



CONNECTICUT PROBATE ASSEMBLY

March 30, 2007

Hon. Dianne E. Yamin
President Judge CT Probate Assembly

Thank you for the opportunity to speak today. I am testifying on behalf of the CT Probate Assembly in favor of two bills, and I will be commenting on two other bills.

First, S.B. No. 1437 (Raised): An Act Concerning the Date of Birth of Adopted Persons Born Outside of the Country and Notice provided by the Council on Probate Judicial Conduct.

Probate Assembly Position: The Assembly supports this bill, which would allow a Judge to correct the biological age of a child, based on medical evidence. There are presently two actual cases pending, one in Groton and one in Redding, in which the children who were born outside the U.S. were given younger birth ages, likely to improve their chances at being adopted. Medical evidence shows the difference between the age on the birth certificate and the actual age is three years in one of the cases, resulting in safety and other issues such as driving age, sports, etc.

The Probate Assembly has not had an opportunity to discuss the latter part of the bill regarding change of notice provided by the Council of Judicial Conduct, hence takes no position.

Second, H.B. No. 7382 (Raised) An Act Concerning Health Insurance for Probate Court Judges and Employees.

Probate Assembly Position: The Assembly voted overwhelming support of this bill at our January Assembly Meeting, which would provide that health insurance coverage for probate judges and employees be provided under the same terms and conditions as are applicable to state employees and paid from funds appropriated by the General Assembly.

In 2004, the State covered 93,000 active and retired state personnel with health insurance. In 2004 there were 329 active and 247 retired members of the Probate System receiving health insurance at an annual cost of 2.268 million. In 2007 there are currently 360 active and 236 retired members of the Probate System receiving health insurance. The 2006 cost to the Probate Administration fund was \$3,097,899 for actives and \$2,227,629 for retirees. In light of the positive solutions the Probate Assembly and Administrator's Office are proposing (greater education requirements, Courts being required to remain open longer hours,

massive improvements to the Conservator statutes, etc.), it makes sense to provide elected State Probate Judges and their staff with health insurance, as is the case with all state employees. This is a way to help our uniquely self-funded Probate Courts remain primarily self-funded. We currently have the same Anthem Blue Cross State Preferred Coverage as all state employees have, which we contribute to, and that would not change. However, instead of the contribution from the Probate Court Administration fund, which fund already has been seriously depleted by involuntary contribution to the General Fund, the contribution would come from funds appropriated by the General Assembly.

Third, S.B. No. 1272 (Raised) An Act Concerning Administration of the Courts of Probate and the Duties of the Probate Court Administrator.

The Assembly has no consensus on this Bill, with many Judges supporting and many Judges opposing this Bill. I will raise some of the comments from each side to give you an understanding of the range of opinions.

Those who oppose this bill, which includes a portion of the Judges on the Probate Assembly's Working Group in Response to the Recommendations of the Legislative Program Review and Investigations Committee, indicate that Judge Lawlor has the right to develop Regulations, which Regulations would be under the Administrative Procedure Statutes for legislative review. (And he does not have the ability to promulgate Regulations short of this process.) Secondly, they

disagree with the requirement of Section 7, which requires a Clerk to be present for the 20 hours per week minimum, which all Courts have to be open, under this bill. Some object to the Appeal process of the Bill (Section 3) and would prefer a three Judge Panel elected by the Assembly, rather than appointed Judges per the bill.

Those who favor the bill indicate that such Probate Court Administrator authority is necessary to promulgate and enforce regulations for uniformity of the Courts' operations, including educational requirements, financial reporting requirements, etc. Some feel that the Administrative Procedure Statutes would be too cumbersome and that the Probate Court Administrator should be able to promulgate Regulations, with the Executive Committee.

However, Judges who support this bill and Judges who oppose it, all voted in favor of the requirement of Courts being open a minimum of 20 hours per week, over five days, except when their City Hall is closed. However, there is no consensus on the requirement that a Clerk be present all 20 hours. (Section 7 of the bill).

There appears to be some consensus on having the towns provide technical support (Section 1 of the bill).

Fourth, S.B. 1439 (Raised) An Act Concerning the Transfer of an Application for the Appointment of a Conservator to the Superior Court or Another Probate Court.

The Probate Assembly opposes this bill, as it maintains the Probate Courts are historically the best, most local, efficient jurisdiction for Conservatorships.

In place of this bill, Judge Killian's committee has developed compromise language with legal rights advocates, which he will propose, (Probate Administration's Conservator Statutes Revision Committee), which is a step in the right direction, however the Assembly has not had an opportunity to review said proposed language, hence I hereby take no position on it.

Respectfully submitted, Hon. Dianne E. Yamin, President Judge, CT Probate Assembly