



# House of Representatives

**File No. 1019**

General Assembly

January Session, 2009

**(Reprint of File No. 667)**

Substitute House Bill No. 6007  
As Amended by House Amendment  
Schedules "A", "B", "C" and "D"

Approved by the Legislative Commissioner  
May 30, 2009

**AN ACT CONCERNING THE MERGER OF THE PROBATE DISTRICTS OF SOUTHBURY AND ROXBURY, THE MERGER OF THE PROBATE DISTRICTS OF LITCHFIELD, KENT, MORRIS, HARWINTON, THOMASTON AND WARREN, THE MERGER OF THE PROBATE DISTRICTS OF ANDOVER, BOLTON, COLUMBIA AND HEBRON, THE MERGER OF THE PROBATE DISTRICTS OF GLASTONBURY AND MARLBOROUGH, AND THE MERGER OF THE PROBATE DISTRICTS OF BRISTOL AND PLAINVILLE.**

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

1 Section 1. Section 45a-2 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective January 5, 2011*):

3 The probate districts of the state, for all purposes for which they  
4 were constituted, shall be as follows:

5 (a) Hartford County

6 The district of Hartford, consisting of the town of Hartford.

7 The district of Avon, consisting of the town of Avon.

8 The district of Berlin, consisting of the towns of Berlin and New  
9 Britain.

10 The district of Bloomfield, consisting of the town of Bloomfield.

11 The district of Bristol, consisting of the [town of Bristol] towns of  
12 Bristol and Plainville.

13 The district of Burlington, consisting of the town of Burlington.

14 The district of Canton, consisting of the town of Canton.

15 The district of East Hartford, consisting of the town of East  
16 Hartford.

17 The district of East Windsor, consisting of the towns of East  
18 Windsor and South Windsor.

19 The district of Enfield, consisting of the town of Enfield.

20 The district of Farmington, consisting of the town of Farmington.

21 The district of Glastonbury, consisting of the [town of Glastonbury]  
22 towns of Glastonbury and Marlborough.

23 The district of Granby, consisting of the town of Granby.

24 The district of Manchester, consisting of the town of Manchester.

25 [The district of Marlborough, consisting of the town of  
26 Marlborough.]

27 The district of Newington, consisting of the towns of Newington,  
28 Rocky Hill and Wethersfield.

29 [The district of Plainville, consisting of the town of Plainville.]

30 The district of Simsbury, consisting of the town of Simsbury.

31 The district of Southington, consisting of the town of Southington.

32 The district of Suffield-East Granby, consisting of the towns of  
33 Suffield and East Granby.

34 The district of West Hartford, consisting of the town of West  
35 Hartford.

36 The district of Windsor, consisting of the town of Windsor.

37 The district of Windsor Locks, consisting of the town of Windsor  
38 Locks.

39 (b) New Haven County

40 The district of New Haven, consisting of the town of New Haven.

41 The district of Bethany, consisting of the town of Bethany.

42 The district of Branford, consisting of the town of Branford.

43 The district of Cheshire, consisting of the towns of Cheshire and  
44 Prospect.

45 The district of Derby, consisting of the towns of Derby, Ansonia and  
46 Seymour.

47 The district of East Haven, consisting of the town of East Haven.

48 The district of Guilford, consisting of the town of Guilford.

49 The district of Hamden, consisting of the town of Hamden.

50 The district of Madison, consisting of the town of Madison.

51 The district of Meriden, consisting of the town of Meriden.

52 The district of Milford, consisting of the town of Milford.

53 The district of Naugatuck, consisting of the towns of Naugatuck and  
54 Beacon Falls.

55 The district of North Branford, consisting of the town of North  
56 Branford.

57 The district of North Haven, consisting of the town of North Haven.

58 The district of Orange, consisting of the town of Orange.

59 The district of Oxford, consisting of the town of Oxford.

60 [The district of Southbury, consisting of the town of Southbury.]

61 The district of Wallingford, consisting of the town of Wallingford.

62 The district of Waterbury, consisting of the towns of Waterbury,  
63 Middlebury and Wolcott.

64 The district of West Haven, consisting of the town of West Haven.

65 The district of Woodbridge, consisting of the town of Woodbridge.

66 (c) New London County

67 The district of New London, consisting of the towns of New London  
68 and Waterford.

69 The district of Norwich, consisting of the towns of Norwich,  
70 Franklin, Lisbon, Preston, Sprague and Voluntown.

71 The district of Bozrah, consisting of the town of Bozrah.

72 The district of Colchester, consisting of the towns of Colchester and  
73 Lebanon.

74 The district of East Lyme, consisting of the town of East Lyme.

75 The district of Griswold, consisting of the town of Griswold.

76 The district of Groton, consisting of the town of Groton.

77 The district of Ledyard, consisting of the town of Ledyard.

- 78 The district of Lyme, consisting of the town of Lyme.
- 79 The district of Montville, consisting of the town of Montville.
- 80 The district of North Stonington, consisting of the town of North  
81 Stonington.
- 82 The district of Old Lyme, consisting of the town of Old Lyme.
- 83 The district of Salem, consisting of the town of Salem.
- 84 The district of Stonington, consisting of the town of Stonington.
- 85 (d) Fairfield County
- 86 The district of Bridgeport, consisting of the town of Bridgeport.
- 87 The district of Danbury, consisting of the town of Danbury.
- 88 The district of Bethel, consisting of the town of Bethel.
- 89 The district of Brookfield, consisting of the town of Brookfield.
- 90 The district of Darien, consisting of the town of Darien.
- 91 The district of Fairfield, consisting of the town of Fairfield.
- 92 The district of Greenwich, consisting of the town of Greenwich.
- 93 The district of New Canaan, consisting of the town of New Canaan.
- 94 The district of New Fairfield, consisting of the towns of New  
95 Fairfield and Sherman.
- 96 The district of Newtown, consisting of the town of Newtown.
- 97 The district of Norwalk, consisting of the towns of Norwalk and  
98 Wilton.
- 99 The district of Redding, consisting of the town of Redding.

- 100 The district of Ridgefield, consisting of the town of Ridgefield.
- 101 The district of Shelton, consisting of the town of Shelton.
- 102 The district of Stamford, consisting of the town of Stamford.
- 103 The district of Stratford, consisting of the town of Stratford.
- 104 The district of Trumbull, consisting of the towns of Trumbull,  
105 Easton and Monroe.
- 106 The district of Westport, consisting of the towns of Westport and  
107 Weston.
- 108 (e) Windham County
- 109 The district of Windham, consisting of the towns of Windham and  
110 Scotland.
- 111 The district of Ashford, consisting of the town of Ashford.
- 112 The district of Brooklyn, consisting of the town of Brooklyn.
- 113 The district of Eastford, consisting of the towns of Eastford and  
114 Chaplin.
- 115 The district of Hampton, consisting of the town of Hampton.
- 116 The district of Killingly, consisting of the town of Killingly.
- 117 The district of Plainfield, consisting of the towns of Plainfield,  
118 Canterbury and Sterling.
- 119 The district of Pomfret, consisting of the town of Pomfret.
- 120 The district of Putnam, consisting of the town of Putnam.
- 121 The district of Thompson, consisting of the town of Thompson.
- 122 The district of Woodstock, consisting of the town of Woodstock.

123 (f) Litchfield County

124 The district of Litchfield, consisting of the towns of Litchfield, Kent,  
125 Morris, Harwinton, Thomaston and Warren.

126 [The district of Harwinton, consisting of the town of Harwinton.]

127 The district of New Milford, consisting of the towns of New Milford  
128 and Bridgewater.

129 The district of the Northwest Corner, consisting of the towns of  
130 Canaan, Cornwall, Norfolk, North Canaan, Salisbury and Sharon.

131 The district of Plymouth, consisting of the town of Plymouth.

132 [The district of Roxbury, consisting of the town of Roxbury.]

133 The district of Thomaston, consisting of the town of Thomaston.]

134 The district of Torrington, consisting of the towns of Torrington and  
135 Goshen.

136 The district of Washington, consisting of the town of Washington.

137 The district of Winchester, consisting of the towns of Winchester  
138 and Colebrook.

139 The district of Woodbury, consisting of the towns of Woodbury,  
140 Bethlehem and Watertown.

141 (g) Middlesex County

142 The district of Middletown, consisting of the towns of Middletown,  
143 Cromwell, Durham and Middlefield.

144 The district of Clinton, consisting of the town of Clinton.

145 The district of Deep River, consisting of the town of Deep River.

146 The district of East Haddam, consisting of the town of East

147 Haddam.

148 The district of East Hampton, consisting of the town of East  
149 Hampton.

150 The district of Essex, consisting of the town of Essex.

151 The district of Haddam, consisting of the town of Haddam.

152 The district of Killingworth, consisting of the town of Killingworth.

153 The district of Old Saybrook, consisting of the town of Old  
154 Saybrook.

155 The district of Portland, consisting of the town of Portland.

156 The district of Saybrook, consisting of the town of Chester.

157 The district of Westbrook, consisting of the town of Westbrook.

158 (h) Tolland County

159 The district of Tolland, consisting of the towns of Tolland and  
160 Willington.

161 The district of Andover, consisting of the towns of Andover, Bolton,  
162 [and] Columbia and Hebron.

163 The district of Ellington, consisting of the towns of Ellington and  
164 Vernon.

165 [The district of Hebron, consisting of the town of Hebron.]

166 The district of Mansfield, consisting of the towns of Coventry and  
167 Mansfield.

168 The district of Stafford, consisting of the towns of Stafford, Somers  
169 and Union.

170 (i) Litchfield and Hartford Counties

171 The district of New Hartford, consisting of the towns of New  
172 Hartford, Barkhamsted and Hartland.

173 (j) Litchfield and New Haven Counties

174 The district of Southbury, consisting of the towns of Southbury and  
175 Roxbury.

176 Sec. 2. (NEW) (*Effective from passage*) The towns of Southbury and  
177 Roxbury shall, on and after the first Wednesday following the first  
178 Monday of January, 2011, constitute a probate district by the name of  
179 the probate district of Southbury. In 2010, and quadrennially  
180 thereafter, a judge of probate for said district shall be elected at the  
181 time and in the manner provided by law for the election of judges of  
182 probate. From and after the first Wednesday following the first  
183 Monday of January, 2011, the probate court for the district of  
184 Southbury shall have the jurisdiction of all probate business arising in  
185 the towns of Southbury and Roxbury.

186 Sec. 3. Section 45a-6k of the general statutes is repealed and the  
187 following is substituted in lieu thereof (*Effective from passage*):

188 (a) The towns of Litchfield, Kent, Morris and Warren shall, on and  
189 after the first Wednesday following the first Monday of January, 2007,  
190 until January 4, 2011, constitute a probate district by the name of the  
191 probate district of Litchfield. In 2006, [and quadrennially thereafter,] a  
192 judge of probate for said district shall be elected at the time and in the  
193 manner provided by law for the election of judges of probate. From  
194 and after the first Wednesday following the first Monday of January,  
195 2007, until January 4, 2011, the probate court for the district of  
196 Litchfield shall have the jurisdiction of all probate business arising in  
197 the towns of Litchfield, Kent, Morris and Warren.

198 (b) The towns of Litchfield, Kent, Morris, Harwinton, Thomaston  
199 and Warren shall, on and after the first Wednesday following the first  
200 Monday of January, 2011, constitute a probate district by the name of  
201 the probate district of Litchfield. In 2010, and quadrennially thereafter,

202 a judge of probate for said district shall be elected at the time and in  
203 the manner provided by law for the election of judges of probate. From  
204 and after the first Wednesday following the first Monday of January,  
205 2011, the probate court for the district of Litchfield shall have the  
206 jurisdiction of all probate business arising in the towns of Litchfield,  
207 Kent, Morris, Harwinton, Thomaston and Warren.

208       Sec. 4. (NEW) (*Effective from passage*) The towns of Andover, Bolton,  
209 Columbia and Hebron shall, on and after the first Wednesday  
210 following the first Monday of January, 2011, constitute a probate  
211 district by the name of the probate district of Andover. In 2010, and  
212 quadrennially thereafter, a judge of probate for said district shall be  
213 elected at the time and in the manner provided by law for the election  
214 of judges of probate. From and after the first Wednesday following the  
215 first Monday of January, 2011, the probate court for the district of  
216 Andover shall have the jurisdiction of all probate business arising in  
217 the towns of Andover, Bolton, Columbia and Hebron.

218       Sec. 5. (NEW) (*Effective from passage*) The towns of Glastonbury and  
219 Marlborough shall, on and after the first Wednesday following the first  
220 Monday of January, 2011, constitute a probate district by the name of  
221 the probate district of Glastonbury. In 2010, and quadrennially  
222 thereafter, a judge of probate for said district shall be elected at the  
223 time and in the manner provided by law for the election of judges of  
224 probate. From and after the first Wednesday following the first  
225 Monday of January, 2011, the probate court for the district of  
226 Glastonbury shall have the jurisdiction of all probate business arising  
227 in the towns of Glastonbury and Marlborough.

228       Sec. 6. (NEW) (*Effective from passage*) The towns of Bristol and  
229 Plainville shall, on and after the first Wednesday following the first  
230 Monday of January, 2011, constitute a probate district by the name of  
231 the probate district of Bristol. In 2010, and quadrennially thereafter, a  
232 judge of probate for said district shall be elected at the time and in the  
233 manner provided by law for the election of judges of probate. From  
234 and after the first Wednesday following the first Monday of January,

235 2011, the probate court for the district of Bristol shall have the  
236 jurisdiction of all probate business arising in the towns of Bristol and  
237 Plainville.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 5, 2011</i>	45a-2
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	45a-6k
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 10 \$</b>	<b>FY 11 \$</b>
Probate Court	PCAF - Revenue Gain	See Below	See Below

Note: PCAF=Probate Court Administration Fund

**Municipal Impact:**

<b>Municipalities</b>	<b>Effect</b>	<b>FY 10 \$</b>	<b>FY 11 \$</b>
Andover; Bolton; Bristol; Columbia; Glastonbury; Harwinton; Hebron; Kent; Litchfield; Marlborough; Morris; Plainville; Roxbury; Southbury; Thomaston; Warren	Savings	See Below	See Below

**Explanation**

The bill consolidates various probate districts into new probate districts established under the bill effective January 5, 2011. This results in a revenue gain to the Probate Court Administration Fund (PCAF) and a savings to the towns of Andover, Bolton, Bristol, Columbia, Glastonbury, Harwinton, Hebron, Kent, Litchfield, Marlborough, Morris, Plainville, Roxbury, Southbury, Thomaston, and Warren beginning in FY 12 and continuing annually thereafter.

It is estimated that the district mergers will result in significant expense savings associated with various probate courts. This results in an estimated increase in revenue to the PCAF of \$190,000-\$220,000 in FY 12, \$195,700-\$226,600 in FY 13, and \$201,571-\$233,398 in FY 14.<sup>1</sup>

<sup>1</sup> These figures include a projected increase to judges' salaries due to increased workload associated with the merger.

The towns comprising the newly established probate districts under the bill would experience minimal cost savings annually beginning in FY 12 due to the division of costs associated with probate court operations.<sup>2</sup>

House "A" eliminates the Hebron probate district and merges it with the district of Andover. This results in a revenue gain to the PCAF and a minimal savings to the towns comprising the newly established probate district.

House "B" eliminates the Marlborough probate district and merges it with the district of Glastonbury. This results in a revenue gain to the PCAF and a minimal savings to the towns comprising the newly established probate district.

House "C" eliminates the Thomaston probate district and merges it with the district of Litchfield. This results in a revenue gain to the PCAF and a minimal savings to the towns comprising the newly established probate district.

House "D" eliminates the Plainville probate district and merges it with the district of Bristol. This results in a revenue gain to the PCAF and a minimal savings to the towns comprising the newly established probate district.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

*Sources: 2007 Probate Court Financials*

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<sup>2</sup> Under CGS 45a-8, municipalities comprising probate districts are required to cover the costs of phone lines, office supplies, furnishings, office space, data lines, and document storage for courts of probate.

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**OLR Bill Analysis****sHB 6007 (as amended by House "A," "B," "C" and "D")\******AN ACT CONCERNING THE MERGER OF THE PROBATE DISTRICTS OF SOUTHBURY AND ROXBURY AND THE MERGER OF THE PROBATE DISTRICTS OF LITCHFIELD, KENT, MORRIS, HARWINTON AND WARREN.*****SUMMARY:**

Effective January 5, 2011, this bill eliminates the probate districts of (1) Harwinton consisting of the town of Harwinton, (2) Hebron consisting of the town of Hebron, (3) Marlborough consisting of the town of Marlborough, (4) Plainville consisting of the town of Plainville, (5) Roxbury consisting of the town of Roxbury, and (6) Thomaston consisting of the town of Thomaston.

Effective that same date, it adds (1) Harwinton and Thomaston to the probate district of Litchfield, which currently consists of Litchfield, Kent, Morris, and Warren; (2) Hebron to the probate district of Andover, which currently consists of the towns of Andover, Bolton, and Columbia; (3) Marlborough to the probate district of Glastonbury, which currently consists of the town of Glastonbury; (4) Plainville to the district of Bristol, which currently consists of the town of Bristol; and (5) Roxbury to the probate district of Southbury, which currently consists of the town of Southbury. It makes conforming changes concerning the election of the probate judges for these probate districts in 2010, and the jurisdiction of those districts effective January 5, 2011.

\*House Amendment "A" eliminates the Hebron probate district and merges it with the district of Andover.

\*House Amendment "B" eliminates the Marlborough probate district and merges it with the district of Glastonbury.

\*House Amendment "C" eliminates the Thomaston probate district and merges it with the district of Litchfield.

\*House Amendment "D" eliminates the Plainville probate district and merges it with the district of Bristol.

EFFECTIVE DATE: Upon passage, except for the sections eliminating the probate districts of Harwinton, Hebron, Marlborough, Plainville, Roxbury, and Thomaston and merging them into other districts, which become effective January 5, 2011.

## **BACKGROUND**

### ***Related Act—sHB 6385***

sHB 6385, which has passed both chambers, effective January 5, 2011, eliminates the current method of compensating probate court judges, which is primarily based on the fees the court collects, and replaces it with a new system based on population and workload in which a judge's compensation will be paid directly from the Probate Court Administration Fund. The bill establishes four classes or "bands" of probate courts based on the district's population and its annual weighted workload. The bill requires that each probate court remit all fees, costs, and other income it receives to the state treasurer to be credited to the Probate Court Administration Fund.

The bill requires that each probate judge elected for a term beginning on or after January 5, 2011, be a member of the Connecticut bar. But this requirement does not apply to any judge who is in office on January 4, 2011, for the period the judge continues to serve on and after January 5, 2011, without a break in service.

The bill requires the probate court administrator to establish a budget committee consisting of the probate court administrator and two probate judges appointed by the Probate Assembly, which must establish (1) a compensation plan, which includes employee benefits, for probate court employees; (2) staffing levels for each probate court; and (3) a miscellaneous office budget for each court. The bill requires

probate courts to be open at least 40 hours a week instead of 20 hours.

The bill establishes a probate redistricting commission to develop a plan to consolidate probate court districts. Under the plan, there must be at least 44 districts and no more than 50. The plan must be presented to the General Assembly for implementing legislation and be approved by the governor under procedures and deadlines the bill establishes. The commission must file a consolidation plan by September 15, 2009 except it may not submit a plan without the affirmative vote of at least seven commission members. The bill allows the Connecticut Probate Assembly to submit a redistricting plan that meets the criteria the bill establishes for the commission to consider. In developing it, the assembly may consider any voluntary consolidations towns have agreed to. The commission may consider any plan the assembly submits, but is not bound by it.

The bill authorizes a court to refer certain matters, with the consent of the parties or their attorneys, to a probate magistrate or attorney probate referee, new positions created by the bill.

The bill makes numerous other changes.

***Related Bill - HB 6027***

HB 6027, File 730, alters the way probate court judges are compensated by replacing the current system that is primarily based on court revenue and instead using a system based on population and workload. The new system would become effective January 5, 2011 but would require that for the compensation of judges in office on January 4, 2011, for a term beginning January 5, 2011 and ending January 6, 2015, could not be less than 80% of the average annual compensation the judge received for the three-year period from January 1, 2008 to December 31, 2010.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/27/2009)