



General Assembly

Amendment

January Session, 2005

LCO No. 6600

HB0674706600HDO

Offered by:

REP. SPALLONE, 36th Dist.

REP. O'CONNOR, 35th Dist.

SEN. DAILY, 33rd Dist.

To: House Bill No. 6747

File No. 579

Cal. No. 411

"AN ACT CONCERNING REGIONAL CHILDREN'S PROBATE COURTS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 45a-8a of the general statutes is repealed and the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

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

13 (b) The Probate Court Administrator shall, within available
14 resources, establish a regional children's probate court pilot program
15 in a single region that shall consist of the probate districts of New
16 Haven, Branford, East Haven, Hamden, Milford, North Branford,
17 North Haven, Orange, West Haven and Woodbridge. In establishing
18 such pilot program, the Probate Court Administrator shall consult
19 with the probate judges of such districts, each of whom may
20 participate in such pilot program on a voluntary basis. Within the
21 region designated under this subsection, the Probate Court
22 Administrator may establish a regional children's probate court in (1)
23 any existing probate court facility within a district located in the
24 region, or (2) a separate facility located in the region as may be
25 designated by the Probate Court Administrator. The regional
26 children's probate court shall be established and operated with the
27 advice of the participating probate judges of such districts and the
28 administrative judge appointed under subsection (d) of this section.
29 Such participating probate judges and administrative judge shall serve
30 as the judges of the regional children's probate court, except as
31 provided in subdivision (1) of subsection (d) of this section. Such
32 judges shall hear and determine all children's matters as may come
33 before them on a docket separate from other probate matters.

34 (c) The Probate Court Administrator may, subject to the provisions
35 of section 45a-84, expend moneys from the Probate Court
36 Administration Fund established under section 45a-82 to pay for
37 necessary improvements of a facility designated as the regional
38 children's probate court under subsection (b) of this section, to pay
39 operating expenses of the regional children's probate court and to
40 reimburse participating towns or cities for any costs of leasing office
41 space for the regional children's probate court, and any necessary
42 improvements thereto, and for expenses under subsection (d) of this
43 section.

44 (d) (1) The Probate Court Administrator, with the advice of the
45 participating probate judges of the districts set forth in subsection (b)
46 of this section, shall appoint an administrative judge for the regional

47 children's probate court. The administrative judge shall be a probate
48 judge at the time of such appointment. If the administrative judge
49 ceases to serve as a probate judge after such appointment, the
50 administrative judge may continue to serve as administrative judge at
51 the pleasure of the Probate Court Administrator, but shall not have the
52 powers granted to an elected probate judge and shall not hear and
53 determine children's matters before the regional children's probate
54 court. Subject to the approval of the Chief Court Administrator, the
55 Probate Court Administrator shall fix the compensation of the
56 administrative judge and such compensation shall be paid from the
57 fund established under section 45a-82. Such compensation, together
58 with the administrative judge's compensation as a probate judge of the
59 district to which he or she was elected, shall not exceed the
60 compensation provided under subsection (k) of section 45a-92. The
61 administrative judge shall have such benefits as may inure to him or
62 her as a probate judge and shall receive no additional benefits, except
63 for compensation provided under this section.

64 (2) The administrative judge shall be responsible for the
65 management of cases, coordination of social services, staff, financial
66 management and record keeping for the regional children's probate
67 court. The administrative judge may, with the approval of the Probate
68 Court Administrator, purchase furniture, office supplies, computers
69 and other equipment and contract for services that the administrative
70 judge may deem necessary or advisable for the expeditious conduct of
71 the business of the regional children's probate court. Such expenses
72 shall be paid for pursuant to section 45a-8. If a separate facility for the
73 regional children's probate court is established pursuant to subdivision
74 (2) of subsection (b) of this section, the participating town or city shall
75 be reimbursed for such expenses from the Probate Court
76 Administration Fund upon presentation of vouchers to the Probate
77 Court Administrator.

78 (e) The administrative judge for the regional children's probate
79 court may, with the approval of the Probate Court Administrator,
80 employ such persons as may be required for the efficient operation of

81 the regional children's probate court. Such employees shall be
82 employees of the regional children's probate court and shall be entitled
83 to the benefits of probate court employees under this chapter. Such
84 employees shall not be deemed to be state employees.

85 (f) (1) Except as provided in subdivision (2) of this subsection: (A)
86 Any probate court within the region designated under subsection (b)
87 of this section may transfer children's matters to the regional children's
88 probate court; and (B) the regional children's probate court may accept
89 transfers and referrals of children's matters from probate courts within
90 the region.

91 (2) No new children's matters shall be transferred or referred to or
92 filed with the regional children's probate court on or after July 1, [2007]
93 2009. Nothing in this subdivision shall be construed to affect the power
94 of the judges of the regional children's probate court to hear and
95 decide, or exercise continuing jurisdiction over, children's matters
96 brought before the regional children's probate court prior to said date.

97 (g) The regional children's probate court shall be considered a
98 probate court for the purposes of this chapter.

99 (h) The Probate Court Administrator shall establish policies and
100 procedures to implement the pilot program established under this
101 section. On or before January 3, 2007, the Probate Court Administrator
102 shall submit a report concerning (1) the operation and effectiveness of
103 such pilot program, [including] (2) any recommendations for the
104 continuation [and expansion] or discontinuation of such pilot program,
105 (3) any recommendations for the expansion of such pilot program to
106 other regions of the state, (4) a detailed accounting of the funding for
107 and expenditures of such pilot program, including a report by line
108 item for each fiscal year of operation of such pilot program, and (5) a
109 proposed budget for the implementation and operation of any
110 recommended expansion of such pilot program, including a budget for
111 each additional regional children's probate court recommended in the
112 report, to the joint standing committee of the General Assembly having

113 cognizance of matters relating to the judiciary, in accordance with
114 section 11-4a."

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