



STATE OF CONNECTICUT  
OFFICE OF THE  
PROBATE COURT ADMINISTRATOR

PAUL J. KNIERIM, JUDGE  
Probate Court Administrator

THOMAS E. GAFFEY  
Chief Counsel

HELEN B. BENNET  
Attorney

DEBRA COHEN  
Attorney

186 NEWINGTON ROAD  
WEST HARTFORD, CT 06110

TEL (860) 231-2442  
FAX (860) 231-1055

To: Senate Co-Chair Andrew McDonald  
House Co-Chair Michael Lawlor  
Senate Ranking Member John Kissel  
House Ranking Member Arthur O'Neill  
Honorable Members of the Judiciary Committee

From: Paul J. Knierim, Judge  
Probate Court Administrator

Re: HB 6625 An Act Concerning the Courts of Probate

Date: March 9, 2009

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This bill, which contains technical revisions to certain probate statutes, was raised at the request of this office.

Section 1 changes a provision in the probate regulation statute that we think was unintentional. Section 45a-77 contains two different methods for the adoption of probate regulations. The first method is set forth in §45a-77(b)(2) and provides that the administrator may promulgate regulations using the procedures set forth in Chapter 54. This method applies to regulations that deal with the availability of judges, court facilities, personnel, records, hours of court operation, and telephone service. The second method is set forth in §45a-77(c), and provides for the establishment of regulations by agreement of the administrator and the Probate Assembly, provided that the Judiciary Committee approves any such proposed regulation.

We believe that the error in drafting is the application of the requirement for approval by the Judiciary Committee to the first type of regulations, which are already subject to the multi-layered process of Chapter 54. We feel this is unduly duplicative and time consuming. This proposal would eliminate the requirement

of approval by the Judiciary Committee only for those regulations that are otherwise approved through the Regulations Review process.

Sections 2 and 4 simply change the reporting date for certain financial forms from March to April. This will make these two provisions consistent with our other reporting guidelines.

Section 3 of the bill clarifies an existing statute concerning judges' compensation. The affected language was adopted in 1998 to prevent a reduction in judges' pay at a time when revisions were being made to the compensation statute. The provision accomplished that goal by establishing minimum compensation, based on average compensation during the years 1996 through 1998, for judges who were in office at the time of passage of the legislation.

The question has subsequently arisen whether the minimum compensation provision would apply to a judge who was in office at the time of passage but who subsequently has a break in service. This proposal, which seeks to clarify that the minimum would not apply to a judge who has a break in service, is intended to apply prospectively and hence would not affect any individuals presently in that situation.

Section 5 corrects a problem that resulted from a provision of the conservatorship statute revisions enacted in 2007. Appeals from probate are now filed directly with the Superior Court, with a copy of the appeal served on the probate court. It seems abundantly clear that requirement of service on the probate court was intended merely to provide the court with notice of the filing of the appeal. In practice, however, this provision has resulted in probate judges being named as defendants in the appeals. In some instances, it has been necessary to ask the Attorney General to become involved on behalf of judges in these appeals.

This proposed amendment would provide that notice to the probate court can be accomplished simply by mailing a copy of the complaint to the court. The parties to the appeal would continue to receive notice by service of process.

Finally, section 6 of the bill would authorize probate courts to appoint a temporary administrator of the estate for the limited purpose of obtaining information to determine whether a potential cause of action could benefit the estate. Privacy laws often prevent family members from accessing medical and other information concerning a deceased relative. While an executor or administrator has authority to access these records, the appointment may be unnecessary if there are no other assets to administer. This proposal would provide a simple and inexpensive method of obtaining access to the information necessary to evaluate such potential claims, enabling the parties to determine whether further action is warranted.

We respectfully request favorable action on this bill.

