



**TESTIMONY
BART RUSSELL
CONNECTICUT COUNCIL OF SMALL TOWNS (COST)
BEFORE THE JUDICIARY COMMITTEE
MARCH 9, 2009**

- **SJ -63 – Resolution Proposing an Amendment to the Constitution of the State To Eliminate the Probate Courts**
- **HB-6027 – An Act Concerning Probate Court Reforms**
- **HB-6385 – An Act Concerning Reform of the Probate Court System**
- **HB-6626 – An Act Transferring Jurisdiction of Contested Probate Matters to the Superior Court**

The Connecticut Council of Small Towns (COST) *opposes the above-referenced bills*, which would undermine the viability of Connecticut's local probate courts in smaller communities, increase costs and force the mandatory consolidation of local probate courts

Connecticut's probate courts handle a multitude of matters, including: decedent's estates and other wealth transfer issues; child custody, guardianship, termination of parental rights and adoption; mental health commitments; name changes; conservatorships of elderly or incapacitated persons; interpretation of living wills; and guardianships of the mentally retarded.

Clearly, these are issues that must be addressed with sensitivity and respect. For families dealing with these issues, particularly our elderly citizens who have lived in small communities all of their lives, it is critical that they be permitted to continue to address these needs with a smaller, local probate court.

Unfortunately, the bills before this committee penalize our small town families by dramatically reducing the salaries of our probate judges and requiring probate courts to be open 40 hours a week, regardless of the needs of the community.

We are extremely disappointed that these proposals call for massive consolidation with little if any evidence that such consolidation will decrease costs and preserve critical services. In all likelihood, such proposals would cost towns a lot more than the funds that they now pay for probate court operation.

COST is also concerned that these proposals jeopardize the well-being of local people who are already in a fragile condition (usually elderly) who need personal, supportive service for the issues they normally go to the probate courts for, such as estate affairs after a loved one dies. What these folks certainly don't need is to become merely a number in a large, unfamiliar bureaucratic operation.

COST strongly supports initiatives to *encourage* voluntary regional cooperation to provide programs to meet the needs of local residents in a more efficient, cost-effective manner. As Connecticut's small towns and cities struggle to do more with less, many communities are exploring new opportunities to share resources to meet these growing needs.

However, regional initiatives do not always achieve cost savings or deliver services more efficiently, and we should be mindful of this when we consider proposals that force consolidation of traditionally local services. According to a recent study by Steve Lanza, editor of *The Connecticut Economy*, "Municipal consolidation or other service-sharing plans offer no silver bullet for the problem of costly, local public services."

However, the bills before this committee centralize the Courts into districts ranging in size from 60,000 – 97,000 in population, which would eliminate local probate courts in favor of large city probate courts. Under the proposal, towns would be required to pay the cost of a consolidated district in proportion to their grand list. This would force small towns to pay into a bureaucracy in which they had no say as to how it was operated and whether it was efficient in meeting the needs of the local, smaller communities.

COST opposes the provisions in these bills which would force consolidation of the local probate courts and, instead, urges lawmakers to look to voluntary options for reducing costs and improving the delivery of services of our probate courts.

We also oppose efforts to impose salary bands, which would significantly cut judges' salaries in our smaller communities. COST is concerned that the proposed salary bands and other issues are simply a means of forcing consolidation, rather than encouraging consolidation.

Thank you for the opportunity to testify. Please contact me at 860-676-0770 if you have any questions.