



General Assembly

January Session, 2009

**Raised Bill No. 6627**

LCO No. 4405

\*04405\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING CONTINUING EDUCATION FOR JUDGES OF PROBATE AND CERTAIN PROBATE COURT PROCEDURES.***

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

1 Section 1. Section 45a-27 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) Each person who is elected to a first term as a judge of probate  
4 after October 1, 1993, shall complete the training program established  
5 pursuant to subsection (b) of this section and each judge of probate,  
6 regardless of when elected, shall complete the annual continuing  
7 education program established pursuant to subsection (b) of this  
8 section.

9 (b) The Probate Court Administrator shall establish, supervise and  
10 fund a program of training for newly-elected probate judges that shall  
11 include: (1) A course to be taken between the date of election and the  
12 date of assuming office concerning the rules of judicial conduct for a  
13 judge of probate, the ethical considerations arising in that office, the  
14 operation of a probate court, and the availability of assistance for a  
15 judge in the operation of a probate court; and (2) courses to be taken

16 within six months after the date of assuming office that provide  
17 fundamental training in (A) civil procedure, including constitutional  
18 issues, due process, and evidentiary considerations, (B) property law,  
19 including conveyancing and title considerations, (C) the law of wills  
20 and trusts, and (D) family law in the context of the probate courts. The  
21 Probate Court Administrator shall establish, supervise and fund an  
22 annual program of continuing education for judges of probate  
23 concerning evidentiary rules, issues and considerations. The Probate  
24 Court Administrator shall establish a schedule for such annual  
25 program of continuing education.

26 (c) The curriculum for the courses required by subsection (b) of this  
27 section shall be established by the Probate Court Administrator and  
28 shall be designed to establish a minimum level of proficiency by  
29 judges of probate. The courses shall be given by qualified instructors  
30 approved by the Probate Court Administrator. The Probate Court  
31 Administrator may waive completion of a course required by  
32 subdivision (2) of subsection (b) on demonstration by a probate judge  
33 of proficiency in the subject matter. The Probate Court Administrator  
34 may, for good cause, allow a probate judge to satisfy a requirement of  
35 subdivision (1) or (2) of subsection (b) of this section by auditing, at the  
36 office of the Probate Court Administrator or at such other place as the  
37 Probate Court Administrator may designate, instructional tapes  
38 approved by the Probate Court Administrator. The Probate Court  
39 Administrator shall adopt appropriate time requirements for training  
40 of a probate judge elected in a special election and may modify other  
41 requirements of this section as circumstances may require.

42 Sec. 2. Section 45a-27a of the general statutes is repealed and the  
43 following is substituted in lieu thereof (*Effective October 1, 2009*):

44 (a) If a probate judge is unable to complete the training or  
45 continuing education program required pursuant to section 45a-27, as  
46 amended by this act, within the time required, such judge may request  
47 an extension of time for completion of the training or continuing

48 education program from the continuing education committee of the  
49 Connecticut Probate Assembly. The committee may, for cause shown,  
50 grant the requested extension of time.

51 (b) If a probate judge fails to complete the training or continuing  
52 education program within the time required, or within any extension  
53 of time granted pursuant to subsection (a) of this section, the Probate  
54 Court Administrator may refer the judge to the Council on Probate  
55 Judicial Conduct for failure to maintain professional competence as a  
56 judge of probate by failing to complete the training program or  
57 continuing education program pursuant to section 45a-27, as amended  
58 by this act.

59 Sec. 3. Section 51-72 of the general statutes is repealed and the  
60 following is substituted in lieu thereof (*Effective October 1, 2009*):

61 Whenever, in any court of probate, [the parties or their attorneys so  
62 agree] a party or a party's attorney requests in writing, the judge of the  
63 court [may] shall call in a competent and disinterested person who is  
64 capable to act as a stenographer to act as the official stenographer in  
65 the whole cause or matter, or in such portion of the cause or matter as  
66 may be agreed upon. The compensation of the stenographer shall be  
67 paid by the parties in such proportion as the judge of the court decides,  
68 except that the compensation shall not exceed that of the official court  
69 reporter of the Superior Court.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	45a-27
Sec. 2	<i>October 1, 2009</i>	45a-27a
Sec. 3	<i>October 1, 2009</i>	51-72

**Statement of Purpose:**

To: (1) Require judges of probate to complete annual continuing education on evidentiary matters, and (2) require a court of probate to

appoint a stenographer in a proceeding upon written request of a party or the party's attorney.

*[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.]*