



General Assembly

Amendment

January Session, 2005

LCO No. 7092

SB0119807092SD0

Offered by:

SEN. DAILY, 33rd Dist.
SEN. STILLMAN, 20th Dist.
SEN. RORABACK, 30th Dist.
SEN. GUGLIELMO, 35th Dist.

REP. ORANGE, 48th Dist.
REP. SPALLONE, 36th Dist.
REP. O'CONNOR, 35th Dist.

To: Subst. Senate Bill No. 1198

File No. 611

Cal. No. 447

"AN ACT CONCERNING PROBATE COURT REFORM."

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

3 "Section 1. Subsection (a) of section 45a-82 of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective July*
5 *1, 2005*):

6 (a) The Probate Court Administration Fund is established, to consist
7 of the amounts [hereinafter] provided in this section, to be paid over as
8 [herein] provided in this section to the State Treasurer. For the fiscal
9 year ending June 30, 2007, and each fiscal year thereafter, amounts in
10 the fund may be expended only pursuant to appropriation by the
11 General Assembly.

12 Sec. 2. Section 45a-84 of the general statutes is repealed and the

13 following is substituted in lieu thereof (*Effective July 1, 2005*):

14 (a) The provisions of this subsection shall be applicable to fiscal
15 years before the fiscal year ending June 30, 2007. On or before April
16 first of each year, the Probate Court Administrator shall prepare a
17 proposed budget for the next succeeding fiscal year beginning July
18 first, for the appropriate expenditures of funds from the Probate Court
19 Administration Fund to carry out the statutory duties of the Probate
20 Court Administrator. The Probate Court Administrator shall submit
21 the proposed budget to the executive committee of the Probate
22 Assembly for review. The executive committee shall return the
23 proposed budget to the Probate Court Administrator no later than
24 May first, together with its comments and recommendations
25 concerning the proposed expenditures. The Probate Court
26 Administrator shall thereafter prepare a proposed final budget,
27 including such changes recommended by the executive committee as
28 the Probate Court Administrator deems appropriate. On or before May
29 fifteenth, the Probate Court Administrator shall transmit the proposed
30 final budget to the Chief Court Administrator for approval, together
31 with the comments and recommendations of the executive committee
32 of the Probate Assembly. On or before June fifteenth of that year, the
33 Chief Court Administrator shall take such action on the budget, or any
34 portion thereof, as the Chief Court Administrator deems appropriate.
35 If the Chief Court Administrator fails to act on the proposed budget on
36 or before June fifteenth, the budget shall be deemed approved as
37 proposed.

38 (b) The provisions of this subsection shall be applicable to fiscal
39 years before the fiscal year ending June 30, 2007. The Probate Court
40 Administrator may, from time to time, request authority from the
41 Chief Court Administrator to expend additional money from the
42 Probate Court Administration Fund to respond to any matter that
43 could not have been reasonably anticipated in the regular budget
44 process. A copy of all such requests shall be sent to the president judge
45 of the Connecticut Probate Assembly. If the Chief Court Administrator
46 fails to act on the request within twenty-one calendar days of receipt of

47 the request, the request shall be deemed approved.

48 (c) For the fiscal year ending June 30, 2007, and each fiscal year
49 thereafter, the Probate Court Administrator, in consultation with the
50 Connecticut Probate Assembly and the Chief Court Administrator,
51 shall prepare estimates for the appropriate expenditure of funds from
52 the Probate Court Administration Fund, and any recommended
53 adjustments and revisions to such estimates, to carry out the statutory
54 duties of the Probate Court Administrator. Such estimates shall be
55 included in the estimates of expenditure requirements, and any
56 recommended adjustments and revisions of such estimates,
57 transmitted by the judicial branch pursuant to section 4-77.

58 ~~[(c)]~~ (d) The Probate Court Administrator may authorize such
59 expenditures from the Probate Court Administration Fund for
60 emergency purposes as from time to time may be necessary, provided
61 the aggregate amount of such emergency expenditures for any one
62 fiscal year shall not exceed five thousand dollars. A report on each
63 such expenditure shall be sent to the Chief Court Administrator, [and]
64 the [president judge] president-judge of the Connecticut Probate
65 Assembly and the chairpersons of the joint standing committees of the
66 General Assembly having cognizance of matters relating to the
67 judiciary and appropriations and the budgets of state agencies within
68 ten days after the expenditure is made.

69 Sec. 3. Section 45a-107 of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective July 1, 2005*):

71 (a) The basic costs for all proceedings in the settlement of the estate
72 of any deceased person, including succession and estate tax
73 proceedings, shall be in accordance with the provisions of this section.

74 (b) For estates in which proceedings are commenced on or after July
75 1, 2006, costs shall be computed in accordance with the schedule
76 required under subsection (b) of section 45a-107a, as amended by this
77 act.

78 [(b)] (c) For estates in which proceedings were commenced on or
 79 after April 1, 1998, and prior to July 1, 2006, costs shall be computed as
 80 follows:

81 (1) The basis for costs shall be (A) the gross estate for succession tax
 82 purposes, as provided in section 12-349, the inventory, including all
 83 supplements thereto, or the gross estate for estate tax purposes, as
 84 provided in chapters 217 and 218, whichever is greater, plus (B) all
 85 damages recovered for injuries resulting in death minus any hospital
 86 and medical expenses for treatment of such injuries resulting in death
 87 minus any hospital and medical expenses for treatment of such injuries
 88 that are not reimbursable by medical insurance and minus the
 89 attorney's fees and other costs and expenses of recovering such
 90 damages. Any portion of the basis for costs that is determined by
 91 property passing to the surviving spouse shall be reduced by fifty per
 92 cent. Except as provided in subdivision (3) of this subsection, in no
 93 case shall the minimum cost be less than twenty-five dollars.

94 (2) Except as provided in subdivisions (3) and (4) of this subsection,
 95 costs shall be assessed in accordance with the following table:

T1	Basis for Computation	
T2	Of Costs	Total Cost
T3	0 to \$500	\$25
T4	\$501 to \$1,000	\$50
T5	\$1,000 to \$10,000	\$50, plus 1% of all
T6		in excess of \$1,000
T7	\$10,000 to \$500,000	\$150, plus .35% of all
T8		in excess of \$10,000
T9	\$500,000 to \$4,754,000	\$1,865, plus .25% of all
T10		in excess of \$500,000
T11	\$4,754,000 and over	\$12,500

96 (3) Notwithstanding the provisions of subdivision (1) of this
 97 subsection, if the basis for costs is less than ten thousand dollars and a
 98 full estate is opened, the minimum cost shall be one hundred fifty
 99 dollars.

100 (4) In estates where the gross taxable estate is less than six hundred
 101 thousand dollars, in which no succession tax return is required to be
 102 filed, a probate fee of .1 per cent shall be charged against non-solely-
 103 owned real estate, in addition to any other fees computed under this
 104 section.

105 [(c)] (d) For estates in which proceedings were commenced on or
 106 after July 1, 1993, and prior to April 1, 1998, costs shall be computed as
 107 follows:

108 (1) The basis for costs shall be: (A) The gross estate for succession
 109 tax purposes, as provided in section 12-349, or the inventory, including
 110 all supplements thereto, whichever is greater, plus (B) all damages
 111 recovered for injuries resulting in death minus any hospital and
 112 medical expenses for treatment of such injuries that are not
 113 reimbursable by medical insurance and minus the attorney's fees and
 114 other costs and expenses of recovering such damages. Any portion of
 115 the basis for costs that is determined by property passing to the
 116 surviving spouse shall be reduced by fifty per cent. Except as provided
 117 in subdivision (3) of this subsection, in no case shall the minimum cost
 118 be less than ten dollars.

119 (2) Except as provided in subdivision (3) of this subsection, costs
 120 shall be assessed in accordance with the following table:

T12	Basis for Computation	
T13	Of Costs	Total Cost
T14	0 to \$1,000	\$10.00
T15	\$1,000 to \$10,000	\$10, plus 1% of all

T16		in excess of \$1,000
T17	\$10,000 to \$500,000	\$100, plus .30% of all
T18		in excess of \$10,000
T19	\$500,000 to \$4,715,000	\$1,570, plus .20% of all
T20		in excess of \$500,000
T21	\$4,715,000 and over	\$10,000

121 (3) If the basis for costs is less than ten thousand dollars and a full
122 estate is opened, the minimum cost shall be one hundred dollars.

123 [(d)] (e) For estates in which proceedings were commenced on or
124 after July 1, 1983, and prior to July 1, 1993, costs shall be computed as
125 follows:

126 (1) The basis for costs shall be: (A) The gross estate for succession
127 tax purposes, as provided in section 12-349, minus one-third of the first
128 fifty thousand dollars of any part of the gross estate for succession tax
129 purposes that passes other than by will or under the laws of intestacy,
130 plus (B) all damages recovered for injuries resulting in death minus
131 any hospital and medical expenses for treatment of such injuries that
132 are not reimbursable by medical insurance and minus the attorney's
133 fees and other costs and expenses of recovering such damages.

134 (2) Costs shall be assessed in accordance with the following table:

T22	Basis for Computation	
T23	Of Costs	Total Cost
T24	0 to \$1,000	\$10.00
T25	\$1,000 to \$10,000	\$10, plus 1% of all
T26		in excess of \$1,000
T27	\$10,000 to \$100,000	\$100, plus .30% of all
T28		in excess of \$10,000
T29	\$100,000 to \$200,000	\$370, plus .25% of all

T30		in excess of \$100,000
T31	\$200,000 to \$500,000	\$620, plus .2% of all
T32		in excess of \$200,000
T33	\$500,000 to \$1,000,000	\$1,220, plus .15% of all
T34		in excess of \$500,000
T35	\$1,000,000 to \$5,000,000	\$1,970, plus .125% of all
T36		in excess of \$1,000,000
T37	\$5,000,000 and over	\$6,970, plus .1% of all
T38		in excess of \$5,000,000

135 [(e)] (f) For estates in which proceedings were commenced prior to
 136 July 1, 1983, costs shall be computed as follows:

T39	With respect to any estate	Costs computed under:
T40	in which any proceedings	
T41	were commenced or	
T42	succession tax documents filed:	
T43	Prior to January 1, 1968	Section 45-17 of the
T44		1961 supplement to
T45		the general statutes
T46	Prior to July 1, 1969, but	Section 45-17a of the
T47	on or after January 1, 1968	1967 supplement to
T48		the general statutes
T49	Prior to July 1, 1978, but	Section 45-17a of the
T50	on or after July 1, 1969	1969 supplement to
T51		the general statutes
T52	Prior to July 1, 1983, but	Section 45-17a of the
T53	on or after July 1, 1978	general statutes,
T54		revised to
T55		January 1, 1983

137 [(f)] (g) If more than one hearing is held in any matter under this
138 section, an additional charge of twenty-five dollars shall be payable to
139 the court by the estate, or, in the discretion of the court, by any
140 interested party against whom the court shall assess such additional
141 charge.

142 [(g)] (h) If the total time of any one hearing in the matter exceeds
143 one hour, an additional charge of twenty-five dollars per hour for each
144 hour in excess of the first hour shall be payable to the court by the
145 estate, or at the discretion of the court by any interested party against
146 whom the court shall assess the additional charge, provided the
147 additional charge shall not exceed three hundred dollars.

148 [(h)] (i) A charge of fifty dollars shall be payable to the court by any
149 creditor applying to the Court of Probate pursuant to section 45a-364
150 or 45a-401 for consideration of a claim. If such claim is allowed by the
151 court, the court may order the fiduciary to reimburse the charge from
152 the estate.

153 [(i)] (j) A charge of fifty dollars for an appeal shall be payable to the
154 court by the appellant.

155 [(j)] (k) A charge of fifty dollars plus the actual costs of rescheduling
156 the adjourned hearing shall be payable to the court by any party who
157 requests an adjournment of a scheduled hearing or whose failure to
158 appear necessitates an adjournment, provided the court may waive the
159 charge and costs for cause shown.

160 [(k)] (l) In no event shall any fee exceed ten thousand dollars for any
161 estate in which proceedings were commenced prior to April 1, 1998,
162 and twelve thousand five hundred dollars for any estate in which
163 proceedings were commenced on or after April 1, 1998.

164 Sec. 4. Section 45a-107a of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective from passage*):

166 (a) (1) The Probate Court Administrator, in consultation with the

167 Commissioner of Revenue Services, shall develop a method for the
168 determination of a gross estate for purposes of the computation of cost
169 for settlement of estates, pursuant to section 45a-107, as amended by
170 this act, for estates of decedents whose death occurs on or after January
171 1, 2005, and in which proceedings are commenced prior to July 1, 2006,
172 and shall prepare a form to be used by the court for such purpose.

173 [(b)] (2) The [administrator] Probate Court Administrator shall
174 report to the joint standing committees of the General Assembly
175 having cognizance of matters relating to finance, revenue and bonding
176 and the judiciary, on or before January 1, 2004. Said report shall
177 include, but is not limited to, the form which has been developed and a
178 recommendation regarding any legislative changes necessary to
179 implement the suggested method for determination of gross estate.

180 (b) (1) Not later than January 1, 2006, the Probate Court
181 Administrator, in consultation with the Connecticut Probate Assembly,
182 shall develop a schedule of costs for the settlement of estates, pursuant
183 to section 45a-107, as amended by this act, for estates in which
184 proceedings are commenced on or after July 1, 2006. Such schedule
185 shall include the basis for the computation of such costs and any
186 required forms. In developing such schedule, the Probate Court
187 Administrator shall (A) formulate a method of calculating the gross
188 value of the estate for purposes of assessing such costs that is not
189 dependent on the imposition of the succession tax under chapter 216,
190 and (B) consider the reasonable revenue requirements of the probate
191 court system and any loss of revenue resulting from the phase out of
192 such tax.

193 (2) Not later than January 1, 2006, the Probate Court Administrator
194 shall submit the schedule of costs required by this subsection, and a
195 recommendation regarding any legislative changes necessary to fully
196 implement such schedule, to the joint standing committees of the
197 General Assembly having cognizance of matters relating to the
198 judiciary and finance, revenue and bonding."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2005</i>	45a-82(a)
Sec. 2	<i>July 1, 2005</i>	45a-84
Sec. 3	<i>July 1, 2005</i>	45a-107
Sec. 4	<i>from passage</i>	45a-107a