



STATE OF CONNECTICUT

OFFICE OF THE  
PROBATE COURT ADMINISTRATOR

PAUL J. KNIERIM, JUDGE  
Probate Court Administrator

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To: Senate Co-Chair Andrew McDonald  
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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 5408 An Act Concerning Probate Court Operations

Date: March 12, 2010

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Thank you for the opportunity to testify about raised bill 5408, An Act Concerning Probate Court Operations. This proposal would bring several probate statutes into conformity with PA 09-114, the legislation enacted last year to restructure the probate system. We are also submitting proposed JFS language to clarify the intent of certain sections of this bill.

Sections 1, 2 and 3 of the bill serve to ensure that the longstanding cap on the compensation of probate judges, which is 75% of a Superior Court judge's salary, applies even if a judge accepts additional duties outside of his or her probate district. Specifically, the provisions apply the 75% cap to judges serving as administrative judges of regional children's probate courts, special assignment probate judges, and judges hearing matters as members of three judge panels.

Sections 4 and 5 are needed to implement central accounting and payroll. These provisions authorize probate administration to deduct statutory retirement contributions from the paychecks of judges and court staff and to transfer the deducted amounts to the retirement fund.

Section 6 clarifies that the provisions of existing law that prohibit a person serving as Probate Court Administrator from receiving additional compensation from a court will continue after the implementation of the new financial structure.

Section 7 eliminates various financial reporting requirements after January 1, 2011. The courts can be relieved of these administration burdens because the information will be immediately available at probate administration as a result of central accounting.

In addition, section 7 simplifies the transition to the new system of judicial compensation that becomes effective on January 5, 2011. The existing compensation system, which is based principally on court revenue, requires that judges file complicated income reports each year to determine compensation amounts. However, the existing system will be in effect for only four days in 2011, and it is unduly burdensome to require complicated income reports for such a short period. We are therefore proposing to dispense with the income reports in 2011 and simply pay judges a prorated amount for the first four days of the year based upon their earnings in 2010.

Finally, section 8 sunsets the existing system of work-in-process payments made to judges who leave office. Work-in-process payments are made to compensate a judge for work performed on estates that have not yet paid the probate fee before the judge leaves office. Beginning in 2011, each judge will be paid a salary based upon the population and workload of the court, without reference to court income. Under that system, a judge will be fully compensated for his or her work while in office, making work-in-process payments after the judge leaves office unnecessary.

Thank you for your consideration.

**HB 5408 An Act Concerning Probate Court Operations**  
**Proposed JFS Language**  
**Office of the Probate Court Administrator**

In lines 52 through 54 of LCO 1738 delete, "and shall be included as income to the receiving judge under section 45a-92, as amended by this act".

In line 142 of LCO 1738 add an "s" after "contribution".

In lines 514 through 516 of LCO 1738 delete, "and any expense directly attributable to the outgoing judge's or deceased judge's term of office under subsection (a) of this section".

