



House of Representatives

File No. 823

General Assembly

January Session, 2005

(Reprint of File No. 579)

House Bill No. 6747
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 31, 2005

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 Section 45a-8a of the general statutes is repealed and the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,
45 maintenance and operations of court facilities located in each such
46 designated region.

47 (2) Nothing in this section shall be construed to relieve any town of

48 its obligation to provide and maintain court facilities pursuant to
49 section 45a-8.

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

60 [(d)] (g) (1) The Probate Court Administrator, with the advice of the
61 participating probate judges of the districts [set forth in subsection (b)
62 of this section] located in the designated region, shall appoint an
63 administrative judge for [the] each regional children's probate court.
64 The administrative judge shall be a probate judge at the time of such
65 appointment. If the administrative judge ceases to serve as a probate
66 judge after such appointment, the administrative judge may continue
67 to serve as administrative judge at the pleasure of the Probate Court
68 Administrator, but shall not have the powers granted to an elected
69 probate judge and shall not hear and determine children's matters
70 before [the] such regional children's probate court. Subject to the
71 approval of the Chief Court Administrator, the Probate Court
72 Administrator shall fix the compensation of the administrative judge
73 and such compensation shall be paid from the [fund established under
74 section 45a-82] Probate Court Administration Fund. Such
75 compensation, together with the administrative judge's compensation
76 as a probate judge of the district to which he or she was elected, shall
77 not exceed the compensation provided under subsection (k) of section
78 45a-92. The administrative judge shall have such benefits as may inure
79 to him or her as a probate judge and shall receive no additional
80 benefits, except for compensation provided under this section.

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

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

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

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

111 [(2) No new children's matters shall be transferred or referred to or
112 filed with the regional children's court on or after July 1, 2007. Nothing

113 in this subdivision shall be construed to affect the power of the judges
114 of the regional children's court to hear and decide, or exercise
115 continuing jurisdiction over, children's matters brought before the
116 regional children's court prior to said date.]

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

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

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

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.

The bill also clarifies that the Probate Court Administrator may expend funds from the Probate Court Administration Fund only for purposes of establishing, improving, maintaining, and operating the court facilities located in the six regions that have been designated children’s courts. The bill clarifies that the consolidation of probate courts is solely related to the establishment of regional children’s probate courts.

House “A” clarified language in the original bill and did not have a fiscal impact.

OLR Bill Analysis

HB 6747 (File 579, as amended by House "A")*

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, maintain, or operate court facilities in the six designated regions. 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 by January 3, 2007.

*House Amendment "A" restricts probate court funding for "operations" to "operations of court facilities in the six designated

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

regions.”

EFFECTIVE DATE: October 1, 2005

BACKGROUND

Legislative History

The House referred the bill (File 579) to the Appropriations and Legislative Management committees on May 3 and May 17, respectively. The committees reported it favorably on May 10 and May 23, respectively.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 35 Nay 5

Appropriations Committee

Joint Favorable Report
Yea 36 Nay 5

Joint Committee on Legislative Management

Joint Favorable Report
Yea 21 Nay 3