



General Assembly

**Substitute Bill No. 6027**

January Session, 2009

\* \_\_\_\_\_ HB06027JUD\_\_040209\_\_\_\_\_ \*

**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 Section 45a-36a of the general statutes is repealed and the  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 [Any] (a) 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<sub>2</sub> 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 subdivision 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 subdivision 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 subdivision shall not be disqualified from receiving  
41 benefits under this subdivision 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 subdivision at any  
67 time once the judge becomes eligible to retire and receive retirement  
68 benefits. A judge of probate entitled to receive benefits under this  
69 subdivision 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 subdivision shall not be disqualified from receiving  
72 benefits under this subdivision 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 subsection (a) of this section shall apply to any judge in  
242 office on or before January 4, 2011.

243 (2) The provisions of subsection (a) of this section shall not apply to  
244 a judge who is first elected on or after January 5, 2011, or who resumes  
245 office after a 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] probate court employee  
326 to the State Treasurer. Payment shall be credited by the State Treasurer  
327 to the fund established by section 45a-82, as amended by this act. The  
328 total 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 four thousand nine hundred ninety-nine or fewer  
356 persons.

357 (2) "Band 2 probate district" means a probate district that has a  
358 population of at least five thousand but less than ten thousand, except  
359 that a probate district with less than five thousand persons with an  
360 annual weighted-workload of at least five hundred, but less than nine  
361 hundred, shall be a band 2 probate district.

362 (3) "Band 3 probate district" means a probate district that has a  
363 population of at least ten thousand but less than fifteen thousand,  
364 except that a probate district with less than ten thousand persons with  
365 an annual weighted-workload of at least nine hundred, but less than  
366 one thousand three hundred shall be a band 3 probate district.

367 (4) "Band 4 probate district" means a probate district that has a  
368 population of at least fifteen thousand but less than twenty thousand,  
369 except that a probate district with less than fifteen thousand persons  
370 with an annual weighted-workload of at least one thousand three  
371 hundred, but less than one thousand seven hundred, shall be a band 4  
372 probate district.

373 (5) "Band 5 probate district" means a probate district that has a  
374 population of at least twenty thousand but less than twenty-five  
375 thousand, except that a probate district with less than twenty thousand  
376 persons with an annual weighted-workload of at least one thousand  
377 seven hundred, but less than two thousand one hundred, shall be a  
378 band 5 probate district.

379 (6) "Band 6 probate district" means a probate district that has a  
380 population of at least twenty-five thousand but less than thirty  
381 thousand, except that a probate district with less than twenty-five  
382 thousand persons with an annual weighted-workload of at least two  
383 thousand one hundred, but less than two thousand five hundred, shall  
384 be a band 6 probate district.

385 (7) "Band 7 probate district" means a probate district that has a  
386 population of at least thirty thousand but less than forty thousand,  
387 except that a probate district with less than thirty thousand persons  
388 with an annual weighted-workload of at least two thousand five  
389 hundred, but less than three thousand three hundred, shall be a band 7  
390 probate district.

391 (8) "Band 8 probate district" means a probate district that has a  
392 population of at least forty thousand but less than fifty thousand,  
393 except that a probate district with less than forty thousand persons  
394 with an annual weighted-workload of at least three thousand three  
395 hundred, but less than four thousand one hundred, shall be a band 8  
396 probate district.

397 (9) "Band 9 probate district" means a probate district that has a  
398 population of at least fifty thousand but less than sixty thousand,  
399 except that a probate district with less than fifty thousand persons with  
400 an annual weighted-workload of at least four thousand one hundred,  
401 but less than four thousand nine hundred, shall be a band 9 probate  
402 district.

403 (10) "Band 10 probate district" means a probate district that has a  
404 population of sixty thousand or more, except that a probate district

405 with less than sixty thousand persons with an annual weighted-  
406 workload of at least four thousand nine hundred shall be a band 10  
407 probate district.

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

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

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

420 (1) A judge of probate who serves a band 1 probate district shall  
421 receive annual compensation equal to ten per cent of the compensation  
422 of a judge of the superior court as set forth in subsection (a) of section  
423 51-47 of the general statutes.

424 (2) A judge of probate who serves a band 2 probate district shall  
425 receive annual compensation equal to twenty 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 (3) A judge of probate who serves a band 3 probate district shall  
429 receive annual compensation equal to thirty 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 (4) A judge of probate who serves a band 4 probate district shall  
433 receive annual compensation equal to thirty-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 (5) A judge of probate who serves a band 5 probate district shall  
437 receive annual compensation equal to forty 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 (6) A judge of probate who serves a band 6 probate district shall  
441 receive annual compensation equal to forty-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 (7) A judge of probate who serves a band 7 probate district shall  
445 receive annual compensation equal to fifty 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 (8) A judge of probate who serves a band 8 probate district shall  
449 receive annual compensation equal to fifty-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 (9) A judge of probate who serves a band 9 probate district shall  
453 receive annual compensation equal to sixty-five per cent of the  
454 compensation of a judge of the superior court as set forth in subsection  
455 (a) of section 51-47 of the general statutes.

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

460 (b) Notwithstanding the provisions of subsection (a) of this section,  
461 a judge of probate who serves in a probate district that consists of four  
462 or more towns shall be compensated at a band one level higher than  
463 the band the judge otherwise would be placed in under section 10 of  
464 this act.

465 (c) Notwithstanding the provisions of subsection (a) of this section,  
466 no judge of probate in office at any time during the period beginning  
467 January 5, 2011, and ending January 6, 2015, may receive  
468 compensation under subsection (a) of this section that is greater than  
469 the average annual compensation for a judge serving in such probate  
470 district for the three-year period from January 1, 2008, to December 31,  
471 2010, inclusive. The provisions of this subsection shall not apply to the  
472 compensation of a judge of probate whose district results from a  
473 merger that becomes effective on January 5, 2011.

474 (d) Notwithstanding the provisions of subsection (a) of this section,  
475 no judge of probate in office on January 4, 2011, may, for the term of  
476 office beginning January 5, 2011, and ending January 6, 2015, receive  
477 compensation under subsection (a) of this section that is less than  
478 eighty per cent of the average annual compensation for a judge of  
479 probate serving in such probate district for the three-year period from  
480 January 1, 2008, to December 31, 2010, inclusive. The provisions of this  
481 subsection shall not apply to the compensation of a judge of probate  
482 whose district results from a merger that becomes effective on January  
483 5, 2011, or to any person first elected to serve as a judge of probate for  
484 a term beginning on or after January 5, 2011.

485 (e) For any calendar year, compensation of any judge of probate  
486 who assumes office or ceases to hold office during such calendar year  
487 shall be determined by multiplying the judge's annual compensation  
488 determined in accordance with subsections (a) to (d), inclusive, of this  
489 section by a fraction with the number of days served during the  
490 calendar year as the numerator of the fraction and three hundred sixty-  
491 five as the denominator of the fraction.

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

494 (a) Any person aggrieved by any order, denial or decree of a court  
495 of probate in any matter, unless otherwise specially provided by law,  
496 may, not later than forty-five days after the mailing of an order, denial

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

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

529 (c) Not later than fifteen days after a person files an appeal under  
530 this section, the person who filed the appeal shall file or cause to be

531 filed with the clerk of the Superior Court a document containing (1) the  
532 name, address and signature of the person making service, and (2) a  
533 statement of the date and manner in which a copy of the complaint  
534 was served on the court of probate and each interested party.

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

538 (e) A hearing in an appeal from probate proceedings under section  
539 17a-77, 17a-80, 17a-498, 17a-510, 17a-511, 17a-543, 17a-543a, 17a-685,  
540 45a-650, 45a-654, 45a-660, 45a-674, 45a-676, 45a-681, 45a-682, 45a-699,  
541 45a-703 or 45a-717 shall commence, unless a stay has been issued  
542 pursuant to subsection (f) of this section, not later than ninety days  
543 after the appeal has been filed.

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

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

554 (h) (1) Except for matters described in subdivision (3) of this  
555 subsection, in any appeal filed under this section, the appeal may be  
556 referred by the Superior Court to a special assignment probate judge  
557 appointed in accordance with section 45a-79b, who is assigned by the  
558 Probate Court Administrator for the purposes of such appeal, except  
559 that any party may file a demand in writing with the Superior Court  
560 that such appeal be heard by the Superior Court. Any such demand  
561 shall be filed no later than twenty days after the return date.

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

567 (3) The following matters shall not be referred to a special  
568 assignment probate judge pursuant to this subsection: Appeals under  
569 sections 17a-75 to 17a-83, inclusive, section 17a-274, sections 17a-495 to  
570 17a-528, inclusive, sections 17a-543, 17a-543a, 17a-685 to 17a-688,  
571 inclusive, children's matters as defined in subsection (a) of section 45a-  
572 8a, sections 45a-644 to 45a-663, inclusive, 45a-668 to 45a-684, inclusive,  
573 and 45a-690 to 45a-700, inclusive, and any matter in a court of probate  
574 heard on the record in accordance with sections 51-72 and 51-73.

575 Sec. 13. (*Effective from passage*) (a) (1) The Probate Court  
576 Administrator shall establish a probate court planning committee for  
577 each of the nine probate regions established by the Probate Court  
578 Administrator.

579 (2) Each probate court planning committee shall consist of the  
580 following members:

581 (A) Each judge of probate from each probate district within the  
582 probate region;

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

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

588 (D) Two attorneys residing in the probate region, one appointed by  
589 the executive committee of the Estates and Probate Section of the  
590 Connecticut Bar Association, and one appointed by the executive  
591 committee of the Elder Law Section of the Connecticut Bar Association;

592 (E) One member appointed by the Connecticut Council of Small  
593 Towns;

594 (F) One member appointed by the Connecticut Conference of  
595 Municipalities; and

596 (G) Five members of the public, one appointed by the Governor, one  
597 appointed by the president pro tempore of the Senate, one appointed  
598 by the speaker of the House of Representatives, one appointed by the  
599 minority leader of the Senate, and one appointed by the minority  
600 leader of the House of Representatives.

601 (3) The Probate Court Administrator or the administrator's designee  
602 shall be an ex-officio member of each probate court planning  
603 committee without vote. The regional coordinator for each probate  
604 region shall chair each probate court planning committee. The Probate  
605 Court Administrator shall coordinate the activities of, and provide  
606 administrative support to, the probate court planning committees.

607 (b) Each probate court planning committee shall explore  
608 opportunities to establish local regional probate districts to increase  
609 public access to the courts, considering, among other things, the  
610 availability of municipal facilities for a court in a regional probate  
611 district, communities of interest among the municipalities that might  
612 join or form a regional probate district and populations served.

613 (c) Each probate court planning committee shall submit a report to  
614 the joint standing committees of the General Assembly having  
615 cognizance of matters relating to the judiciary and appropriations, in  
616 accordance with section 11-4a of the general statutes, not later than  
617 November 15, 2009, that contains the committee's recommendations  
618 for establishment of local regional probate districts effective not later  
619 than January 5, 2011.

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

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

632 (b) If any claim is denied, a claimant may request that the decision  
 633 be reviewed and reconsidered by the commission. Thereafter, any  
 634 contested case shall be heard and decided in accordance with chapter  
 635 54.

636 Sec. 15. (*Effective from passage*) The sum of four million dollars is  
 637 appropriated to the Office of the Probate Court Administrator, from  
 638 the General Fund, for the fiscal year ending June 30, 2010, and the sum  
 639 of eight million four hundred thousand dollars is appropriated to the  
 640 Office of the Probate Court Administrator, from the General Fund, for  
 641 the fiscal year ending June 30, 2011, for the purpose of covering  
 642 probate court expenses of persons who use the probate court system  
 643 who are otherwise unable to pay, and for the cost of probate court  
 644 retirees' health insurance.

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

647 Sec. 17. Section 45a-189 of the general statutes is repealed. (*Effective*  
 648 *October 1, 2009*)

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 Legislative Commissioners:**

Section 11(b) was changed to reference section 10 of this act for accuracy.

**JUD**      *Joint Favorable Subst.-LCO*