



STATE OF CONNECTICUT  
OFFICE OF THE  
PROBATE COURT ADMINISTRATOR

JUDGE JAMES J. LAWLOR  
ADMINISTRATOR  
ATTORNEY THOMAS E. GAFFEY  
CHIEF COUNSEL  
ALICE A. BRUNO  
ATTORNEY  
DEBRA COHEN  
ATTORNEY

186 NEWINGTON ROAD  
WEST HARTFORD, CT 06110

TEL (860) 231-2442  
FAX (860) 231-1055

**To: The Judiciary Committee**

**From: Judge James J. Lawlor, Probate Court Administrator**

**Re: SB 431 An Act Concerning Retirement of Probate Judges and Employees, the Fees of the Probate Court System and Probate Court Jurisdiction of Applications for Voluntary or Involuntary Representation of a Person Admitted to a Hospital.**

**Date: March 17, 2006**

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Chairman McDonald, Chairman Lawlor, and distinguished members of the Judiciary Committee, thank you for the opportunity to testify in support of RB 431.

The bill addresses three key issues that should be rather noncontroversial and should simply correct certain provisions of the statutes that pertain to the operations of the Probate Courts.

The first section enhances the benefit for judges if the court they preside in merges upon their retirement. The current statute offers the judge an additional four years towards retirement benefits. This bill calls for six years towards retirement and extends it to court employees so long as the court merges.

The second section of the bill concerns the billing practices of our courts. When the succession tax was replaced with an estate and gift tax last year, the statutes had to be changed in order to ensure the probate courts would still be able to collect fees from decedent estates. In an attempt to mitigate any damage on the finances of the probate courts, language was passed that based our fees on the gross estate for estate tax purposes. The gross estate for estate tax purposes is tied to the federal estate tax by definition. Therefore, we are billing on out-of-state property, life insurance, and mortgaged property, all items we've never charged fees on in the past and in many

notify the judge that a hearing has been set before the panel. The Administrator can recommend the transfer of a case, the citing in of another judge or monetary sanctions on the offending judge. The Probate Court Review Panel shall then determine if the punishment is fair or should be modified. It is the responsibility of the Office of Probate Court Administrator to have the courts run smoothly. This will give that office a needed tool to meet that task.

Many of the clerks have come to us and said that this office is working to protect the judges and the courts as change is taken place, but the employees of the courts are rarely mentioned. In order to protect our valuable employees, we are recommending that all court personnel become state employees with all the same benefits and protections. Probate Administration would pay their salaries and benefits, conduct trainings and ensure a fair work environment.

Finally, this bill will formalize the standby judge procedures our courts have used for years. Each judge shall file with Probate Administration a designation of two standby judges. If a judge is unavailable, one of their standby judges will be used to handle any matter that may come before their court. This is vitally important where, for example, the body of a deceased person cannot be claimed until an order is signed by a judge who may not be available. These emergencies do occur and this would allow immediate action to be taken.

Thank you for your consideration.