



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 Eric D. Coleman
House Co-Chair Gerald M. Fox, III
Senate Ranking Member John A. Kissel
House Ranking Member John W. Hetherington
Honorable Members of the Judiciary Committee

From: Paul J. Knierim
Probate Court Administrator

Re: HB 6438 An Act Concerning Probate Court Operations

Date: February 28, 2011

An Act Concerning Probate Court Operations is the probate court system's sole agency bill for the 2011 session. It covers several different topics related to the administration of the probate courts. The Office of the Probate Court Administrator offers this proposal jointly with the Connecticut Probate Assembly.

Section 1 New Haven Regional Children's Probate Court

The New Haven Regional Children's Probate Court was originally established as a pilot program in a statute that specified which towns would be served by the regional court. With the success of the first court, the General Assembly authorized additional courts in 2005 and allowed the probate system to determine the geographic makeup of each region on a flexible basis. This proposal would extend that same flexibility to the New Haven children's court. It will enable the system to offer the specialized services of the children's court to additional communities.

Section 2 Workers' Compensation

Under current law, probate judges are not eligible for workers' compensation coverage. It is our position that probate judges should have this basic protection

in light of the significant risk that judges face in handling highly sensitive cases without security personnel in their courtrooms.

Each probate court already maintains a workers' compensation insurance policy to cover court employees. It is expected that the cost to add judges to the existing policies will be minimal. The expense would be borne by the Probate Court Administration Fund.

Section 3 Authorization for a Tubal Ligation or Vasectomy for Individuals under Guardianship

C.G.S. §§ 45a-690 to 45a-700 assign to probate courts the responsibility for reviewing petitions for authorization to perform tubal ligation or vasectomy procedures for individuals under conservatorship or guardianship. The statute requires a probate court to appoint a 3-person team of professionals to examine the respondent and make a report for each such proceeding. The appointments must be made from a pre-approved list of professionals.

Section 3 would give judges greater flexibility in appointing professionals. It would also encourage the appointment of professionals who have worked with the respondent in the past.

Section 4 Hand-held Scanners

Probate courts currently charge a statutory fee for copies of probate records. Under the Freedom of Information Act, agencies are permitted to impose a fee for the use of hand-held scanners in lieu of charges for agency supplied copies. In accordance with C.G.S. § 1-212(g), § 4 would establish a \$20 daily charge for use of a hand-held scanner to copy probate records. While we do not anticipate significant revenue from this fee, it would partially offset the loss of revenue that results when individuals use hand-held scanners to make their own copies.

Sections 5-8 Updates to Statutory Cross-references

These four sections correct obsolete cross-references related to the priority of claims in decedents' estates.

Sections 9-10 Confidentiality of Records in Children's Matters

Sections 9 and 10 would update statutes governing the confidentiality of probate records in children's matters. The proposal would also implement the recommendation of a recent case review conducted jointly by this office, DCF and the Office of the Child Advocate to improve information sharing in child protection matters. Specifically, § 9 authorizes probate courts to disclose case

information to other courts and to DCF, thereby ensuring that the entire case history is available in any subsequent proceedings involving the same family.

Section 11 Online Data

Section 11 would authorize Probate Court Administration to make non-confidential case data available online to subscribers and to establish a fee schedule for the service. For the first time, the probate system now has a computer network that connects all courts. The network, which was implemented in connection with court restructuring, will enable us to provide timely and accurate data about all courts.

Sections 12-15 Appeals

The bill would address confusion that has arisen since the probate appeals statutes were modified in 2007. Specifically, it would amend C.G.S. §§ 45a-186 through 45a-188 to clarify which types of proceedings are subject to the 45 day appeals period (i.e., guardianships for adults with developmental disabilities and conservatorships). The appeals period for most all other probate matters is 30 days.

Section 16 Refunds of Overpayments

This technical correction specifies that refunds are permitted from the Probate Court Administration Fund only for overpayments of statutory charges.

Section 17 Powers of Attorney

Section 17 would clarify the authority of probate courts in resolving disputes associated with powers of attorney. Under current law, C.G.S. § 45a-175 authorizes probate courts to compel an attorney-in-fact to file an accounting and to fashion appropriate remedies if the court finds a breach of duty. The proposed amendment would specify that the available remedies include the power to remove and replace an attorney-in-fact, using the same criteria that apply to other fiduciaries.

Thank you for your consideration.

