



House of Representatives

General Assembly

File No. 494

February Session, 2010

Substitute House Bill No. 5406

House of Representatives, April 13, 2010

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE COURTS OF PROBATE.

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

1 Section 1. Section 45a-77 of the 2010 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2010*):

4 (a) The Probate Court Administrator may attend to any matters that
5 the Probate Court Administrator considers necessary for the efficient
6 operation of the courts of probate and for the expeditious dispatch and
7 proper conduct of the business of such courts. The Probate Court
8 Administrator shall administer and enforce the provisions of this
9 chapter and the regulations issued under this section, and shall ensure
10 performance of the duties of judges of probate and clerks of the courts
11 of probate in accordance with the provisions of this chapter and such
12 regulations. The Probate Court Administrator may make
13 recommendations to the General Assembly for legislation for the
14 improvement of the administration of the courts of probate.

15 (b) [(1)] The Probate Court Administrator may issue and shall
16 enforce regulations, provided such regulations are approved in
17 accordance with subsection (c) of this section. Such regulations shall be
18 binding on all courts of probate and shall concern the following
19 matters for the administration of the probate court system: [(A)] (1)
20 Auditing, accounting, statistical, billing, recording, filing, record
21 maintenance and other court procedures; [(B)] (2) reassignment and
22 transfer of cases; [(C)] (3) training of court personnel and continuing
23 education programs for judges of probate, probate magistrates,
24 attorney probate referees and court personnel; [(D)] (4) remitting funds
25 received by the courts of probate under section 45a-7a to the Probate
26 Court Administration Fund; [(E)] (5) administering the compensation
27 plan established under section 45a-85 for employees of the courts of
28 probate; [(F)] (6) establishing criteria for staffing levels for the courts of
29 probate for the purposes of subsection (b) of section 45a-85; [(G)] (7)
30 establishing criteria for the development and approval of
31 miscellaneous office budgets for the courts of probate for the purposes
32 of subsection (b) of section 45a-85; [(H)] (8) expending funds from the
33 Probate Court Administration Fund for the purposes set forth in the
34 regulations adopted pursuant to [subparagraphs (D) to (G)]
35 subdivisions (4) to (7), inclusive, of this [subdivision] subsection; and
36 [(I)] (9) the enforcement of the provisions of this chapter and the
37 regulations issued pursuant to this section, including, but not limited
38 to, recovery of expenses associated with any such enforcement, as
39 permitted by such regulations.

40 [(2) The Probate Court Administrator may adopt regulations, in
41 accordance with chapter 54, provided such regulations are approved in
42 accordance with subdivision (1) of subsection (c) of this section. Such
43 regulations shall be binding on all courts of probate and shall concern:
44 (A) The availability of judges; (B) court facilities, personnel and
45 records; and (C) telephone service.]

46 (c) (1) Either the Probate Court Administrator or the executive
47 committee of the Connecticut Probate Assembly may propose
48 regulations authorized under subsection (b) of this section. Any

49 regulation proposed by the Probate Court Administrator shall be
50 submitted to the executive committee of the Connecticut Probate
51 Assembly for approval. Any regulation proposed by the executive
52 committee of the Connecticut Probate Assembly shall be submitted to
53 the Probate Court Administrator for approval. If either the Probate
54 Court Administrator or the executive committee of the Connecticut
55 Probate Assembly fails to approve a proposed regulation, such
56 proposed regulation may be submitted to a panel of three Superior
57 Court judges appointed by the Chief Justice of the Supreme Court. The
58 panel of judges, after consideration of the positions of the Probate
59 Court Administrator and the executive committee of the Connecticut
60 Probate Assembly, shall either approve the proposed regulation or
61 reject the proposed regulation.

62 (2) Any proposed new regulation and any change in an existing
63 regulation issued under this section on or after July 1, 2007, shall be
64 submitted to the joint standing committee of the General Assembly
65 having cognizance of matters relating to the judiciary for approval or
66 disapproval in its entirety, provided, if more than one proposed new
67 regulation or change in an existing regulation is submitted at the same
68 time, said committee shall approve or disapprove all such proposed
69 new regulations and changes in existing regulations together in their
70 entirety. Unless disapproved by said committee within ninety days of
71 the date of such submittal, each such regulation shall become effective
72 on the date specified in such regulation, but not in any event until
73 ninety days after promulgation.

74 (d) The Probate Court Administrator shall regularly review the
75 auditing, accounting, statistical, billing, recording, filing, record
76 maintenance, administrative and other procedures of the courts of
77 probate.

78 (e) The Probate Court Administrator shall, personally, or by an
79 authorized designee of the Probate Court Administrator who has been
80 admitted to the practice of law in this state for at least five years, visit
81 each court of probate at least once during each two-year period to

82 examine the records and files of such court in the presence of the judge
83 of the court or the judge's authorized designee. The Probate Court
84 Administrator shall make any additional inquiries that the Probate
85 Court Administrator considers appropriate to ascertain whether the
86 business of the court, including the charging of costs and payments to
87 the State Treasurer, has been conducted in accordance with law, rules
88 of the courts of probate, regulations issued under this section and the
89 canons of judicial ethics, and to obtain information concerning the
90 business of the courts of probate which is necessary for the Probate
91 Court Administrator to perform properly the duties of the office.

92 Sec. 2. Section 45a-7 of the general statutes is repealed and the
93 following is substituted in lieu thereof (*Effective October 1, 2010*):

94 A court of probate may be held in any town in the district or in any
95 other location within the state if necessary to facilitate attendance by a
96 party.

97 Sec. 3. Section 45a-8 of the general statutes is repealed and the
98 following is substituted in lieu thereof (*Effective October 1, 2010*):

99 (a) The town or towns comprising each probate district shall
100 provide court facilities meeting the minimum standards required by
101 this section. If a probate district consists of more than one town, the
102 expense shall be allocated to the towns in such proportion as the towns
103 may determine by agreement or, in the absence of such agreement, in
104 proportion to their grand lists last perfected. Such court facilities shall
105 include: (1) Office space appropriate for the conduct of judicial
106 business, including (A) a room for the judge of probate sufficient in
107 size for ordinary matters in which judicial proceedings may be
108 conducted in private, (B) a separate room for the court staff, and (C) on
109 a prearranged basis, access to a larger hearing room for the conduct of
110 unusually large court hearings; (2) furniture and furnishings
111 appropriate to a court facility; (3) use and maintenance of a copying
112 machine and the necessary supplies; (4) use and maintenance of court
113 record systems and equipment, including such record books and
114 electronic, digital, microfilming or similar systems required to

115 maintain, provide access to and produce court records, and the
116 necessary supplies for such systems, equipment and records; (5) the
117 necessary stationery, postage and other related supplies in order that
118 the court may properly carry out its duties; (6) typing equipment with
119 which to complete the necessary records; (7) basic telephone service,
120 which shall include all local calls; (8) if a court is computerized, a
121 dedicated telephone line and maintenance of the computer equipment;
122 and (9) adequate liability, fire, loss, theft and replacement insurance on
123 the furniture, furnishings, equipment, court facilities and the records of
124 the court.

125 (b) If a town or towns comprising a probate district and the
126 responsible municipal official or officials within such probate district
127 fail to provide the court facilities required by subsection (a) of this
128 section, the Probate Court Administrator shall offer in writing to meet
129 with the judge of probate of the district and the responsible official or
130 officials to discuss such court facilities. After discussion and
131 consideration of the circumstances of the court operations, the Probate
132 Court Administrator may waive or modify the application of a
133 particular requirement of subsection (a) of this section for court
134 facilities.

135 (c) If suitable court facilities are not provided in accordance with
136 subsection (a) or (b) of this section: (1) The Probate Court
137 Administrator shall provide written notice, by first class mail, to the
138 judge of probate of the district and the chief executive officer of the
139 town in which the court is located, on or before October first of any
140 year in which suitable court facilities are not so provided. Such notice
141 shall specify the requirements of subsection (a) or (b) of this section
142 that are not met and shall direct the submission of a plan as required
143 by this subdivision. Not later than January first of the year following
144 the year in which such notice is provided, such chief executive officer,
145 or his or her representative, shall file with the Probate Court
146 Administrator a plan and time frame for meeting such requirements
147 and providing suitable court facilities; (2) not later than February first
148 of the year following the year in which notice is provided under

149 subdivision (1) of this [section] subsection, the Probate Court
150 Administrator shall submit a report to the joint standing committee of
151 the General Assembly having cognizance of matters relating to the
152 judiciary concerning the failure of the probate district to provide the
153 required court facilities; [which report may include a
154 recommendation that the probate district be abolished as a separate
155 district and be consolidated with a contiguous district where suitable
156 court facilities can be provided;] or (3) if, in the opinion of the Probate
157 Court Administrator, [abolition of the district is not in the public
158 interest and] judicial action is necessary to enforce the provision of
159 suitable court facilities, the Probate Court Administrator shall bring an
160 action in the Superior Court to enforce the requirements for the
161 provision of suitable court facilities.

162 (d) Any town located in a probate district that desires to (1)
163 consolidate such probate district with one or more districts, (2) be
164 removed from such probate district to a separate district established
165 for any such town, or (3) be located in another probate district, may, by
166 resolution of its legislative body, petition the General Assembly for
167 such consolidation, separation and creation of a new probate district or
168 relocation. The Probate Court Administrator shall provide such
169 assistance in the preparation of the petition as the officials of the town
170 or towns may request. At the time of submission of a petition to the
171 General Assembly, a copy of the petition shall be sent to the judges of
172 probate in the probate districts to be affected. No probate district may
173 be consolidated with another district until the expiration of the term of
174 office of any probate judge in an affected probate district.

175 (e) Each judge of probate shall provide suitable records and
176 supplies, in accordance with subsection (a) of this section, for the court
177 in the judge's district. The judge of probate shall cause a complete
178 record to be made of all orders passed by such court and of all wills,
179 inventories, distributions, accounts, bonds and returns made to or
180 lodged with such court. The expense of records, microfilming or the
181 equipment to produce records, and of supplies which the judge deems
182 necessary, shall be paid, upon the order of the judge, by the town or

183 towns composing the district in such proportion as the towns may
184 determine by agreement or, in the absence of such agreement, in
185 proportion to their grand lists last perfected.

186 (f) When the Probate Court Administrator, by regulation, requires
187 that the courts of probate use specified forms, education materials,
188 supplies or equipment not otherwise required by this section, they
189 shall be furnished by the Probate Court Administrator and the expense
190 paid from the Probate Court Administration Fund established under
191 section 45a-82, as amended by this act.

192 Sec. 4. Subsection (g) of section 5-259 of the 2010 supplement to the
193 general statutes is repealed and the following is substituted in lieu
194 thereof (*Effective October 1, 2010*):

195 (g) Notwithstanding the provisions of subsection (a) of this section,
196 the Probate Court Administration Fund established in accordance with
197 section 45a-82, as amended by this act, shall pay for each probate judge
198 and Probate Court employee not more than one hundred per cent of
199 the portion of the premium charged for his or her individual coverage
200 and not more than fifty per cent of any additional cost for his or her
201 form of coverage. The remainder of the premium for such coverage
202 shall be paid by the probate judge or Probate Court employee to the
203 State Treasurer. Payment shall be credited by the State Treasurer to the
204 fund established by section 45a-82, as amended by this act. The total
205 premiums payable shall be remitted by the Probate Court
206 Administrator directly to the insurance company or companies or
207 nonprofit organization or organizations providing the coverage. The
208 Probate Court Administrator shall issue regulations governing group
209 hospitalization and medical and surgical insurance pursuant to
210 [subdivision (1) of] subsection (b) of section 45a-77, as amended by this
211 act.

212 Sec. 5. Subsection (g) of section 5-259 of the 2010 supplement to the
213 general statutes, as amended by section 7 of public act 09-114, is
214 repealed and the following is substituted in lieu thereof (*Effective*
215 *January 5, 2011*):

216 (g) Notwithstanding the provisions of subsection (a) of this section,
217 the Probate Court Administration Fund established in accordance with
218 section 45a-82, as amended by this act, shall pay for each probate judge
219 and each probate court employee not more than one hundred per cent
220 of the portion of the premium charged for the judge's or employee's
221 individual coverage and not more than fifty per cent of any additional
222 cost for the judge's or employee's form of coverage. The remainder of
223 the premium for such coverage shall be paid by the probate judge or
224 probate court employee to the State Treasurer. Payment shall be
225 credited by the State Treasurer to the fund established by section 45a-
226 82, as amended by this act. The total premiums payable shall be
227 remitted by the Probate Court Administrator directly to the insurance
228 company or companies or nonprofit organization or organizations
229 providing the coverage. The Probate Court Administrator shall issue
230 regulations governing group hospitalization and medical and surgical
231 insurance pursuant to [subdivision (1) of] subsection (b) of section 45a-
232 77, as amended by this act.

233 Sec. 6. Section 45a-79a of the general statutes is repealed and the
234 following is substituted in lieu thereof (*Effective October 1, 2010*):

235 (a) If the Probate Court Administrator determines that the business
236 of a court of probate has not been conducted in accordance with law or
237 the regulations issued pursuant to section 45a-77, as amended by this
238 act, or that the business of a court of probate is not being conducted
239 properly or with expeditious dispatch, or that suitable court facilities
240 are not being provided for a court of probate in accordance with
241 subsection (a) or (b) of section 45a-8, as amended by this act, the
242 Probate Court Administrator may meet with the judge of such court in
243 an effort to correct any such deficiencies. If the Probate Court
244 Administrator determines that action under this section is warranted,
245 the Probate Court Administrator shall give written notice of his or her
246 determinations made under this subsection, and the reasons therefor,
247 to the judge of such court. The Probate Court Administrator shall
248 include with such notice the Probate Court Administrator's proposed
249 disposition of the matter, which may include one or more of the

250 following actions: (1) Reassignment of any case pending before such
251 court to a special assignment probate judge or to another judge of
252 probate by means of a citation in the manner provided in section 45a-
253 120; (2) designation of a special assignment probate judge to assist the
254 judge of such court in conducting the business of such court; or (3)
255 recovery of expenses associated with any of such actions, as permitted
256 by regulations issued pursuant to [subdivision (1) of] subsection (b) of
257 section 45a-77, as amended by this act.

258 (b) (1) Not later than ten business days after receiving written notice
259 as provided in subsection (a) of this section, a judge of probate who is
260 the subject of an action of the Probate Court Administrator under this
261 section may file with the Probate Court Administrator a request for a
262 hearing before a review panel. The review panel shall consist of (A) a
263 judge of probate selected by the Probate Court Administrator, (B) a
264 judge of probate selected by the judge who is the subject of the action,
265 and (C) a judge of probate jointly selected by the judges who have
266 been selected under subparagraphs (A) and (B) of this subdivision,
267 except that if such judges are unable to make a joint selection, the
268 judge of probate required under this subparagraph shall be selected by
269 the Chief Justice of the Supreme Court.

270 (2) Not later than fifteen business days after the filing of a request
271 for a hearing under subdivision (1) of this subsection, the review panel
272 shall hold a hearing on the Probate Court Administrator's
273 determination and proposed disposition of the matter. The Probate
274 Court Administrator and the judge who is the subject of the action
275 shall have a right to be heard and present evidence at the hearing. The
276 Probate Court Administrator shall have the burden of proving that
277 such judge received written notice as required by subsection (a) of this
278 section. After the hearing, a majority of the members of the review
279 panel may affirm, dismiss or modify the Probate Court Administrator's
280 determination and proposed disposition of the matter under
281 subsection (a) of this section. Either the Probate Court Administrator
282 or such judge may request that the matter be heard on the record
283 under sections 51-72 and 51-73.

284 (c) (1) Except as provided in subdivision (2) of this subsection, if a
285 timely request for a hearing is not filed under subdivision (1) of
286 subsection (b) of this section by the judge who is the subject of the
287 action, the Probate Court Administrator's proposed disposition of the
288 matter under subsection (a) of this section shall take effect immediately
289 upon the expiration of the ten-business-day period set forth in
290 subdivision (1) of subsection (b) of this section.

291 (2) If the Probate Court Administrator, in consultation with the
292 Chief Court Administrator, determines that, with respect to a pending
293 case, an emergency exists due to the fact that a probate matter has not
294 been conducted with expeditious dispatch within the proper time
295 frames prescribed by law, rules of the courts of probate or regulations
296 issued pursuant to [subdivision (1) of] subsection (b) of section 45a-77,
297 as amended by this act, the Probate Court Administrator's proposed
298 disposition of the matter under subsection (a) of this section shall take
299 effect when the judge who is the subject of the action receives notice as
300 provided in subsection (a) of this section. Such proposed disposition
301 shall be subject to such judge's right to a hearing and the decision of
302 the review panel under subsection (b) of this section, provided the
303 validity of any order or decree made, proceeding held or other action
304 taken by a special assignment probate judge or another judge of
305 probate pursuant to such proposed disposition when an emergency
306 exists due to the fact that a matter has not been conducted with
307 expeditious dispatch, as provided in this subdivision, shall not be
308 affected by any subsequent decision of the review panel under
309 subsection (b) of this section.

310 (d) The Probate Court Administrator shall issue regulations
311 pursuant to [subdivision (1) of] subsection (b) of section 45a-77, as
312 amended by this act, concerning rules of procedure for the conduct of
313 any hearing before a review panel under this section. Such rules of
314 procedure shall address: (1) The notice of the Probate Court
315 Administrator's determination and reasons therefor under subsection
316 (a) of this section; (2) the content of a request for a hearing and any
317 notice of hearing; (3) hearing procedures; (4) evidence; (5) subpoenas;

318 (6) the production of documents; (7) continuances; (8) intervenors; (9)
319 the hearing record; and (10) the right to cross-examine, present
320 arguments and inspect and copy relevant materials.

321 (e) Any judge of probate who is aggrieved by any decision under
322 this section may appeal such decision to the superior court for the
323 judicial district in which the probate district of such judge is located.
324 An appeal under this subsection shall be taken within thirty days of
325 such decision. Appeals from any such decision rendered in any case
326 after a record is made under sections 51-72 and 51-73 shall be on the
327 record and shall not be a trial de novo. In any such appeal, the court
328 may grant such relief as the court determines to be appropriate.

329 Sec. 7. Subsection (a) of section 45a-79b of the general statutes is
330 repealed and the following is substituted in lieu thereof (*Effective*
331 *October 1, 2010*):

332 (a) There shall be special assignment probate judges appointed by
333 the Chief Justice of the Supreme Court, on nomination by the Probate
334 Court Administrator, from among the judges of probate elected as
335 provided in section 45a-18. A nominee of the Probate Court
336 Administrator shall have demonstrated the special skill, experience or
337 expertise necessary to serve as a special assignment probate judge. The
338 Probate Court Administrator shall issue regulations pursuant to
339 [subdivision (1) of] subsection (b) of section 45a-77, as amended by this
340 act, to establish requirements concerning the responsibilities of special
341 assignment probate judges and the number, geographic distribution
342 and expertise of such judges. A special assignment probate judge shall
343 serve at the pleasure of the Chief Justice.

344 Sec. 8. Subsection (l) of section 45a-82 of the 2010 supplement to the
345 general statutes is repealed and the following is substituted in lieu
346 thereof (*Effective October 1, 2010*):

347 (l) The Probate Court Administrator may issue regulations pursuant
348 to [subdivision (1) of] subsection (b) of section 45a-77, as amended by
349 this act, in order to carry out the intent of subsections (j) and (k) of this

350 section.

351 Sec. 9. Subsections (c) to (i), inclusive, of section 45a-92 of the 2010
352 supplement to the general statutes are repealed and the following is
353 substituted in lieu thereof (*Effective October 1, 2010*):

354 (c) Each judge of probate or personal representative, except a judge
355 of probate who is the Probate Court Administrator, shall at the time of
356 filing such returns pay to the State Treasurer to be credited to the fund
357 established by section 45a-82, as amended by this act, a percentage of
358 the annual net income from such office based on the following table in
359 which the percentage appearing in the left column shall first be
360 multiplied by the minimum annual compensation of a high volume
361 court as provided in subsection (k) of this section, as in effect on the
362 first day of July of the calendar year for which an assessment is due
363 pursuant to this section, the product of which shall then be multiplied
364 by the applicable percentage appearing in the right column:

T1	First 20% of the compensation assessment rate	
T2	of a high volume court	\$1 nominal
T3	Next 6.67%	5%
T4	Next 6.66%	10%
T5	Next 6.67%	15%
T6	Next 6.67%	25%
T7	Next 6.66%	35%
T8	Next 13.34%	50%
T9	Next 33.33%	75%
T10	Next 33.67%	80%
T11	Next 66.67%	85%
T12	Next 133.33%	95%
T13		
T14	Excess over 333.67%, up to the maximum amount computed at 97.5%	
T15	by the Probate Court Administrator	
T16		
T17	All over the maximum amount computed at 100% by the Probate	
T18	Court Administrator.	

365 As used in this subsection, "maximum amount" means the amount of
366 annual net income from such office which, when applying the
367 percentage payments set forth above, shall result in the judge of
368 probate retaining as net compensation, after the payment of the above
369 amounts, no more than the product resulting from the multiplication
370 of seventy-two dollars by the annual weighted-workload of the court,
371 as defined in regulations issued by the Probate Court Administrator
372 pursuant to [subdivision (1) of] subsection (b) of section 45a-77, as
373 amended by this act, but not to exceed the compensation of a high
374 volume court as set forth in subsection (k) of this section, provided this
375 limitation shall not apply to those courts described in subsection (k) of
376 this section. Such payment shall be deemed to be a necessary expense
377 of such office, but shall not be deductible from the gross income for the
378 purpose of determining net income of such office under this section.
379 Notwithstanding the provisions of this subsection, the annual
380 minimum compensation of a judge of probate shall be no less than the
381 product resulting from the multiplication of fifteen dollars by the
382 annual weighted-workload of the court, as defined in regulations
383 issued by the Probate Court Administrator pursuant to [subdivision (1)
384 of] subsection (b) of section 45a-77, as amended by this act, or no less
385 than the judge's average compensation for the three-year period from
386 January 1, 1996, to December 31, 1998, but, in no event shall that
387 minimum compensation exceed that provided pursuant to subsection
388 (k) of this section.

389 (d) (1) Any judge of probate who is the Probate Court Administrator
390 shall pay to the State Treasurer, to be credited to said fund, one
391 hundred per cent of the annual net income from his office during the
392 period of time he serves as Probate Court Administrator. (2) For the
393 purposes of this assessment, fees received after but earned before his
394 appointment as Probate Court Administrator shall be subject to the
395 assessment set forth in the table in this section. Fees received after such
396 judge of probate ceases to be the Probate Court Administrator but
397 earned during his term as Probate Court Administrator shall be paid in
398 full to the State Treasurer after the deduction of the expenses of his

399 office. (3) The books and records of any judge of probate acting as
400 Probate Court Administrator shall be audited by the Auditors of
401 Public Accounts at the beginning of his term as Probate Court
402 Administrator and thereafter at least annually during his term as
403 Probate Court Administrator and upon completion of his term as
404 Probate Court Administrator or as judge of probate whichever occurs
405 first. (4) A judge of probate who is Probate Court Administrator shall
406 make no expenditure in his court for salaries, equipment, or any other
407 expenditure exceeding the sum of one hundred dollars in the
408 aggregate, annually, without first having obtained the approval of the
409 Chief Court Administrator.

410 (e) (1) On or before January thirty-first of each year, each person
411 required to make payment under this section shall estimate such
412 annual net income and shall advise the Probate Court Administrator
413 thereof, upon such forms and pursuant to such regulations as said
414 administrator shall promulgate. (2) Each person who takes office as a
415 judge of probate after February first of any calendar year, as the result
416 of death, retirement, resignation or removal of the immediately
417 previous incumbent of that office, shall file his estimate of annual net
418 income with the Probate Court Administrator and shall make the
419 necessary payment to the State Treasurer in accordance therewith not
420 later than sixty days after taking office.

421 (f) If, based upon such estimate, the amount payable shall be less
422 than one hundred dollars, the payment thereof shall be made in one
423 payment on or before December thirty-first of the applicable year.
424 Otherwise, the amount payable shall be made in four substantially
425 equal installments payable on or before the last day of March, June,
426 September and December of the applicable year, except that in the case
427 of an estimate filed pursuant to subdivision (2) of subsection (e) of this
428 section, the amount payable under such estimate shall be made in
429 substantially equal installments on such installment payment dates
430 next following the timely filing of such estimate in such year. The
431 estimated payment may be amended and changed at any time during
432 the year in which it is payable by increasing or decreasing the amount.

433 The amount of such increase or decrease shall be paid for or adjusted
434 in the installment or payment due at the time the estimated assessment
435 is next payable after such amendment. The Probate Court
436 Administrator may issue regulations pursuant to [subdivision (1) of]
437 subsection (b) of section 45a-77, as amended by this act, to carry out
438 the intent of this subsection.

439 (g) Upon the completion of each calendar year, and in any event on
440 or before the first day of April of the succeeding calendar year, each
441 person required to make payment under this section shall make a
442 report signed under penalty of false statement to the Probate Court
443 Administrator, upon forms prescribed by and subject to regulations
444 promulgated by the administrator, of the following: (1) The gross
445 income received by virtue of such office; (2) actual expenses incurred
446 in connection with the office; (3) the net income of such office prior to
447 the payment of the assessment installments hereinbefore provided; (4)
448 the amount paid during the preceding calendar year to the State
449 Treasurer on account of the foregoing estimate; and (5) the amount of
450 the difference, if any, between the amount so paid and the amount
451 actually due. This report shall be open to public inspection.

452 (h) If the amount already paid was less than the amount due, such
453 person shall, on or before March first of the succeeding calendar year,
454 pay to the State Treasurer the entire deficiency. If the amount already
455 paid was more than the amount due, such person shall either, at his
456 election and pursuant to regulations promulgated by the State
457 Treasurer, be entitled to a refund of such excess payment to be paid
458 from the fund provided by section 45a-82, as amended by this act, or a
459 credit in the amount of the overpayment to be charged against the
460 future obligations of such person to said fund.

461 (i) (1) If any estimated quarterly payments required to be paid
462 pursuant to subsection (f) of this section are less than one-fourth of
463 seventy per cent of the total assessment due for that year or less than
464 one-fourth of ninety-five per cent of the assessment paid for the prior
465 year, such person shall be obligated to pay to such fund a penalty of

466 ten per cent of the amount of the deficiency, except that the Probate
467 Court Administrator may waive such penalty for cause in accordance
468 with regulations issued pursuant to [subdivision (1) of] subsection (b)
469 of section 45a-77, as amended by this act. Any such penalty shall
470 become payable upon demand by the Probate Court Administrator,
471 and be due within thirty days after such demand, in accordance with
472 regulations issued by the Probate Court Administrator, and shall be
473 subject to interest under subdivision (2) of this subsection in the event
474 of default in such payment. (2) Any payments required under
475 subsection (f) or (h) of this section which are not paid at the applicable
476 times prescribed in said subsections, and any penalty payment
477 required under subdivision (1) of this subsection which is not timely
478 paid, shall incur simple interest at the rate applicable under section 12-
479 376 for delinquent payment of succession and transfer taxes where no
480 extension has been granted, to be payable to the State Treasurer and to
481 be added to the fund established under section 45a-82, as amended by
482 this act. Any alleged delinquency of a judge of probate in making
483 payments as required under this section shall be referred by the State
484 Treasurer to the Attorney General for such action as the Attorney
485 General deems necessary.

486 Sec. 10. Subdivision (6) of section 45a-95 of the 2010 supplement to
487 the general statutes is repealed and the following is substituted in lieu
488 thereof (*Effective January 5, 2011*):

489 (6) "Annual weighted-workload" means the annual weighted-
490 workload for the immediately preceding fiscal year as defined in
491 regulations issued by the Probate Court Administrator pursuant to
492 [subdivision (1) of] subsection (b) of section 45a-77, as amended by this
493 act.

494 Sec. 11. Section 45a-1 of the general statutes is repealed and the
495 following is substituted in lieu thereof (*Effective January 5, 2011*):

496 As used in sections 45a-1 to 45a-12, inclusive, as amended by this
497 act, 45a-18 to 45a-26, inclusive, 45a-34 to 45a-56, inclusive, 45a-62 to
498 45a-68, inclusive, 45a-74 to 45a-83, inclusive, 45a-90 to [45a-94] 45a-93,

499 inclusive, 45a-98, 45a-99, 45a-105, 45a-119 to 45a-123, inclusive, 45a-
500 128, 45a-130, 45a-131, 45a-133, 45a-199 and 45a-202, "district" means
501 probate district.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	45a-77
Sec. 2	<i>October 1, 2010</i>	45a-7
Sec. 3	<i>October 1, 2010</i>	45a-8
Sec. 4	<i>October 1, 2010</i>	5-259(g)
Sec. 5	<i>January 5, 2011</i>	5-259(g)
Sec. 6	<i>October 1, 2010</i>	45a-79a
Sec. 7	<i>October 1, 2010</i>	45a-79b(a)
Sec. 8	<i>October 1, 2010</i>	45a-82(l)
Sec. 9	<i>October 1, 2010</i>	45a-92(c) to (i)
Sec. 10	<i>January 5, 2011</i>	45a-95(6)
Sec. 11	<i>January 5, 2011</i>	45a-1

Statement of Legislative Commissioners:

In section 8, a reference to the 2010 supplement to the general statutes was inserted in the introductory language for proper form.

JUD *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill makes various minor, technical and conforming changes that have no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 5406

AN ACT CONCERNING THE COURTS OF PROBATE.

SUMMARY:

This bill:

1. allows the probate court administrator to make, and requires him to enforce, regulations governing record maintenance and eliminates his authority to use the Uniform Administrative Procedure Act to regulate some other areas and
2. allows towns in the same probate district to agree on how to share costs associated with court operations.

It also allows probate judges to conduct business in any location in Connecticut to facilitate a party's attendance. Current law limits their jurisdiction to towns in their district.

The bill also makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2010, except the conforming provisions concerning insurance and definitions are effective January 5, 2011.

PROBATE COURT REGULATIONS

The bill allows the probate court administrator to adopt regulations governing records retention. He must also regularly review the procedures. The bill follows current law regarding submission of proposed regulations to the executive committee of the Probate Court Assembly and the Judiciary Committee for approval.

The bill eliminates the probate court administrator's authority to adopt regulations under the state's Uniform Administrative Procedure

Act concerning the availability of judges, court facilities, personnel, records, and telephone services.

MULTI-TOWN DISTRICT COST-SHARING

The bill allows towns in the same probate district to agree on how they will pay the district’s expenses, including costs associated with providing suitable court facilities, records, and supplies. If they cannot agree, financial responsibilities will be allocated in proportion to their most recent grand lists.

If a town fails to contribute, current law, unchanged by the bill, requires the probate court administrator to submit a report to the Judiciary Committee; currently the report may include a recommendation that the probate district be merged with a neighboring district. The bill eliminates this authority. By law, the administrator can file a Superior Court action to enforce the requirements for provision of suitable court facilities.

BACKGROUND

Related Bill

sHB 5408, favorably reported by the Judiciary Committee, makes a number of changes in probate court operations.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable
Yea 41 Nay 0 (03/26/2010)