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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 696 An Act Concerning the Courts of Probate

Date: March 19, 2008

I appreciate the opportunity to support RB 696 An Act Concerning the Courts of Probate. This bill is the result of collaboration between my office and the Probate Assembly.

Section 1 of the bill corrects a significant problem with the calculation of statutory probate fees in decedents' estates. Prior to July 1, 2005, probate fees in decedents' estates were generally calculated with reference to the gross estate for purposes of the Connecticut succession tax. In 2005, the succession tax was repealed, and a revised estate and gift tax was put in place. The gross estate for estate tax purposes then became the primary basis for determining probate fees. These changes have, we believe inadvertently, resulted in a number of changes to the computation of probate fees.

By statute the gross estate for succession tax purposes included real and tangible personal property only if located within the state. However, the federal gross estate includes real and tangible property located anywhere within the United States. Thus probate fees are now calculated, in some instances, on property outside the state, and over which our probate courts have no jurisdiction. This result, which we believe to be at best unfair and at worst

unconstitutional, has drawn considerable and justifiable criticism from the public and the bar. This bill will exempt from the calculation of fees any real or tangible personal property of a Connecticut decedent but located outside of the state. As to decedents domiciled elsewhere but owning real or tangible personal property in Connecticut, it will calculate fees only on the property located in Connecticut. It will also reduce the value of real property by the amount of any mortgage secured by that property.

Section 2 of the bill clarifies a provision regarding retirement benefits of a judge whose district is merged and who is not thereafter elected as judge of the new district. The existing statute provides that judge with an additional four years of credited service, or a reduction in retirement age of up to four years, or a combination of the two, provided that the combination does not exceed a total of four years. There has, however, been some disagreement as to the meaning and effect of this provision. In particular, the issue is whether the judge must, in order to qualify for the additional four years, take retirement immediately upon leaving office. This bill will clarify what we believe to have been the original intent, and enable the judge to receive the four years at whatever point he or she elects to receive retirement benefits.

This section of the bill also extends the 4-year benefit to clerks, if they are no longer employed by the system, when a court merges.

Section 3 changes a provision concerning the establishment of new regulations concerning the probate courts that we believe was unintentional. Effective in 2007, the Judiciary Committee must approve any new or amended regulations that are approved by the Probate Administrator's office and the Executive Committee of the Probate Assembly. However, certain types of regulations must, by statute, be adopted in accordance with Chapter 54. As you know this multi-layered process includes approval by the regulations Review Committee. We believe that it is redundant to require approval of some regulations by two separate legislative committees, and is an inefficient use of public resources. This section will eliminate the need for approval of the Judiciary Committee only for those regulations that must be approved under Chapter 54 by the Regulations Review process. There is a mistake in the bill as it's currently drafted and the substitute language will correct it.

Section 4 of the bill also clarifies an existing statute concerning judge's compensation. In 1999 a provision was enacted permitting judge's to calculate their compensation with reference to their average compensation for the years 1996 to 1998.

At the time new formulas were established for determining compensation in an effort to make it more equitable. Some judges feared that the result would be a significant decrease in income. Therefore this 3-year average calculation was included in the statutes to protect those judges then in office, for so long as they

remained in office. This bill will codify what we believe to be the original intent, extending this protection as long as there is no break in their service as judge.

Section 5 would transfer the cost of the health insurance for judges and employees from the Probate Administration Fund to the General Fund. Current estimates have that figure at \$3,349,975 for active employees and \$2,655,390 for retirees and increasing annually. It has been stated that the probate system is moving toward insolvency and it appears that sometime in the next biennium the Probate Administration Fund will be completely depleted. It is still our hope that some accommodation can be made to ensure the future stability of the system. Our health care and indigent costs are the two largest obligations we have. Any assistance by the legislature would be appreciated.

Section 6 of the bill simply repeals an appeal statute that is no longer relevant as the result of statutory changes last year.

Additionally, there are two other concepts we would like added to the bill, also resulting from the conservator reform bill passed last year.

The process for probate appeals, as amended in 2007, calls for the probate court to be served with a copy of the appeal. In practice this has resulted in counsel naming the court as a defendant, in order to accomplish the required service. We believe that it is not appropriate, nor was it intended, that the court become a party to an appeal from one of its decisions. We propose that the statute be amended to provide that a copy of the appeal be mailed to the appropriate probate court.

Another section of the new conservator law requires application of the rules of evidence of civil actions adopted by the judges of the Superior Court. The language of this provision has caused some concern. First, the rules of evidence were not adopted by the judges of the Superior Court but were codified by the legislature. In addition, certain highly relevant statutes are not part of the Code of Evidence. By removing the language we are suggesting, it will eliminate the confusion.

We thank the committee for raising this bill and appreciate the opportunity to request the committee jointly favorably report it out with the substitutions we have indicated.



General Assembly
February Session, 2008

Raised Bill No. 696

LCO No. 3339

03339 _____ JUD

Referred to Committee on Judiciary

Introduced by:

(JUD)

AN ACT CONCERNING THE COURTS OF PROBATE.

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

Section 1. Section 45a-107 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2008*):

(a) The basic costs for all proceedings in the settlement of the estate of any deceased person, including succession and estate tax proceedings, shall be in accordance with the provisions of this section.

(b) For estates in which proceedings were commenced on or after [April 1, 1998] July 1, 2008, costs shall be computed as follows:

(1) The basis for costs shall be (A) the greatest of (i) the gross estate for succession tax purposes, as provided in section 12-349, (ii) the inventory, including all supplements thereto, (iii) the Connecticut taxable estate, as defined in section 12-391, or (iv) the gross estate for estate tax purposes, as provided in chapters 217 and 218, [whichever is greater] except as provided in subdivisions (4) to (6), inclusive, of this subsection, plus (B) all damages recovered for injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries resulting in death minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance, and minus the attorney's fees and other costs and expenses of recovering such damages. Any portion of the basis for costs that is determined by property passing to the surviving spouse

shall be reduced by fifty per cent. Except as provided in subdivision (3) of this subsection, in no case shall the minimum cost be less than twenty-five dollars.

(2) Except as provided in subdivisions (3) [and (4)] to (6), inclusive, of this subsection, costs shall be assessed in accordance with the following table:

T1	Basis for Computation	
T2	Of Costs	Total Cost
T3	0 to \$500	\$25
T4	\$501 to \$1,000	\$50
T5	\$1,000 to \$10,000	\$50, plus 1% of all
T6		in excess of \$1,000
T7	\$10,000 to \$500,000	\$150, plus .35% of all
T8		in excess of \$10,000
T9	\$500,000 to \$4,754,000	\$1,865, plus .25% of all
T10		in excess of \$500,000
T11	\$4,754,000 and over	\$12,500

(3) Notwithstanding the provisions of subdivision (1) of this subsection, if the basis for costs is less than ten thousand dollars and a full estate is opened, the minimum cost shall be one hundred fifty dollars.

(4) [In estates where the gross taxable estate is less than six hundred thousand dollars, in which no succession tax return is required to be filed, a probate fee of .1 per cent shall be charged against non-solely-owned real estate, in addition to any other fees computed under this section.] In the case of a deceased person who was domiciled in this state at the date of his or her death, the gross estate for estate tax purposes shall, for the purpose of determining the basis for costs pursuant to subdivision (1) of this subsection, be reduced by the fair market value of any real property or tangible personal property of the deceased person situated outside of this state, and the amount of any indebtedness secured by a mortgage or lien on real property situated in this state.

(5) In the case of a deceased person who was not domiciled in this state at the date of his or her death but who owned real property or tangible personal property situated in this state at the date of his or her death, for the purpose of determining the basis for costs pursuant to subdivision (1) of this subsection, only the fair market value of such real property or tangible personal property situated in this state shall be included in the gross estate for estate tax purposes.

The value of any such real property situated in this state shall be reduced by the amount of any indebtedness secured by a mortgage or lien on such real property.

(6) The gross estate for estate tax purposes shall not, for the purpose of determining the basis for costs pursuant to subdivision (1) of this subsection, include any life insurance proceeds.

(c) For estates in which proceedings were commenced on or after April 1, 1998, and prior to July 1, 2008, costs shall be computed as follows:

(1) The basis for costs shall be (A) the greatest of (i) the gross estate for succession tax purposes, as provided in section 12-349, (ii) the inventory, including all supplements thereto, (iii) the Connecticut taxable estate, as defined in section 12-391, or (iv) the gross estate for estate tax purposes, as provided in chapters 217 and 218, plus (B) all damages recovered for injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries resulting in death, minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance, and minus the attorney's fees and other costs and expenses of recovering such damages. Any portion of the basis for costs that is determined by property passing to the surviving spouse shall be reduced by fifty per cent. Except as provided in subdivision (3) of this subsection, in no case shall the minimum cost be less than twenty-five dollars.

(2) Except as provided in subdivisions (3) and (4) of this subsection, costs shall be assessed in accordance with the following table:

<u>T12</u>	<u>Basis for Computation</u>	
<u>T13</u>	<u>Of Costs</u>	<u>Total Cost</u>
<u>T14</u>	<u>0 to \$500</u>	<u>\$25</u>
<u>T15</u>	<u>\$501 to \$1,000</u>	<u>\$50</u>
<u>T16</u>	<u>\$1,000 to \$10,000</u>	<u>\$50, plus 1% of all</u>
<u>T17</u>		<u>in excess of \$1,000</u>
<u>T18</u>	<u>\$10,000 to \$500,000</u>	<u>\$150, plus .35% of all</u>
<u>T19</u>		<u>in excess of \$10,000</u>
<u>T20</u>	<u>\$500,000 to \$4,754,000</u>	<u>\$1,865, plus .25% of all</u>
<u>T21</u>		<u>in excess of \$500,000</u>
<u>T22</u>	<u>\$4,754,000 and over</u>	<u>\$12,500</u>

(3) Notwithstanding the provisions of subdivision (1) of this subsection, if the basis for costs is less than ten thousand dollars and a full estate is opened, the minimum cost shall be one hundred fifty dollars.

(4) In estates where the gross taxable estate is less than six hundred thousand dollars, in which no succession tax return is required to be filed, a probate fee of .1 per cent shall be charged against nonsolely-owned real estate, in addition to any other fees computed under this section.

[(c)] (d) For estates in which proceedings were commenced on or after July 1, 1993, and prior to April 1, 1998, costs shall be computed as follows:

(1) The basis for costs shall be: (A) The gross estate for succession tax purposes, as provided in section 12-349, or the inventory, including all supplements thereto, whichever is greater, plus (B) all damages recovered for injuries resulting in death minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance and minus the attorney's fees and other costs and expenses of recovering such damages. Any portion of the basis for costs that is determined by property passing to the surviving spouse shall be reduced by fifty per cent. Except as provided in subdivision (3) of this subsection, in no case shall the minimum cost be less than ten dollars.

(2) Except as provided in subdivision (3) of this subsection, costs shall be assessed in accordance with the following table:

T23	Basis for Computation	
T24	Of Costs	Total Cost
T25	0 to \$1,000	\$10.00
T26	\$1,000 to \$10,000	\$10, plus 1% of all
T27		in excess of \$1,000
T28	\$10,000 to \$500,000	\$100, plus .30% of all
T29		in excess of \$10,000
T30	\$500,000 to \$4,715,000	\$1,570, plus .20% of all
T31		in excess of \$500,000
T32	\$4,715,000 and over	\$10,000

(3) If the basis for costs is less than ten thousand dollars and a full estate is opened, the minimum cost shall be one hundred dollars.

[(d)] (e) For estates in which proceedings were commenced on or after July 1, 1983, and prior to July 1, 1993, costs shall be computed as follows:

(1) The basis for costs shall be: (A) The gross estate for succession tax purposes, as provided in section 12-349, minus one-third of the first fifty thousand dollars of any part of the gross estate for succession tax purposes that passes other than by will or under the laws of intestacy, plus (B) all damages recovered for injuries resulting in death minus any hospital and medical expenses for treatment of such injuries that are not reimbursable by medical insurance and minus the attorney's fees and other costs and expenses of recovering such damages.

(2) Costs shall be assessed in accordance with the following table:

T33	Basis for Computation	Total Cost
T34	Of Costs	
T35	0 to \$1,000	\$10.00
T36	\$1,000 to \$10,000	\$10, plus 1% of all
T37		in excess of \$1,000
T38	\$10,000 to \$100,000	\$100, plus .30% of all
T39		in excess of \$10,000
T40	\$100,000 to \$200,000	\$370, plus .25% of all
T41		in excess of \$100,000
T42	\$200,000 to \$500,000	\$620, plus .2% of all
T43		in excess of \$200,000
T44	\$500,000 to \$1,000,000	\$1,220, plus .15% of all
T45		in excess of \$500,000
T46	\$1,000,000 to \$5,000,000	\$1,970, plus .125% of all
T47		in excess of \$1,000,000
T48	\$5,000,000 and over	\$6,970, plus .1% of all
T49		in excess of \$5,000,000

[(e)] (f) For estates in which proceedings were commenced prior to July 1, 1983, costs shall be computed as follows:

T50	With respect to any estate	Costs computed under:
T51	in which any proceedings	
T52	were commenced or	

T53	succession tax documents filed:	
T54	Prior to January 1, 1968	Section 45-17 of the
T55		1961 supplement to
T56		the general statutes
T57	Prior to July 1, 1969, but	Section 45-17a of the
T58	on or after January 1, 1968	1967 supplement to
T59		the general statutes
T60	Prior to July 1, 1978, but	Section 45-17a of the
T61	on or after July 1, 1969	1969 supplement to
T62		the general statutes
T63	Prior to July 1, 1983, but	Section 45-17a of the
T64	on or after July 1, 1978	general statutes,
T65		revised to
T66		January 1, 1983

[(f)] (g) If more than one hearing is held in any matter under this section, an additional charge of twenty-five dollars shall be payable to the court by the estate, or, in the discretion of the court, by any interested party against whom the court shall assess such additional charge.

[(g)] (h) If the total time of any one hearing in the matter exceeds one hour, an additional charge of twenty-five dollars per hour for each hour in excess of the first hour shall be payable to the court by the estate, or at the discretion of the court by any interested party against whom the court shall assess the additional charge, provided the additional charge shall not exceed three hundred dollars.

[(h)] (i) A charge of fifty dollars shall be payable to the court by any creditor applying to the Court of Probate pursuant to section 45a-364 or 45a-401 for consideration of a claim. If such claim is allowed by the court, the court may order the fiduciary to reimburse the charge from the estate.

[(i)] (j) A charge of fifty dollars for an appeal shall be payable to the court by the appellant.

[(j)] (k) A charge of fifty dollars plus the actual costs of rescheduling the adjourned hearing shall be payable to the court by any party who requests an adjournment of a scheduled hearing or whose failure to appear necessitates an adjournment, provided the court may waive the charge and costs for cause shown.

[(k)] (l) In no event shall any fee exceed ten thousand dollars for any estate in which proceedings were commenced prior to April 1, 1998, and twelve thousand five hundred dollars for any estate in which proceedings were commenced on or after April 1, 1998.

Sec. 2. Section 45a-36a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) Any judge of probate in office on or after October 1, 1997, whose probate district is merged with another district, and who has not been elected to a term which begins at the time of, or subsequent to, such [consolidation] merger, (1) may elect to receive four years of credited service, as defined in subdivision (2) of section 45a-34, (2) may elect to receive a reduction of [his] the judge's retirement age of not more than four years pursuant to subsection (a) of section 45a-36, or (3) may elect any combination [of] under subdivisions (1) and (2) of this [section] subsection, provided such combination shall not exceed four years in total. A judge of probate may elect to receive retirement benefits under this section at any time once the judge becomes eligible to retire and receive retirement benefits. A judge of probate subject to this subsection shall not be disqualified from receiving benefits under this subsection due to such judge's employment, subsequent to such merger, in a probate court in a capacity other than as a probate judge.

(b) Any clerk of a probate court employed on or after October 1, 2008, whose probate court is merged with another district, and who has not been rehired by another probate court after such merger, (1) may elect to receive four years of credited service, as defined in subdivision (2) of section 45a-34, (2) may elect to receive a reduction of the clerk's retirement age of not more than four years pursuant to subsection (a) of section 45a-36, or (3) may elect any combination under subdivisions (1) and (2) of this subsection, provided such combination shall not exceed four years in total.

Sec. 3. Section 45a-77 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

(a) The Probate Court Administrator may attend to any matters that the Probate Court Administrator considers necessary for the efficient operation of the courts of probate and for the expeditious dispatch and proper conduct of the business of such courts. The Probate Court Administrator shall administer and enforce the provisions of this chapter and the regulations issued under this section, and shall ensure performance of the duties of judges of probate and clerks of the courts of probate in accordance with the provisions of this chapter 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 ~~subdivision (1)~~ **of** subsection (c) of this section. Such regulations shall be binding on all courts of probate and shall concern 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 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 **subdivision (1) of** subsection (c) of this section. Such regulations shall be binding on all courts of probate and shall concern: (A) The availability of judges; (B) court facilities, personnel and records; (C) hours of court operation; and (D) telephone service.

(c) (1) Either the Probate Court Administrator or the executive committee of the Connecticut Probate Assembly may propose 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 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 July 1, 2007, 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.

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

(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 any additional inquiries 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 Probate Court Administrator to perform properly the duties of the office.

Sec. 4. Subsection (c) of section 45a-92 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2008*):

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

T67 First 20% of the compensation assessment rate

T68 of a high volume court

\$1 nominal

T69	Next 6.67%	5%
T70	Next 6.66%	10%
T71	Next 6.67%	15%
T72	Next 6.67%	25%
T73	Next 6.66%	35%
T74	Next 13.34%	50%
T75	Next 33.33%	75%
T76	Next 33.67%	80%
T77	Next 66.67%	85%
T78	Next 133.33%	95%
T79		
T80	Excess over 333.67%, up to the maximum amount computed at 97.5%	
T81	by the Probate Court Administrator	
T82		
T83	All over the maximum amount computed at 100% by the Probate	
T84	Court Administrator.	

As used in this subsection, "maximum amount" 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 in regulations issued by the Probate Court Administrator pursuant to subdivision (1) of subsection (b) of section 45a-77 of the 2008 supplement to the general statutes, 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 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 in regulations issued by the Probate Court Administrator pursuant to subdivision (1) of subsection (b) of section 45a-77 of the 2008 supplement to the general statutes, 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, provided there was no break in the judge's service during-after such

three-year period, but, in no event shall that minimum compensation exceed that provided pursuant to subsection (k) of this section.

Sec. 5. Subsection (g) of section 5-259 of the 2008 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

(g) (1) Notwithstanding the provisions of subsection (a) of this section, [the] prior to July 1, 2009: (A) The Probate Court Administration Fund established [in accordance with] under 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] and (B) 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] under 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. On and after July 1, 2009, such coverage shall be paid from funds appropriated by the General Assembly and shall be provided to each probate judge and Probate Court employee.

(2) The Probate Court Administrator shall issue regulations governing group hospitalization and medical and surgical insurance [pursuant to subdivision (1) of subsection (b)] in accordance with subsection (c) of section 45a-77 of the 2008 supplement to the general statutes, as amended by this act.

Sec. 6. Subsection (b) of section 45a-186 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from Passage*):

(b) Each person who files an appeal pursuant to this section shall serve a copy of the complaint on the court of probate that rendered the order, denial or decree appealed from and on each interested party. The failure of any person to make such service shall not deprive the Superior Court of jurisdiction over the appeal. Notwithstanding the provisions of section 52-50, service of the copy of the complaint shall be by state marshal, constable or an indifferent person. Service shall be in hand or by leaving a copy [at the court of probate that rendered the order being appealed, or by leaving a copy] at the place of residence of the interested party being served or at the address for the interested party on file with said court of probate, except that service on a respondent or conserved person in an appeal from an action under part IV of chapter 802h shall be in hand by a state marshal, constable or an indifferent

person. A copy of the complaint shall be mailed to the court of probate that rendered the order being appealed.

Sec. 7. Subsection (b) of section 45a-650 of the general statutes, as amended by Public Act 07-116, is repealed and the following is substituted in lieu thereof (*Effective from Passage*):

(b) The rules of evidence in civil actions [adopted by the judges of the Superior Court] shall apply to all hearings pursuant to this section. All testimony at a hearing held pursuant to this section shall be given under oath or affirmation.

Sec. 8. (*Effective from passage*) Section 45a-189 of the general statutes is repealed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	45a-107
Sec. 2	<i>October 1, 2008</i>	45a-36a
Sec. 3	<i>October 1, 2008</i>	45a-77
Sec. 4	<i>October 1, 2008</i>	45a-92(c)
Sec. 5	<i>July 1, 2009</i>	5-259(g)
Sec. 6	<i>from passage</i>	Repealer section

Statement of Purpose:

To: (1) Revise the method for calculating probate fees, (2) revise provisions regarding retirement credit for judges and clerks whose probate districts have been merged with another district, (3) revise the approval process for certain regulations, (4) revise an alternate method of calculating a probate judge's compensation, (5) provide that health insurance coverage for probate judges and Probate Court employees be paid from funds appropriated by the General Assembly, and (6) repeal certain provisions regarding amendments to probate appeals.

[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.]