



House of Representatives

General Assembly

File No. 579

January Session, 2005

House Bill No. 6747

House of Representatives, April 28, 2005

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING REGIONAL CHILDREN'S PROBATE COURTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-8a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) For the purposes of this section, "children's matters" means:
4 [guardianship] (1) Guardianship matters under sections 45a-603 to 45a-
5 625, inclusive; [,] (2) termination of parental rights matters under
6 sections 45a-706 to 45a-719, inclusive; [,] (3) adoption matters under
7 sections 45a-724 to 45a-733, inclusive, 45a-736 and 45a-737; [,] (4)
8 claims for paternity under section 46b-172a; [,] (5) emancipation
9 matters under sections 46b-150 to 46b-150e, inclusive; [,] and (6)
10 voluntary admission matters under section 17a-11.

11 (b) The Probate Court Administrator shall, within available
12 resources, establish a regional children's probate court [pilot program]
13 in a [single] region that shall consist of the probate districts of New

14 Haven, Branford, East Haven, Hamden, Milford, North Branford,
15 North Haven, Orange, West Haven and Woodbridge. In establishing
16 such [pilot program] court, the Probate Court Administrator shall
17 consult with the probate judges of such districts, each of whom may
18 participate [in such pilot program] on a voluntary basis.

19 (c) In addition to the court established under subsection (b) of this
20 section, the Probate Court Administrator may establish six additional
21 regional children's probate courts in regions designated by the Probate
22 Court Administrator. In establishing such courts, the Probate Court
23 Administrator shall consult with the probate judges of the districts
24 located in each designated region, each of whom may participate on a
25 voluntary basis.

26 (d) [Within the region designated under this subsection, the] The
27 Probate Court Administrator may establish a regional children's
28 probate court under this section in (1) any existing probate court
29 facility within a district located in [the] a region, or (2) a separate
30 facility located in [the] a region as may be designated by the Probate
31 Court Administrator. [The] Each regional children's probate court shall
32 be established and operated with the advice of the participating
33 probate judges of such districts and the administrative judge
34 appointed under subsection [(d)] (g) of this section. Such participating
35 probate judges and administrative judge shall serve as the judges of
36 the regional children's probate court, except as provided in subdivision
37 (1) of subsection [(d)] (g) of this section. Such judges shall hear and
38 determine all children's matters as may come before them on a docket
39 separate from other probate matters.

40 (e) (1) For the purposes of this section, the Probate Court
41 Administrator may, subject to the provisions of section 45a-84, expend
42 from the Probate Court Administration Fund established under section
43 45a-82 such amounts as the Probate Court Administrator may deem
44 reasonable and necessary for the establishment, improvement or
45 maintenance of court facilities and operations in order to facilitate the
46 consolidation of court functions and operations of any probate districts

47 or combination of probate courts.

48 (2) Nothing in this section shall be construed to relieve any town of
49 its obligation to provide and maintain court facilities pursuant to
50 section 45a-8.

51 ~~[(c)]~~ (f) The Probate Court Administrator may, subject to the
52 provisions of section 45a-84, expend moneys from the Probate Court
53 Administration Fund [established under section 45a-82] to pay for
54 necessary improvements of a facility designated as [the] a regional
55 children's probate court under [subsection (b) of] this section, to pay
56 operating expenses of [the] a regional children's probate court and to
57 reimburse participating towns or cities for any costs of leasing office
58 space for [the] a regional children's probate court, and any necessary
59 improvements thereto, and for expenses under subsection ~~[(d)]~~ (g) of
60 this section.

61 ~~[(d)]~~ (g) (1) The Probate Court Administrator, with the advice of the
62 participating probate judges of the districts [set forth in subsection (b)
63 of this section] located in the designated region, shall appoint an
64 administrative judge for [the] each regional children's probate court.
65 The administrative judge shall be a probate judge at the time of such
66 appointment. If the administrative judge ceases to serve as a probate
67 judge after such appointment, the administrative judge may continue
68 to serve as administrative judge at the pleasure of the Probate Court
69 Administrator, but shall not have the powers granted to an elected
70 probate judge and shall not hear and determine children's matters
71 before [the] such regional children's probate court. Subject to the
72 approval of the Chief Court Administrator, the Probate Court
73 Administrator shall fix the compensation of the administrative judge
74 and such compensation shall be paid from the [fund established under
75 section 45a-82] Probate Court Administration Fund. Such
76 compensation, together with the administrative judge's compensation
77 as a probate judge of the district to which he or she was elected, shall
78 not exceed the compensation provided under subsection (k) of section
79 45a-92. The administrative judge shall have such benefits as may inure

80 to him or her as a probate judge and shall receive no additional
81 benefits, except for compensation provided under this section.

82 (2) [The] Each administrative judge shall be responsible for the
83 management of cases, coordination of social services, staff, financial
84 management and record keeping for the regional children's probate
85 court for which the administrative judge is appointed. The
86 administrative judge may, with the approval of the Probate Court
87 Administrator, purchase furniture, office supplies, computers and
88 other equipment and contract for services that the administrative judge
89 may deem necessary or advisable for the expeditious conduct of the
90 business of the regional children's probate court. Such expenses shall
91 be paid for pursuant to section 45a-8. If a separate facility for [the] a
92 regional children's probate court is established pursuant to subdivision
93 (2) of subsection [(b)] (d) of this section, the participating town or city
94 shall be reimbursed for such expenses from the Probate Court
95 Administration Fund upon presentation of vouchers to the Probate
96 Court Administrator.

97 [(e)] (h) [The] Each administrative judge for [the] a regional
98 children's probate court may, with the approval of the Probate Court
99 Administrator, employ such persons as may be required for the
100 efficient operation of the regional children's probate court. Such
101 employees shall be employees of the regional children's probate court
102 and shall be entitled to the benefits of probate court employees under
103 this chapter. Such employees shall not be deemed to be state
104 employees.

105 [(f) (1) Except as provided in subdivision (2) of this subsection: (A)]

106 (i) Any probate court within [the] a region designated under
107 subsection (b) or (c) of this section may transfer children's matters to
108 the regional children's probate court for such region. [; and (B) the]
109 Any regional children's probate court may accept transfers and
110 referrals of children's matters from probate courts within [the] its
111 region.

112 [(2) No new children's matters shall be transferred or referred to or
 113 filed with the regional children's court on or after July 1, 2007. Nothing
 114 in this subdivision shall be construed to affect the power of the judges
 115 of the regional children's court to hear and decide, or exercise
 116 continuing jurisdiction over, children's matters brought before the
 117 regional children's court prior to said date.]

118 [(g) The] (j) Each regional children's probate court shall be
 119 considered a probate court for the purposes of this chapter.

120 [(h)] (k) The Probate Court Administrator shall establish policies
 121 and procedures to implement the [pilot program established under]
 122 provisions of this section. On or before January 3, 2007, the Probate
 123 Court Administrator shall submit a report concerning the operation
 124 and effectiveness of [such pilot program, including any
 125 recommendations for the continuation and expansion of such pilot
 126 program,] the regional children's probate courts established under this
 127 section to the joint standing committee of the General Assembly
 128 having cognizance of matters relating to the judiciary, in accordance
 129 with section 11-4a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	45a-8a

JUD *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 06 \$	FY 07 \$
Probate Court	PCAF - Cost	potential 1,140,000	potential 900,000

Note: PCAF=Probate Court Administration Fund

Municipal Impact: None

Explanation

The bill allows the probate court administrator (PCA) to establish six additional children’s probate courts in regions designated by the administrator. Were all six courts to be opened, the cost would be \$900,000/year.¹ These costs include salaries and expenses.

In addition, it is anticipated that these new courts would be added to existing court locations and would result in costs of about \$40,000/location for reconfiguration and construction of additional space including equipment and supplies.

¹ Based on the current children’s probate court pilot in New Haven which costs about \$150,000/year to operate.

OLR Bill Analysis

HB 6747

AN ACT CONCERNING REGIONAL CHILDREN'S PROBATE COURTS**SUMMARY:**

This bill makes the New Haven regional children's probate court pilot program permanent. Currently, case referrals to it must end by October 1, 2007. It also authorizes the probate court administrator to establish six more regional children's probate courts under the same conditions as applied to the New Haven court's creation. He may select the regions and must consult with the probate judges of the districts located in the designated region. As under the pilot program, these judges can voluntarily participate in the regional program and may advise the probate court administrator in selecting the administrative judge for their regions.

The bill permits the probate court administrator to use Probate Court Administration Fund money as necessary to establish, improve, or maintain the regional facilities and operations in order to facilitate consolidation of court functions and operations of any probate districts or court combinations. By law, budgeted expenditures from the fund are submitted to the probate court's executive committee for their comments before being submitted for the chief court administrator's approval.

The bill indicates that it does not relieve any town of its legal obligation to provide and maintain probate courts.

The new probate court administrator must include information on the operation and effectiveness of the regional courts in the report on the New Haven court he must submit to the Judiciary Committee on January 3, 2007.

EFFECTIVE DATE: October 1, 2005

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 35 Nay 5