

Testimony of Barton Russell
on Behalf of the Connecticut Council of Small Towns
Before the Judiciary Committee
of the Connecticut General Assembly
March 17, 2006

My testimony is being presented on behalf of the Connecticut Council of Small Towns, of which I am the Executive Director. I am unable to testify in person regarding HB 5598, so I am providing you a written statement, which I respectfully request be made a part of the record.

COST believes that HB 5598, An Act Concerning Administration of the Courts of Probate, would effectively mandate the consolidation of many local probate courts. COST's member towns are adamantly opposed to any top-down state initiative that forces local communities to give up essential public services. In fact, COST's 2006 standing policy, ratified by 112 member first selectmen, mayors and town managers during the its annual meeting last month is:

COST supports strengthening and preserving local probate courts in smaller communities. COST opposes the mandatory consolidation of local probate courts (directly or indirectly) and opposes any financing scheme for local courts that would be unfair to small towns. COST supports the development of a fair and equitable fee structure to help relieve the financial pressures that some probate courts may be experiencing.

Most citizens from the communities represented by COST, especially seniors, generally restrict their driving to just one or two neighboring communities. Requiring communities to consolidate raises the significant risk that an elderly, distraught widow or widower might have to navigate to a probate court in an unfamiliar town.

During the past year numerous chief elected officials from suburban and rural communities statewide have formally echoed these views on this issue. Here is a sampling of their feelings about this essential local institution:

"Our Board of Selectmen met last night and were very opposed to the regionalization. The local probate court is a very valuable service to our town.

Nancy Bader
Former First Selectman
Town of Marlborough

"Keeping our local probate court is a high priority for the Town of Roxbury. Convenience, security and familiarity are three primary reasons, to name a few."

Barbara Henry
First Selectman
Town of Roxbury

"Our Probate Court is vital to our town. The personal touch Judge Vogel gives to her clients is wonderful and needed. In a small town we know most of each other so at times kindness is given by the closeness of being neighbors. The hours she keeps is very helpful to her clients."

Tony A. Palermo
Former First Selectman
Town of Westbrook

"I believe the main advantages of a local probate court are felt by the customers of the court. If a spouse dies, the widow or widower is left with numerous estate matters as well as the heartache of being alone. A regional system might leave the spouse to deal with a large, impersonal, and uncaring court. By contrast, most of our seniors have lived in town for many years and know the employees in Town Hall. While they might not know the judge or his staff, they will be inclined to see the Probate Court as a friendly extension of the town's many other services. Our probate works very well, and I say that as a Republican speaking of a Democratic Probate Judge. Why would the state "fix" what isn't broken?"

Amev Marrella,
First Selectman
Town of Woodbridge

And, finally, this resolution from a large regional organization comprised of the chief elected officials from many towns:

"Resolved, that the Connecticut River Valley Council of Elected Officials, representing 17 member municipalities, supports the preservation and strengthening of the local probate court system and is opposed to the mandatory consolidation of these courts. The Connecticut River Valley Council of Elected Officials would support the development of a fair and equitable financing system that would assist in addressing the financial pressures being faced by some of the local courts. The State should engage local municipalities that are host to probate courts in discussion to formulate measures which would allow the local courts to continue to exist and to provide much valued services to our local citizens."

That concludes my testimony. I would once again like to thank the Chairs and members of this Committee for your great interest in - and support for - Connecticut's local probate courts.