



Substitute Senate Bill No. 1438

Public Act No. 07-184

AN ACT CONCERNING NOTICE OF CERTAIN PROBATE COURT HEARINGS AND THE FILING OF CERTAIN REPORTS, THE ADMINISTRATION OF THE COURTS OF PROBATE AND THE DUTIES OF THE PROBATE COURT ADMINISTRATOR.

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

Section 1. Subsection (c) of section 45a-607 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(c) Except as provided in subsection (b) of this section, upon receipt of an application for temporary custody under this section, the court shall promptly set the time and place for a hearing to be held on such application. The court shall order notice of the hearing on temporary custody to be given, [by regular mail] at least five days prior to the date of the hearing, to the Commissioner of Children and Families by first class mail and [by personal service in accordance with section 52-50] to both parents and to the minor child, if over twelve years of age, [at least five days prior to the date of the hearing,] by personal service or service at the parent's usual place of abode or the minor's usual place of abode, as the case may be, in accordance with section 52-50, except that in lieu of personal service on, or service at the usual place of abode of, a parent or the father of a minor child born out of wedlock

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who is either an applicant or who signs under penalty of false statement a written waiver of [personal] such service on a form provided by the Probate Court Administrator, the court may order notice to be given by [certified] first class mail [, return receipt requested, deliverable to addressee only,] at least five days prior to the date of the hearing. If the whereabouts of the parents are unknown, or if such delivery cannot reasonably be effected, then notice shall be ordered to be given by publication. Such notice may be combined with the notice under section 45a-609, as amended by this act, or with the notice required under section 45a-716, as amended by this act. If the parents are not residents of the state or are absent from the state, the court shall order notice to be given by [certified] first class mail [, return receipt requested, deliverable to addressee only,] at least five days prior to the date of the hearing. If the whereabouts of the parents are unknown, or if delivery cannot reasonably be effected, the court may order notice to be given by publication. Any notice by publication under this subsection shall be in a newspaper which has a circulation at the last-known place of residence of the parents. In either case, such notice shall be given at least five days prior to the date of the hearing, except in the case of notice of a hearing on immediate temporary custody under subsection (b) of this section. If the applicant alleges that the whereabouts of a respondent are unknown, such allegation shall be made under penalty of false statement and shall also state the last-known address of the respondent and the efforts which have been made by the applicant to obtain a current address. The applicant shall have the burden of ascertaining the names and addresses of all parties in interest and of proving to the satisfaction of the court that [he or she] the applicant used all proper diligence to discover such names and addresses. Except in the case of newspaper notice, such notice shall include: (1) The time and place of the hearing, (2) a copy of the application for removal or application for termination of parental rights, (3) a copy of the motion for temporary custody, (4) any affidavit or verified petition filed with the motion for temporary custody, (5)

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any other documents filed by the applicant, (6) any other orders or notices made by the court of probate, and (7) any request for investigation by the Department of Children and Families or any other person or agency. Such notice shall also inform the respondent of the right to have an attorney represent [him or her] the respondent and, if [he or she] the respondent is unable to obtain or pay for an attorney, the respondent may request the court of probate to appoint an attorney to represent [him or her] the respondent. Newspaper notice shall include such facts as the court may direct.

Sec. 2. Subsection (b) of section 45a-609 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(b) The court shall order notice of the hearing to be given, [by regular mail] at least ten days before the date of the hearing, to the Commissioner of Children and Families by first class mail and [by personal service in accordance with section 52-50] to both parents and to the minor, if over twelve years of age, [at least ten days before the time of the hearing,] by personal service or service at the parent's usual place of abode or the minor's usual place of abode, as the case may be, in accordance with section 52-50, except that in lieu of personal service on, or service at the usual place of abode of, a parent or the father of a child born out of wedlock who is either a petitioner or who signs under oath a written waiver of [personal] such service on a form provided by the Probate Court Administrator, the court may order notice to be given by [certified] first class mail [, return receipt requested, deliverable to addressee only,] at least ten days prior to the date of the hearing. If such delivery cannot reasonably be effected, then notice shall be ordered to be given by publication. If the parents reside out of or are absent from the state, the court shall order notice to be given by [certified] first class mail [, return receipt requested, deliverable to addressee only,] at least ten days prior to the date of the

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hearing. If the whereabouts of the parents are unknown, or if delivery cannot reasonably be effected, the court may order notice to be given by publication. Any notice by publication under this subsection shall be in [some] a newspaper which has a circulation at the parents' last-known place of residence. In either case, such notice shall be given at least ten days before the [time] date of the hearing. If the applicant alleges that the whereabouts of a respondent are unknown, such allegation shall be made under penalty of false statement and shall also state the last-known address of the respondent and the efforts which have been made by the applicant to obtain a current address. The applicant shall have the burden of ascertaining the names and addresses of all parties in interest and of proving to the satisfaction of the court that [he or she] the applicant used all proper diligence to discover such names and addresses. Except in the case of newspaper notice, the notice of hearing shall include the following: (1) The notice of hearing, (2) the application for removal of parent as guardian, (3) any supporting documents and affidavits filed with such application, (4) any other orders or [notice] notices made by the Court of Probate, and (5) any request for investigation by the Department of Children and Families or any other person or agency. Such notice shall also inform the respondent of the right to have an attorney represent [him or her] the respondent in the matter, and if [he or she] the respondent is unable to obtain or to pay an attorney, the respondent may request the Court of Probate to appoint an attorney to represent [him or her] the respondent. Newspaper notice shall include such facts as the court may direct.

Sec. 3. Subsection (c) of section 45a-616 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(c) Upon receipt by the court of an application pursuant to this section, the court shall set a time and place for a hearing to be held

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within thirty days of the application, unless the court requests an investigation in accordance with the provisions of section 45a-619, in which case the court shall set a day for hearing not more than thirty days following receipt of the results of the investigation. The court shall order notice of the hearing to be given to the minor, if over twelve years of age, by [certified] first class mail [, return receipt requested, deliverable to the addressee only,] at least ten days prior to the date of the hearing. In addition, notice by [regular] first class mail shall be given to the petitioner and all other parties in interest known by the court.

Sec. 4. Section 45a-671 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Within forty-five days of the filing of such application for guardianship in the Court of Probate, such court shall assign a time and place for hearing such application. Notwithstanding the provisions of section 45a-7, the court may hold the hearing on [said] the application at a place within the state other than its usual courtroom if it would facilitate the presence of the respondent. Such court shall cause a citation and notice to be served upon the respondent by personal service made by a state marshal, constable or an indifferent person not less than seven days prior to such hearing date.

(b) The court shall direct notice by [certified] first class mail to the following: (1) The parents of the respondent, provided the parents are not the applicants; (2) the spouse of the respondent, provided the spouse is not the applicant; (3) children of the respondent, if any; and (4) the person in charge of the hospital, nursing home, residential facility or other institution in which the respondent may reside.

(c) The court shall order such notice as it directs to the following: (1) The applicant; and (2) the siblings of the respondent or their

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representatives, if the respondent has no living parents, and the spouse or children of the respondent.

(d) The court in its discretion may order such notice as it directs to other persons having an interest in the respondent.

Sec. 5. Subsections (c) and (d) of section 45a-716 of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(c) Except as provided in subsection (d) of this section, notice of the hearing and a copy of the petition, certified by the petitioner, the petitioner's agent or attorney, or the clerk of the court, shall be served at least ten days before the date of the hearing by personal service or service at the person's usual place of abode on the persons enumerated in subsection (b) of this section who are within the state, and by [certified] first class mail [, return receipt requested,] on the Commissioner of Children and Families and the Attorney General. If the address of any person entitled to personal service or service at the person's usual place of abode is unknown, or if personal service or service at the person's usual place of abode cannot be reasonably effected within the state, or if any person enumerated in subsection (b) of this section is out of the state, a judge or the clerk of the court shall order notice to be given by registered or certified mail, return receipt requested, or by publication at least ten days before the date of the hearing. Any such publication shall be in a newspaper of general circulation in the place of the last-known address of the person to be notified, whether within or without this state, or, if no such address is known, in the place where the petition has been filed.

(d) In any proceeding pending in the Court of Probate, in lieu of personal service on, or at the usual place of abode of, a parent or the father of a child born out of wedlock who is either a petitioner or who signs under penalty of false statement a written waiver of personal

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service on a form provided by the Probate Court Administrator, the court may order notice to be given by [certified] first class mail [, return receipt requested, deliverable to addressee only,] at least ten days before the date of the hearing. If such delivery cannot reasonably be effected, or if the whereabouts of the parents is unknown, notice shall be ordered to be given by publication as provided in subsection (c) of this section.

Sec. 6. Subsection (c) of section 17a-11 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(c) Not more than one hundred twenty days after admitting a child or youth on a voluntary basis, the department shall petition the probate court for the district in which a parent or guardian of the child or youth resides for a determination as to whether continuation in care is in the child's or youth's best interest and, if so, whether there is an appropriate case service or permanency plan. A case service plan shall be required for all children and youths receiving services voluntarily from the department who are not in an out-of-home placement. A permanency plan shall be required for all children and youths voluntarily admitted to the department and placed by the department in a foster home licensed pursuant to section 17a-114 or a facility licensed pursuant to section 17a-145 or 17a-154. Upon receipt of such application, the court shall set a time and place for hearing to be held within thirty days of receipt of the application, unless continued by the court for cause shown. The court shall order notice of the hearing to be given by [regular] first class mail at least five days prior to the hearing to the Commissioner of Children and Families, and by [certified] first class mail [, return receipt requested,] at least five days prior to the hearing to the parents or guardian of the child and the minor, if over twelve years of age. If the whereabouts of the parent or guardian are unknown, or if delivery cannot reasonably be effected, then notice

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shall be ordered to be given by publication. In making its determination, the court shall consider the items specified in subsection (d) of this section. The court shall possess continuing jurisdiction in proceedings under this section.

Sec. 7. Section 46b-150 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Any minor who has reached such minor's sixteenth birthday and is residing in this state, or any parent or guardian of such minor, may petition the superior court for juvenile matters or the probate court for the district in which either the minor or the parents or guardian of such minor resides for a determination that the minor named in the petition be emancipated. The petition shall be verified and shall state plainly: (1) The facts which bring the minor within the jurisdiction of the court, (2) the name, date of birth, sex and residence of the minor, (3) the name and residence of the minor's parent, parents or guardian, and (4) the name of the petitioner and the petitioner's relationship to the minor. Upon the filing of the petition in the Superior Court, the court shall cause a summons to be issued to the minor and the minor's parent, parents or guardian, in the manner provided in section 46b-128. Service on an emancipation petition filed in the superior court for juvenile matters pursuant to this section shall not be required on the petitioning party. Upon the filing of the petition in the Probate Court, the court shall assign a time, not later than thirty days thereafter, and a place for hearing such petition. The court shall cause a citation and notice to be served on the minor and the minor's parent, if the parent is not the petitioner, by personal service or service at the minor's place of abode and the parent's place of abode, at least seven days prior to the hearing date, by a state marshal, constable or indifferent person. The court shall direct notice by [certified] first class mail to the parent, if the parent is the petitioner. The court shall order such notice as it directs to: (A) The Commissioner of Children and Families, (B) the

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Attorney General, and (C) other persons having an interest in the minor. The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received aid or care from the state, or if the child is receiving child support enforcement services, as defined in subdivision (2) of subsection (b) of section 46b-231.

Sec. 8. Subsection (a) of section 46b-172a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

(a) Any person claiming to be the father of a child born out of wedlock may at any time, but no later than sixty days after the date of notice under section 45a-716, as amended by this act, file a claim for paternity with the court of probate for the district in which either the mother or the child resides, on forms provided by such court. The claim shall contain the claimant's name and address, the name and last-known address of the mother and the month and year of the birth or expected birth of the child. Not later than five days after the filing of a claim for paternity, the judge of the court of probate shall cause a certified copy of such claim to be [mailed by certified mail to] served upon the mother or prospective mother of such child [at the last-known address shown on the claim for paternity] by personal service or service at her usual place of abode, and to the Attorney General by first class mail. The Attorney General may file an appearance and shall be and remain a party to the action if the child is receiving or has received aid or care from the state, or if the child is receiving child support enforcement services, as defined in subdivision (2) of subsection (b) of section 46b-231. The claim for paternity shall be admissible in any action for paternity under section 46b-160, and shall estop the claimant from denying his paternity of such child and shall contain language that he acknowledges liability for contribution to the support and education of the child after its birth and for contribution

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to the pregnancy-related medical expenses of the mother.

Sec. 9. Subsection (a) of section 45a-92 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2007*):

Each person who is a judge of probate at any time during any calendar year shall file with the Probate Court Administrator on or before [March] April first of the succeeding year a statement signed under penalty of false statement showing the actual gross receipts and itemized costs of his or her office and the net income for each such calendar year. If such person ceases to hold office, he or she shall also file with the Probate Court Administrator, on or before [March] April first of the second and third years next following, a statement signed under penalty of false statement showing his or her net income from his or her former office for the first and second calendar years next following the calendar year in which he or she ceased to hold office. At the time of filing, each such person shall pay to the State Treasurer as hereinafter provided the sum required by this section, less sums previously paid to the State Treasurer on account. Payment shall be credited by the State Treasurer to the fund established by section 45a-82.

Sec. 10. Section 45a-8 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) The town or towns comprising each probate district shall provide court facilities meeting the minimum standards required by this section. If a probate district consists of more than one town, the expense shall be allocated to the towns in proportion to their grand lists last perfected. Such court facilities shall include: (1) Office space appropriate for the conduct of judicial business, including (A) a room for the judge of probate sufficient in size for ordinary matters in which judicial proceedings may be conducted in private, (B) a separate room

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for the court staff, and (C) on a prearranged basis, access to a larger hearing room for the conduct of unusually large court hearings; (2) furniture and furnishings appropriate to a court facility; (3) use and maintenance of a copying machine and the necessary supplies; (4) use and maintenance of [microfilming equipment and the necessary supplies, including record books or the equipment to produce records] court record systems and equipment, including such record books and electronic, digital, microfilming or similar systems required to maintain, provide access to and produce court records, and the necessary supplies for such systems, equipment and records; (5) the necessary stationery, postage and other related supplies in order that the court may properly carry out its duties; (6) typing equipment with which to complete the necessary records; (7) basic telephone service, which shall include all local calls; (8) if a court is computerized, a dedicated telephone line and maintenance of the computer equipment; and (9) adequate liability, fire, loss, theft and replacement insurance on the furniture, furnishings, equipment, court facilities and the records of the court.

(b) If a town or towns comprising a probate district and the responsible municipal official or officials within such probate district fail to provide the court facilities required by subsection (a) of this section, the Probate Court Administrator shall offer in writing to meet with the judge of probate of the district and the responsible official or officials to discuss such court facilities. After discussion and consideration of the circumstances of the court operations, the Probate Court Administrator may waive or modify the application of a particular requirement of subsection (a) of this section for court facilities.

(c) If suitable court facilities are not provided in accordance with subsection (a) or (b) of this section: (1) The Probate Court Administrator shall provide written notice, by first class mail, to the

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judge of probate of the district and the chief executive officer of the town in which the court is located, on or before October first of any year in which suitable court facilities are not so provided. Such notice shall specify the requirements of subsection (a) or (b) of this section that are not met and shall direct the submission of a plan as required by this subdivision. Not later than January first of the year following the year in which such notice is provided, such chief executive officer, or his or her representative, shall file with the Probate Court Administrator a plan and time frame for meeting such requirements and providing suitable court facilities; (2) not later than February first of the year following the year in which notice is provided under subdivision (1) of this section, the Probate Court Administrator shall submit a report to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary concerning the failure of the probate district to provide the required court facilities, [together with] which report may include a recommendation that the probate district be abolished as a separate district and be consolidated with a contiguous district where suitable court facilities can be provided; or [(2)] (3) if, in the opinion of the Probate Court Administrator, abolition of the district is not in the public interest and judicial action is necessary to enforce the provision of suitable court facilities, the Probate Court Administrator shall bring an action in the Superior Court to enforce the requirements for the provision of suitable court facilities.

(d) Any town located in a probate district that desires to (1) consolidate such probate district with one or more districts, (2) be removed from such probate district to a separate district established for any such town, or (3) be located in another probate district, may, by resolution of its legislative body, petition the General Assembly for such consolidation, separation and creation of a new probate district or relocation. The Probate Court Administrator shall provide such assistance in the preparation of the petition as the officials of the town

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or towns may request. At the time of submission of a petition to the General Assembly, a copy of the petition shall be sent to the judges of probate in the probate districts to be affected. No probate district may be consolidated with another district until the expiration of the term of office of any probate judge in an affected probate district.

(e) Each judge of probate shall provide suitable records and supplies, in accordance with subsection (a) of this section, for the court in the judge's district. The judge of probate shall cause a complete record to be made of all orders passed by such court and of all wills, inventories, distributions, accounts, bonds and returns made to or lodged with such court. The expense of records, microfilming or the equipment to produce records, and of supplies which the judge deems necessary, shall be paid, upon the order of the judge, by the town or towns composing the district in proportion to their grand lists last perfected.

(f) When the Probate Court Administrator, by regulation, requires that the courts of probate use specified forms, education materials, supplies or equipment not otherwise required by this section, they shall be furnished by the Probate Court Administrator and the expense paid from the [fund] Probate Court Administration Fund established under section 45a-82.

Sec. 11. Section 45a-77 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(a) The Probate Court Administrator may attend to any matters [which] that the Probate Court Administrator [deems] considers necessary for the efficient operation of the courts of probate and for the expeditious dispatch and proper conduct of the business of [those] such courts. The Probate Court Administrator shall administer and enforce the provisions of this chapter, sections 12 to 14, inclusive, of this act and the regulations issued under this section, and shall ensure

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performance of the duties of judges of probate and clerks of the courts of probate in accordance with the provisions of this chapter, said sections and such regulations. The Probate Court Administrator may make recommendations to the General Assembly for legislation for the improvement of the administration of the courts of probate.

(b) (1) The Probate Court Administrator may issue and shall enforce regulations, provided such regulations are approved in accordance with [this] subsection (c) of this section. Such regulations shall be binding on all courts of probate and shall concern [the auditing,] the following matters for the administration of the probate court system: (A) Auditing, accounting, statistical, billing, recording, filing and other court procedures; (B) reassignment and transfer of cases; (C) training of court personnel and continuing education programs for judges of probate and court personnel; and (D) the enforcement of the provisions of this chapter, sections 12 to 14, inclusive, of this act and the regulations issued pursuant to this section, including, but not limited to, recovery of expenses associated with any such enforcement, as permitted by such regulations.

(2) The Probate Court Administrator may adopt regulations, in accordance with chapter 54, provided such regulations are approved in accordance with [this] subsection (c) of this section. Such regulations shall be binding on all courts of probate and shall concern: [the] (A) The availability of judges; [,] (B) court facilities, [court] personnel and records; [,] (C) hours of court operation; and (D) telephone service.

[(3)] (c) (1) Either the Probate Court Administrator or the executive committee of the Connecticut Probate Assembly may propose [such] regulations authorized under subsection (b) of this section. Any regulation proposed by the Probate Court Administrator shall be submitted to the executive committee of the Connecticut Probate Assembly for approval. Any regulation proposed by the executive committee of the Connecticut Probate Assembly shall be submitted to

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the Probate Court Administrator for approval. If either the Probate Court Administrator or the executive committee of the Connecticut Probate Assembly fails to approve a proposed regulation, such proposed regulation may be submitted to a panel of three Superior Court judges appointed by the Chief Justice of the Supreme Court. The panel of judges, after consideration of the positions of the Probate Court Administrator and the executive committee of the Connecticut Probate Assembly, shall either approve the proposed regulation or reject the proposed regulation.

(2) Any proposed new regulation and any change in an existing regulation issued under this section on or after the effective date of this section shall be submitted to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary for approval or disapproval in its entirety, provided, if more than one proposed new regulation or change in an existing regulation is submitted at the same time, said committee shall approve or disapprove all such proposed new regulations and changes in existing regulations together in their entirety. Unless disapproved by said committee within ninety days of the date of such submittal, each such regulation shall become effective on the date specified in such regulation, but not in any event until ninety days after promulgation.

[(c)] (d) The Probate Court Administrator shall regularly review the auditing, accounting, statistical, billing, recording, filing, administrative and other procedures of the [several] courts of probate.

[(d)] (e) The Probate Court Administrator shall, personally, or by an authorized designee of the Probate Court Administrator who has been admitted to the practice of law in this state for at least five years, visit each court of probate at least once during each two-year period to examine the records and files of such court in the presence of the judge of the court or the judge's authorized designee. The Probate Court Administrator shall make [whatever] any additional inquiries [are

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deemed] that the Probate Court Administrator considers appropriate [.] to ascertain whether the business of the court, including the charging of costs and payments to the State Treasurer, has been conducted in accordance with law, rules of the courts of probate, regulations issued under this section and the canons of judicial ethics, and to obtain information concerning the business of the courts of probate which is necessary for the [administrator] Probate Court Administrator to perform properly the duties of the office.

Sec. 12. (NEW) (*Effective July 1, 2007*) (a) If the Probate Court Administrator determines that the business of a court of probate has not been conducted in accordance with law or the regulations issued pursuant to section 45a-77 of the general statutes, as amended by this act, or that the business of a court of probate is not being conducted properly or with expeditious dispatch, or that suitable court facilities are not being provided for a court of probate in accordance with subsection (a) or (b) of section 45a-8 of the general statutes, as amended by this act, the Probate Court Administrator may meet with the judge of such court in an effort to correct any such deficiencies. If the Probate Court Administrator determines that action under this section is warranted, the Probate Court Administrator shall give written notice of his or her determinations made under this subsection, and the reasons therefor, to the judge of such court. The Probate Court Administrator shall include with such notice the Probate Court Administrator's proposed disposition of the matter, which may include one or more of the following actions: (1) Reassignment of any case pending before such court to a special assignment probate judge or to another judge of probate by means of a citation in the manner provided in section 45a-120 of the general statutes; (2) designation of a special assignment probate judge to assist the judge of such court in conducting the business of such court; or (3) recovery of expenses associated with any of such actions, as permitted by regulations issued pursuant to subdivision (1) of subsection (b) of section 45a-77 of the

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general statutes, as amended by this act.

(b) (1) Not later than ten business days after receiving written notice as provided in subsection (a) of this section, a judge of probate who is the subject of an action of the Probate Court Administrator under this section may file with the Probate Court Administrator a request for a hearing before a review panel. The review panel shall consist of (A) a judge of probate selected by the Probate Court Administrator, (B) a judge of probate selected by the judge who is the subject of the action, and (C) a judge of probate jointly selected by the judges who have been selected under subparagraphs (A) and (B) of this subdivision, except that if such judges are unable to make a joint selection, the judge of probate required under this subparagraph shall be selected by the Chief Justice of the Supreme Court.

(2) Not later than fifteen business days after the filing of a request for a hearing under subdivision (1) of this subsection, the review panel shall hold a hearing on the Probate Court Administrator's determination and proposed disposition of the matter. The Probate Court Administrator and the judge who is the subject of the action shall have a right to be heard and present evidence at the hearing. The Probate Court Administrator shall have the burden of proving that such judge received written notice as required by subsection (a) of this section. After the hearing, a majority of the members of the review panel may affirm, dismiss or modify the Probate Court Administrator's determination and proposed disposition of the matter under subsection (a) of this section. Either the Probate Court Administrator or such judge may request that the matter be heard on the record under sections 51-72 and 51-73 of the general statutes.

(c) (1) Except as provided in subdivision (2) of this subsection, if a timely request for a hearing is not filed under subdivision (1) of subsection (b) of this section by the judge who is the subject of the action, the Probate Court Administrator's proposed disposition of the

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matter under subsection (a) of this section shall take effect immediately upon the expiration of the ten business day period set forth in subdivision (1) of subsection (b) of this section.

(2) If the Probate Court Administrator, in consultation with the Chief Court Administrator, determines that, with respect to a pending case, an emergency exists due to the fact that a probate matter has not been conducted with expeditious dispatch within the proper time frames prescribed by law, rules of the courts of probate or regulations issued pursuant to subdivision (1) of subsection (b) of section 45a-77, as amended by this act, the Probate Court Administrator's proposed disposition of the matter under subsection (a) of this section shall take effect when the judge who is the subject of the action receives notice as provided in subsection (a) of this section. Such proposed disposition shall be subject to such judge's right to a hearing and the decision of the review panel under subsection (b) of this section, provided the validity of any order or decree made, proceeding held or other action taken by a special assignment probate judge or another judge of probate pursuant to such proposed disposition when an emergency exists due to the fact that a matter has not been conducted with expeditious dispatch, as provided in this subdivision, shall not be affected by any subsequent decision of the review panel under subsection (b) of this section.

(d) The Probate Court Administrator shall issue regulations pursuant to subdivision (1) of subsection (b) of section 45a-77 of the general statutes, as amended by this act, concerning rules of procedure for the conduct of any hearing before a review panel under this section. Such rules of procedure shall address: (1) The notice of the Probate Court Administrator's determination and reasons therefor under subsection (a) of this section; (2) the content of a request for a hearing and any notice of hearing; (3) hearing procedures; (4) evidence; (5) subpoenas; (6) the production of documents; (7)

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continuances; (8) intervenors; (9) the hearing record; and (10) the right to cross-examine, present arguments and inspect and copy relevant materials.

(e) Any judge of probate who is aggrieved by any decision under this section may appeal such decision to the superior court for the judicial district in which the probate district of such judge is located. An appeal under this subsection shall be taken within thirty days of such decision. Appeals from any such decision rendered in any case after a record is made under sections 51-72 and 51-73 of the general statutes shall be on the record and shall not be a trial de novo. In any such appeal, the court may grant such relief as the court determines to be appropriate.

Sec. 13. (NEW) (*Effective July 1, 2007*) (a) There shall be special assignment probate judges appointed by the Chief Justice of the Supreme Court, on nomination by the Probate Court Administrator, from among the judges of probate elected as provided in section 45a-18 of the general statutes. A nominee of the Probate Court Administrator shall have demonstrated the special skill, experience or expertise necessary to serve as a special assignment probate judge. The Probate Court Administrator shall issue regulations pursuant to subdivision (1) of subsection (b) of section 45a-77 of the general statutes, as amended by this act, to establish requirements concerning the responsibilities of special assignment probate judges and the number, geographic distribution and expertise of such judges. A special assignment probate judge shall serve at the pleasure of the Chief Justice.

(b) Subject to the approval of the Chief Court Administrator, the Probate Court Administrator shall fix the compensation of special assignment probate judges appointed pursuant to this section. Such compensation shall, on the order of the Probate Court Administrator, be paid from the Probate Court Administration Fund established under section 45a-82 of the general statutes. Such compensation,

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including compensation that a special assignment probate judge receives as a judge of probate of the district to which he or she was elected, shall not exceed the compensation provided under subsection (k) of section 45a-92 of the general statutes. A special assignment probate judge shall have such benefits as may inure to him or her as a judge of probate and shall receive no additional benefits, except compensation provided under this subsection.

Sec. 14. (NEW) (*Effective July 1, 2007*) (a) A court of probate shall be open to the public for the conduct of court business not less than twenty hours each week, Monday through Friday, excluding holidays, on a regular schedule between the hours of eight o'clock a.m. and five o'clock p.m. The judge of probate of a probate district may close a court temporarily owing to inclement weather, an emergency or other good cause. Such judge shall immediately give notice of a temporary closing to the Probate Court Administrator, together with the reason for such closing and the date and time when the court will reopen.

(b) The Probate Court Administrator may, for good cause shown, modify the requirements of this section.

Sec. 15. Subsection (c) of section 45a-92 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(c) Each judge of probate or personal representative, except a judge of probate who is the Probate Court Administrator, shall at the time of filing such returns pay to the State Treasurer to be credited to the fund established by section 45a-82, a percentage of the annual net income from such office based on the following table in which the percentage appearing in the left column shall first be multiplied by the minimum annual compensation of a high volume court as provided in subsection (k) of this section, as in effect on the first day of July of the calendar year for which an assessment is due pursuant to this section, the

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product of which shall then be multiplied by the applicable percentage appearing in the right column:

First 20% of the compensation assessment rate of a high volume court	\$1 nominal
Next 6.67%	5%
Next 6.66%	10%
Next 6.67%	15%
Next 6.67%	25%
Next 6.66%	35%
Next 13.34%	50%
Next 33.33%	75%
Next 33.67%	80%
Next 66.67%	85%
Next 133.33%	95%

Excess over 333.67%, up to the maximum amount computed at 97.5% by the Probate Court Administrator

All over the maximum amount computed at 100% by the Probate Court Administrator.

As used [herein] in this subsection, "maximum amount" [shall mean] means the amount of annual net income from such office which, when applying the percentage payments set forth above, shall result in the judge of probate retaining as net compensation, after the payment of the above amounts, no more than the product resulting from the multiplication of seventy-two dollars by the annual weighted-workload of the court, as defined [by regulations to be adopted] in regulations issued by the Probate Court Administrator pursuant to subdivision [(3)] (1) of subsection (b) of section 45a-77, as amended by this act, but not to exceed the compensation of a high volume court as set forth in subsection (k) of this section, provided this limitation shall

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not apply to those courts described in subsection (k) of this section. Such payment shall be deemed to be a necessary expense of such office, but shall not be deductible from the gross income for the purpose of determining net income of such office under this section. Notwithstanding the provisions of this subsection, the annual minimum compensation of a judge of probate shall be no less than the product resulting from the multiplication of fifteen dollars by the annual weighted-workload of the court, as defined [by regulations to be adopted] in regulations issued by the Probate Court Administrator pursuant to subdivision [(3)] (1) of subsection (b) of section 45a-77, as amended by this act, or no less than the judge's average compensation for the three-year period from January 1, 1996, to December 31, 1998, but, in no event shall that minimum compensation exceed that provided pursuant to subsection (k) of this section.

Sec. 16. Subsection (f) of section 45a-92 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(f) If, based upon such estimate, the amount payable shall be less than one hundred dollars, the payment thereof shall be made in one payment on or before December thirty-first of the applicable year. Otherwise, the amount payable shall be made in four substantially equal installments payable on or before the last day of March, June, September and December of the applicable year, except that in the case of an estimate filed pursuant to subdivision (2) of subsection (e) of this section, the amount payable under such estimate shall be made in substantially equal installments on such installment payment dates next following the timely filing of such estimate in such year. The estimated payment may be amended and changed at any time during the year in which it is payable by increasing or decreasing the amount. The amount of such increase or decrease shall be paid for or adjusted in the installment or payment due at the time the estimated assessment

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is next payable after such amendment. The Probate Court Administrator may [adopt] issue regulations pursuant to subdivision (1) of subsection (b) of section 45a-77, as amended by this act, to carry out the intent of this subsection.

Sec. 17. Subsection (i) of section 45a-92 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(i) (1) If any estimated quarterly payments required to be paid pursuant to subsection (f) of this section [is] are less than one-fourth of seventy per cent of the total assessment due for that year or less than one-fourth of ninety-five per cent of the assessment paid for the prior year, such person shall be obligated to pay to such fund a penalty of ten per cent of the amount of the deficiency, except that the Probate Court Administrator may waive such penalty for cause in accordance with regulations [adopted] issued pursuant to subdivision (1) of subsection (b) of section 45a-77, as amended by this act. Any such penalty shall become payable upon demand by the Probate Court Administrator, and be due within thirty days after such demand, in accordance with regulations [promulgated] issued by the Probate Court Administrator, and shall be subject to interest under subdivision (2) of this subsection in the event of default in such payment. (2) Any payments required under subsection (f) or (h) of this section which are not paid at the applicable times prescribed in said subsections, and any penalty payment required under subdivision (1) of this subsection which is not timely paid, shall incur simple interest at the rate applicable under section 12-376 for delinquent payment of succession and transfer taxes where no extension has been granted, to be payable to the State Treasurer and to be added to the fund established under section 45a-82. Any alleged delinquency of a judge of probate in making payments as required under this section shall be referred by the State Treasurer to the Attorney General for such action as the

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Attorney General deems necessary.

Sec. 18. Subsection (g) of section 5-259 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2007*):

(g) Notwithstanding the provisions of subsection (a) of this section, the Probate Court Administration Fund established in accordance with section 45a-82, shall pay for each probate judge and Probate Court employee not more than one hundred per cent of the portion of the premium charged for his or her individual coverage and not more than fifty per cent of any additional cost for his or her form of coverage. The remainder of the premium for such coverage shall be paid by the probate judge or Probate Court employee to the State Treasurer. Payment shall be credited by the State Treasurer to the fund established by section 45a-82. The total premiums payable shall be remitted by the Probate Court Administrator directly to the insurance company or companies or nonprofit organization or organizations providing the coverage. The Probate Court Administrator shall [establish] issue regulations governing group hospitalization and medical and surgical insurance [in accordance with] pursuant to subdivision (1) of subsection (b) of section 45a-77, as amended by this act.

Approved July 5, 2007