



General Assembly

January Session, 2009

Committee Bill No. 6027

LCO No. 4387

04387HB06027JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING PROBATE COURT REFORMS.

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

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 Section 45a-36a of the general statutes is repealed and the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

3 (a) [Any] A judge of probate in office on or after October 1, 1997, but
4 prior to the effective date of this section, whose probate district is
5 merged with another probate district prior to the effective date of this
6 section and who [has not been] is not thereafter elected [to a term
7 which begins at the time of, or subsequent to, such consolidation,] as a
8 judge of probate (1) may elect to receive four years of credited service,
9 as defined in subdivision (2) of section 45a-34, (2) may elect to receive a
10 reduction of his or her retirement age of not more than four years
11 pursuant to subsection (a) of section 45a-36, or (3) may elect any
12 combination of subdivisions (1) and (2) of this section, provided such
13 combination shall not exceed four years in total. A judge of probate
14 may elect to receive retirement benefits under this subsection at any
15 time once the judge becomes eligible to retire and receive retirement
16 benefits. A judge of probate entitled to receive benefits under this

17 subsection is not required to elect to retire at the time of a merger or
18 elimination affecting the judge's probate district. A judge of probate
19 subject to this subsection shall not be disqualified from receiving
20 benefits under this subsection due to the judge's employment,
21 subsequent to such district merger or elimination, in a probate court in
22 a capacity other than as a judge of probate.

23 (b) (1) A judge of probate in office on or after the effective date of
24 this section, but prior to January 5, 2011, whose probate district is
25 merged with another probate district on or after the effective date of
26 this section but prior to January 5, 2011, or whose probate district is
27 eliminated on or after the effective date of this section but prior to
28 January 5, 2011, and who is not thereafter elected as a judge of probate
29 (A) may elect to receive six years of credited service, as defined in
30 subdivision (2) of section 45a-34, (B) may elect to receive a reduction of
31 his or her retirement age of not more than six years pursuant to
32 subsection (a) of section 45a-36, or (C) may elect any combination of
33 subparagraphs (A) and (B) of this subdivision, provided such
34 combination shall not exceed six years in total. A judge of probate may
35 elect to receive retirement benefits under this subsection at any time
36 once the judge becomes eligible to retire and receive retirement
37 benefits. A judge of probate entitled to receive benefits under this
38 subsection is not required to elect to retire at the time of a merger or
39 elimination affecting the judge's probate district. A judge of probate
40 subject to this subsection shall not be disqualified from receiving
41 benefits under this subsection due to the judge's employment,
42 subsequent to such district merger or elimination, in a probate court in
43 a capacity other than as a judge of probate.

44 (2) An employee of a probate court employed on or after the
45 effective date of this section, which probate court is merged with
46 another probate district prior to January 5, 2011, or an employee of a
47 probate court employed on or after the effective date of this act in a
48 probate district that is eliminated prior to January 5, 2011, and is not
49 thereafter employed by another probate court (A) may elect to receive

50 six years of credited service, as defined in subdivision (2) of section
51 45a-34, (B) may elect to receive a reduction of the employee's
52 retirement age of not more than six years pursuant to subsection (a) of
53 section 45a-36, or (C) may elect any combination under subparagraphs
54 (A) and (B) of this subdivision, provided such combination shall not
55 exceed six years in total.

56 (c) (1) A judge of probate in office on or after January 5, 2011, whose
57 probate district is merged with another probate district on or after
58 January 5, 2011, or whose probate district is eliminated on or after
59 January 5, 2011, and who is not thereafter elected as a judge of probate
60 (A) may elect to receive four years of credited service, as defined in
61 subdivision (2) of section 45a-34, (B) may elect to receive a reduction of
62 his or her retirement age of not more than four years pursuant to
63 subsection (a) of section 45a-36, or (C) may elect any combination of
64 subparagraphs (A) and (B) of this subdivision, provided such
65 combination shall not exceed four years in total. A judge of probate
66 may elect to receive retirement benefits under this section at any time
67 once the judge becomes eligible to retire and receive retirement
68 benefits. A judge of probate entitled to receive benefits under this
69 section is not required to elect to retire at the time of a merger or
70 elimination affecting the judge's probate district. A judge of probate
71 subject to this subsection shall not be disqualified from receiving
72 benefits under this subsection due to the judge's employment,
73 subsequent to such district merger or elimination, in a probate court in
74 a capacity other than as a judge of probate.

75 (2) An employee of a probate court employed on or after January 5,
76 2011, which probate court is merged with another probate district on
77 or after January 5, 2011, or who is employed on or after January 5,
78 2011, in a probate district that is eliminated on or after January 5, 2011,
79 and is not thereafter employed by another probate court (A) may elect
80 to receive four years of credited service, as defined in subdivision (2) of
81 section 45a-34, (B) may elect to receive a reduction of the employee's
82 retirement age of not more than four years pursuant to subsection (a)

83 of section 45a-36, or (C) may elect any combination under
84 subparagraphs (A) and (B) of this subdivision, provided such
85 combination shall not exceed four years in total.

86 Sec. 2. Subsection (b) of section 45a-77 of the general statutes is
87 repealed and the following is substituted in lieu thereof (*Effective from*
88 *passage*):

89 (b) (1) The Probate Court Administrator may issue and shall enforce
90 regulations, provided such regulations are approved in accordance
91 with subsection (c) of this section. Such regulations shall be binding on
92 all courts of probate and shall concern the following matters for the
93 administration of the probate court system: (A) Auditing, accounting,
94 statistical, billing, recording, filing and other court procedures; (B)
95 reassignment and transfer of cases; (C) training of court personnel and
96 continuing education programs for judges of probate and court
97 personnel; (D) remitting funds received by the courts of probate under
98 section 8 of this act to the Probate Court Administration Fund; (E)
99 administering the compensation plan established under section 9 of
100 this act for employees of the courts of probate; (F) establishing staffing
101 levels for the courts of probate; (G) developing and approving
102 miscellaneous office budgets for the courts of probate; (H) expending
103 funds from the Probate Court Administration Fund for the purposes
104 set forth in the regulations adopted pursuant to subparagraphs (D) to
105 (G), inclusive, of this subdivision; and [(D)] (I) the enforcement of the
106 provisions of this chapter and the regulations issued pursuant to this
107 section, including, but not limited to, recovery of expenses associated
108 with any such enforcement, as permitted by such regulations.

109 (2) The Probate Court Administrator may adopt regulations, in
110 accordance with chapter 54, provided such regulations are approved in
111 accordance with subsection (c) of this section. Such regulations shall be
112 binding on all courts of probate and shall concern: (A) The availability
113 of judges; (B) court facilities, personnel and records; (C) hours of court
114 operation; and (D) telephone service.

115 Sec. 3. Section 45a-82 of the general statutes is repealed and the
116 following is substituted in lieu thereof (*Effective January 1, 2011*):

117 (a) The Probate Court Administration Fund is established, to consist
118 of the amounts hereinafter provided, to be paid over as herein
119 provided to the State Treasurer.

120 (b) The State Treasurer shall be the custodian of the fund, with
121 power to administer it, and to invest and reinvest as much of said fund
122 as is not required for current disbursements in accordance with the
123 provisions of the general statutes regarding the investment of savings
124 banks.

125 (c) All payments from said fund authorized by sections 5-259, as
126 amended by this act, 17a-77, 17a-274, 17a-498, 17a-510, 19a-131b, 19a-
127 131e, 19a-221, 45a-1 to 45a-12, inclusive, 45a-18 to 45a-26, inclusive,
128 45a-34 to 45a-56, inclusive, as amended by this act, 45a-62 to 45a-68,
129 inclusive, 45a-74 to 45a-83, inclusive, as amended by this act, 45a-90 to
130 [45a-94] 45a-93, inclusive, as amended by this act, 45a-98, 45a-99, 45a-
131 105, 45a-119 to 45a-123, inclusive, 45a-128, 45a-130, 45a-131, 45a-133,
132 45a-152, 45a-175 to 45a-180, inclusive, 45a-199, section 9 of this act and
133 section 45a-202, shall be made upon vouchers approved by the Probate
134 Court Administrator.

135 (d) Monthly there shall be transferred from the fund established by
136 this section to the retirement fund established by section 45a-35 not
137 less than sufficient moneys, taking into account receipts by said
138 retirement fund under the provisions of sections 45a-44 and 45a-45, to
139 enable said retirement fund to meet its obligations as estimated by the
140 Retirement Commission, until the Retirement Commission certifies
141 that the retirement fund is on a sound actuarial basis.

142 (e) On or before July first annually, the Retirement Commission
143 shall certify to the State Treasurer, on the basis of an actuarial
144 determination, the amount to be transferred to the retirement fund to
145 maintain the actuarial funding program adopted by the Retirement

146 Commission.

147 (f) In addition to the [aforesaid] payments authorized in subsections
148 (a) to (e), inclusive, of this section, there shall be transferred from time
149 to time from the fund established by this section to the retirement fund
150 established by section 45a-35 such amounts as are determined by the
151 Probate Court Administrator not to be required for other purposes of
152 sections 45a-20 and 45a-76 to 45a-83, inclusive, as amended by this act,
153 until the Retirement Commission certifies that the retirement fund is
154 on a sound actuarial basis. Thereafter there shall be transferred from
155 time to time from the fund established by this section to the General
156 Fund such amounts as are determined by the Probate Court
157 Administrator not to be required for the purposes of said sections.

158 (g) If at any time thereafter the Retirement Commission certifies that
159 the retirement fund established by section 45a-35 is no longer on a
160 sound actuarial basis, transfers from [this] the fund established by this
161 section to the retirement fund shall be resumed until the Retirement
162 Commission again certifies that said retirement fund is on a sound
163 actuarial basis, at which time transfers from [this] the fund established
164 by this section to the General Fund shall be resumed.

165 (h) All payments of assessments imposed by section 45a-92, as
166 amended by this act, with respect to income received by any judge of
167 probate on or after January 1, 1968, shall be paid in accordance with
168 the schedule set forth in section 45a-92, as amended by this act.

169 (i) The State Treasurer shall, on or before October first, annually,
170 give an accounting of the Probate Court Administration Fund,
171 showing the receipts and disbursements and the balance or condition
172 thereof, as of the preceding June thirtieth, to the Connecticut Probate
173 Assembly and to the joint standing committee of the General Assembly
174 having cognizance of matters relating to the judiciary.

175 (j) [In the event that any court of probate otherwise receives income
176 which is insufficient to meet, on an ongoing basis, the reasonable and

177 necessary financial needs of that court, including the salaries of the
178 judge and the judge's staff, there] There shall be transferred from time
179 to time from the Probate Court Administration Fund such amounts as
180 are determined by the Probate Court Administrator to be reasonable
181 and necessary for the proper administration of each [such] court of
182 probate. [Except as provided in subsection (k) of section 45a-92, the
183 judge's annual salary shall not exceed the average annual salary of
184 such judge for the three-year period next preceding the request for
185 financial assistance or the product resulting from the multiplication of
186 fifteen dollars by the annual weighted-workload of the court, as
187 defined in subsection (c) of section 45a-92, whichever is greater, but
188 not to exceed the annual compensation provided in subsection (k) of
189 section 45a-92.

190 (k) Each judge of probate requesting financial assistance at any time
191 during any calendar year shall file with the Probate Court
192 Administrator a sworn statement showing the actual gross receipts
193 and itemized expenses of the judge's court and the amount requested,
194 together with an explanation therefor. The Probate Court
195 Administrator may approve and issue an invoice to the State
196 Comptroller pursuant to subsection (c) of this section, authorizing
197 payment to the court of probate in such amounts as shall have been
198 approved by the Probate Court Administrator.

199 (l) The Probate Court Administrator may issue regulations pursuant
200 to subdivision (1) of subsection (b) of section 45a-77 in order to carry
201 out the intent of subsections (j) and (k) of this section.]

202 Sec. 4. Section 45a-92 of the general statutes is amended by adding
203 subsection (l) as follows (*Effective January 5, 2011*):

204 (NEW) (l) This section applies only to income received by the courts
205 of probate prior to January 5, 2011.

206 Sec. 5. Section 45a-93 of the general statutes is repealed and the
207 following is substituted in lieu thereof (*Effective from passage*):

208 (a) If a judge of probate leaves office or dies while in office, the
209 successor to such judge in said office [] shall pay to such judge or the
210 personal representative of a deceased judge [] a sum representing the
211 accounts receivable for payments due the court in accordance with
212 section 45a-105, as of the date of separation from said office or the date
213 of death in the case of a judge who dies while holding such office.
214 Determination of the basis for such accounts receivable including
215 computation for work in process shall be made in accordance with
216 regulations issued by the Probate Court Administrator. Any payments
217 made to such judge or the personal representative of a deceased judge
218 shall be subject to the provisions of section 45a-92, as amended by this
219 act, and no such payments shall be made unless and until the accounts
220 receivable are collected by the successor judge and no such payments
221 shall be made except within the time for filing a statement signed
222 under penalty of false statement showing the actual gross receipts of
223 the itemized costs of the office in accordance with said section 45a-92,
224 as amended by this act. There may be deducted from any such
225 amounts by a successor judge the cost of collection thereof, and any
226 expenses directly attributable to the outgoing judge's or deceased
227 judge's term of office paid by the successor judge. In no event shall any
228 such payments exceed the maximums allowable under the provisions
229 of said section 45a-92, as amended by this act, in any one calendar
230 year, and in the aggregate in no event shall the total payments payable
231 under this section exceed one hundred per cent of the average final
232 compensation for such judge as defined in subdivision (1) of section
233 45a-34, except that such allowable maximum payment shall not
234 include any amounts of money due and payable to the judge at the
235 time of separation from the court or at the time of such judge's death
236 for amounts advanced by such judge to the court for operating
237 expenses and not previously repaid, which amounts may be paid to
238 such judge or personal representative upon receipt of satisfactory
239 proof of the existence of balances due.

240 (b) (1) Except as provided in subdivision (2) of this subsection, the
241 provisions of this section shall apply to any judge in office on or before

242 January 4, 2011.

243 (2) The provisions of this section shall not apply to a judge who is
244 first elected on or after January 5, 2011, or who resumes office after a
245 break in service on or after January 5, 2011.

246 (c) On and after January 5, 2011, any payments due a judge under
247 subsection (a) of this section shall be paid from the Probate Court
248 Administration Fund.

249 Sec. 6. Section 45a-106 of the general statutes is repealed and the
250 following is substituted in lieu thereof (*Effective January 5, 2011*):

251 The basic costs payable to courts of probate for any proceeding
252 other than in connection with the settlement of the estate of a deceased
253 person or periodic accounts of trustees, guardians, conservators or
254 other fiduciaries shall be as follows:

255 (1) Except for such proceedings for which basic costs are specified in
256 subdivision (7) or (8) of this section or are otherwise specified or
257 exempted in section 45a-111 or elsewhere in the general statutes, there
258 shall be payable to the Court of Probate with respect to each
259 application, petition or motion filed with the court to commence a
260 matter before it, an entry fee of one hundred fifty dollars which shall
261 be paid by the person making the application, petition or motion.

262 (2) On each matter commenced by the court on its own motion, an
263 entry fee of one hundred fifty dollars shall be payable by an interested
264 party as determined by the court.

265 (3) If more than one hearing is held in any matter so entered, an
266 additional charge of twenty-five dollars shall be payable to the court
267 by the party paying the entry fee in the matter, or, in the discretion of
268 the court, by any interested party against whom the court shall assess
269 such additional charge.

270 (4) If the total time of any one hearing in the matter exceeds one

271 hour, an additional charge of twenty-five dollars per hour for each
272 hour in excess of the first hour shall be payable to the court by the
273 party paying the entry fee in the matter, or, in the discretion of the
274 court, by any interested party against whom the court shall assess the
275 additional charge, provided the additional charge in any matter, other
276 than an appeal heard by a special assignment probate judge under
277 section 45a-186, as amended by this act, shall not exceed three hundred
278 dollars.

279 (5) For purposes of establishing charges payable to courts of probate
280 hereunder, all applications, petitions and motions filed and
281 proceedings thereunder, in connection with a matter which has been
282 entered as above, which are necessary to enter a final decree in and are
283 incidental to the action of the court being sought in the matter so
284 entered shall be covered by the entry fee and by any additional charge
285 under subdivisions (3) and (4) of this section that may have become
286 payable in such matter. No additional charges under this section shall
287 be made for any such incidental applications, petitions or motions,
288 provided once a final decree is entered in any matter and, thereafter,
289 additional action or actions are sought in the court in connection
290 therewith, such additional action or actions shall be treated as a new
291 matter hereunder.

292 (6) For the purpose of sections 45a-106 to 45a-112, inclusive, as
293 amended by this act, there shall be a charge of fifty dollars for an
294 appeal which shall be payable to the court by the appellant.

295 (7) For proceedings brought under section 46b-30, the cost shall be
296 twenty-five dollars.

297 (8) For filing a will in the Probate Court, the cost shall be five
298 dollars. For filing any other document in the probate court under the
299 provisions of any statute if the court is not required to take any action,
300 the cost shall be twenty-five dollars, in addition to any applicable
301 recording charge. The cost shall be payable by the person filing such
302 document.

303 (9) A charge of fifty dollars plus the actual costs of rescheduling the
304 adjourned hearing shall be payable to the court by any party who
305 requests an adjournment of a scheduled hearing or whose failure to
306 appear necessitates an adjournment, provided the court, for cause
307 shown, may waive either the charge or the costs, or both.

308 (10) In an appeal heard by a special assignment probate judge under
309 section 45a-186, as amended by this act, a fee of two hundred fifty
310 dollars shall be payable to the court of probate from which the appeal
311 is taken at the time of filing the appeal in the matter.

312 Sec. 7. Subsection (g) of section 5-259 of the general statutes is
313 repealed and the following is substituted in lieu thereof (*Effective*
314 *January 5, 2011*):

315 (g) Notwithstanding the provisions of subsection (a) of this section,
316 the Probate Court Administration Fund established in accordance with
317 section 45a-82, as amended by this act, shall pay for each probate judge
318 [and Probate Court employee] in a court of probate that is open to the
319 public for the conduct of court business in accordance with section 45a-
320 79c, and each probate court employee not more than one hundred per
321 cent of the portion of the premium charged for [his or her] the judge's
322 or employee's individual coverage and not more than fifty per cent of
323 any additional cost for [his or her] the judge's or employee's form of
324 coverage. The remainder of the premium for such coverage shall be
325 paid by the probate judge or Probate Court employee to the State
326 Treasurer. Payment shall be credited by the State Treasurer to the fund
327 established by section 45a-82, as amended by this act. The total
328 premiums payable shall be remitted by the Probate Court
329 Administrator directly to the insurance company or companies or
330 nonprofit organization or organizations providing the coverage. The
331 Probate Court Administrator shall issue regulations governing group
332 hospitalization and medical and surgical insurance pursuant to
333 subdivision (1) of subsection (b) of section 45a-77, as amended by this
334 act.

335 Sec. 8. (NEW) (*Effective January 1, 2011*) Each court of probate shall
336 remit all fees, costs and other income received, including, but not
337 limited to, moneys received under sections 45a-105 to 45a-112,
338 inclusive, of the general statutes, as amended by this act, to the State
339 Treasurer to be credited to the Probate Court Administration Fund
340 under section 45a-82 of the general statutes, as amended by this act.

341 Sec. 9. (NEW) (*Effective from passage*) (a) The Probate Court
342 Administrator shall establish a Probate Budget Committee consisting
343 of the Probate Court Administrator and two judges of probate
344 appointed by the Probate Assembly. The Probate Court Administrator
345 shall serve as chairperson of the committee.

346 (b) The committee shall establish (1) a compensation plan, which
347 plan shall include employee benefits, for employees of the courts of
348 probate, (2) staffing levels for each court of probate, and (3) a
349 miscellaneous office budget for each court of probate. Such plan,
350 staffing level and budget shall be binding on each court of probate and
351 shall be administered by the Probate Court Administrator.

352 Sec. 10. (NEW) (*Effective January 5, 2011*) As used in this section and
353 section 11 of this act:

354 (1) "Band 1 probate district" means a probate district that has a
355 population of 4,999 or fewer persons.

356 (2) "Band 2 probate district" means a probate district that has a
357 population of at least 5,000 but less than 10,000, except that a probate
358 district with less than 5,000 persons with an annual weighted-
359 workload of at least 500, but less than 900, shall be a band 2 probate
360 district.

361 (3) "Band 3 probate district" means a probate district that has a
362 population of at least 10,000 but less than 15,000, except that a probate
363 district with less than 10,000 persons with an annual weighted-
364 workload of at least 900, but less than 1,300, shall be a band 3 probate

365 district.

366 (4) "Band 4 probate district" means a probate district that has a
367 population of at least 15,000 but less than 20,000, except that a probate
368 district with less than 15,000 persons with an annual weighted-
369 workload of at least 1,300, but less than 1,700, shall be a band 4 probate
370 district.

371 (5) "Band 5 probate district" means a probate district that has a
372 population of at least 20,000 but less than 25,000, except that a probate
373 district with less than 20,000 persons with an annual weighted-
374 workload of at least 1,700, but less than 2,100, shall be a band 5 probate
375 district.

376 (6) "Band 6 probate district" means a probate district that has a
377 population of at least 25,000 but less than 30,000, except that a probate
378 district with less than 25,000 persons with an annual weighted-
379 workload of at least 2,100, but less than 2,500, shall be a band 6 probate
380 district.

381 (7) "Band 7 probate district" means a probate district that has a
382 population of at least 30,000 but less than 40,000, except that a probate
383 district with less than 30,000 persons with an annual weighted-
384 workload of at least 2,500, but less than 3,300, shall be a band 7 probate
385 district.

386 (8) "Band 8 probate district" means a probate district that has a
387 population of at least 40,000 but less than 50,000, except that a probate
388 district with less than 40,000 persons with an annual weighted-
389 workload of at least 3,300, but less than 4,100, shall be a band 8 probate
390 district.

391 (9) "Band 9 probate district" means a probate district that has a
392 population of at least 50,000 but less than 60,000, except that a probate
393 district with less than 50,000 persons with an annual weighted-
394 workload of at least 4,100, but less than 4,900, shall be a band 9 probate

395 district.

396 (10) "Band 10 probate district" means a probate district that has a
397 population of 60,000 or more, except that a probate district with less
398 than 60,000 persons with an annual weighted-workload of at least
399 4,900 shall be a band 10 probate district.

400 (11) "Population" means the population reported in the State
401 Register and Manual for the immediately preceding calendar year.

402 (12) "Annual weighted-workload" means the annual weighted-
403 workload for the immediately preceding fiscal year as defined by
404 regulations adopted by the Probate Court Administrator pursuant to
405 subdivision (3) of subsection (b) of section 45a-77 of the general
406 statutes, as amended by this act.

407 Sec. 11. (NEW) (*Effective January 5, 2011*) (a) Notwithstanding any
408 provision of title 45a of the general statutes concerning compensation,
409 and subject to the provisions of subsections (b) to (e), inclusive, of this
410 section, compensation for judges of probate shall be determined as
411 follows:

412 (1) A judge of probate who serves a band 1 probate district shall
413 receive annual compensation equal to ten per cent of the compensation
414 of a judge of the superior court as set forth in subsection (a) of section
415 51-47 of the general statutes.

416 (2) A judge of probate who serves a band 2 probate district shall
417 receive annual compensation equal to twenty per cent of the
418 compensation of a judge of the superior court as set forth in subsection
419 (a) of section 51-47 of the general statutes.

420 (3) A judge of probate who serves a band 3 probate district shall
421 receive annual compensation equal to thirty per cent of the
422 compensation of a judge of the superior court as set forth in subsection
423 (a) of section 51-47 of the general statutes.

424 (4) A judge of probate who serves a band 4 probate district shall
425 receive annual compensation equal to thirty-five per cent of the
426 compensation of a judge of the superior court as set forth in subsection
427 (a) of section 51-47 of the general statutes.

428 (5) A judge of probate who serves a band 5 probate district shall
429 receive annual compensation equal to forty per cent of the
430 compensation of a judge of the superior court as set forth in subsection
431 (a) of section 51-47 of the general statutes.

432 (6) A judge of probate who serves a band 6 probate district shall
433 receive annual compensation equal to forty-five per cent of the
434 compensation of a judge of the superior court as set forth in subsection
435 (a) of section 51-47 of the general statutes.

436 (7) A judge of probate who serves a band 7 probate district shall
437 receive annual compensation equal to fifty per cent of the
438 compensation of a judge of the superior court as set forth in subsection
439 (a) of section 51-47 of the general statutes.

440 (8) A judge of probate who serves a band 8 probate district shall
441 receive annual compensation equal to fifty-five per cent of the
442 compensation of a judge of the superior court as set forth in subsection
443 (a) of section 51-47 of the general statutes.

444 (9) A judge of probate who serves a band 9 probate district shall
445 receive annual compensation equal to sixty-five per cent of the
446 compensation of a judge of the superior court as set forth in subsection
447 (a) of section 51-47 of the general statutes.

448 (10) A judge of probate who serves a band 10 probate district shall
449 receive annual compensation equal to seventy-five per cent of the
450 compensation of a judge of the superior court as set forth in subsection
451 (a) of section 51-47 of the general statutes.

452 (b) Notwithstanding the provisions of subsection (a) of this section,
453 a judge of probate who serves in a probate district that consists of four

454 or more towns shall be compensated at a band one level higher than
455 the band the judge otherwise would be placed in under subsection (b)
456 of section 45a-1 of the general statutes.

457 (c) Notwithstanding the provisions of subsection (a) of this section,
458 no judge of probate in office at any time during the period beginning
459 January 5, 2011, and ending January 6, 2015, may receive
460 compensation under subsection (a) of this section that is greater than
461 the average annual compensation for a judge serving in such probate
462 district for the three-year period from January 1, 2008, to December 31,
463 2010, inclusive. The provisions of this subsection shall not apply to the
464 compensation of a judge of probate whose district results from a
465 merger that becomes effective on January 5, 2011.

466 (d) Notwithstanding the provisions of subsection (a) of this section,
467 no judge of probate in office on January 4, 2011, may, for the term of
468 office beginning January 5, 2011, and ending January 6, 2015, receive
469 compensation under subsection (a) of this section that is less than
470 eighty per cent of the average annual compensation for a judge of
471 probate serving in such probate district for the three-year period from
472 January 1, 2008, to December 31, 2010, inclusive. The provisions of this
473 subsection shall not apply to the compensation of a judge of probate
474 whose district results from a merger that becomes effective on January
475 5, 2011, or to any person first elected to serve as a judge of probate for
476 a term beginning on or after January 5, 2011.

477 (e) For any calendar year, compensation of any judge of probate
478 who assumes office or ceases to hold office shall be determined by
479 multiplying the judge's annual compensation determined in
480 accordance with subsections (a) to (d), inclusive, of this section by a
481 fraction with the number of days served during the calendar year as
482 the numerator of the fraction and three hundred sixty-five as the
483 denominator of the fraction.

484 Sec. 12. Section 45a-186 of the general statutes is repealed and the
485 following is substituted in lieu thereof (*Effective January 5, 2011*):

486 (a) Any person aggrieved by any order, denial or decree of a court
487 of probate in any matter, unless otherwise specially provided by law,
488 may, not later than forty-five days after the mailing of an order, denial
489 or decree for a matter heard under any provision of section 45a-593,
490 45a-594, 45a-595 or 45a-597, sections 45a-644 to 45a-677, inclusive, or
491 sections 45a-690 to 45a-705, inclusive, and not later than thirty days
492 after mailing of an order, denial or decree for any other matter in a
493 court of probate, appeal therefrom to the Superior Court. Such an
494 appeal shall be commenced by filing a complaint in the superior court
495 in the judicial district in which such court of probate is located, except
496 that (1) an appeal under subsection (b) of section 12-359, subsection (b)
497 of section 12-367 or subsection (b) of section 12-395 shall be filed in the
498 judicial district of Hartford, and (2) an appeal in a matter concerning
499 removal of a parent as guardian, termination of parental rights or
500 adoption shall be filed in the superior court for juvenile matters having
501 jurisdiction over matters arising in such probate district. The complaint
502 shall state the reasons for the appeal. A copy of the order, denial or
503 decree appealed from shall be attached to the complaint. Appeals from
504 any decision rendered in any case after a recording is made of the
505 proceedings under section 17a-498, 17a-685, 45a-650, 51-72 or 51-73
506 shall be on the record and shall not be a trial de novo.

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

520 or an indifferent person.

521 (c) Not later than fifteen days after a person files an appeal under
522 this section, the person who filed the appeal shall file or cause to be
523 filed with the clerk of the Superior Court a document containing (1) the
524 name, address and signature of the person making service, and (2) a
525 statement of the date and manner in which a copy of the complaint
526 was served on the court of probate and each interested party.

527 (d) If service has not been made on an interested party, the Superior
528 Court, on motion, shall make such orders of notice of the appeal as are
529 reasonably calculated to notify any necessary party not yet served.

530 (e) A hearing in an appeal from probate proceedings under section
531 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685,
532 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-699,
533 45a-703 or 45a-717 shall commence, unless a stay has been issued
534 pursuant to subsection (f) of this section, not later than ninety days
535 after the appeal has been filed.

536 (f) The filing of an appeal under this section shall not, of itself, stay
537 enforcement of the order, denial or decree from which the appeal is
538 taken. A motion for a stay may be made to the Court of Probate or the
539 Superior Court. The filing of a motion with the Court of Probate shall
540 not preclude action by the Superior Court.

541 (g) Nothing in this section shall prevent any person aggrieved by
542 any order, denial or decree of a court of probate in any matter, unless
543 otherwise specially provided by law, from filing a petition for a writ of
544 habeas corpus, a petition for termination of involuntary representation
545 or a petition for any other available remedy.

546 (h) (1) Except for matters described in subdivision (3) of this
547 subsection, in any appeal filed under this section, the appeal may be
548 referred by the Superior Court to a special assignment probate judge
549 appointed in accordance with section 45a-79b, who is assigned by the

550 Probate Court Administrator for the purposes of such appeal, except
551 that any party may file a demand in writing with the Superior Court
552 that such appeal be heard by the Superior Court. Any such demand
553 shall be filed no later than twenty days after the return date.

554 (2) An appeal referred to a special assignment probate judge
555 pursuant to this subsection shall proceed in accordance with the rules
556 for references set forth in the rules of the judges of the superior court,
557 except that such appeal shall be de novo and shall be heard on the
558 record.

559 (3) The following matters shall not be referred to a special
560 assignment probate judge pursuant to this subsection: Appeals under
561 sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to
562 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688,
563 inclusive, children's matters as defined in subsection (a) of section 45a-
564 8a, sections 45a-644 to 45a-663, inclusive, 45a-668 to 45a-684, inclusive,
565 and 45a-690 to 45a-700, inclusive, and any matter in a court of probate
566 heard on the record in accordance with sections 51-72 and 51-73.

567 Sec. 13. (*Effective from passage*) (a) (1) The Probate Court
568 Administrator shall establish a Probate Court Planning Committee for
569 each of the nine probate regions established by the Probate Court
570 Administrator.

571 (2) The committee shall consist of the following members:

572 (A) Each judge of probate from each probate district within the
573 probate region;

574 (B) Three clerks of probate from among the probate districts within
575 the probate region, each of whom shall be appointed by the
576 Connecticut Association of Probate Clerks;

577 (C) The chief executive officer of each municipality in the probate
578 region, or such officer's designee;

579 (D) Two attorneys residing in the probate region, one appointed by
580 the executive committee of the Estates and Probate Section of the
581 Connecticut Bar Association, and one appointed by the executive
582 committee of the Elder Law Section of the Connecticut Bar Association;

583 (E) One member appointed by the Connecticut Council of Small
584 Towns;

585 (F) One member appointed by the Connecticut Conference of
586 Municipalities; and

587 (G) Five members of the public, one appointed by the Governor, one
588 appointed by the president pro tempore of the Senate, one appointed
589 by the speaker of the House of Representatives, one appointed by the
590 minority leader of the Senate, and one appointed by the minority
591 leader of the House of Representatives.

592 (3) The Probate Court Administrator or the administrator's designee
593 shall be an ex-officio member of each committee without vote. The
594 regional coordinator for each probate region shall chair each
595 committee. The Probate Court Administrator shall coordinate the
596 activities of, and provide administrative support to, the planning
597 committees.

598 (b) Each planning committee shall explore opportunities to establish
599 local regional probate districts to increase public access to the courts,
600 considering, among other things, the availability of municipal facilities
601 for a court in a regional probate district, communities of interest
602 among the municipalities that might join or form a regional probate
603 district and populations served.

604 (c) Each probate court planning committee shall submit a report to
605 the joint standing committees of the General Assembly having
606 cognizance of matters relating to the judiciary and appropriations, in
607 accordance with section 11-4a of the general statutes, not later than
608 November 15, 2009, that contains the committee's recommendations

609 for establishment of local regional probate districts effective not later
610 than January 5, 2011.

611 Sec. 14. Section 45a-55 of the general statutes is repealed and the
612 following is substituted in lieu thereof (*Effective January 5, 2011*):

613 (a) Any claim for a pension or any other benefit which may become
614 available in accordance with the provisions of sections 45a-1 to 45a-12,
615 inclusive, 45a-18 to 45a-26, inclusive, 45a-34 to 45a-56, inclusive, 45a-62
616 to 45a-68, inclusive, 45a-74 to 45a-83, inclusive, 45a-90 to [45a-94] 45a-
617 93, inclusive, as amended by this act, 45a-98, 45a-99, 45a-105, 45a-119 to
618 45a-123, inclusive, 45a-128, 45a-130, 45a-131, 45a-133, 45a-199 and 45a-
619 202, may be submitted in writing to the commission. Any such claim
620 will be reviewed and decided by the commission. The claimant shall
621 be advised of the processing status of his claim upon reasonable
622 request.

623 (b) If any claim is denied, a claimant may request that the decision
624 be reviewed and reconsidered by the commission. Thereafter, any
625 contested case shall be heard and decided in accordance with chapter
626 54.

627 Sec. 15. (*Effective from passage*) The sum of four million dollars is
628 appropriated to the Office of the Probate Court Administrator, from
629 the General Fund, for the fiscal year ending June 30, 2010, and the sum
630 of eight million four hundred thousand dollars is appropriated to the
631 Office of the Probate Court Administrator, from the General Fund, for
632 the fiscal year ending June 30, 2011, for the purpose of covering
633 expenses of persons who use the probate court system who are
634 otherwise unable to pay, and for the cost of probate court retirees'
635 health insurance.

636 Sec. 16. Section 45a-94 of the general statutes is repealed. (*Effective*
637 *January 5, 2011*)

638 Sec. 17. Section 45a-189 of the general statutes is repealed. (*Effective*

639 October 1, 2009)

640

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	45a-36a
Sec. 2	<i>from passage</i>	45a-77(b)
Sec. 3	<i>January 1, 2011</i>	45a-82
Sec. 4	<i>January 5, 2011</i>	45a-92
Sec. 5	<i>from passage</i>	45a-93
Sec. 6	<i>January 5, 2011</i>	45a-106
Sec. 7	<i>January 5, 2011</i>	5-259(g)
Sec. 8	<i>January 1, 2011</i>	New section
Sec. 9	<i>from passage</i>	New section
Sec. 10	<i>January 5, 2011</i>	New section
Sec. 11	<i>January 5, 2011</i>	New section
Sec. 12	<i>January 5, 2011</i>	45a-186
Sec. 13	<i>from passage</i>	New section
Sec. 14	<i>January 5, 2011</i>	45a-55
Sec. 15	<i>from passage</i>	New section
Sec. 16	<i>January 5, 2011</i>	Repealer section
Sec. 17	<i>October 1, 2009</i>	Repealer section

Statement of Purpose:

To reform the probate court system.

[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.]

Co-Sponsors: REP. GODFREY, 110th Dist.

H.B. 6027