

**TESTIMONY OF:**

**Patricia L. Damon, Judge of Probate  
District of Deep River**

**for**

**The Judiciary Committee  
of the Connecticut General Assembly**

**Public Hearing**

March 17, 2006

Senator McDonald, Representative Lawlor, Honorable Members of the Judiciary Committee. Thank you for the opportunity to present written testimony on the two proposed Probate Bills – HB-5598 and SB-431.

As the Judge of Probate for the District of Deep River, it is my fiduciary responsibility and duty to the people not only of my town but also to those of the State of Connecticut to write to express my concerns regarding the above-referenced Bills that are the subject of a public hearing before the Judiciary Committee on Friday, March 17, 2006, at Noon.

Deep River's chief elected officials, residents, and I strongly **oppose** the sections of these bills that impact the future of Connecticut's current Probate Court system and **fully support** Judges Secola, Pearl, and Kimes in their testimony. We **fully support** the continued position of the 110 members of the Connecticut Council of Small Towns. On February 14, 2006, the members of COST voted on their Legislative Platform to **PROMOTE HEALTHY COMMUNITIES AND STRONG GRASSROOTS GOVERNMENT**. For the fourth year in a row this includes the following:

### **Preserve and Strengthen the Municipal Probate Judge System**

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.

There has been a great deal of negative information and publicity concerning our Probate system. It would appear that negativity is what sells because very little positive or correct information has been given by the media. The "other side of the story" has not been heard. This is degrading and offensive – not to me as the Judge of this District because that is not the issue but to the many others who will follow, to the Probate system that has served the State of Connecticut well for more than 300 years, and most of all to the people the system serves.

The residents of Connecticut are not all small children in need – they are also frail, elderly, mentally and physically compromised. Creation of a multi-tiered, bureaucratic maze, requiring salaries for appointed judges (not elected), staff, facilities to house them, and so forth may serve the citizens; but they will become just a number as in any other large, impersonal organization. Matters will be attended to but not as quickly and efficiently as they are now.

There is no grass roots effort to change the Probate system into something different than it is. The dissatisfaction voiced comes from those who seek personal gain not from the consumers using the Probate system. It is reasonable to believe that the municipal leaders and their constituents will be less than satisfied if the Probate system they support is changed by the Legislature of the State of Connecticut into something that will become a model of the Superior Court, the Department of Motor Vehicles, the Department of Revenue Services, and other large, impersonal institutions they are required to use and navigate through daily. Through all of this - the media coverage, the editorials, and so forth - no one has asked the municipal officials or the people they represent how they feel about the potential loss or drastic change of the Probate Court the residents who preceded them voted to create locally.

Because of the Kinsella matter (see *Council on Probate Judicial Conduct re: Kinsella*, 193 Conn. 180 (1984)), the Legislature was concerned about the problems that arose in the large Hartford Probate Court and, thus, made it smaller and created other "local" courts, such as the West Hartford Probate Court. As recently as 1991, the Bloomfield Probate Court was established from West Hartford. In 1961, the residents of Windsor Locks asked the Legislature to establish its individual Probate district, and the residents of Glastonbury and Newington made the same decision in 1975. All of these Probate Courts were established from the original Hartford Probate District. Yet it is being said that going back to a large probate court model, one under the Superior Court, will be better!

**H.B. 5598 - AN ACT CONCERNING ADMINISTRATION OF THE PROBATE COURTS.**

For four years, we have asked on behalf of the municipalities we serve that the Judiciary Committee support measures that will provide a system of checks and balances within the Probate Court system and to oppose granting the Administrator additional power with no accountability to the Legislature.

HB-5598 does exactly the opposite and totally contradicts the work of the Committee on Program Review and Investigations, which spent a year investigating the probate system. It does not support the position of the 110 member municipalities of the Council of Small Towns.

**S.B. 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**

Section 1 - Allowing a six-year retirement bonus (two years more than a Judge's full term) is outrageous. There is no evidence or information about what the consequence of such a proposal would be to the Probate Administration Fund or to the State of Connecticut since it is ultimately the fail safe of the Connecticut Probate system should it not be able to exist on its own financially.

Section 2 – We support the exclusion of both mortgage indebtedness and out-of-state real estate. We oppose the exclusion of tangible personal property. We propose that the exclusion of life insurance be modified to exclude policies of less than \$100,000. We note that life insurance has always been included in the basis for calculations in all estates that were large enough to be subject to the Federal Estate Tax. We support repealing Section 45a-107(b)(4) of the Connecticut General Statutes. The Administrator has not complied with the requirements of Section 45a-107a of the Connecticut General Statutes. We urge the Legislature to seek his compliance.

Sections 3 and 4 – We find these sections unnecessary and redundant as hospitals currently have procedures in place for filing applications for temporary conservatorships in the district in which the hospital is located for hospitalized individuals in need.

The Probate Court system in its present form is unique. It represents Connecticut's citizens and their wishes to have their own Probate Court and to elect the person they choose to fill the position as their Judge. It is the obligation of the political parties to vet their candidates carefully and with great respect for the position they are seeking to fill. That is the political system in this country, in this state. Like Legislators, we are elected officials with duties and responsibilities

governed by the Constitution and Statutes representing the best interests of the citizens of this state. The Administrator is an appointee of an appointed official – neither of whom is directly responsible to the citizens. There are Statutes in place to allow one municipality to combine with another if they so choose. There are Statutes in place to address financial issues the system may face. There are sound resolutions to any issues that the current system faces. HB-5391 allows for a partnership between elected officials and an appointed one.

Thoughtful reformation is required in order for the system to be the best it can be for the citizens it serves—not for the personal benefit or ego enhancement of a few.

If passed HB-5598 would simply provide the Administrator with unfettered control and the additional opportunity for the abuse of power.

**We support Proposed Substitute HB-5391 (see attached). We ask you to consider changing HB-5598 and SB-431 and issue a joint favorable substitute adopting the language of HB-5391.**

Thank you for your consideration.

Sen. Andrew McDonald (Co-Chair)  
Sen. David Cappiello  
Sen. John A. Kissel  
Sen. Andrew Roraback  
Rep. Mike Lawlor (Co-Chair)  
Rep. Ryan Barry  
Rep. Jeffrey J. Berger  
Rep. Paul Doyle  
Rep. Gerald Fox, III  
Rep. John C. Geragosian  
Rep. Minnie Gonzalez  
Rep. Gail K. Hamm  
Rep. Roger B. Michele  
Rep. Joseph C. Serra  
Rep. Christopher R. Stone  
Rep. Robert Farr  
Rep. Janice Giegler  
Rep. DebraLee Hovey  
Rep. David Labriola  
Rep. Claudia Powers  
Rep. Lenny Winkler

Sen. Mary Ann Handley (Vice-Chair)  
Sen. Eric Coleman  
Sen. Edward Meyer  
Sen. Edwin A. Gomes  
Rep. James Spallone (Vice-Chair)  
Rep. Juan Candelaria  
Rep. Patricia Dillon  
Rep. William R. Dyson  
Rep. Mary Fritz  
Rep. Bob Godfrey  
Rep. Kenneth P. Green  
Rep. Faith McMahan  
Rep. Melissa Olson  
Rep. Cameron C. Staples  
Rep. Toni E. Walker  
Rep. Lawrence F. Cafero  
Rep. William A. Hamzy  
Rep. Themis Klarides  
Rep. Arthur O'Neill  
Rep. T. R. Rowe

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Hon. Patricia L. Damon, Judge  
Probate Court - District of Deep River  
174 Main Street - P.O. Box 391  
Deep River, CT 06417  
860-526-6026  
860-526-6094 FAX



General Assembly

**Proposed Substitute Bill  
No. 5391**

February Session, 2006

LCO No. (March 9, 2006)

\*01609 \_\_\_\_\_ PRI

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Referred to Committee on Program Review and Investigations

Introduced by:  
(PRI)

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS  
COMMITTEE CONCERNING THE CONNECTICUT PROBATE COURT  
SYSTEM.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) The Probate Court Administrator,  
2 subject to the approval of the Connecticut Probate Assembly, shall  
3 obtain the services of an independent financial advisor, or similar  
4 expert, to develop a proposed mechanism for the compensation of  
5 judges of probate. Such proposed mechanism shall take into account  
6 the health insurance and retirement benefits provided to judges of  
7 probate under current law and the time and skills reasonably  
8 necessary to perform the duties of a judge of probate. The cost of such  
9 services shall be paid from the Probate Court Administration Fund  
10 established under section 45a-82 of the 2006 supplement to the general  
11 statutes, as amended by this act. Not later than September 1, 2006, the  
12 Probate Court Administrator shall submit a report containing such  
13 proposed mechanism and any recommended legislation to the joint

14 standing committee of the General Assembly having cognizance of  
15 matters relating to the judiciary, in accordance with the provisions of  
16 section 11-4a of the general statutes.

17       Sec. 2. (*Effective from passage*) The Probate Court Administrator shall  
18 prepare a written report detailing the experience of the regional  
19 children's probate court established pursuant to subsection (b) of  
20 section 45a-8a of the 2006 supplement to the general statutes. Not later  
21 than May 31, 2006, the Probate Court Administrator shall submit the  
22 report required under this section to the joint standing committees of  
23 the General Assembly having cognizance of matters relating to the  
24 judiciary and human services, in accordance with the provisions of  
25 section 11-4a of the general statutes.

26       Sec. 3. (*Effective from passage*) (a) The Probate Court Administrator,  
27 in consultation with the Commissioner of Children and Families, shall  
28 develop a written implementation plan for the establishment of  
29 additional regional children's probate courts pursuant to subsection (c)  
30 of section 45a-8a of the 2006 supplement to the general statutes. The  
31 implementation plan shall, at a minimum: (1) Identify the regions, and  
32 the probate districts located in such regions, that may be designated  
33 for the establishment of such courts; (2) describe the selection process  
34 for towns and cities that may participate in the establishment of such  
35 courts, including the method of determining the willingness of such  
36 towns and cities to participate; (3) outline the anticipated costs of  
37 establishing such courts based on the experience of any regional  
38 children's probate courts established prior to the effective date of this  
39 section; and (4) describe the roles of any state agencies that may  
40 participate in such courts, including, but not limited to, the  
41 Department of Children and Families and the Department of Mental  
42 Health and Addiction Services, and address whether such agencies  
43 should provide financial contributions to the operation of such courts  
44 for services provided to clients of such agencies.

45       (b) Not later than May 31, 2006, the Probate Court Administrator

46 shall submit the implementation plan required under this section to  
47 the joint standing committees of the General Assembly having  
48 cognizance of matters relating to the judiciary and human services, in  
49 accordance with the provisions of section 11-4a of the general statutes.

50 (c) Notwithstanding the provisions of subsection (c) of section 45a-  
51 8a of the 2006 supplement to the general statutes, except for the  
52 regional children's probate courts in New Haven,  
53 Meriden/Wallingford and New London, no additional regional  
54 children's probate courts may be established pursuant to said  
55 subsection. [until the implementation plan required under this section  
56 is submitted in accordance with subsection (b) of this section.] The  
57 provisions of this subsection do not apply to any regional children's  
58 probate court established prior to the effective date of this section. No  
59 more than seven hundred fifty thousand dollars, annually, may be  
60 expended from the Probate Court Administration Fund for the  
61 regional children's probate courts, unless additional funds are  
62 approved by the Connecticut Probate Assembly.

63 Sec. 4. (*Effective from passage*) The Probate Court Administrator, in  
64 conjunction with the Connecticut Probate Assembly, shall study the  
65 adequacy of the Probate Court Administrator's enforcement authority  
66 with respect to a judge of probate in any situation involving  
67 noncompliance or other conduct of such judge that does not warrant  
68 the filing of a complaint with the Council on Probate Judicial Conduct  
69 pursuant to section 45a-63 of the general statutes. The study shall  
70 include, but not be limited to, a consideration of the imposition of  
71 monetary sanctions in appropriate situations. Not later than September  
72 1, 2006, the Probate Court Administrator shall submit a report  
73 containing the Probate Court Administrator's findings and  
74 recommendations, including any recommended legislation, to the  
75 Chief Justice of the Supreme Court and the joint standing committee of  
76 the General Assembly having cognizance of matters relating to the  
77 judiciary, in accordance with the provisions of section 11-4a of the  
78 general statutes.

79       Sec. 5. (*Effective from passage*) The Probate Court Administrator, in  
 80 conjunction with the Connecticut Probate Assembly, shall prepare a  
 81 report identifying potential opportunities for the voluntary  
 82 consolidation of existing probate districts to achieve a minimum  
 83 weighted-workload in each probate district. The report shall take into  
 84 consideration: (1) The adequacy of existing court facilities; (2) the  
 85 potential expense of expanded court facilities; (3) any reasonable  
 86 impact of consolidation on travel to and from consolidated court  
 87 locations; and (4) the impact of any anticipated increase in the number  
 88 of regional children's probate courts, pursuant to subsection (c) of  
 89 section 45a-8a of the 2006 supplement to the general statutes, on the  
 90 existing workload of other probate courts. Not later than September 1,  
 91 2006, the Probate Court Administrator and the Connecticut Probate  
 92 Assembly shall jointly submit an initial report under this section to the  
 93 chief elected official of each town and city affected by any such  
 94 consolidation, for comment. Not later than December 31, 2006, the  
 95 Probate Court Administrator and the Connecticut Probate Assembly  
 96 shall submit the final report under this section, including any  
 97 comments made by any such chief elected official, to the Chief Justice  
 98 of the Supreme Court and the joint standing committee of the General  
 99 Assembly having cognizance of matters relating to the judiciary, in  
 100 accordance with the provisions of section 11-4a of the general statutes.

101       Sec. 6. Section 45a-27 of the general statutes is repealed and the  
 102 following is substituted in lieu thereof (*Effective October 1, 2006*):

103       (a) Each person who is elected to a first term as a judge of probate  
 104 after [October 1, 1993,] the effective date of this section shall complete  
 105 the training program established pursuant to subsection (b) of this  
 106 section and pass the examination required pursuant to subsection (d)  
 107 of this section.

108       (b) The Probate Court Administrator, subject to the approval of the  
 109 Connecticut Probate Assembly, shall establish, supervise and fund a  
 110 program of training for newly-elected probate judges that shall

111 include: (1) A course [to be taken between the date of election and the  
 112 date of assuming office] concerning the rules of judicial conduct for a  
 113 judge of probate, the ethical considerations arising in that office, the  
 114 operation of a probate court, and the availability of assistance for a  
 115 judge in the operation of a probate court; and (2) courses [to be taken  
 116 within six months after the date of assuming office] that provide  
 117 fundamental training in (A) civil procedure, including constitutional  
 118 issues, due process, and evidentiary considerations, (B) property law,  
 119 including conveyancing and title considerations, (C) the law of wills  
 120 and trusts, and (D) family law in the context of the probate courts. The  
 121 courses required by this subsection shall be taken between the date of  
 122 election and the date of assuming office.

123 (c) The curriculum for the courses required by subsection (b) of this  
 124 section shall be established by the Probate Court Administrator,  
 125 subject to the approval of the Connecticut Probate Assembly, and shall  
 126 be designed to establish a minimum level of proficiency by judges of  
 127 probate. The courses shall be given by qualified instructors approved  
 128 by the Probate Court Administrator. The Probate Court Administrator  
 129 may waive completion of a course required by subdivision (2) of  
 130 subsection (b) on demonstration by a probate judge of proficiency in  
 131 the subject matter. The Probate Court Administrator may, for good  
 132 cause, allow a probate judge to satisfy a requirement of subsection (b)  
 133 of this section by auditing, at the office of the Probate Court  
 134 Administrator or at such other place as the Probate Court  
 135 Administrator may designate, instructional tapes approved by the  
 136 Probate Court Administrator. [The Probate Court Administrator shall  
 137 adopt appropriate time requirements for training of a probate judge  
 138 elected in a special election and may modify other requirements of this  
 139 section as circumstances may require.] [ASD1]

140 (d) Upon completion of the courses required by subsection (b) of  
 141 this section, and prior to the date of assuming office, each newly-  
 142 elected probate judge shall demonstrate competency in the subject  
 143 matters set forth in said subsection by achieving a passing grade on an

144 examination given by the Probate Court Administrator. Such  
145 examination shall be developed by the Probate Court Administrator,  
146 subject to the approval of the Connecticut Probate Assembly.

147 (e) The Probate Court Administrator shall adopt appropriate time  
148 requirements for the training and examination of a probate judge  
149 elected in a special election and may modify the requirements of this  
150 section as circumstances may require.

151 Sec. 7. Section 45a-27a of the general statutes is repealed and the  
152 following is substituted in lieu thereof (*Effective October 1, 2006*):

153 (a) If a probate judge is unable to complete the training or  
154 examination required pursuant to section 45a-27, as amended by this  
155 act, within the time required, such judge may request an extension of  
156 time for completion of the training or examination from the continuing  
157 education committee of the Connecticut Probate Assembly. The  
158 committee may, for cause shown, grant the requested extension of  
159 time.

160 (b) If a probate judge fails to complete the training required  
161 pursuant to section 45a-27, as amended by this act, or to take or pass  
162 the examination required pursuant to said section 45a-27, within the  
163 time required, or within any extension of time granted pursuant to  
164 subsection (a) of this section, such judge shall be disqualified to hear  
165 any matter as a judge of probate until such time as the judge satisfies  
166 the requirements of section 45a-27, as amended by this act, and the  
167 Probate Court Administrator may refer the judge to the Council on  
168 Probate Judicial Conduct for failure to maintain professional  
169 competence as a judge of probate by so failing to complete [the  
170 training program pursuant to section 45a-27] such training or to take  
171 or pass such examination. [ASD2]

172 Sec. 8. Section 45a-77 of the general statutes is repealed and the  
173 following is substituted in lieu thereof (*Effective October 1, 2006*):

174 (a) The Probate Court Administrator may attend to any matters  
175 [which] that the Probate Court Administrator deems necessary for the  
176 efficient operation of courts of probate and for the expeditious  
177 dispatch and proper conduct of the business of [those] such courts. The  
178 Probate Court Administrator or the Connecticut Probate Assembly  
179 may make recommendations to the General Assembly for legislation  
180 for the improvement of the administration of the courts of probate.

181 (b) (1) The Probate Court Administrator may issue regulations,  
182 provided such regulations are approved in accordance with this  
183 subsection. Such regulations shall be binding on all courts of probate  
184 and shall concern [the] auditing, accounting, statistical, billing,  
185 recording, filing and other court procedures. (2) The Probate Court  
186 Administrator may adopt regulations, in accordance with chapter 54,  
187 provided such regulations are approved in accordance with this  
188 subsection. Such regulations shall be binding on all courts of probate  
189 and shall concern the availability of judges, court facilities, [court  
190 personnel and records, hours of court operation] court records and  
191 telephone service. (3) Either the Probate Court Administrator or the  
192 [executive committee of the] Probate Assembly may propose such  
193 regulations. Any regulation proposed by the Probate Court  
194 Administrator under this subsection shall be submitted to the  
195 [executive committee of the] Connecticut Probate Assembly for  
196 approval. Any regulation proposed by the [executive committee of the]  
197 Connecticut Probate Assembly under this subsection shall be  
198 submitted to the Probate Court Administrator for approval. If either  
199 the Probate Court Administrator or the [executive committee of the]  
200 Connecticut Probate Assembly fails to approve a proposed regulation  
201 under this subsection, such proposed regulation may be submitted to a  
202 panel of three Superior Court judges appointed by the Chief Justice of  
203 the Supreme Court. The panel of judges, after consideration of the  
204 positions of the Probate Court Administrator and the executive  
205 committee of the Connecticut Probate Assembly, shall either approve  
206 the proposed regulation or reject the proposed regulation.

207 (c) The Probate Court Administrator shall issue regulations,  
208 provided such regulations are approved in accordance with this  
209 subsection. Such regulations shall be binding on all courts of probate  
210 and shall establish minimum standards for (1) hours of court  
211 operation, (2) court staffing, taking into consideration the need for  
212 adequate coverage for employee absence due to the use of vacation  
213 time, sick time and personal leave days, and (3) the allowable  
214 workload per full-time court employee. Any regulation proposed by  
215 the Probate Court Administrator under this subsection shall be  
216 submitted to the Connecticut Probate Assembly for approval. If the  
217 Connecticut Probate Assembly fails to approve a proposed regulation  
218 under this subsection, such proposed regulation may be submitted to a  
219 panel of three Superior Court judges appointed by the Chief Justice of  
220 the Supreme Court. The panel of judges, after consideration of the  
221 positions of the Probate Court Administrator and the executive  
222 committee of the Connecticut Probate Assembly, shall either approve  
223 the proposed regulation or reject the proposed regulation.

224 [(c)] (d) The Probate Court Administrator shall regularly review the  
225 auditing, accounting, statistical, billing, recording, filing and other  
226 procedures, the hours of operation and the staffing of the several  
227 courts of probate.

228 [(d)] (e) The Probate Court Administrator shall, personally, or by an  
229 authorized designee of the Probate Court Administrator who has been  
230 admitted to the practice of law in this state for at least five years, visit  
231 each court of probate at least once during each two-year period to  
232 examine the records and files of such court in the presence of the judge  
233 of the court or the judge's authorized designee. The Probate Court  
234 Administrator shall make [whatever] such additional inquiries [are  
235 deemed] as the Probate Court Administrator deems appropriate, to  
236 ascertain whether the business of the court, including the charging of  
237 costs and payments to the State Treasurer, has been conducted in  
238 accordance with law, rules of the courts of probate and the canons of  
239 judicial ethics, and to obtain information concerning the business of

240 the courts of probate [which] that is necessary for the [administrator]  
 241 Probate Court Administrator to perform properly the duties of the  
 242 office. [ASD3]

243 Sec. 9. Subsection (i) of section 45a-82 of the 2006 supplement to the  
 244 general statutes is repealed and the following is substituted in lieu  
 245 thereof (*Effective July 1, 2006*):

246 (i) The State Treasurer shall, on or before October first, annually,  
 247 give an accounting of the Probate Court Administration Fund,  
 248 showing the receipts and disbursements and the balance or condition  
 249 thereof, as of the preceding June thirtieth, to the Connecticut Probate  
 250 Assembly and to the joint standing committee of the General Assembly  
 251 having cognizance of matters relating to the judiciary. Such accounting  
 252 shall include an independent audit of said fund. [ASD4]

253 Sec. 10. Subsection (a) of section 45a-84 of the general statutes is  
 254 repealed and the following is substituted in lieu thereof (*Effective July*  
 255 *1, 2006*):

256 (a) On or before April first of each year, the Probate Court  
 257 Administrator shall prepare a proposed budget for the next succeeding  
 258 fiscal year beginning July first, for the appropriate expenditures of  
 259 funds from the Probate Court Administration Fund to carry out the  
 260 statutory duties of the Probate Court Administrator. The Probate Court  
 261 Administrator shall submit the proposed budget to the [executive  
 262 committee of the] Connecticut Probate Assembly for [review]  
 263 approval. The [executive committee] Connecticut Probate Assembly  
 264 shall return the [proposed] approved budget to the Probate Court  
 265 Administrator no later than May first, together with its comments [and  
 266 recommendations] concerning the proposed expenditures. The Probate  
 267 Court Administrator shall thereafter prepare a proposed final budget,  
 268 including such changes [recommended by the executive committee as  
 269 the Probate Court Administrator deems appropriate] made by the  
 270 Connecticut Probate Assembly. On or before May fifteenth, the Probate

271 Court Administrator shall transmit the proposed final budget to the  
272 Chief Court Administrator for approval, [, together with the comments  
273 and recommendations of the executive committee of the Probate  
274 Assembly.] On or before June fifteenth of that year, the Chief Court  
275 Administrator shall take such action on the budget, or any portion  
276 thereof, as the Chief Court Administrator deems appropriate. If the  
277 Chief Court Administrator fails to act on the proposed budget on or  
278 before June fifteenth, the budget shall be deemed approved as  
279 proposed. For the budget prepared and approved under this  
280 subsection for the fiscal year ending June 30, 2007, and for each fiscal  
281 year thereafter, the percentage of any increase in the total amount of  
282 such budget over the total amount of the budget for the immediately  
283 preceding fiscal year shall not exceed the percentage of the estimated  
284 increase in the Probate Court Administration Fund for the  
285 immediately preceding fiscal year. [ASD5]

286 Sec. 11. Subsection (c) of section 45a-111 of the general statutes is  
287 repealed and the following is substituted in lieu thereof (*Effective July*  
288 *1, 2006*):

289 (c) If a petitioner or applicant to a court of probate claims that unless  
290 his or her obligation to pay the fees and the necessary costs of the  
291 action, including the cost of service of process, is waived, such  
292 petitioner or applicant will be deprived by reason of his or her  
293 indigency of his or her right to bring a petition or application to such  
294 court or that he or she is otherwise unable to pay the fees and  
295 necessary costs of the action, he or she may file with the clerk of such  
296 court of probate an application for waiver of payment of such fees and  
297 necessary costs. Such application shall be signed under penalty of false  
298 statement, shall state the applicant's financial circumstances, and shall  
299 identify the fees and costs sought to be waived and the approximate  
300 amount of each. If the court finds that the applicant is unable to pay  
301 such fees and costs, [it] the court shall order such fees and costs  
302 waived. If such costs include the cost of service of process, the court, in  
303 its order, shall indicate the method of service authorized and the cost

304 of such service shall be paid from funds appropriated to the Judicial  
 305 Department. [, however, if funds have not been included in the budget  
 306 of the Judicial Department for such costs, such costs shall be paid from  
 307 the Probate Court Administration Fund.] Any fee waived under this  
 308 section shall be reimbursed to the court of probate from the funds  
 309 appropriated to the Judicial Department. [, however, if funds have not  
 310 been included in the budget of the Judicial Department for such  
 311 purposes, such payment shall be made from the Probate Court  
 312 Administration Fund pursuant to rules and regulations established by  
 313 the Probate Court Administrator.][ASD6]

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>October 1, 2006</i>	45a-27
Sec. 7	<i>October 1, 2006</i>	45a-27a
Sec. 8	<i>October 1, 2006</i>	45a-77
Sec. 9	<i>July 1, 2006</i>	45a-82(i)
Sec. 10	<i>July 1, 2006</i>	45a-84(a)
Sec. 11	<i>July 1, 2006</i>	45a-111(c)

**Statement of Purpose:**

To implement the recommendations of the Legislative Program Review and Investigations Committee concerning the Connecticut probate court system.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*