



STATE OF CONNECTICUT

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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: RB 5406, An Act Concerning the Courts of Probate

Date: March 12, 2010

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Thank you for the opportunity to testify about Raised Bill 5406. The bill proposes changes to the statutes concerning probate courts in the following three areas:

### Regulations

The probate system currently has two different methods for the adoption of regulations. Most regulations follow a process adopted in 2007 under which proposed regulations become effective only after the Judiciary Committee has had an opportunity for review. The committee has 90 days to act on any proposed regulations, and regulations are deemed effective if the committee does not act within that time. This procedure is set forth in C.G.S. § 45a-77(c). The second method, which is set forth in § 45a-77(b), provides that regulations on certain topics must follow the regulations review process.

Under this proposal, all probate court regulations would be reviewed by the Judiciary Committee. The change would simplify and streamline our procedures. More importantly, the change would ensure review all of our regulations by the Judiciary Committee, which has cognizance over legislation affecting the probate courts and oversees all aspects of the probate system.

### **Location of hearings**

Probate judges often hold hearings at locations other than their courts to make it easier for interested parties to participate. Although current law authorizes this practice, it also restricts the location of hearings to the boundaries of each probate district.

This bill would permit a judge to hold a hearing at any location in the state for the convenience of parties, provided that jurisdiction lies in the judge's district. This flexibility would be particularly useful in matters in which a resident of one probate district is receiving care in a hospital or nursing home located in another district.

### **Allocation of probate court expenses among municipalities**

Under C.G.S. § 45a-8, municipalities are required to provide probate courts with facilities, furniture and equipment, telephone service, supplies, and certain other office-related supports. The statute provides that those expenses should be allocated among the municipalities in a regional probate district on the basis of their respective grand lists.

This bill would allow municipalities more flexibility by authorizing alternate agreements to allocate expenses. The grand list method would remain the default rule in the absence of an agreement. This concept passed the House of Representatives last year unanimously but was not acted upon by the Senate.

Thank you for your consideration.