

Senator McDonald, Representative Lawlor, Honorable Members of the Judiciary Committee

As the Judge of Probate for the District of Deep River and a member of the Board of Directors of the Connecticut Probate Judges Association for Local Courts, I am writing concerning **H.B. 7150 – An Act Concerning the Funding of Regional Children’s Probate Courts** that is the subject of a public hearing before the Judiciary Committee on Monday, February 26, 2007, at 2:00 p.m.

Deep River’s chief elected officials, residents, and I **support** the concept of H.B. 7150. We **fully support** the testimony of the Hon. Russell A. Kimes, Jr., Judge of Probate for the District of New Canaan. We **fully support** the continued position of the 110 members of the Connecticut Council of Small Towns to **“strengthen and preserve local probate courts in smaller communities and the opposition of the mandatory consolidation of local probate courts (directly or indirectly) and opposition of any financing scheme for local courts that would be unfair to small towns.”**

In order to continue to serve the residents of this state, the Probate system will need to be financially viable. The system’s financial stability has been adversely affected by several factors. Indigency costs have quadrupled in the past five years (\$1.0 Million in 01-02 to over \$4.0 million in 05-06). In the same time period, health insurance costs have nearly doubled from \$2.9 Million to \$5 Million. The Probate Court Administrator’s own budget has increased significantly due to staff increases within his own office, extensive costs for outside consultants, and the ever-increasing operating costs for the Regional Children’s Courts. All of these factors create a strain on the Probate Administration Fund.

When faced with budget deficits between 2002 and 2003, the Legislature transferred \$15 million from the Probate Fund surplus to the State’s General Fund. Clearly this is allowed under the State statutes and is most appropriate if there are excess funds in the Probate Administration Fund. In June 2002, the Probate Fund balance stood at \$30 million. In June 2003, it was \$16 million. This resulted in a loss of investment income. In 2001-2002, investment income was \$714,187. In 2003-2004 it had dropped to \$177,202. Although the investment income has recovered, the increased costs indicated above and the dip in investment income have created the current concerns about the system’s financial stability. Transferring the costs of the Regional Children’s Court to the General Assembly would help the system to maintain its financial viability and to continue to serve the residents of the State of Connecticut.

We believe H.B. 7150 will help to keep the Probate system financially viable.

We **strongly urge** you to review the statutes involved. It is our opinion that they must be rewritten to reinstate the Legislature as the “decider” of the Regional Children’s Court district/regions. We believe that this can be accomplished by requiring that they be established by regulations adopted pursuant to the Administrative Procedures Act. We believe that the General Assembly must be the body that sets the compensation for the “administrative judges”. We believe that the wording “within available appropriations” must be interpreted that the funding shall be paid from the General Fund not from the

Probate Administration Fund. Finally, we note that section (k) of the proposed Bill removes the wording requiring the Probate Court Administrator to submit a report on the effectiveness of the program to the Judiciary Committee. To date, we are not aware that the Probate Court Administrator has reported to anyone on the operation and effectiveness of the Regional Children's Courts. We believe removing this system of checks and balances would absolve the Probate Court Administrator of yet another failure to comply with a statutory direction and would be contrary to the General Assembly's recent requirement of result/outcome based evaluation of all programs.

We recall that several years ago your Committee promised us that the Legislature is the system of checks and balances. Oversight and accountability are always important in government to ensure that the funds paid to the Probate system by the residents of Connecticut are used wisely. Connecticut's Probate Courts belong to the people, not to the judges, administrators, or others. We ask you to fulfill your promise and commitment. We urge you to modify the language of H.B. 7150 and approve the bill.

Thank you for your consideration.

Hon. Patricia L. Damon, Judge
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