, they would be working with an executor or administrator or asking the court to make an order to that fiduciary to disclose.

SENATOR MEYER: So the probate court today and under this bill has no obligation to inform the Department of Revenue Services with respect to the opening of a safe deposit box; is that right?

PAUL KNIERIM: That -- that is true there is no -- no requirement to inform DRS.

SENATOR MEYER: Okay. Thank you.

SENATOR COLEMAN: Representative Buck-Taylor.

REP. BUCK-TAYLOR: Thank you, Mr. Chair.

Good morning, sir.

PAUL KNIERIM: Good morning, Representative.

REP. BUCK-TAYLOR: As far as the bill having to do with the safe deposit box, it says to obtain a jointly held asset. What type of jointly held assets are being envisioned under that description since if it's jointly held, unless it's tangible, they could probably get access to in some other way.

PAUL KNIERIM: I think probably what's most typical would be certificated securities, so stock certificates, savings bonds, other forms of bonds, that on the face of the document would indicate how title is held -- joint survivorship, tenancy in common, for example.

I was trying, in anticipation of today's testimony, to think of the things that are typically in safety deposit boxes and, in addition to wills, I think intangible personal property. You'd see stock certificates, bonds, also insurance policies, sometimes savings accounts passbooks, a variety of things. Probably under a proposal, like this, the toughest category is the tangible personal property because nothing on its face indicates what ownership is. For something like a stock certificate, at least you have the benefit of - - of an indication of who the holder of the certificate is, and if it's joint, it would indicate the two names in the form of joint ownership.

REP. BUCK-TAYLOR: Is there the consideration that this would be put in place where there's not a fiduciary of the estate who would then have authority to go into that safe deposit box and inventory it? Is this viewed as a situation where there's no fiduciary?

PAUL KNIERIM: That's exactly the context, yes, because once there is a fiduciary that individual has full authority to access the box and dispose of its contents acting under his or her fiduciary responsibilities. This is all -- at least my understanding, would precede the appointment of a fiduciary or deal with those circumstances where a fiduciary is never appointed.

REP. BUCK-TAYLOR: Okay. Thank you.

SENATOR COLEMAN: Are there other questions?

Representative Smith.

REP. SMITH: Thank you, Mr. Chair.

Good morning.

SENATOR COLEMAN: Good morning.

REP. SMITH: I noticed that the bank officer under this -- again, the safe deposit box bill, the bank officer has to make a return to the court indicating what type of assets were in the safe deposit box. Is that something that we now have in our procedures as far as the Probate Court system?

PAUL KNIERIM: By way of statute, section 45a-284 contemplates only a bank officer reporting as to whether or not there was a cemetery deed or will and whether or not, if so, those items were removed.

Our procedures go a little bit beyond that. The form that we use for the procedure to open a safe deposit box also has a provision by which the judge can order the original petitioner to make an inventory of the contents.

So if the Legislature were to adopt this bill, I would think our procedures would work nicely given that we've already got that framework for requiring an inventory to be made.

REP. SMITH: And if I'm the bank officer, the order or return that I have to make to the court, there's a form already created so I'm not -- the court's not getting 50 or 60 different

types of returns. There's actually one form that's created already by the system?

PAUL KNIERIM: There is.

REP. SMITH: Thank you.

SENATOR COLEMAN: Do other members have questions?

Representative Fox.

REP. D. FOX: Yes, thank you, Mr. Chairman.

Good morning. Thank you for being here today.

I think part of the context of behind this piece of legislation. It's particularly as it's spoken to a non-probatable estates. For instance, if there's a non-probatable estate being administered outside of probate court, there's a safety deposit box held by the decedent but contained therein is a stock certificate, a savings bond, a bank book, something of that nature held jointly. And currently under Connecticut law, my understanding is that in order for the surviving owner of that stock certificate, bank book, savings bond, things of that nature, to access that they have to open up an estate, be appointed an executor or administrator and go through the whole process, through the Probate Court in order to obtain the authority to go into a safe deposit box and obtain something that is -- is jointly held and rightfully theirs.

I think part of the idea with this type of legislation would be to provide a process by which an individual who is only looking to obtain something that they jointly own had the means by which they can do so without having to hire an attorney, initiate an estate or -- or

go through any the potential evidentiary hearings as to ownership.

So part of -- I mean I'm curious to know would the court or be willing to even potentially limit this type of legislation to stock certificates, savings bonds and not -- I agree with you and I've spoken with some members of -- of your -- of your staff, once again, the idea of jewelry, watches, things of that nature, it becomes a little -- little murkier, I think and would then require potentially a hearing and notice to heirs and things of that nature. Wherein, initially, the individual who's trying to obtain the jointly-held asset is trying -- is likely trying to avoid all that.

So do think the court would be more willing to -- to not that they're not willing to accept this type of legislation but even from a just a stock certificate, I guess, paper assets in a sense or -- or on which the jointly held individual's name is affixed. Is that something that you'd be agreeable to or more agreeable to?

PAUL KNIERIM: Certainly, yes. That -- that makes the legislation more focused.

REP. D. FOX: Uh-huh.

PAUL KNIERIM: -- and it is a shift from our current system in which statute presupposes nothing except a will or cemetery deed can be removed from a box to a framework in which there is some flexibility on that. I think further in support of that concept is that the kinds of documents that you're referring to I'll refer to them as certificate of securities --

REP. D. FOX: Uh-huh.

PAUL KNIERIM: The story is told on the face of the document, A; and, B, an individual seeking to have the transfer formalized and completed, the joint survivor, having that completed under his or her name does have to work through a transfer agent so there's a safeguard in that sense also because some financial institution is also taking a look at whether this claim of ownership is valid.

REP. D. FOX: That's fair. And just one final question, are you aware of any other means by which a particularly with a nonprobatable estate, which a joint owner has the authority without going through the Probate Court to access assets contained within a safe deposit box. I don't -- in my -- in my research, I've been unable to find -- to find a way and I -- I don't want to -- I don't know if the court even has the authority, currently, with a nonprobatable estate to do anything of that nature.

PAUL KNIERIM: I'm not aware --

REP. D. FOX: Okay.

PAUL KNIERIM: -- of -- of any other means. As I mentioned at the outset, I think probably the most common scenario is that a joint owner of an asset that's contained in the box oftentimes is also jointly on the box since they have the authority to open it. Absence that, I'm not aware of another procedure.

REP. D. FOX: Okay. Great, thank you.

SENATOR COLEMAN: Thank you.

Do other members have questions?

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 10  
3141 - 3485**

**2013**



STATE OF CONNECTICUT

OFFICE OF THE  
PROBATE COURT ADMINISTRATORPAUL J. KNIERIM  
Probate Court AdministratorTHOMAS E. GAFFEY  
Chief CounselHELEN B. BENNET  
AttorneyDEBRA COHEN  
Attorney186 NEWINGTON ROAD  
WEST HARTFORD, CT 06110TEL (860) 231-2442  
FAX (860) 231-1055PAGE 1  
LINE 13

**TO:** Senate Co-Chair Eric Coleman  
House Co-Chair Gerald Fox  
Senate Ranking Member John Kissel  
House Ranking Member Rosa Rebimbas  
Honorable Members of the Judiciary Committee

**FROM:** Paul J. Knierim  
Probate Court Administrator

**DATE:** April 1, 2013

**RE:** RB 6680 An Act Concerning Access to Jointly Held Assets that are  
Located in a Safe Deposit Box

---

The Office of the Probate Court Administrator supports the concept of establishing a simple procedure by which a surviving joint owner can access a jointly owned asset contained in the solely owned safe deposit box of a deceased person. We recommend, however, that the bill be amended to incorporate procedural safeguards to ensure that the rights of all parties who may have an interest in property contained in a safe deposit box are protected.

The ownership of certain types of assets, such as certificated securities, is generally clear. The same may not be true for other assets, particularly items of tangible personal property, which are commonly held in safe deposit boxes. We are concerned that the bill as drafted permits a person to unilaterally remove an item from a safe deposit box without any mechanism to alert other interested parties of the action. It also fails to afford interested parties an opportunity to contest ownership of the asset.

Under current law, a Probate Court can issue an order to open a safe deposit box to determine whether it contains a will or cemetery deed. Section 45a-284 requires that a bank officer must be present when the box is opened. It also

requires the bank officer to submit a form to the court certifying whether there was a will or cemetery deed in the box and, if so, whether any such documents were removed.

We suggest that section 45a-284 be amended to permit removal of property from a decedent's solely owned safe deposit box only if a Probate Court has explicitly authorized removal. The person seeking authority to remove property would be required to provide the court with a bank officer's inventory of the contents of the box and a statement of the basis for his or her claim of ownership of any property contained in it. The court should have the discretion to issue the order ex parte when ownership is clear. In the alternative, the court could direct that a hearing be held to determine ownership after giving notice to heirs and beneficiaries. We believe that this framework falls within the current subject matter jurisdiction of the Probate Courts, which have authority to determine title to any property that is or may be part of an estate under section 45a-98(a).

We appreciate the opportunity to offer testimony on this bill and stand ready work with the proponents to develop a simple procedure for accessing a safe deposit while providing adequate protection for all interested parties.