

TESTIMONY OF HON. DIANNE E. YAMIN, PROBATE JUDGE, JUDICIAL  
DISTRICT OF DANBURY

MONDAY, MARCH 9, 2009

JUDICIARY COMMITTEE

H.B. No. 6027: An Act Concerning Probate Court Reforms

H.B. No. 6385: An Act Concerning Reform of the Probate Court System

TESTIMONY:

Chairman Andrew McDonald, Chairman Mike Lawlor, Ranking Members John Kissel  
and Arthur O'Neill, and Honorable Members of the Judiciary Committee:

I am Judge Dianne Yamin. I have been the Probate Judge for the District of Danbury  
for nineteen years, and I am the Immediate Past President of the Connecticut Probate  
Assembly. I am honored to appear before you again this year, as it is a momentous time  
for the Connecticut Probate Court System.

Before I discuss the specifics of our proposal, I want to remind you of the tremendous  
service to the people of the state that the Connecticut Probate Court provides. Coming  
from a big city Court, I must tell you that only half of my time is spent on decedent's  
estates and the other half on guardianships of minors, psychiatric commitments,  
guardians of mentally retarded and conservatorships for mentally ill or elderly persons. A

huge portion of our time and resources are spent helping elderly persons obtain benefits, drug addicted persons obtain services and children at risk obtain safe homes.

At a well attended meeting of the Connecticut Probate Assembly recently, the Judges approved a plan by an overwhelming majority, which was presented by fellow Danburian and your esteemed legislator, Bob Godfrey, as H.B. No. 6027, An Act Concerning Probate Court Reforms.

The Probate Court Administrator and the Probate Assembly diligently worked together on our plan, which includes five (5) components:

1. Central Accounting: Rather than having the individual Probate Courts handle their own finances, including banking, payroll and accounting, our plan proposes centralizing all accounting through the Office of the Probate Court Administrator to ensure uniformity and improve efficiency.
2. Probate Court Planning Committees: We are asking the General Assembly to establish nine regional probate planning committees, charged with helping the municipalities develop plans to establish local-regional Probate Courts that fit the particular needs of the communities in each region. A very tight, November 15, 2009 deadline for committee work would ensure that proposed consolidations would be implemented prior to the next four-year term for Probate Judges, which begins on January 5, 2011. It is so important to have the input of Selectpersons, Mayors and Legislators from each region when determining the best way to bring towns and Court districts together to consolidate. This particular proposal regarding planning committees includes two powerful incentives to consolidate:  
(A) a one-time financial incentive to municipalities that participate in Court

consolidation in the form of a grant to their senior centers equal to \$2 per capita, not to exceed \$50,000, and (B) an additional retirement incentive for Probate Judges and Court staff whose districts merge.

3. Judicial Compensation: Our plan replaces the existing Judges' compensation system, which is principally based on Court revenue, with a more efficient plan based on workload and population. In the first year, at least \$530,000 in salaries would be saved and going forward we would have a salary formula which correlates directly to work performed.
4. Probate Appeals: A Probate Appellate Court would allow parties to appeal to the Superior Court or to a Special Assignment Probate Judge. This proposal promotes the development of appellate authority and expertise on probate matters, which could further promote efficiency.
5. General Fund Appropriation Request: The Proposal also provides for the General Fund to assume responsibility for indigency expenses, as it long had in the past. Secondly, it seeks an appropriation to pay health insurance for our retired Judges and staff, as the Connecticut Probate Court System is the only state agency which has been paying for this expense through our operating funds.

I have great respect for our Honorable Governor M. Jodi Rell and I appreciate her interest in preserving and strengthening the Probate Court System. Her plan also includes central accounting and structural reform. However, the Governor's Plan, (H.B.6385) divides the Probate Courts into 36 Senatorial Districts. Although it certainly makes sense to consolidate the Courts into pre-existing regional districts, I do not believe that the

Senatorial districts will well serve the people who utilize the Probate Court system.

The Senatorial districts often break up towns into several regions, such as in Stamford, which would result in some towns having several probate districts within the one town, clearly an unworkable result. I believe this would be confusing to residents and difficult for the Courts to monitor, and extremely inefficient.

My second concern about Senatorial districts for probate court regions is the logistics of statutorily and practically sufficient space for the Courts. Most of the currently existing Probate Courts are located in small spaces in city halls. Even the largest Probate Courts will likely need major renovations or entirely new facilities in order to accommodate much larger staffs and work loads, and require building new structures, which also could be prohibitively costly. That is the beauty of the planning committees set forth in H.B. 6027 in, in that these logistics can be addressed at a local level, where the most informed decisions can be made.

Overall, H.B. 6027, An Act Concerning Probate Court Reforms, provides a well thought out plan for facing the financial issues of the Connecticut Probate Court System with centralized accounting, assistance from the State in logical areas, restructuring of the Judges' salaries and most importantly, a mechanism for promoting consolidation of the Courts which appropriately involves local legislators and municipal officials.

Respectfully submitted,

Hon. Dianne E. Yamin,

Probate Court, District of Danbury