



STATE OF CONNECTICUT  
JUDICIAL BRANCH

CHAMBERS OF  
BARBARA M. QUINN, JUDGE  
CHIEF COURT ADMINISTRATOR

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Testimony of  
Judge Barbara M. Quinn, Chief Court Administrator  
Judiciary Committee Public Hearing  
March 9, 2009

Senate Joint Resolution 63, Resolution Proposing and Amendment to the  
Constitution of the State to Eliminate the Probate Courts

House Bill 6027, An Act Concerning Probate Court Reforms

House Bill 6385, An Act Concerning Reform of the Probate Court System

House Bill 6626, An Act Transferring Jurisdiction of Contested Probate  
Matters to the Superior Court

Good morning Senator McDonald, Representative Lawlor and members of the Judiciary Committee. My name is Barbara M. Quinn, and I am the Chief Court Administrator. I am here today, on behalf of the Judicial Branch, to talk about some of the Probate Court bills that are before you. Specifically, I will address Senate Joint Resolution 63, *Resolution Proposing an Amendment to the Constitution of the State to Eliminate the Probate Courts*, House Bill 6027, *An Act Concerning Probate Court Reforms*, House Bill 6385, *An Act Concerning Reform of the Probate Court System* and House Bill 6626, *An Act Transferring Jurisdiction of Contested Probate Matters to the Superior Court*.

As you may be aware, the Judicial Branch's role with regard to the Probate Court system is to provide limited oversight. The Chief Justice is responsible for appointing the Probate Court Administrator. In addition, the Judicial Branch

has a fiduciary relationship with the Probate Court system. The Chief Court Administrator is required to review and approve the Probate Court Administrator's budget each year, and must authorize throughout the year any additional expenditures from the Probate Court Administration Fund. We have witnessed the steady depletion of Probate Court Administration Fund over the past several years. This depletion is the result of two things: (1) increasing expenses for the system that are outpacing revenue, and (2) the removal of \$15 million from the fund during the budget crisis 5 years ago. The financial crisis has reached a critical point. Last fall it was projected that the Probate Court system would be bankrupt in 2010; recent projections show a deficit even sooner than that. But regardless of exactly when it will run out of money, the Probate Court system, in its present configuration, cannot sustain itself. A solution to this problem must be enacted this year.

**House Bill 6027, *An Act Concerning Probate Court Reforms*, and House Bill 6385, *An Act Concerning Reform of the Probate Court System*** both propose solutions to the crisis, and both these solutions would entail very significant changes to the way the system operates. There is no doubt that change of the magnitude contemplated by these bills is necessary. We appreciate the hard work that the Probate Court Assembly has done to arrive at the plan detailed in **House Bill 6027**, and believe that setting up a process for reducing the number of probate courts would allow input from those who have the most knowledge of the system - the judges themselves. However, we recognize that the situation needs to be resolved in a very short timeframe. In fact, based on new information made available by the Office of Policy and Management, there will apparently be a shortfall of \$4 million dollars during the next fiscal year. This was not previously anticipated. It further emphasizes the need to create a significantly revamped Probate Court system that can live within its means.

I am aware that discussion on this very important subject is ongoing and that further work is needed to arrive at whatever proposal will ultimately be enacted. Please be assured that the Judicial Branch will be available to assist in any way, should you believe we could be helpful.

The Judicial Branch is opposed to both *Senate Joint Resolution 63, Resolution Proposing and Amendment to the Constitution of the State to Eliminate the Probate Courts* and *House Bill 6626, An Act Transferring Jurisdiction of Contested Probate Matters to the Superior Court*, because of the significant impact those proposals would have on the Branch.

Abolition of the Probate Courts would mean that every one of the approximately 82,000 matters they handle each year would come to the Superior Court. Mandating the transfer of all contested probate matters to the Superior Court would mean that a very large portion of those cases would move to the Superior Court. The Judicial Branch simply cannot absorb this additional workload. We could not have done so under the best of circumstances, and we certainly cannot do so at a time when we are facing likely reductions in our workforce. In addition, we believe that the Probate Courts continue to play a valuable role. For over 300 years, they have assisted innumerable families and individuals in resolving the most delicate of issues. They have the experience and expertise, the value of which should not be underestimated. For these reasons, we would ask the Committee **not to act favorably on *Senate Joint Resolution 63* or *House Bill 6626***.

Thank you for the opportunity to testify.