



General Assembly

Amendment

January Session, 2009

LCO No. 8889

HB0662508889HDO

Offered by:

REP. FOX, 146th Dist.
REP. GODFREY, 110th Dist.
REP. SPALLONE, 36th Dist.
REP. O'NEILL, 69th Dist.
REP. KLARIDES, 114th Dist.

To: Subst. House Bill No. 6625

File No. 745

Cal. No. 481

"AN ACT CONCERNING THE COURTS OF PROBATE."

1 Strike sections 1 to 5, inclusive, in their entirety, substitute the
2 following in lieu thereof and renumber the remaining sections and
3 internal references accordingly:

4 "Section 1. Section 45a-8 of the general statutes is repealed and the
5 following is substituted in lieu thereof (*Effective October 1, 2009*):

6 (a) The town or towns comprising each probate district shall
7 provide court facilities meeting the minimum standards required by
8 this section. If a probate district consists of more than one town, the
9 expense shall be allocated to the towns in such proportion as the towns
10 may determine by agreement or, in the absence of such agreement, in
11 proportion to their grand lists last perfected. Such court facilities shall
12 include: (1) Office space appropriate for the conduct of judicial

13 business, including (A) a room for the judge of probate sufficient in
14 size for ordinary matters in which judicial proceedings may be
15 conducted in private, (B) a separate room for the court staff, and (C) on
16 a prearranged basis, access to a larger hearing room for the conduct of
17 unusually large court hearings; (2) furniture and furnishings
18 appropriate to a court facility; (3) use and maintenance of a copying
19 machine and the necessary supplies; (4) use and maintenance of court
20 record systems and equipment, including such record books and
21 electronic, digital, microfilming or similar systems required to
22 maintain, provide access to and produce court records, and the
23 necessary supplies for such systems, equipment and records; (5) the
24 necessary stationery, postage and other related supplies in order that
25 the court may properly carry out its duties; (6) typing equipment with
26 which to complete the necessary records; (7) basic telephone service,
27 which shall include all local calls; (8) if a court is computerized, a
28 dedicated telephone line and maintenance of the computer equipment;
29 and (9) adequate liability, fire, loss, theft and replacement insurance on
30 the furniture, furnishings, equipment, court facilities and the records of
31 the court.

32 (b) If a town or towns comprising a probate district and the
33 responsible municipal official or officials within such probate district
34 fail to provide the court facilities required by subsection (a) of this
35 section, the Probate Court Administrator shall offer in writing to meet
36 with the judge of probate of the district and the responsible official or
37 officials to discuss such court facilities. After discussion and
38 consideration of the circumstances of the court operations, the Probate
39 Court Administrator may waive or modify the application of a
40 particular requirement of subsection (a) of this section for court
41 facilities.

42 (c) If suitable court facilities are not provided in accordance with
43 subsection (a) or (b) of this section: (1) The Probate Court
44 Administrator shall provide written notice, by first class mail, to the
45 judge of probate of the district and the chief executive officer of the
46 town in which the court is located, on or before October first of any

47 year in which suitable court facilities are not so provided. Such notice
48 shall specify the requirements of subsection (a) or (b) of this section
49 that are not met and shall direct the submission of a plan as required
50 by this subdivision. Not later than January first of the year following
51 the year in which such notice is provided, such chief executive officer,
52 or his or her representative, shall file with the Probate Court
53 Administrator a plan and time frame for meeting such requirements
54 and providing suitable court facilities; (2) not later than February first
55 of the year following the year in which notice is provided under
56 subdivision (1) of this section, the Probate Court Administrator shall
57 submit a report to the joint standing committee of the General
58 Assembly having cognizance of matters relating to the judiciary
59 concerning the failure of the probate district to provide the required
60 court facilities, which report may include a recommendation that the
61 probate district be abolished as a separate district and be consolidated
62 with a contiguous district where suitable court facilities can be
63 provided; or (3) if, in the opinion of the Probate Court Administrator,
64 abolition of the district is not in the public interest and judicial action is
65 necessary to enforce the provision of suitable court facilities, the
66 Probate Court Administrator shall bring an action in the Superior
67 Court to enforce the requirements for the provision of suitable court
68 facilities.

69 (d) Any town located in a probate district that desires to (1)
70 consolidate such probate district with one or more districts, (2) be
71 removed from such probate district to a separate district established
72 for any such town, or (3) be located in another probate district, may, by
73 resolution of its legislative body, petition the General Assembly for
74 such consolidation, separation and creation of a new probate district or
75 relocation. The Probate Court Administrator shall provide such
76 assistance in the preparation of the petition as the officials of the town
77 or towns may request. At the time of submission of a petition to the
78 General Assembly, a copy of the petition shall be sent to the judges of
79 probate in the probate districts to be affected. No probate district may
80 be consolidated with another district until the expiration of the term of

81 office of any probate judge in an affected probate district.

82 (e) Each judge of probate shall provide suitable records and
83 supplies, in accordance with subsection (a) of this section, for the court
84 in the judge's district. The judge of probate shall cause a complete
85 record to be made of all orders passed by such court and of all wills,
86 inventories, distributions, accounts, bonds and returns made to or
87 lodged with such court. The expense of records, microfilming or the
88 equipment to produce records, and of supplies which the judge deems
89 necessary, shall be paid, upon the order of the judge, by the town or
90 towns composing the district in such proportion as the towns may
91 determine by agreement or, in the absence of such agreement, in
92 proportion to their grand lists last perfected.

93 (f) When the Probate Court Administrator, by regulation, requires
94 that the courts of probate use specified forms, education materials,
95 supplies or equipment not otherwise required by this section, they
96 shall be furnished by the Probate Court Administrator and the expense
97 paid from the Probate Court Administration Fund established under
98 section 45a-82.

99 Sec. 2. (NEW) (*Effective October 1, 2009*) Whenever, in any court of
100 probate, a recording of the proceedings is not required to be made
101 pursuant to any other provision of statute, upon the written request of
102 a party or a party's attorney, the judge of probate shall cause a
103 recording to be made of the proceedings. A proceeding in which a
104 recording has been made pursuant to this section shall not be deemed
105 to be a hearing on the record for the purposes of section 45a-186a of the
106 general statutes, or a matter heard on the record for the purposes of
107 section 45a-186b of the general statutes. The cost of any copy or
108 transcript of such recording shall be charged against the person
109 requesting it. Any recording under this section shall be made and
110 retained in a manner approved by the Probate Court Administrator."