



General Assembly

Amendment

January Session, 2005

LCO No. 8073

HB0674708073SD0

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: House Bill No. 6747

File No. 823

Cal. No. 600

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

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- 1 In line 34, strike "(g)" and insert "(f)" in lieu thereof
 - 2 In line 37, strike "(g)" and insert "(f)" in lieu thereof
 - 3 Strike lines 40 to 49, inclusive, in their entirety
 - 4 In line 50, strike "(f)" and insert "(e)" in lieu thereof
 - 5 In line 58, strike "(g)" and insert "(f)" in lieu thereof
 - 6 In line 60, strike "(g)" and insert "(f)" in lieu thereof
 - 7 In line 96, strike "(h)" and insert "(g)" in lieu thereof
 - 8 In line 105, strike "(i)" and insert "(h)" in lieu thereof

9 In line 117, strike "(j)" and insert "(i)" in lieu thereof

10 In line 119, strike "(k)" and insert "(j)" in lieu thereof

11 After the last section, add the following and renumber sections and
12 internal references accordingly:

13 "Sec. 501. Subsection (a) of section 45a-82 of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective July*
15 *1, 2005*):

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

22 Sec. 502. Section 45a-84 of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective July 1, 2005*):

24 (a) The provisions of this subsection shall be applicable to fiscal
25 years before the fiscal year ending June 30, 2007. On or before April
26 first of each year, the Probate Court Administrator shall prepare a
27 proposed budget for the next succeeding fiscal year beginning July
28 first, for the appropriate expenditures of funds from the Probate Court
29 Administration Fund to carry out the statutory duties of the Probate
30 Court Administrator. The Probate Court Administrator shall submit
31 the proposed budget to the executive committee of the Probate
32 Assembly for review. The executive committee shall return the
33 proposed budget to the Probate Court Administrator no later than
34 May first, together with its comments and recommendations
35 concerning the proposed expenditures. The Probate Court
36 Administrator shall thereafter prepare a proposed final budget,
37 including such changes recommended by the executive committee as
38 the Probate Court Administrator deems appropriate. On or before May
39 fifteenth, the Probate Court Administrator shall transmit the proposed

40 final budget to the Chief Court Administrator for approval, together
41 with the comments and recommendations of the executive committee
42 of the Probate Assembly. On or before June fifteenth of that year, the
43 Chief Court Administrator shall take such action on the budget, or any
44 portion thereof, as the Chief Court Administrator deems appropriate.
45 If the Chief Court Administrator fails to act on the proposed budget on
46 or before June fifteenth, the budget shall be deemed approved as
47 proposed.

48 (b) The provisions of this subsection shall be applicable to fiscal
49 years before the fiscal year ending June 30, 2007. The Probate Court
50 Administrator may, from time to time, request authority from the
51 Chief Court Administrator to expend additional money from the
52 Probate Court Administration Fund to respond to any matter that
53 could not have been reasonably anticipated in the regular budget
54 process. A copy of all such requests shall be sent to the president judge
55 of the Connecticut Probate Assembly. If the Chief Court Administrator
56 fails to act on the request within twenty-one calendar days of receipt of
57 the request, the request shall be deemed approved.

58 (c) For the fiscal year ending June 30, 2007, and each fiscal year
59 thereafter, the Probate Court Administrator, in consultation with the
60 Connecticut Probate Assembly and the Chief Court Administrator,
61 shall prepare estimates for the appropriate expenditure of funds from
62 the Probate Court Administration Fund, and any recommended
63 adjustments and revisions to such estimates, to carry out the statutory
64 duties of the Probate Court Administrator. Such estimates shall be
65 included in the estimates of expenditure requirements, and any
66 recommended adjustments and revisions of such estimates,
67 transmitted by the judicial branch pursuant to section 4-77.

68 [(c)] (d) The Probate Court Administrator may authorize such
69 expenditures from the Probate Court Administration Fund for
70 emergency purposes as from time to time may be necessary, provided
71 the aggregate amount of such emergency expenditures for any one
72 fiscal year shall not exceed five thousand dollars. A report on each

73 such expenditure shall be sent to the Chief Court Administrator, [and]
74 the [president judge] president-judge of the Connecticut Probate
75 Assembly and the chairpersons of the joint standing committees of the
76 General Assembly having cognizance of matters relating to the
77 judiciary and appropriations and the budgets of state agencies within
78 ten days after the expenditure is made.

79 Sec. 503. Section 45a-107 of the general statutes is repealed and the
80 following is substituted in lieu thereof (*Effective July 1, 2005*):

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

84 (b) For estates in which proceedings are commenced on or after July
85 1, 2006, costs shall be computed in accordance with the schedule
86 required under subsection (b) of section 45a-107a, as amended by this
87 act.

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

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

104 (2) Except as provided in subdivisions (3) and (4) of this subsection,
 105 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

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

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

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

118 (1) The basis for costs shall be: (A) The gross estate for succession
 119 tax purposes, as provided in section 12-349, or the inventory, including
 120 all supplements thereto, whichever is greater, plus (B) all damages
 121 recovered for injuries resulting in death minus any hospital and

122 medical expenses for treatment of such injuries that are not
 123 reimbursable by medical insurance and minus the attorney's fees and
 124 other costs and expenses of recovering such damages. Any portion of
 125 the basis for costs that is determined by property passing to the
 126 surviving spouse shall be reduced by fifty per cent. Except as provided
 127 in subdivision (3) of this subsection, in no case shall the minimum cost
 128 be less than ten dollars.

129 (2) Except as provided in subdivision (3) of this subsection, costs
 130 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

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

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

136 (1) The basis for costs shall be: (A) The gross estate for succession
 137 tax purposes, as provided in section 12-349, minus one-third of the first
 138 fifty thousand dollars of any part of the gross estate for succession tax
 139 purposes that passes other than by will or under the laws of intestacy,
 140 plus (B) all damages recovered for injuries resulting in death minus

141 any hospital and medical expenses for treatment of such injuries that
 142 are not reimbursable by medical insurance and minus the attorney's
 143 fees and other costs and expenses of recovering such damages.

144 (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

145 [(e)] (f) For estates in which proceedings were commenced prior to
 146 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

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

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

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

163 [(i)] (j) A charge of fifty dollars for an appeal shall be payable to the

164 court by the appellant.

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

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

174 Sec. 504. Section 45a-107a of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective from passage*):

176 (a) (1) The Probate Court Administrator, in consultation with the
177 Commissioner of Revenue Services, shall develop a method for the
178 determination of a gross estate for purposes of the computation of cost
179 for settlement of estates, pursuant to section 45a-107, as amended by
180 this act, for estates of decedents whose death occurs on or after January
181 1, 2005, and in which proceedings are commenced prior to July 1, 2006,
182 and shall prepare a form to be used by the court for such purpose.

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

190 (b) (1) Not later than January 1, 2006, the Probate Court
191 Administrator, in consultation with the Connecticut Probate Assembly,
192 shall develop a schedule of costs for the settlement of estates, pursuant
193 to section 45a-107, as amended by this act, for estates in which
194 proceedings are commenced on or after July 1, 2006. Such schedule

195 shall include the basis for the computation of such costs and any
196 required forms. In developing such schedule, the Probate Court
197 Administrator shall (A) formulate a method of calculating the gross
198 value of the estate for purposes of assessing such costs that is not
199 dependent on the imposition of the succession tax under chapter 216,
200 and (B) consider the reasonable revenue requirements of the probate
201 court system and any loss of revenue resulting from the phase out of
202 such tax.

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