



General Assembly

Amendment

January Session, 2003

LCO No. 6687

HB0550406687HD0

Offered by:

REP. STONE, 9th Dist.

To: Subst. House Bill No. 5504

File No. 615

Cal. No. 419

(As Amended)

"AN ACT ESTABLISHING THE NORTHWEST CORNER PROBATE DISTRICT AND A BLUE RIBBON COMMISSION ON THE PROBATE COURT SYSTEM."

1 Strike out section 5 in its entirety and insert the following in lieu
2 thereof:

3 "Sec. 5. Section 45a-77 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2003*):

5 (a) The Probate Court Administrator may attend to any matters
6 which the Probate Court Administrator deems necessary for the
7 efficient operation of courts of probate and for the expeditious
8 dispatch and proper conduct of the business of [those] such courts. The
9 Probate Court Administrator may make recommendations to the
10 General Assembly for legislation for the improvement of the
11 administration of the courts of probate.

12 (b) (1) The Probate Court Administrator may issue regulations [,

13 provided such regulations are approved in accordance with this
14 subsection. Such regulations] that shall be binding on all courts of
15 probate and shall concern the auditing, accounting, statistical, billing,
16 recording, filing, administrative procedures and other court
17 procedures. [(2) The Probate Court Administrator may adopt
18 regulations, in accordance with chapter 54, provided such regulations
19 are approved in accordance with this subsection. Such regulations
20 shall be binding on all courts of probate and shall concern] the
21 availability of judges, court facilities, court personnel and salaries,
22 records [,] and hours of court operation. [and telephone service. (3)]

23 (2) Either the Probate Court Administrator or the executive
24 committee of the Connecticut Probate Assembly may propose such
25 regulations. Any regulation proposed by the Probate Court
26 Administrator shall be submitted to the executive committee of the
27 Connecticut Probate Assembly for approval. Any regulation proposed
28 by the executive committee of the Connecticut Probate Assembly shall
29 be submitted to the Probate Court Administrator for approval. If either
30 the Probate Court Administrator or the executive committee of the
31 Connecticut Probate Assembly fails to approve a proposed regulation,
32 such proposed regulation may be submitted to a panel of three
33 Superior Court judges appointed by the Chief Justice of the Supreme
34 Court. The panel of judges, after consideration of the positions of the
35 Probate Court Administrator and the executive committee of the
36 Probate Assembly, shall either approve the proposed regulation or
37 reject the proposed regulation.

38 (3) Any regulation proposed by the Probate Court Administrator or
39 the executive committee of the Connecticut Probate Assembly shall be
40 submitted to each member of the Connecticut Probate Assembly for
41 review and comment prior to the approval of such proposed
42 regulation pursuant to subdivision (2) of this subsection. Such
43 members shall be given a period of not less than thirty days for such
44 review and comment.

45 (c) The Probate Court Administrator shall regularly review the

46 auditing, accounting, statistical, billing, recording, filing,
47 administrative procedures and other procedures of the several courts
48 of probate.

49 (d) The Probate Court Administrator shall, personally, or by an
50 authorized designee of the Probate Court Administrator who has been
51 admitted to the practice of law in this state for at least five years, or by
52 another person acting under the direct supervision of such designee,
53 visit each court of probate at least once during each two-year period to
54 examine the records and files of such court in the presence of the judge
55 of the court or the judge's authorized designee. The Probate Court
56 Administrator shall make [whatever] any additional inquiries [are
57 deemed] that the Probate Court Administrator deems appropriate [,] to
58 ascertain whether the business of the court, including the charging of
59 costs and payments to the State Treasurer, has been conducted in
60 accordance with law, rules of the courts of probate and the canons of
61 judicial ethics, and to obtain information concerning the business of
62 the courts of probate which is necessary for the [administrator] Probate
63 Court Administrator to perform properly the duties of the office.

64 (e) If the Probate Court Administrator determines, in accordance
65 with subsection (c) or (d) of this section, that the business of a court of
66 probate has not been conducted in accordance with law, rules of the
67 courts of probate or the canons of judicial ethics, the Probate Court
68 Administrator, in the Probate Court Administrator's discretion and
69 after consultation with the judge of such court and providing such
70 judge with a reasonable opportunity to conform the business of such
71 court to the requirements of such law, rules or cannons, may: (1)
72 Reassign any case to another judge of probate by citation pursuant to
73 section 45a-120; or (2) cite another judge of probate to assist the judge
74 of such court in conducting the business of such court.

75 (f) Any judge of probate who is the subject of an action of the
76 Probate Court Administrator pursuant to subsection (e) of this section
77 may request a hearing to review such action. A request for such
78 hearing shall be in writing and shall be given to the Probate Court

79 Administrator not later than five business days following the date of
80 such action. Any such hearing shall be held before a panel of three
81 judges of probate not later than ten days from the date such request is
82 received by the Probate Court Administrator. Such panel shall consist
83 of (1) the president-judge of the Connecticut Probate Assembly or, in
84 the event of the absence or disability of the president-judge, the first
85 vice-president-judge of the Connecticut Probate Assembly, who shall
86 preside at such hearing, and (2) two members of the executive
87 committee of the Connecticut Probate Assembly designated by the
88 president-judge or vice-president-judge. After hearing, a majority of
89 such panel may affirm, reverse or modify the action of the Probate
90 Court Administrator taken pursuant to subsection (e) of this section.
91 Any proceedings conducted pursuant to subsection (e) of this section
92 and this subsection shall be confidential unless the judge of probate
93 who is the subject of the proceedings requests that such proceedings be
94 public."