



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

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**Testimony of Judge William J. Lavery
Judiciary Committee
March 17, 2006**

**Senate Bill 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**

**House Bill 5598, An Act Concerning the Administration of the Courts of
Probate**

Good afternoon. My name is William Lavery and I am the Chief Court Administrator for the Connecticut Judicial Branch. I am submitting this written testimony on behalf of Chief Justice William J. Sullivan and myself in support of Senate Bill 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* and House Bill 5598, *An Act Concerning the Administration of the Courts of Probate*.

Addressing the problems of Connecticut's probate system is one of the Chief Justice's top priorities. As the Committee is aware, the Probate Court Administrator is appointed by the Chief Justice, and consults with the Chief Justice on the general direction of the system. We have a good working relationship with the probate court administration, and we are all working towards the goal of ensuring a viable future for Connecticut's probate court system.

With this background in mind, we are in agreement with the position taken by Probate Court Administrator, Judge James J. Lawlor, on these two bills. We believe that these bills should be approved, as the initiatives will provide the critical framework to begin reforming the state's probate system.

Among other things, Raised Bill 431 will increase the credited service from four to six years for retirement purposes for probate judges and employees whose district is merged with another district on or before November 1, 2010. Encouraging voluntary probate district mergers is a critical component of the overall reform plan.

Section 2 of Raised Bill 431 concerns probate court fees. Pursuant to Public Act 05-5 of the June Special Session, probate courts are now considering out-of-state property, life insurance and mortgaged property as part of the taxable estate. The probate courts have never charged fees on these items and have reported that these fees are causing hardship for many Connecticut residents. We agree that these items should be eliminated as part of the taxable estate.

Section 3 of Raised Bill 431 transfers jurisdiction of an application for representation of a hospitalized person to the court of probate for the district in which the hospital is located. This provision is necessary to efficiently handle these matters for individuals who are hospitalized. It is my understanding that it is current practice for a probate court judge to visit a hospital in his or her district and to hear several conservator matters in one day, even if the person is not a resident of that probate court jurisdiction. Without this legislation, it is necessary for many probate court judges to travel a distance to a hospital in which a resident of the town is receiving treatment and has a probate matter pending. This is inefficient and unnecessary.

Raised Bill 5598 is necessary for the effective administration of the probate court. This bill, among other things, requires that all probate courts be open for not less than five hours each day and that at least one court employee is working during the hours of operation. It also requires the probate court administrator to: establish staffing levels for each probate court, ensure performance of the probate court judges and clerks, and enforce regulations pertaining to the auditing of courts. Section 4 of this bill would

create a Probate Court Review Panel charged with establishing rules of procedure and hearing matters brought before it.

Thank you for the opportunity to provide this written testimony in support of these two bills.