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PROBATE COURT ADMINISTRATOR

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To: Senate Co-Chair Andrew McDonald
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Senate Ranking Member John Kissel
House Ranking Member Arthur O'Neill
Honorable Members of the Judiciary Committee

From: Judge James J. Lawlor
Probate Court Administrator

Re: RB 1438 An Act Concerning Notice of Certain Probate Court Hearings and
the Filing of Certain Reports

Date: March 30, 2007

The Office of the Probate Court Administrator supports Raised Bill 1438 and urges its favorable passage from the committee.

The statutes governing removal of parent as guardian, guardianship of mentally retarded persons and termination of parental rights require certified mail notice of probate court proceedings to be sent to certain interested parties. The purpose is to ensure that those parties are notified and to document that fact in the court file. However, in many cases the certified mail notices are not claimed. In many cases the parties simply do not take the time to claim the certified mail. In some cases, the parties are fearful of accepting certified mail from a court. So, the results do not justify the time and expense involved in issuing certified mail notice.

This bill would allow certain notices to be delivered by first class mail rather than certified mail. The court would, of course, have the discretion to provide a more customized notice, such as personal service or certified mail, if warranted.

This bill would also clarify a discrepancy in the statutes concerning the time for filing probate judges' income reports. Judges are required to file an annual report of their income with the Office of the Probate Court Administrator.

The time for filing is addressed in two different places in the statutes. One requires the reports be filed by March 1 and one requires the reports to be filed by April 1, the date we currently use.

This bill would resolve the disparity and require all courts to file their annual income reports by March 1. This change would have the additional benefit of enabling the Administrator's Office to begin auditing the courts' finances sooner. It would also assist the Administrator's office in preparing its budget, which must be completed by April 1st.