

**Testimony of:**

**Joseph P. Secola**

**Judge of Probate, District of Brookfield**

**And President of the Connecticut Probate Judges  
Association for Local Courts, Inc.**

**before the**

**Judiciary Committee**

**of the Connecticut General Assembly**

**hearing on**

**Bills 5598 and bill 431**

**Probate Court fees and**

**the Probate Court Administrator**

**March 17, 2006**

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Senator MacDonald, Representative Lawlor, members of the Committee. Thank you for the opportunity to present testimony on the two proposed Probate Bills 5598 and 431. I am Joseph P. Secola, Judge of Probate for the District of Brookfield and President of the Connecticut Probate Judges Association for Local Courts, Inc., an organization of over 30 probate judges, who are committed to preserve the local court features of our probate system. I am totally opposed to Bill 5598, which seeks to centralize and create regal authority over the Probate Court system in the PCA.

Bill 5598 goes in the exact opposite of direction of Raised Bill 5391, proposed by the bipartisan Legislative Program Review and Investigations Committee, which removes power from the PCA and restores it to the Connecticut Probate Assembly, which is made up of the sitting elected Probate Judges. Why did the bipartisan Legislative Program Review and Investigations Committee come to this conclusion that putting budgetary and other restrictions on the PCA was necessary? Because committee members became aware of the plans of the PCA for a massive unannounced budget increase, which would bankrupt the Probate Administration Fund in two to three years if left unchecked.

Chief Court Administrator Judge Pelligrino sent a letter dated 1-31-2006 (Exhibit 1) to PCA Lawlor, who had requested a substantial budget increase by letter dated 1-10-2006 (Exhibit 2). Judge Pellegrino addressed his concerns as follows:

I have been concerned since its inception that the significant costs of operating the original Pilot Children's Court in New Haven would result in a substantial drain on the balance of the Fund. The data you have recently provided to me strongly supports that contention. **The New Haven pilot has grown from an initial operating cost estimate of \$100,000 to a revision to \$170,000 and now to a requested increase to \$470,000. By all accounts the cost of this project will continue to escalate. . . . there is no stable funding source earmarked to continue this program in the future, particularly at this funding level. The legislatively authorized expansion of the Children's Court to six additional sites can only result in a quicker depletion of the Fund. You have asked me to approve the expenditure of over \$400,000 to cover the start-up costs of these additional sites through the end of the fiscal year, and you acknowledge that the full year costs of the new courts will be substantially higher next year. You estimate that the full operating costs of all seven projects could approach \$5 million per year. At that pace, the Probate Administration Fund will be exhausted in two to three years. (Emphasis added.)**

Judge Pellegrino felt compelled to approve the funding increase because of 2005 Bill 6747, which authorized 7 regional children's courts. He advised the PCA to immediately contact the legislative and executive branches regarding this. As an example of this out-of-control spending, the Administrative Judges of these regional children's courts, hand picked by the PCA, receive a salary of \$44,000.00 per year in addition to their probate court salary; superior court administrative judges receive about \$1,000.00 in additional salary per year.

On March 14, 2005, before this committee, in support of said Bill 6747, the PCA testified that the cost of the new haven children's court is "\$170,000. My estimate is that when we get 13 courts online, one in every DCF district, that our total cost will be less than \$2 million per year."<sup>1</sup> At the same hearing I expressed my concerns:

I mean the Administrator said 13 courts will cost \$2 million. I don't know whether that's correct or not. And I have a feeling it's going to be substantially more than that. And I don't want a system that's essentially breaking even now maybe having to dip a little bit into the administrative fund, that's at over \$17 million as of last year, to where we're taking \$3 million or \$4 million out of it every year.<sup>2</sup>

In my worst nightmare I could not have imagined how quickly the PCA planned to bankrupt our 300 year-old Probate Court system: it's not 2 million annually for 13 courts, but 5 million annually for 7 courts. When dealing with the public fisc, such enormous and irreconcilable financial discrepancies between testimony and actual spending inexorably lead to a loss of credibility and trust. Reject Bill 5598 and pass Bill 5391, which puts budgetary and other restraints on the PCA.

Bill 431 contains 4 sections: section 1 increases from 4 to 6 years service credit for judges whose districts are consolidated. I have no comment on this section without understanding its financial impact. I support and oppose parts of section 2 dealing with probate user fees: first, I support the exclusion of both mortgage indebtedness and out-of-state real estate; second, I oppose the exclusion of tangible personal property; third, I would modify the exclusion of life insurance to exclude only policies of \$100,000 and under, thereby including policies over 100,000. I support sections 3 and 4 which deal with conservator proceedings for persons hospitalized in the district.

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<sup>1</sup> March 14, 2005 transcript of public hearing before Judiciary committee at p. 6-7.

<sup>2</sup> March 14, 2005 transcript of public hearing before Judiciary committee at p. 116-117.



STATE OF CONNECTICUT  
JUDICIAL BRANCH

CHAMBERS OF  
JOSEPH H. PELLEGRINO, JUDGE  
CHIEF COURT ADMINISTRATOR

231 CAPITOL AVENUE  
HARTFORD, CT 06108

January 31, 2006

The Honorable James J. Lawlor  
Probate Court Administrator  
186 Newington Road  
West Hartford, CT 06110

Dear Judge Lawlor:

Thank you for taking the time to meet with me yesterday to discuss your request for revisions to the budget of the Office of the Probate Court Administrator for the current fiscal year. I remain very concerned about the solvency of the Probate Administration Fund, particularly with respect to the burgeoning costs of operating Regional Children's Probate Courts.

I have been concerned since its inception that the significant costs of operating the original Pilot Children's Court in New Haven would result in a substantial drain on the balance of the Fund. The data you have recently provided to me strongly supports that contention. The New Haven pilot has grown from an initial operating cost estimate of \$100,000 to a revision to \$170,000 and now to a requested increase to \$470,000. By all accounts the cost of this project will continue to escalate. I am not questioning the effectiveness of the program, and in fact all the studies I have seen indicate that the program is working well, but there is no stable funding source earmarked to continue this program in the future, particularly at this funding level.

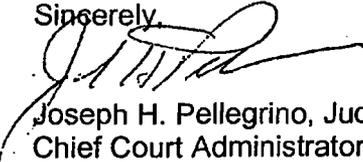
The legislatively authorized expansion of the Children's Court to six additional sites can only result in a quicker depletion of the Fund. You have asked me to approve the expenditure of over \$400,000 to cover the start-up costs of these additional sites through the end of the fiscal year, and you acknowledge that the full year costs of the new courts will be substantially higher next year. You estimate that the full operating costs of all seven projects could approach \$5 million per year. At that pace, the Probate Administration Fund will be exhausted in two to three years.

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Because you have been given legislative authorization to initiate these programs, I believe I have an obligation to approve your requested budget

revisions. However, I do so with the following caveat. I strongly encourage you to prepare a comprehensive assessment of the annualized costs of operating all the Regional Courts and to immediately share that information with the Executive and Legislative Branches and begin discussions on the permanent funding of the programs. Otherwise there is an almost certainty that the Regional Courts would cease to operate, which would ill serve those who come before the Court and those who have worked so hard to make the program successful.

Sincerely,



Joseph H. Pellegrino, Judge  
Chief Court Administrator

cc: Hon. William J. Sullivan, Chief Justice  
Hon. William J. Lavery, Chief Court Administrator designee  
Honorable Michael Mack, Deputy Chief Court Administrator  
Thomas A. Siconolfi, Executive Director



STATE OF CONNECTICUT  
OFFICE OF THE  
PROBATE COURT ADMINISTRATOR

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

186 NEWINGTON ROAD  
WEST HARTFORD, CT 06110

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

January 10, 2006

The Honorable Joseph H. Pellegrino  
Chief Court Administrator  
Supreme Court Building  
231 Capitol Avenue  
Hartford, CT 06106

Dear Judge Pellegrino:

Section 45a-84(b) of the Connecticut General Statutes provides for adjustments to the budget of the Office of the Probate Court Administrator. Our original budget was established and approved by you prior to the commencement of this budget year. Changes are appropriate as follows:

- Line 16 – Staff Salaries. This line should be increased by \$98,145. This reflects increased costs incurred as a result of position reclassifications and the addition of one office clerk position (to satisfy the needs created by the mandated adoption of the CORE-CT system) and one social services coordinator position (to assist with the implementation of the new regional children's probate courts) for the balance of the year.
- Line 19 – Fringe Benefits. This line reflects rate adjustments published after the budget was approved and additional monies consistent with salary changes referenced in Line 16.
- Line 25a – New Haven Pilot Program. This line should be increased by \$300,000 to cover operating costs previously paid in part by Casey Family Services.
- Lines 25b, 25c, 25d, and 25e – New Regional Children's Probate Courts. Increase from \$0 to \$130,000; \$202,000; \$40,000; and \$40,000; respectively, to reflect startup costs for Meriden/Wallingford, New London, Willimantic, and Hartford and Waterbury.

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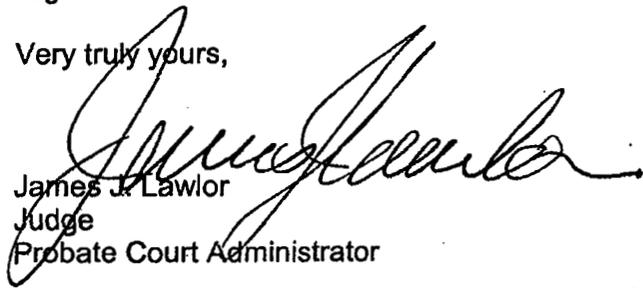
OFFICE OF THE PROBATE COURT ADMINISTRATOR

The Honorable Joseph H. Pellegrino  
Page 2  
January 10, 2006

Exhibit 2  
Page 2 of 8

- Line 29d – Conservators. This line reflects a contribution of \$25,000 from the Judicial Department as a result of legislation.

Very truly yours,



James J. Lawlor  
Judge  
Probate Court Administrator

JJL:aec

c: Honorable Joseph D. Marino  
President Judge of the Connecticut Probate Assembly

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STATE OF CONNECTICUT  
 PROBATE COURT ADMINISTRATION  
 2005/2006 FISCAL YEAR BUDGET

Exhibit 2  
 Page 3 of 8

Budget Line	Description	2005/2006 Budget	Budget Request	Revised Total
<b>OPERATING BUDGET</b>				
01	Printing & Binding (incl. Practice Manual)	25,000		
02	Rental of Storage Space	30,000		
03	Bldg: Repairs & Maint, etc.	60,000		
04	Sundry: Conf. Expense	5,000		
05	Fees - Contract Professionals	120,000		
06	Temporary Help - Non-Contract	20,000		
07	Data Processing (PA Only)	377,450		
08	Postage	18,000		
09	Leasing: Copier w/maint, Postage Mtr, Fax	20,000		
10	Travel Reimbursements	7,500		
11	Office & Misc. Supplies	16,000		
12	Freight & Shipping	3,000		
13	Retirement (PS, Admin Exp, etc.)	60,000		
14	Membership Dues, Fees, Subscr, Misc.	9,000		
15	Office Equipment (incl. Ins.)	8,000		
16	Personal Services - staff salaries	1,089,371	98,145	1,187,516
17	Telephone	16,000		
18	Auto Lease, Supplies, and Insurance	20,000		
19	Fringe Benefits - staff	618,344	82,543	700,887
20	Seminars & Education	10,000		
21	Revenue Refunds	35,000		
22	Judges & Clerks Education & Meetings	30,000		
23	Contingency - Other	5,000		
	<b>Sub-total</b>	<b>2,602,665</b>	<b>180,688</b>	<b>2,783,353</b>
<b>OTHER BUDGET ITEMS</b>				
24	Facilities	100,000		
25	Regional Courts			
25a	New Haven Pilot Program	170,000	300,000	470,000
25b	Meriden/Wallingford	0	130,000	130,000
25c	New London	0	202,000	202,000
25d	Willimantic	0	40,000	40,000
25e	Hartford and Waterbury	0	40,000	40,000
26	Council - Probate Judicial Conduct	60,000		
27	Court Computer Updates	584,700		
28	Health Insurance - Courts	3,019,921		
29	Indigency Expenses			
29a	Court Appointed Counsel	2,000,000		
29b	Marshals and Newspapers	75,000		
29c	Waived Entry Fees	500,000		
29d	Conservators *	600,000		
30	Court Subsidies	200,000		
31	Pilot - West Haven	0		
32	Pilot - Mental Health - Waterbury	170,000		
33	Pass-through Funding (CIP, Kinship, Respite)	0		
	<b>Sub-total</b>	<b>7,479,621</b>	<b>712,000</b>	<b>8,191,621</b>
	<b>TOTAL BUDGET</b>	<b>10,082,286</b>	<b>892,688</b>	<b>10,974,974</b>
	* \$25,000 funding from Judicial Dept.			

Compensation by Salary Grade					
Salary Grade	Position	Employee	7/1/2005 Budget/Comp.	.11/30/05 Compensation	Comments
37	Chief Counsel	Linda Dow	\$134,248	99,763	position filled by T. Gaffey
30	Assistant to Administrator	Tom Gaffey	\$97,850	68,202	reclassify to Staff Attorney - A. Bruno
28	Mgr. Of Admin. Services	Vacant	\$0	68,202	reclassify to Staff Attorney (SG 30) - D. Cohen
27	Auditor	David Saltzman	\$80,313	26,820	reclassify to Accountant (SG 24); \$53,640 prorated
23	Dir of Children & Mental Hlth Programs	Kimberly Doyle Joyner	\$70,414	84,654	reclassify to Director of Operations (SG 35)
				26,820	New Hire as Social Svcs Coord. (SG 24); prorated
22	Financial Services Supervisor	Alyce Cariseo	\$57,042	74,300	reclassify to Manager of Financial Services (SG 32)
22	Legislative Liaison	Vincent Russo	\$48,870	48,870	
21	Computer Training Specialist	Nuno Fernandes	\$51,817	56,274	reclassify to Network Specialist (SG 25)
21	Computer Programmer I	Vacant	\$0	48,367	reclassify to Comp. Train. Spec. (SG 21) - A. Brennan
21	LAN Specialist	Susan Scotti	\$62,167	62,167	
19	Administrative Secretary 2	Susan Dornfried	\$43,630	43,630	
18	Staff Assistant	Alison Green	\$56,082 (1)	56,082	
17	Administrative Assistant	Carol Souza	\$54,709	54,709	
15	Secretary 1	Jane Obert (part-time)	\$30,997 (2)	30,997	
12	Administrative Clerk	Dianna Orvis	\$39,059	39,059	
12	Administrative Clerk	Willette Frank	\$31,464	31,464	
10	Office Clerk	Alison Blair	\$31,311	31,311	
10	Office Clerk	Paula Gilroy	\$29,295	29,295	
			\$0	29,295	New Hire as Office Clerk (SG 10) - B. Aszklar
		TOTAL	\$919,268	1,010,281	Increase of \$91,013
			\$76,605.67	84,190.08	Monthly Compensation
Total budget request is \$98,145 which consists of \$91,013 for salary changes noted above and \$7,132 for Early Retirement Incentive Program funds that were not budgeted.					

PROBATE COURT ADMINISTRATION  
FRINGE BENEFITS FY 2005-2006

Exhibit 2  
Page 5 of 8

	FY 2005-06 PAY WITH AI's	FRINGE BENEFIT RATE	FY 2005-06 FB AMOUNT
Employees	947,771	53.46%	506,679
Administrator	141,600	78.86%	111,665
<b>TOTALS</b>	<b>\$1,089,371</b>		<b>\$618,344</b>
	1/10/2006		
Employees	1,038,784	57.78%	600,209
Administrator	141,600	71.10%	100,678
<b>TOTALS</b>	<b>\$1,180,384</b>		<b>\$700,887</b>

+ 7,132 ERIP  
1,187,516

**NEW LONDON REGIONAL CHILDREN'S COURT FY 05-06 BUDGET**

<u>PERSONNEL</u>	<u>Hours</u>	<u>Rate</u>	<u>SALARY</u>	<u>FRINGE*</u>	<u>TOTAL</u>
Administrative Judge			\$ 11,200.00	\$ 864.08	\$ 12,064.08
Chief Clerk	40	\$ 22.20	\$ 46,176.00	\$ 3,562.48	\$ 49,738.48
Probate Court Officer	40	\$ 24.04	\$ 50,003.20	\$ 3,857.75	\$ 53,860.95
<b>Total Personnel</b>			<b>\$ 107,379.20</b>	<b>\$ 8,284.31</b>	<b>\$ 115,663.51</b>

\* Fringe Rate best estimate for New Haven County( Soc and Medicare 7.65% )

**OFFICE COSTS**

Office Supplies	\$	7,000
Postage (rental 178.00 month plus postage)	\$	8,000
Telephone	\$	4,500
Copy Machine (189.00 month plus copies @.0075)	\$	3,000
Payroll and Accounting	\$	1,300
Unemployment	\$	10,100
Workmans Comp	\$	2,000
Liability Insurance	\$	4,500
Printing	\$	2,000
<b>Total Office Costs</b>	<b>\$</b>	<b>42,400</b>

Troopcy Program \$ 7,000

**FACILITIES COSTS**

Cleaning	\$	7,000
Utilities	\$	10,500
Rent(est.\$13sq/ft)	\$	46,365
<b>Total Facilities Costs</b>	<b>\$</b>	<b>63,865</b>

**Total Budget \$ 228,929**

**NEW HAVEN REGIONAL CHILDREN'S COURT FY 05-06 BUDGET**

<u>PERSONNEL</u>	<u>SALARY</u>	<u>FRINGE*</u>	<u>TOTAL</u>
Administrative Judge	\$ 41,000.00	\$ 3,163.15	\$ 44,163.15
Assistant Clerks	\$ 127,561.20	\$ 9,841.35	\$ 137,402.55
Probate Court Officers	\$ 150,009.60	\$ 11,573.24	\$ 161,582.84
Personnel Credit from Meriden	\$ (40,008.80)	\$ (3,086.68)	\$ (43,095.48)
	<b>\$ 278,562.00</b>	<b>\$ 21,491.06</b>	<b>\$ 300,053.06</b>

\* Fringe Rate best estimate for New Haven County( Soc and Medicare 7.65% )

**OFFICE COSTS**

Office Supplies	\$	8,000	
Postage (rental 178.00 month plus postage)	\$	12,125	
Telephone	\$	6,000	
Copy Machine (189.00 month plus copies @.0075)	\$	3,500	
Watercooler	\$	600	
Payroll and Accounting	\$	1,500	
Unemployment	\$	10,100	
Workmans Comp	\$	2,000	
Liability Insurance	\$	4,500	
Legal Advertising/Notice	\$	1,000	
Printing	\$	1,500	
Equipment Furniture/file cabinets	\$	9,700	
<b>Total Office Costs</b>	<b>\$</b>	<b>60,525</b>	

**SECURITY** \$ 35,500

**FACILITIES COSTS**

Cleaning	\$	7,000	
Utilities	\$	10,500	
Rent(est.\$13sq/ft)	\$	56,000	
<b>Total Facilities Costs</b>	<b>\$</b>	<b>73,500</b>	

**Total Budget \$ 469,578**

**MERIDEN/WALLINGFORD REGIONAL CHILDREN'S COURT FY 05-06 BUDGET**

<u>PERSONNEL</u>	<u>SALARY</u>	<u>FRINGE*</u>	<u>TOTAL</u>
Administrative Judge	\$ 41,000.00	\$ 3,163.15	\$ 44,163.15
Assistant Clerks (payment to NH)	\$ 15,007.20	\$ 1,167.81	\$ 16,165.01
Probate Court Officers(payment to NH)	\$ 25,001.60	\$ 1,928.87	\$ 26,930.47
	<b>\$ 81,008.80</b>	<b>\$ 6,249.83</b>	<b>\$ 87,258.63</b>

\* Fringe Rate best estimate for New Haven County( Soc and Medicare 7.65% )

<u>OFFICE COSTS</u>	
Office Supplies	\$ 8,000
Postage (rental 178.00 month plus postage)	\$ 12,125
Telephone	\$ 6,000
Copy Machine (189.00 month plus copies @.0075)	\$ 3,500
Payroll and Accounting	\$ 1,500
Liability Insurance	\$ 4,500
Legal Advertising/Notice	\$ 1,000
Printing	\$ 1,500
<b>Total Office Costs</b>	<b>\$ 38,125</b>

**Total Budget \$ 125,384**