



General Assembly

January Session, 2005

Raised Bill No. 1198

LCO No. 3933

03933_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE REORGANIZATION OF THE COURTS OF PROBATE.

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

1 Section 1. (NEW) (*Effective July 1, 2006*) (a) Each probate district
2 established under section 45a-2 of the general statutes shall be served
3 by a court of probate that is an urban probate court or a local probate
4 court.

5 (1) An urban probate court shall be the court of probate in a probate
6 district that has a population of fifty thousand or more individuals.

7 (2) A local probate court shall be the court of probate in a probate
8 district that has a population of fewer than fifty thousand individuals.

9 (b) For the purposes of this section and subsections (a) to (h),
10 inclusive, of section 45a-92 of the general statutes, as amended by this
11 act, population shall be determined on January first annually based on
12 the population or estimated population of the various towns as
13 reported in the most recently published edition of the State Register
14 and Manual, rounded up to the nearest whole thousand.

15 (c) Urban probate courts and local probate courts may not begin
16 considering matters as such courts until January 3, 2007.

17 Sec. 2. (NEW) (*Effective July 1, 2006*) (a) There shall be, as courts of
18 probate, any specialty probate court established pursuant to section
19 45a-8a of the general statutes, as amended by this act, and thirteen
20 other specialty probate courts to hear complex matters or to hear
21 matters in which special facilities or unique training of the judge of
22 probate and staff is essential.

23 (b) A specialty probate court may, with the approval of the judge of
24 the specialty probate court, hear matters transferred to it by any judge
25 of probate in the probate region in which the specialty probate court is
26 located. A specialty probate court shall hear matters transferred to it by
27 the Probate Court Administrator.

28 (c) Specialty probate courts may not begin considering matters as
29 such courts until January 3, 2007, except as provided in section 45a-8a
30 of the general statutes, as amended by this act.

31 Sec. 3. (NEW) (*Effective July 1, 2006*) (a) The Probate Court
32 Administrator may establish eight probate regions made up of one or
33 more probate districts established under section 45a-2 of the general
34 statutes. The Probate Court Administration Fund established under
35 section 45a-82 of the general statutes, as amended by this act, on the
36 order of the Probate Court Administrator, shall fund the expenses of
37 the operation of any regional probate courts established for such
38 regions.

39 (b) Probate regions established under subsection (a) of this section
40 may not begin functioning, and any regional probate courts
41 established for such regions may not begin considering matters as such
42 courts, until January 3, 2007.

43 Sec. 4. (NEW) (*Effective July 1, 2006*) (a) There shall be special
44 assignment probate judges appointed by the Chief Justice of the

45 Supreme Court, on nomination by the Probate Court Administrator,
46 from among the judges of probate elected as provided in section 45a-18
47 of the general statutes and from among judges of probate who are
48 retired. A nominee of the Probate Court Administrator shall be a judge
49 of probate or retired judge of probate who has demonstrated the
50 special skill, experience or expertise necessary to serve as a special
51 assignment probate judge. A special assignment probate judge shall
52 serve at the pleasure of the Chief Justice.

53 (b) Special assignment probate judges (1) shall have all of the
54 powers of, and may hear and decide any matter that may be heard and
55 decided by, an elected judge of probate, (2) may preside over such
56 matters as shall be assigned by the Probate Court Administrator, and
57 (3) may assist the Probate Court Administrator in carrying out the
58 duties of the office, including, but not limited to, administering
59 probate regions established pursuant to section 3 of this act, presiding
60 over specialty probate courts, and adjudicating matters before a court
61 of probate that require special skill, experience or expertise or in which
62 the presiding judge is disqualified.

63 Sec. 5. (NEW) (*Effective July 1, 2006*) (a) A judge of probate who is in
64 office on January 3, 2007, and who is not a special assignment probate
65 judge as provided in section 4 of this act, may hear all matters properly
66 before the judge's court as long as the judge remains continuously in
67 office, except that the Probate Court Administrator shall, on request of
68 a party or on the court's own motion, transfer any matter that is
69 contested, as defined by regulations issued pursuant to section 45a-77
70 of the general statutes, as amended by this act, to a special assignment
71 probate judge for hearing and adjudication.

72 (b) A judge of probate who takes office after January 3, 2007, and
73 who is not a special assignment probate judge as provided in section 4
74 of this act, may hear all matters properly before the judge's court
75 except for any matter that is contested, as defined by regulations
76 issued pursuant to section 45a-77 of the general statutes, as amended

77 by this act. Any such matter that is contested shall be transferred to a
78 special assignment probate judge for hearing and adjudication.

79 Sec. 6. (NEW) (*Effective July 1, 2006*) Subject to the approval of the
80 Chief Court Administrator, the Probate Court Administrator shall fix
81 the compensation of special assignment probate judges appointed
82 pursuant to section 4 of this act. Such compensation shall, on the order
83 of the Probate Court Administrator, be paid from the Probate Court
84 Administration Fund established under section 45a-82 of the general
85 statutes, as amended by this act. Such compensation, together with the
86 judge's compensation as a probate judge of the district to which he or
87 she was elected, shall not exceed the compensation provided under
88 subsection (i) of section 45a-92 of the general statutes, as amended by
89 this act. A special assignment probate judge shall have such benefits as
90 may inure to him or her as a judge of probate and shall receive no
91 additional benefits, except compensation provided under this section.

92 Sec. 7. Section 45a-36a of the general statutes is repealed and the
93 following is substituted in lieu thereof (*Effective July 1, 2006*):

94 Any judge of probate in office on or after October 1, 1997, whose
95 probate district is merged with another district and who has not been
96 elected to a term which begins at the time of, or subsequent to, such
97 consolidation, (1) shall be allowed to participate in the group
98 hospitalization and medical and surgical insurance plan or plans
99 procured by the Comptroller pursuant to section 5-259, as amended by
100 this act, as provided in subsection (m) of said section, (2) may elect to
101 receive four years of credited service, as defined in subdivision (2) of
102 section 45a-34, [(2)] (3) may elect to receive a reduction of his or her
103 retirement age of not more than four years pursuant to subsection (a)
104 of section 45a-36, or [(3)] (4) may elect any combination of subdivisions
105 [(1) and] (2) and (3) of this section, provided such combination shall
106 not exceed four years in total.

107 Sec. 8. Section 45a-56 of the general statutes is repealed and the
108 following is substituted in lieu thereof (*Effective July 1, 2006*):

109 (a) Notwithstanding the provisions of section 5-259, as amended by
110 this act, before January 3, 2007, the Comptroller, with the approval of
111 the Attorney General and the Insurance Commissioner, shall arrange
112 and procure a group hospitalization and medical and surgical
113 insurance and dental insurance plan for the probate judges and
114 employees retirement system with coverage equal to that available
115 under section 5-259, as amended by this act, or otherwise available, to
116 retired state employees and their spouses and surviving spouses.

117 (b) Any member of the probate judges and employees retirement
118 system who is retired and receiving benefits from such system, and the
119 spouse of any such member, and upon the death of any such member,
120 such member's surviving spouse, while receiving benefits from such
121 system, may elect to participate in the group insurance plan procured
122 by the Comptroller under subsection (a) of this section.

123 (c) [The] (1) Before January 3, 2007, the premium charged for any
124 such member and spouse or surviving spouse who elects to participate
125 in the group hospitalization and medical and surgical portion of such
126 coverage shall be paid from the retirement fund established pursuant
127 to section 45a-35. [Twenty] On and after January 3, 2007, such coverage
128 shall be provided to such member and spouse or surviving spouse
129 under the same terms and conditions as required for coverage
130 provided to retired state employees and shall be paid from funds
131 appropriated by the General Assembly.

132 (2) Before January 3, 2007, twenty per cent of the premium charged
133 for any such member and spouse or surviving spouse who elects to
134 participate in the group dental portion of such coverage shall be paid
135 from said retirement fund [,] and the remainder of the premium for
136 such coverage shall be paid by the participant. On and after January 3,
137 2007, twenty per cent of the premium for such coverage shall be paid
138 from funds appropriated by the General Assembly and the remainder
139 of the premium for such coverage shall be paid by the participant.

140 (d) Any such member and spouse or surviving spouse who is a

141 participant in the group insurance plan in effect prior to October 1,
142 1994, may elect to participate in the plan set forth in subsection (a) of
143 this section at the premiums set forth in subsection (c) of this section,
144 provided such election is made within sixty days of October 1, 1994.

145 Sec. 9. Section 45a-77 of the general statutes is repealed and the
146 following is substituted in lieu thereof (*Effective July 1, 2006*):

147 (a) The Probate Court Administrator may attend to any matters
148 [which] that the Probate Court Administrator deems necessary for the
149 efficient operation of courts of probate and for the expeditious
150 dispatch and proper conduct of the business of [those] such courts. The
151 Probate Court Administrator may make recommendations to the
152 General Assembly for legislation for the improvement of the
153 administration of the courts of probate.

154 (b) [(1)] The Probate Court Administrator may issue regulations [,
155 provided such regulations are approved in accordance with this
156 subsection. Such regulations] that shall be binding on all courts of
157 probate. Such regulations shall implement the provisions of this
158 section and sections 1 to 6, inclusive, 11 and 12 of this act and sections
159 45a-36a, 45a-56 and 45a-92, as amended by this act, and shall otherwise
160 concern [the auditing] matters for the administration of the probate
161 court system, including, but not limited to: (1) Auditing, accounting,
162 statistical, billing, recording, filing, administrative and other court
163 procedures; [(2) The Probate Court Administrator may adopt
164 regulations, in accordance with chapter 54, provided such regulations
165 are approved in accordance with this subsection. Such regulations
166 shall be binding on all courts of probate and shall concern] (2) the
167 availability of judges; [(3) court facilities; [(4) court personnel,
168 salaries and records; [(5) hours of court operation; [and telephone
169 service. (3)] (6) the assignment of special assignment probate judges
170 appointed pursuant to section 4 of this act; (7) reassignment and
171 transfer of cases; and (8) budgets, income and expenditures of courts of
172 probate. Either the Probate Court Administrator or the executive

173 committee of the Connecticut Probate Assembly may propose such
174 regulations. Any regulation proposed by the Probate Court
175 Administrator shall be submitted to the executive committee of the
176 Connecticut Probate Assembly for approval. Any regulation proposed
177 by the executive committee of the Connecticut Probate Assembly shall
178 be submitted to the Probate Court Administrator for approval. If either
179 the Probate Court Administrator or the executive committee of the
180 Connecticut Probate Assembly fails to approve a proposed regulation,
181 such proposed regulation may be submitted to a panel of three
182 Superior Court judges appointed by the Chief Justice of the Supreme
183 Court. The panel of judges, after consideration of the positions of the
184 Probate Court Administrator and the executive committee of the
185 Connecticut Probate Assembly, shall either approve the proposed
186 regulation or reject the proposed regulation.

187 (c) The Probate Court Administrator shall regularly review the
188 auditing, accounting, statistical, billing, recording, filing,
189 administrative and other procedures of the several courts of probate.

190 (d) The Probate Court Administrator shall, personally, or by an
191 authorized designee of the Probate Court Administrator who has been
192 admitted to the practice of law in this state for at least five years, or by
193 another person acting under the supervision of such designee, visit
194 each court of probate at least once during each two-year period to
195 examine the records and files of such court in the presence of the judge
196 of the court or the judge's authorized designee. The Probate Court
197 Administrator shall make [whatever] any additional inquiries [are
198 deemed] that the Probate Court Administrator deems appropriate [,] to
199 ascertain whether the business of the court, including the charging of
200 costs and payments to the State Treasurer, has been conducted in
201 accordance with law, the rules of the courts of probate and the canons
202 of judicial ethics, and to obtain information concerning the business of
203 the courts of probate which is necessary for the [administrator] Probate
204 Court Administrator to perform properly the duties of the office.

205 (e) If the Probate Court Administrator determines, in accordance
206 with the provisions of this section, that the business of a court of
207 probate has not been conducted in accordance with law, the rules of
208 the courts of probate or the canons of judicial ethics, or that the
209 business of a court of probate is not being conducted properly or with
210 expeditious dispatch, the Probate Court Administrator, in his or her
211 discretion, may reassign any case pending before such court to another
212 judge of probate by means of a citation in the manner provided in
213 section 45a-120, or cite another judge of probate to assist the judge of
214 such court in conducting the business of such court, or both. The
215 Probate Court Administrator shall give written notice of such citation
216 to the judge of such court.

217 (f) Any judge of probate who is the subject of an action of the
218 Probate Court Administrator under subsection (e) of this section may
219 request a hearing to review such action. Such request shall be in
220 writing and shall be given to the Probate Court Administrator within
221 five business days following the action under subsection (e) of this
222 section. A hearing shall be held, within ten business days following the
223 receipt of such written request by the Probate Court Administrator,
224 before a panel of three judges of probate. Such panel shall consist of
225 the president-judge of the Connecticut Probate Assembly or, in the
226 absence or disability of the president-judge, the first vice-president-
227 judge of the Connecticut Probate Assembly, and two members of the
228 executive committee of the Connecticut Probate Assembly designated
229 by the president-judge or first vice-president-judge. The president-
230 judge or first vice-president-judge shall preside at the hearing. After
231 the hearing, a majority of the judges on the panel may affirm, reverse
232 or modify the action of the Probate Court Administrator under
233 subsection (e) of this section.

234 Sec. 10. Section 45a-92 of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective July 1, 2006*):

236 [(a) Each person who is a judge of probate at any time during any

237 calendar year shall file with the Probate Court Administrator on or
238 before March first of the succeeding year a statement signed under
239 penalty of false statement showing the actual gross receipts and
240 itemized costs of his or her office and the net income for each such
241 calendar year. If such person ceases to hold office, he or she shall also
242 file with the Probate Court Administrator, on or before March first of
243 the second and third years next following, a statement signed under
244 penalty of false statement showing his or her net income from his or
245 her former office for the first and second calendar years next following
246 the calendar year in which he or she ceased to hold office. At the time
247 of filing, each such person shall pay to the State Treasurer as
248 hereinafter provided the sum required by this section, less sums
249 previously paid to the State Treasurer on account. Payment shall be
250 credited by the State Treasurer to the fund established by section
251 45a-82.

252 (b) The personal representative of each person who holds the office
253 of judge of probate, at any time during any calendar year, and dies
254 while in office, or within twenty-four months after ceasing to hold
255 office, shall file with the Probate Court Administrator, on or before
256 March first next following such death, a statement signed under
257 penalty of false statement showing the actual gross receipts and
258 itemized costs of the decedent's office for the preceding calendar year
259 and the decedent's net income from that office for such calendar year.
260 The personal representative shall file with the Probate Court
261 Administrator on or before March first of the second year following
262 said death a statement signed under penalty of false statement
263 showing the net income to the decedent's estate from such office for
264 the preceding calendar year.]

265 (a) Each judge of probate shall pay to the State Treasurer all of the
266 gross receipts of the judge's court as provided in this section. The
267 receipts required by this section shall be paid at times established by
268 regulations issued pursuant to section 45a-77, as amended by this act.
269 Payment shall be credited by the State Treasurer to the Probate Court

270 Administration Fund established under section 45a-82, as amended by
271 this act.

272 (b) Each judge of probate shall submit to the Probate Court
273 Administrator a proposed budget for the next succeeding fiscal year,
274 including proposed expenditures for the judge's court, estimated gross
275 receipts of the court and estimated compensation for the judge, for
276 review and approval or modification by the Probate Court
277 Administrator. The cost of hospitalization and medical and surgical
278 insurance and dental insurance coverage shall not be included in any
279 budget proposed or approved in accordance with this subsection. The
280 budget for a local probate court shall not exceed the lesser of (1) an
281 amount equal to five dollars multiplied by the population of the town
282 in which such court is located, or (2) the amount of gross receipts of
283 such court. The Probate Court Administrator shall, by regulations
284 issued pursuant to section 45a-77, as amended by this act, establish
285 procedures for the submission and approval or modification of
286 budgets under this subsection and for review of any such modification
287 if requested by a judge of probate.

288 (c) The Probate Court Administrator shall pay all expenses, except
289 the cost of hospitalization and medical and surgical insurance and
290 dental insurance coverage, of each urban probate court, local probate
291 court, including any local probate court that serves five or more towns
292 having a combined population of ten thousand or more individuals,
293 and specialty probate court, and all compensation of each judge of
294 such urban probate court, local probate court or specialty probate
295 court, in the amount of the budget approved in accordance with
296 subsection (b) of this section. Such expenses and compensation shall be
297 paid as provided in this section from the Probate Court Administration
298 Fund, on submission of vouchers provided by the Probate Court
299 Administrator, pursuant to regulations issued by the Probate Court
300 Administrator pursuant to section 45a-77, as amended by this act.

301 [(c) Each judge of probate or personal representative except a judge

302 of probate who is Probate Court Administrator shall at the time of
303 filing such returns pay to the State Treasurer to be credited to the fund
304 established by section 45a-82, a percentage of the annual net income
305 from such office]

306 (d) The Probate Court Administrator shall pay from the Probate
307 Court Administration Fund an amount of compensation for a judge of
308 an urban probate court or a local probate court based on the following
309 table in which the percentage appearing in the left column shall first be
310 multiplied by the minimum annual compensation of a high volume
311 court as provided in subsection [(k)] (i) of this section, as in effect on
312 the first day of July of the calendar year for which an assessment is due
313 pursuant to this section, the product of which shall then be multiplied
314 by the applicable percentage appearing in the right column:

First 20% of the compensation assessment rate of a high volume court	[\$1 nominal] 100%
Next 6.67%	[5] 95%
Next 6.66%	[10] 90%
Next 6.67%	[15] 85%
Next 6.67%	[25] 75%
Next 6.66%	[35] 65%
Next 13.34%	50%
Next 33.33%	[75] 25%
Next 33.67%	[80] 20%
Next 66.67%	[85] 15%
Next 133.33%	[95] 5%

Excess over 333.67%, up to the maximum amount computed at 97.5%
by the Probate Court Administrator

All over the maximum amount computed at 100% by the Probate
Court Administrator.

315 The amount paid according to the formula set forth in this subsection
316 shall be subject to the following: As used [herein] in this subsection,
317 "maximum amount" [shall mean] means the amount of annual net
318 income from such office which, when applying the percentage
319 payments set forth above, shall result in the judge of probate
320 [retaining] receiving as net compensation, after the payment of the
321 above amounts, no more than the product resulting from the
322 multiplication of seventy-two dollars by the annual weighted-
323 workload of the court, as defined by regulations [to be adopted] issued
324 by the Probate Court Administrator pursuant to [subdivision (3) of
325 subsection (b) of] section 45a-77, as amended by this act, but not to
326 exceed the compensation of a high volume court as set forth in
327 subsection [(k)] (i) of this section, provided [this] such limitation shall
328 not apply to [those] the courts described in subsection [(k)] (i) of this
329 section. [Such payment shall be deemed to be a necessary expense of
330 such office but shall not be deductible from the gross income for the
331 purpose of determining net income of such office under this section.]
332 Notwithstanding the provisions of this subsection, the annual
333 minimum compensation of a judge of probate shall be no less than the
334 product resulting from the multiplication of fifteen dollars by the
335 annual weighted-workload of the court, as defined by regulations [to
336 be adopted] issued by the Probate Court Administrator pursuant to
337 [subdivision (3) of subsection (b)] of section 45a-77, as amended by this
338 act, or no less than the judge's average compensation for the three-year
339 period from January 1, 1996, to December 31, 1998, but, in no event
340 shall [that] such minimum compensation exceed that provided
341 pursuant to subsection [(k)] (i) of this section. A judge who is the
342 Probate Court Administrator shall be compensated pursuant to section
343 45a-75 and shall receive no compensation from the court over which
344 such judge presides.

345 [(d) (1) Any judge of probate who is the Probate Court
346 Administrator shall pay to the State Treasurer, to be credited to said
347 fund, one hundred per cent of the annual net income from his office

348 during the period of time he serves as Probate Court Administrator. (2)
349 For the purposes of this assessment, fees received after but earned
350 before his appointment as Probate Court Administrator shall be subject
351 to the assessment set forth in the table in this section. Fees received
352 after such judge of probate ceases to be the Probate Court
353 Administrator but earned during his term as Probate Court
354 Administrator shall be paid in full to the State Treasurer after the
355 deduction of the expenses of his office. (3) The books and records of
356 any judge of probate acting as Probate Court Administrator shall be
357 audited by the Auditors of Public Accounts at the beginning of his
358 term as Probate Court Administrator and thereafter at least annually
359 during his term as Probate Court Administrator and upon completion
360 of his term as Probate Court Administrator or as judge of probate
361 whichever occurs first. (4) A judge of probate who is Probate Court
362 Administrator shall make no expenditure in his court for salaries,
363 equipment, or any other expenditure exceeding the sum of one
364 hundred dollars in the aggregate, annually, without first having
365 obtained the approval of the Chief Court Administrator.

366 (e) (1) On or before January thirty-first of each year, each person
367 required to make payment under this section shall estimate such
368 annual net income and shall advise the Probate Court Administrator
369 thereof, upon such forms and pursuant to such regulations as said
370 administrator shall promulgate. (2) Each person who takes office as a
371 judge of probate after February first of any calendar year, as the result
372 of death, retirement, resignation or removal of the immediately
373 previous incumbent of that office, shall file his estimate of annual net
374 income with the Probate Court Administrator and shall make the
375 necessary payment to the State Treasurer in accordance therewith not
376 later than sixty days after taking office.

377 (f) If, based upon such estimate, the amount payable shall be less
378 than one hundred dollars, the payment thereof shall be made in one
379 payment on or before December thirty-first of the applicable year.
380 Otherwise, the amount payable shall be made in four substantially

381 equal installments payable on or before the last day of March, June,
382 September and December of the applicable year, except that in the case
383 of an estimate filed pursuant to subdivision (2) of subsection (e) of this
384 section, the amount payable under such estimate shall be made in
385 substantially equal installments on such installment payment dates
386 next following the timely filing of such estimate in such year. The
387 estimated payment may be amended and changed at any time during
388 the year in which it is payable by increasing or decreasing the amount.
389 The amount of such increase or decrease shall be paid for or adjusted
390 in the installment or payment due at the time the estimated assessment
391 is next payable after such amendment. The Probate Court
392 Administrator may adopt regulations pursuant to subdivision (1) of
393 subsection (b) of section 45a-77 to carry out the intent of this
394 subsection.]

395 [(g)] (e) Upon the completion of each calendar year, and in any
396 event on or before the first day of April of the succeeding calendar
397 year, each [person] judge of probate required to make payment under
398 subsection (a) of this section shall make a report signed under penalty
399 of false statement to the Probate Court Administrator, upon forms
400 prescribed by and subject to regulations [promulgated by the
401 administrator] issued by the Probate Court Administrator, of the
402 following: (1) The gross income received by virtue of such judge's
403 office; (2) actual expenses incurred in connection with [the] such office;
404 (3) the net income of such office; [prior to the payment of the
405 assessment installments hereinbefore provided;] (4) the amount [paid]
406 received by such judge during the preceding calendar year [to the State
407 Treasurer] on account of the [foregoing estimate] estimated gross
408 receipts and estimated compensation contained in the budget
409 approved in accordance with subsection (b) of this section; and (5) the
410 amount of the difference, if any, between the amount so paid and the
411 amount actually due. [This] Such report shall be open to public
412 inspection.

413 (f) Any judge of probate who ceases to hold office shall file with the

414 Probate Court Administrator, on or before April first of the second and
415 third years next following, a statement signed under penalty of false
416 statement showing his or her net income from his or her former office
417 for the first and second calendar years next following the calendar year
418 in which he or she ceased to hold office.

419 [(h)] (g) If the amount already paid to a judge of probate by the
420 Probate Court Administrator from the Probate Court Administration
421 Fund was less than the amount due, [such person] the Probate Court
422 Administrator shall, on [or before March first of the succeeding
423 calendar year] verification of underpayment, pay from said fund to the
424 [State Treasurer] judge the entire [deficiency] balance due. If the
425 amount already paid to a judge of probate by the Probate Court
426 Administrator from the Probate Court Administration Fund was more
427 than the amount due, [such person shall either, at his election and
428 pursuant to regulations promulgated by the State Treasurer, be
429 entitled to a refund of such excess payment to be paid from the fund
430 provided by section 45a-82, or a credit in the amount of the
431 overpayment to be charged against the future obligations of such
432 person to] the judge shall pay to the State Treasurer for deposit in said
433 fund the entire overpayment.

434 [(i)] (1) If any estimated quarterly payments required to be paid
435 pursuant to subsection (f) of this section is less than one-fourth of
436 seventy per cent of the total assessment due for that year or less than
437 one-fourth of ninety-five per cent of the assessment paid for the prior
438 year, such person shall be obligated to pay to such fund a penalty of
439 ten per cent of the amount of the deficiency, except that the Probate
440 Court Administrator may waive such penalty for cause in accordance
441 with regulations adopted pursuant to subdivision (1) of subsection (b)
442 of section 45a-77. Any such penalty shall become payable upon
443 demand by the Probate Court Administrator, and be due within thirty
444 days after such demand, in accordance with regulations promulgated
445 by the Probate Court Administrator, and shall be subject to interest
446 under subdivision (2) of this subsection in the event of default in such

447 payment. (2) Any payments required under subsection (f) or (h) which
448 are not paid at the applicable times prescribed in said subsections, and
449 any penalty payment required under subdivision (1) of this subsection
450 which is not timely paid, shall incur simple interest at the rate
451 applicable under section 12-376 for delinquent payment of succession
452 and transfer taxes where no extension has been granted, to be payable
453 to the Treasurer and to be added to the fund established under section
454 45a-82.]

455 (h) If the compensation paid to a judge of probate pursuant to a
456 budget approved in accordance with subsection (b) of this section
457 exceeds by ten per cent the actual compensation to which the judge
458 was entitled pursuant to subsection (d) of this section, the judge shall
459 pay to the State Treasurer for deposit in the Probate Court
460 Administration Fund a penalty of ten per cent of the excess
461 compensation paid to the judge, except that the Probate Court
462 Administrator may waive such penalty for cause. Any alleged
463 delinquency of a judge of probate in making any payments [as]
464 required under this section shall be referred by the State Treasurer to
465 the Attorney General for such action as the Attorney General deems
466 necessary.

467 [(j) (1) As used in this subsection and subsections (c) to (i), inclusive,
468 of this section, for any calendar year, the term "actual expenses
469 incurred in connection therewith" may include as an allowable
470 deduction the amount of any net operating loss for a prior calendar
471 year as provided in this section. (2) The term "net operating loss"
472 means the excess of itemized costs and expenses of office allowed by
473 this section over the gross income. A net operating loss may be
474 deducted in the calendar year following the year in which the net
475 operating loss occurred, but (A) if the net income of such subsequent
476 year is not sufficient to pay all of such net operating loss, then the
477 balance of such net operating loss may be deducted in the second
478 calendar year following such net operating loss; and (B) if the net
479 income of such second calendar year is not sufficient to pay all of the

480 remaining net operating loss, then the balance of such net operating
481 loss may be deducted in the third calendar year following such net
482 operating loss. In no event shall any such net operating loss or part
483 thereof be deductible for any report beyond the third calendar year in
484 which it occurred.]

485 [(k)] (i) Notwithstanding the provisions of subsection [(c)] (d) of this
486 section concerning percentage payments, the Probate Court
487 Administrator shall pay, from the Probate Court Administration Fund,
488 to a judge of probate who is the judge in a court of probate designated
489 as a high volume court, [shall be permitted to retain as net
490 compensation, before the payment of any amounts due under sections
491 45a-34 to 45a-54, inclusive, and 45a-75, the sum which shall be the
492 greater of (1) the net compensation resulting from the application of
493 the percentages in subsection (c) of this section or (2) compensation
494 earned after payment of actual expenses of the office not to exceed]
495 compensation equivalent to seventy-five per cent of the amount of the
496 salary of a Superior Court judge, as determined in accordance with
497 subsection (a) of section 51-47, as determined on July first of the
498 calendar year for which the assessments are being paid pursuant to
499 this section. If a judge of probate of a high volume court leaves office
500 during a calendar year, or if a judge of probate of a high volume court
501 assumes office and serves during a portion of the calendar year, [the
502 minimum net] such compensation [provided in this section] shall be
503 prorated in accordance with the number of days served during the
504 calendar year as the numerator, and three hundred and sixty-five as
505 the denominator, provided if the business of the court in a calendar
506 year does not produce sufficient income with which to pay [the
507 minimum net] such compensation, then payment for [that] such year
508 shall not be extended to subsequent calendar years. For the purposes
509 of this subsection, "high volume court" [shall mean] means a court of
510 probate which serves a district having an estimated population of
511 seventy thousand or more persons as reported in the State Register
512 and Manual for the calendar year immediately preceding [(A)] (1) the
513 year for which the judge was elected, [(B)] (2) the year in which such

514 judge was elected, or [(C)] (3) any year of the term of office of such
515 judge. [The amount of assessment payable to the State Treasurer under
516 this section shall be reduced by the amount necessary to provide to the
517 judge the minimum compensation to which such judge is entitled
518 under this section, and the estimates of annual net income required in
519 subsections (e) and (f) of this section may be reduced accordingly.
520 Minimum compensation as provided herein shall only be payable if all
521 ordinary and necessary expenses of the court are paid.]

522 (j) (1) Any judge of probate who is the Probate Court Administrator
523 shall pay to the State Treasurer, to be credited to the Probate Court
524 Administration Fund, one hundred per cent of the annual net income
525 from such judge's office during the period of time such judge serves as
526 Probate Court Administrator. (2) For the purposes of the assessment
527 set forth in this subsection, fees received after but earned before such
528 judge's appointment as Probate Court Administrator shall be subject to
529 the assessment set forth in subsection (d) of this section. Fees received
530 after such judge ceases to be the Probate Court Administrator but
531 earned during such judge's term as Probate Court Administrator shall
532 be paid in full to the State Treasurer after the deduction of the
533 expenses of such judge's office. (3) The books and records of any judge
534 of probate acting as Probate Court Administrator shall be audited by
535 the Auditors of Public Accounts at the beginning of such judge's term
536 as Probate Court Administrator and thereafter at least annually during
537 such judge's term as Probate Court Administrator and upon
538 completion of such judge's term as Probate Court Administrator or as
539 judge of probate, whichever occurs first. (4) A judge of probate who is
540 the Probate Court Administrator shall make no expenditure in such
541 judge's court for salaries, equipment, or any other expenditure
542 exceeding the sum of one hundred dollars in the aggregate, annually,
543 without first having obtained the approval of the Chief Court
544 Administrator.

545 (k) The personal representative of any person who holds the office
546 of judge of probate, at any time during any calendar year, and dies

547 while in office, or within twenty-four months after ceasing to hold
548 office, shall file with the Probate Court Administrator, on or before
549 April first next following such death, a statement signed under penalty
550 of false statement showing the actual gross receipts and itemized costs
551 of the decedent's office for the preceding calendar year and the
552 decedent's net income from such office for such calendar year. The
553 personal representative shall file with the Probate Court Administrator
554 on or before April first of the second year following such death a
555 statement signed under penalty of false statement showing the net
556 income to the decedent's estate from such office for the preceding
557 calendar year.

558 Sec. 11. (NEW) (*Effective July 1, 2006*) There shall be a probate court
559 advisory committee consisting of ten or more judges of probate
560 selected by the executive committee of the Connecticut Probate
561 Assembly. The advisory committee, or such panels of the advisory
562 committee as may be chosen by the Probate Court Administrator, shall
563 assist the Probate Court Administrator in such matters as he or she
564 may identify, including, but not limited to, management of the courts
565 of probate and review of court budgets, judges' compensation and
566 judges' performance.

567 Sec. 12. (NEW) (*Effective July 1, 2006*) The Probate Court
568 Administrator, with the approval of the Chief Court Administrator,
569 may advance necessary temporary funding from the Probate Court
570 Administration Fund established under section 45a-82 of the general
571 statutes, as amended by this act, in the manner provided in section
572 45a-94 of the general statutes for the operation of a court of probate, to
573 implement the provisions of this section and subsections (g) and (m) of
574 section 5-259 of the general statutes, as amended by this act, sections 1
575 to 6, inclusive, and 11 of this act and sections 45a-36a, 45a-56, 45a-77
576 and 45a-92 of the general statutes, as amended by this act, and may
577 take such administrative and management actions and issue such
578 regulations pursuant to section 45a-77 of the general statutes, as
579 amended by this act, as are necessary to assure that matters in the

580 courts of probate are acted on in a timely manner before full
581 implementation of the provisions of this section and subsections (g)
582 and (m) of section 5-259 of the general statutes, as amended by this act,
583 sections 1 to 6, inclusive, and 11 of this act and sections 45a-36a, 45a-56,
584 45a-77 and 45a-92 of the general statutes, as amended by this act, on
585 January 3, 2007, and to assure full implementation of said provisions
586 on January 3, 2007.

587 Sec. 13. Subsection (g) of section 5-259 of the general statutes is
588 repealed and the following is substituted in lieu thereof (*Effective July*
589 *1, 2006*):

590 (g) Notwithstanding the provisions of subsection (a) of this section,
591 before January 3, 2007, the Probate Court Administration Fund
592 established [in accordance with] under section 45a-82, as amended by
593 this act, shall pay for each probate judge and Probate Court employee
594 not more than one hundred per cent of the portion of the premium
595 charged for [his] the individual coverage of such judge or employee
596 and not more than fifty per cent of any additional cost for [his] the
597 form of coverage of such judge or employee. [The] Before January 3,
598 2007, the remainder of the premium for such coverage shall be paid by
599 the probate judge or Probate Court employee to the State Treasurer.
600 Payment shall be credited by the State Treasurer to the fund
601 established [by] under section 45a-82, as amended by this act. The total
602 premiums payable shall be remitted by the Probate Court
603 Administrator directly to the insurance company or companies or
604 nonprofit organization or organizations providing the coverage. On
605 and after January 3, 2007, such coverage shall be provided to each
606 probate judge and Probate Court employee under the same terms and
607 conditions as required for coverage provided to state employees and
608 shall be paid from funds appropriated by the General Assembly. The
609 Probate Court Administrator shall [establish] issue regulations
610 governing group hospitalization and medical and surgical insurance
611 [in accordance with subdivision (1) of subsection (b) of] pursuant to
612 section 45a-77, as amended by this act.

613 Sec. 14. Section 5-259 of the general statutes is amended by adding
614 subsection (m) as follows (*Effective July 1, 2006*):

615 (NEW) (m) On and after January 3, 2007, any judge of probate
616 qualified pursuant to section 45a-36a, as amended by this act, shall be
617 allowed to participate in the plan or plans procured by the
618 Comptroller pursuant to subsection (a) of this section. Such
619 participation shall be voluntary and the participant shall pay the full
620 cost of the coverage under such plan.

621 Sec. 15. Subdivision (1) of subsection (d) of section 45a-8a of the
622 general statutes is repealed and the following is substituted in lieu
623 thereof (*Effective July 1, 2006*):

624 (d) (1) The Probate Court Administrator, with the advice of the
625 participating probate judges of the districts set forth in subsection (b)
626 of this section, shall appoint an administrative judge for the regional
627 children's court. The administrative judge shall be a probate judge at
628 the time of such appointment. If the administrative judge ceases to
629 serve as a probate judge after such appointment, the administrative
630 judge may continue to serve as administrative judge at the pleasure of
631 the Probate Court Administrator, but shall not have the powers
632 granted to an elected probate judge and shall not hear and determine
633 children's matters before the regional children's court. Subject to the
634 approval of the Chief Court Administrator, the Probate Court
635 Administrator shall fix the compensation of the administrative judge
636 and such compensation shall be paid from the fund established under
637 section 45a-82, as amended by this act. Such compensation, together
638 with the administrative judge's compensation as a probate judge of the
639 district to which he or she was elected, shall not exceed the
640 compensation provided under subsection [(k)] (i) of section 45a-92, as
641 amended by this act. The administrative judge shall have such benefits
642 as may inure to him or her as a probate judge and shall receive no
643 additional benefits, except for compensation provided under this
644 section.

645 Sec. 16. Subsection (c) of section 45a-54 of the general statutes is
646 repealed and the following is substituted in lieu thereof (*Effective July*
647 *1, 2006*):

648 (c) For an employee member, the commission shall determine the
649 amount of the contribution required, for the purposes of subsections
650 (a) and (b) of this section, based on his annual rate of pay at the date of
651 application. For a judge member, the commission shall determine said
652 amount based on the average of the annual actual net income for the
653 judge of his court [, as determined from the income reports filed under
654 section 45a-92,] for the three calendar years prior to the date of
655 application, except that if the judge applying for such credit has taken
656 office in a probate district which has not been in existence for three
657 years, the Probate Court Administrator initially shall estimate said
658 annual net income; thereafter, such judge shall make or receive an
659 adjustment in contributions, during the fourth calendar year of his
660 service as a judge of probate, such that his retirement contributions for
661 his purchased service credit shall be computed on the basis of the
662 average of his annual actual net income for the first three calendar
663 years of his service as a judge of probate.

664 Sec. 17. Subsection (j) of section 45a-82 of the general statutes is
665 repealed and the following is substituted in lieu thereof (*Effective July*
666 *1, 2006*):

667 (j) In the event that any court of probate otherwise receives income
668 which is insufficient to meet, on an ongoing basis, the reasonable and
669 necessary financial needs of that court, including the salaries of the
670 judge and the judge's staff, there shall be transferred from time to time
671 from the Probate Court Administration Fund such amounts as are
672 determined by the Probate Court Administrator to be reasonable and
673 necessary for the proper administration of each such court. Except as
674 provided in subsection [(k)] (i) of section 45a-92, as amended by this
675 act, the judge's annual salary shall not exceed the average annual
676 salary of such judge for the three-year period next preceding the

677 request for financial assistance or the product resulting from the
 678 multiplication of fifteen dollars by the annual weighted-workload of
 679 the court, as defined in subsection [(c)] (d) of section 45a-92, as
 680 amended by this act, whichever is greater, but not to exceed the annual
 681 compensation provided in subsection [(k)] (i) of section 45a-92, as
 682 amended by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2006	New section
Sec. 2	July 1, 2006	New section
Sec. 3	July 1, 2006	New section
Sec. 4	July 1, 2006	New section
Sec. 5	July 1, 2006	New section
Sec. 6	July 1, 2006	New section
Sec. 7	July 1, 2006	45a-36a
Sec. 8	July 1, 2006	45a-56
Sec. 9	July 1, 2006	45a-77
Sec. 10	July 1, 2006	45a-92
Sec. 11	July 1, 2006	New section
Sec. 12	July 1, 2006	New section
Sec. 13	July 1, 2006	5-259(g)
Sec. 14	July 1, 2006	5-259
Sec. 15	July 1, 2006	45a-8a(d)(1)
Sec. 16	July 1, 2006	45a-54(c)
Sec. 17	July 1, 2006	45a-82(j)

Statement of Purpose:

To reorganize the probate court system in order to assure that it remains a viable, self-funded system and to address the financial condition of the courts of probate.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]