

**VERMONT SUPREME COURT
ADVISORY COMMITTEE ON RULES OF PROBATE PROCEDURE**

AGENDA FOR MEETING OF FEBRUARY 17, 2022

1.
 - A. Approval of draft minutes of the meeting of December 2, 2021, previously distributed.
 - B. Replacement of Laurie Howell, who has resigned. Chairman Kilgore to report.

2. Status of proposed and recommended amendments.
 - A. Effect on Probate and Appellate Rules of draft amendments to the 2020 Vermont Rules on Electronic Filing. Chairman Kilgore to report on proposed E-Filing Rules Committee's subcommittee to propose amendments dealing with filing and destruction of original probate documents.
 - B. Issues concerning A.O. 49 as amended through February 7, 2022. Professor Wroth to report.
 - C. Proposed amendment adding V.R.P.P. 66(b) to provide standards for estate, guardianship, and trust inventories sent out for comment on October 15, with comments due December 15, 2021. See <https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDVRPP66--FOR%20COMMENT.pdf>. Chairman Kilgore to report on comments received.
 - D. Proposed order abrogating V.R.P.P. 18(d), sent out for comment on February 9, with comments due on April 11, 2022. <https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDAbrogatingVRPP18%28d%29--FOR%20COMMENT.pdf>. (See agenda item 8, December 2, 2021, Probate Rules meeting). Chairman Kilgore to report on comments received.
 - E. Proposed order amending V.R.C.P. 5 and related rules, sent out for comment on December 13, 2021, with comments due on February 14, 2022. See https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDVRCP%205_6%28a%29%284%29_29_79.1--FOR%20COMMENT.pdf. Consideration of effect on V.R.P.P. 5

3. V.R.P.P. 17(a). Need for service on interested persons in light of *In re Holbrook's Estate I*, 2016 VT 13. See also *Id. II*, 2017 VT 15; Chairman Kilgore's email of December 2, 2021, regarding V.R.P.P. 3(b)(3). Discussion of his and Committee members' concerns on all service rules.
4. Elections, V.R.P.P. 13, Form 49, and 14 V.S.A. § 305 and 27 V.S.A. § 105 in light of Act 195 (S.29). Deferred at December 2 meeting. Mr. Gawne and Mr. Sheng to report on questions (1) when an objection to an election could be made and (2) how the rule would work in a case of concurrent jurisdiction among divisions.
5. Need for Rules to implement Act 167 of 2020, §§ 15 (amending 14 V.S.A. § 107, allowance of wills) and 28-29 (adding 4 V.S.A. § 35 (27), providing concurrent jurisdiction with Family Division of judicial determinations issued under new 14 V.S.A. ch. 111, subch. 14 regarding the custody and care of children under certain federal Immigration legislation. Chairman Kilgore to report on possible joint subcommittee with Family Rules Committee to consider issues.
6. V.R.P.P. 5.1(b)(1). Service on beneficiaries of report on license to sell. Chairman Kilgore to report on discussion with Probate Division Oversight Committee regarding potential amendment of Rule 5(b)(1) requiring report and development of a statutory requirement that report be filed and served on all beneficiaries
7. Inconsistency between 12 V.S.A. § 557 and 14 V.S.A. § 1203. Chairman Kilgore to report on discussion with Probate Division Oversight Committee regarding possible statutory clarification of inconsistencies in light of discussion at Probate Rules Committee's September 16 meeting.
8. V.R.P.P. 79.1(d). Attorneys Not Admitted to Practice in Vermont. Consider Civil Rules Committee's proposal to amend V.R.C.P. 79.1(e). Chairman Kilgore and Professor Wroth to report.
9. Representation of minors by guardians ad litem and attorneys in probate matters. Chairman Kilgore and Professor Wroth to present proposed new V.R.P.P. 80.12.
10. Other business.
11. Date of next meeting.