



**Substitute Senate Bill No. 309**

**Public Act No. 12-66**

**AN ACT CONCERNING PROBATE COURT OPERATIONS.**

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

Section 1. Section 45a-34 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

The following words and phrases as used in sections 45a-34 to 45a-54, inclusive, as amended by this act, and section 45a-75 except as otherwise provided, shall have the following meanings:

(1) "Average final compensation" means, (A) in the case of a judge of probate, the average annual compensation for the three highest paid years of service while serving in the probate court to which the judge was elected or by citation to any other court or courts, including any compensation received for service (i) on or after June 1, 2004, as an administrative judge for a regional children's probate court under section 45a-8a, as amended by this act, or (ii) on or after July 1, 2007, as a special assignment probate judge under section 45a-79b, as amended by this act, provided, for the purposes of this section, the compensation for any one year shall not exceed the maximum net annual income currently allowed by law, and, (B) in the case of an employee, the average annual rate of pay during the employee's three highest paid years of employment;

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(2) "Credited service" means (A) all periods during which a person held the office of judge of probate and (i) any period of service elected by a judge pursuant to section 45a-36a, and (ii) any period of service as an administrative judge for a regional children's probate court after such judge ceases to serve as a probate judge, provided such administrative judge works as an administrative judge at least one thousand hours per year, or (B) [any period] all periods during which a person served as an employee of any probate court, or (C) subject to the requirements of subsections (a) and (b) of section 45a-54, a period of not more than three years for service as a member of the General Assembly and military service, or (D) the aggregate of any periods of service provided for in subparagraphs (A), (B) and (C) of this [subsection] subdivision;

(3) "Employee" means (A) with respect to a person employed or who serves prior to January 1, 2011, a person employed by any probate court for more than four hundred thirty hours per year or a person who served for more than four hundred thirty hours per year performing under any contract of employment with any court of probate, and (B) with respect to a person first employed or who first serves on or after January 1, 2011, a person employed by any probate court for at least one thousand hours per year or a person who serves at least one thousand hours per year performing under any contract of employment with any court of probate;

(4) "Fund" means the retirement fund established by section 45a-35;

(5) "Judge" means a judge of probate, except that, with respect to a judge first elected for a term beginning on or after January 5, 2011, judge means a person who holds the office of judge of probate and works in such judge's capacity as a judge of probate for at least one thousand hours per year as determined pursuant to information filed by the judge of probate with the Probate Court Administrator pursuant to subsection (h) of section 5-259;

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(6) "Member" means any judge of probate or employee who is or may become eligible for retirement benefits under sections 45a-34 to 45a-54, inclusive, as amended by this act, and 45a-75;

(7) "Normal retirement age" means the age of sixty-two for any judge of probate or any employee;

(8) "Old Age and Survivors System" means the system established under Title II of the Social Security Act, as amended;

(9) "Pay" means the salary, wages or earnings of an employee, but does not include any fees or allowances for expenses;

(10) "Retirement Commission" means the State Retirement Commission; and

(11) "Social Security Act" means the Act of Congress, approved August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the Social Security Act, including regulations issued pursuant thereto, as such act has been and may from time to time be amended.

Sec. 2. Subsection (a) of section 45a-45 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) Each judge of probate shall contribute to the fund three and three-quarters per cent of that portion of the judge's annual compensation, including any compensation received as an administrative judge for a regional children's probate court under section 45a-8a, as amended by this act, or as a special assignment probate judge under section 45a-79b, as amended by this act, with respect to which contributions are not made to the Federal Old Age and Survivors System as provided for in sections 7-452 to 7-459, inclusive, and one per cent of that portion from which such contributions are made. The Probate Court Administrator shall deduct

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the judge's contributions from the judge's compensation and shall forward such contributions to the Retirement Commission to be credited to the retirement fund on the judge's account.

Sec. 3. Subdivision (1) of subsection (f) of section 45a-8a of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(f) (1) The Probate Court Administrator, with the advice of the participating probate judges of the districts located in the designated region, shall appoint an administrative judge for each regional children's probate court. The administrative judge shall be a probate judge at the time of such appointment. If the administrative judge ceases to serve as a probate judge after such appointment, the administrative judge may continue to serve as administrative judge at the pleasure of the Probate Court Administrator, but shall not have the powers granted to an elected probate judge and shall not hear and determine children's matters before such regional children's probate court. Subject to the approval of the Chief Court Administrator, the Probate Court Administrator shall fix the compensation of the administrative judge and such compensation shall be paid from the Probate Court Administration Fund. Such compensation, together with the administrative judge's compensation as a probate judge of the district to which he or she was elected, shall not exceed the compensation provided for a judge of probate under subdivision (4) of subsection (a) of section 45a-95a. The administrative judge shall have such benefits as may inure to him or her as a probate judge and shall receive no additional benefits, except for compensation provided under this section and retirement benefits calculated in accordance with sections 45a-34 to 45a-54, inclusive, as amended by this act.

Sec. 4. Subsection (b) of section 45a-79b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

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(b) Subject to the approval of the Chief Court Administrator, the Probate Court Administrator shall fix the compensation of special assignment probate judges appointed pursuant to this section. Such compensation shall, on the order of the Probate Court Administrator, be paid from the Probate Court Administration Fund established under section 45a-82. Such compensation, including compensation that a special assignment probate judge receives as a judge of probate of the district to which the judge was elected, shall not exceed the compensation provided for a judge of probate under subdivision (4) of subsection (a) of section 45a-95a. A special assignment probate judge shall have such benefits as may inure to him or her as a judge of probate and shall receive no additional benefits, except compensation provided under this subsection and retirement benefits calculated in accordance with sections 45a-34 to 45a-54, inclusive, as amended by this act.

Sec. 5. Subsection (b) of section 45a-43 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(b) Except as provided in subsection (c) of this section, if any member who has not exercised his option under subsection (a) of this section dies after January 1, 1968, and before [his] having elected retirement or before his retirement income payments begin, but after [completion of the age and service] satisfying the requirements of sections 45a-36 to 45a-39, inclusive, as amended by this act, that would permit him to retire on his own application, and [he] such member is survived by a spouse, a retirement income shall be paid monthly to his spouse, commencing at his death and ending upon the death of the spouse. The amount payable shall be the average of (1) fifty per cent of the retirement allowance payable to the member for his lifetime if no payments were to continue after the member's death, and (2) fifty per cent of the reduced retirement allowance that such member would

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have received if he had retired on the date of his death with the provision that after his death his spouse would receive one-half of the amount payable to the member.

Sec. 6. Section 45a-55 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Any claim for a pension [or any other benefit] which may become available in accordance with the provisions of sections 45a-1 to 45a-12, inclusive, 45a-18 to 45a-26, inclusive, 45a-34 to 45a-56, inclusive, as amended by this act, 45a-62 to 45a-68, inclusive, 45a-74 to 45a-83, inclusive, as amended by this act, 45a-90 to 45a-93, inclusive, 45a-98, 45a-99, 45a-105, 45a-119 to 45a-123, inclusive, 45a-128, 45a-130, 45a-131, 45a-133, 45a-199 and 45a-202, may be submitted in writing to the commission. Any such claim will be reviewed and decided by the commission. The claimant shall be advised of the processing status of [his] the claim upon reasonable request.

(b) If any claim is denied, a claimant may request that the decision be reviewed and reconsidered by the commission. Thereafter, any contested case shall be heard and decided in accordance with chapter 54.

Sec. 7. Section 45a-76 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The Probate Court Administrator shall file with the Chief Court Administrator, on or before the first day of April of each even-numbered year, a report of the business of the office of the Probate Court Administrator during the [year] biennium ending on the [previous thirty-first day of December] preceding June thirtieth, together with any information [which] that the Chief Court Administrator may request.

Sec. 8. Subsection (d) of section 45a-287 of the 2012 supplement to

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the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(d) All property of a testator whose will is proved under this section shall be subject to the laws of this state relating to the taxation of inheritances and successions, except that such laws shall not be applied on the basis that the testator was a domiciliary of this state unless there is a finding that such person was domiciled in this state as provided in section 45a-309. [Costs of the court of probate under section 45a-105, for proceedings in the settlement of the estate of a nondomiciliary testator whose will is proved under this section, shall be determined on the basis of an assumed gross taxable value equal to the sum of (1) the actual gross taxable estate determined under section 12-349 and (2) the value set forth in the inventory of such estate under section 45a-341 of all property therein which is not part of the actual gross taxable estate, excluding any insurance proceeds exempt from taxation under section 12-342.]

Sec. 9. Section 45a-623 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

[In any proceeding] Before a hearing on the merits in any case under sections 45a-603 to 45a-622, inclusive, that is contested, the Court of Probate shall, [upon] on motion of any party other than a party who made application for the removal of a parent as a guardian, [under rules adopted by the judges of the Supreme Court] or may, on the court's own motion or motion of the party who made application for the removal of a parent as a guardian, transfer the case to the Superior Court in accordance with rules adopted by the judges of the Supreme Court. In addition to the provisions of this section, the Court of Probate may, on the court's own motion or [that] motion of any interested party, transfer any proceeding under sections 45a-603 to 45a-622, inclusive, to [another judge of probate, which judge shall be appointed by the Probate Court Administrator from a panel of

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qualified probate judges who specialize in children's matters. Such panel shall be proposed by the Probate Court Administrator and approved by the executive committee of the Connecticut Probate Assembly] a regional children's probate court established pursuant to section 45a-8a, as amended by this act. If the case is transferred and venue altered, the clerk of the Court of Probate shall transmit to the clerk of the Superior Court [,] or the regional children's probate court to which the case was transferred, the original files and papers in the case.

Sec. 10. Subsection (g) of section 45a-715 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

(g) Before a hearing on the merits in any case in which a petition for termination of parental rights is contested in a court of probate, the court of probate shall, on the motion of any legal party except the petitioner, or may on its own motion or that of the petitioner, [under rules adopted by the judges of the Supreme Court,] transfer the case to the Superior Court in accordance with rules adopted by the judges of the Supreme Court. In addition to the provisions of this section, the probate court may, on the court's own motion or that of any interested party, transfer any termination of parental rights case to [another judge of probate, which judge shall be appointed by the Probate Court Administrator from a panel of qualified probate judges who specialize in children's matters. Such panel shall be proposed by the Probate Court Administrator and approved by the executive committee of the Connecticut Probate Assembly] a regional children's probate court established pursuant to section 45a-8a, as amended by this act. If the case is transferred, the clerk of the Court of Probate shall transmit to the clerk of the Superior Court [,] or the regional children's probate court to which the case was transferred, the original files and papers in the case. The Superior Court or the regional children's probate court to

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which the case was transferred, upon hearing after notice as provided in sections 45a-716 and 45a-717, may grant the petition as provided in section 45a-717.

Sec. 11. (NEW) (*Effective October 1, 2012*) (a) A matter being heard at a regional children's probate court may be assigned to a probate court officer to perform any of the following functions:

(1) Conduct conferences with interested parties, attorneys for interested parties, representatives from the Department of Children and Families and social service providers, when appropriate;

(2) Facilitate the development of the family's plan for the care of the minor;

(3) Facilitate the development of a visitation plan;

(4) Coordinate with the Department of Children and Families to facilitate a thorough review of the matter being heard;

(5) Assess whether the family's plan for the care of the minor, if any, is in the minor's best interests;

(6) Assist the family in accessing community services; and

(7) Conduct follow-up regarding orders of the court.

(b) The probate court officer may file with the court a report that may include:

(1) An assessment of the minor's and family's history;

(2) An assessment of the parent's and any proposed guardian's involvement with the minor;

(3) Information regarding the physical, social and emotional status of the interested parties;

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(4) An assessment of the family's plan for the care of the minor; and

(5) Any other information or data that is relevant to determine if the proposed court action is in the best interests of the minor.

(c) Any report filed by a probate court officer pursuant to subsection (b) of this section shall be admissible in evidence. If a party or an attorney for a party notifies the court prior to a scheduled hearing that such party or attorney wishes to examine the probate court officer who filed the report, the court shall order such probate court officer to appear at the hearing.

Sec. 12. Section 45a-316 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

[(a)] Whenever, upon the application of a creditor or other person interested in the estate of a deceased person, it is found by the court of probate having jurisdiction of the estate that the granting of administration on the estate or the probating of the will of the deceased will be delayed, or that it is necessary for the protection of the estate of the deceased, the court may, with or without notice, appoint a temporary administrator to hold and preserve the estate until the appointment of an administrator or the probating of the will. The court shall require from such administrator a probate bond. If the court deems it more expedient, it may order any state marshal or constable to take possession of the estate until the appointment of an administrator or executor.

[(b)] Any person interested in the estate of a deceased person and having a need to obtain financial or medical information concerning the deceased person for the limited purpose of investigating a potential cause of action of the estate, surviving spouse, children, heirs or other dependents of the deceased person, or a potential claim for

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benefits under a workers' compensation act, an insurance policy or other benefits in favor of the estate, surviving spouse, children, heirs or other dependents of the deceased person, may apply to the court of probate having jurisdiction of the estate of the deceased person for the appointment of a temporary administrator. The court of probate may grant the application and appoint a temporary administrator for such limited purpose if the court finds that such appointment would be in the interests of the estate or in the interests of the surviving spouse, children, heirs or other dependents of the deceased person. If the court appoints a temporary administrator under this subsection, the court may require a probate bond or may waive such bond requirement. The court shall limit the authority of the temporary administrator to disclose the information obtained by the temporary administrator, as appropriate, and may issue an appropriate order for the disclosure of such information. Any order appointing a temporary administrator under this subsection, and any certificate of the appointment of a fiduciary issued by the clerk of the court, shall indicate (1) the duration of the temporary administrator's appointment, and (2) that such temporary administrator has no authority over the assets of the deceased person.]

Sec. 13. Subsection (a) of section 45a-317 of the 2012 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

(a) The temporary administrator or officer appointed pursuant to the provisions of [subsection (a) of] section 45a-316, as amended by this act, shall take immediate possession of all the real and personal property of the deceased, collect the rents, debts and income thereof and do any additional acts necessary for the preservation of the estate that the court authorizes.

Sec. 14. (NEW) (*Effective January 1, 2013*) Any person interested in the estate of a deceased person and having a need to obtain financial or

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medical information concerning the deceased person for the limited purpose of investigating a potential cause of action of the estate, surviving spouse, children, heirs or other dependents of the deceased person, or a potential claim for benefits under a workers' compensation act, an insurance policy or other benefits in favor of the estate, surviving spouse, children, heirs or other dependents of the deceased person, may apply to the court of probate having jurisdiction of the estate of the deceased person for the appointment of an estate examiner. The court of probate may grant the application and appoint an estate examiner for such limited purpose if the court finds that such appointment would be in the interests of the estate or in the interests of the surviving spouse, children, heirs or other dependents of the deceased person. If the court appoints an estate examiner under this section, the court may require a probate bond or may waive such bond requirement. The court shall limit the authority of the estate examiner to disclose the information obtained by the estate examiner, as appropriate, and may issue an appropriate order for the disclosure of such information. Any order appointing an estate examiner under this section, and any certificate of the appointment of a fiduciary issued by the clerk of the court, shall indicate (1) the duration of the estate examiner's appointment, and (2) that such estate examiner has no authority over the assets of the deceased person.

Sec. 15. Section 45a-681 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) The court shall review each guardianship of the person with intellectual disability or limited guardianship of the person with intellectual disability at least every three years and shall either continue, modify or terminate the order for guardianship. Pursuant to such review:

(1) The court shall receive and review written evidence as to the condition of the ward. Except as provided in subdivision (2) of this

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subsection, the guardian [, the attorney for the ward] and a Department of Developmental Services professional or, if requested by the ward or by the court, an assessment team appointed by the Commissioner of Developmental Services or [his] the commissioner's designee shall each submit a written report to the court not later than forty-five days after the court's request for such report.

(2) In the case of a ward who is functioning adaptively and intellectually within the severe or profound range of intellectual disability, as determined by the Department of Developmental Services, the court shall receive and review written reports as to the condition of the ward only from the guardian, [and the attorney for the ward, provided] except that the court may require a Department of Developmental Services professional or assessment team to submit a written report as to the condition of such ward.

(3) The Department of Developmental Services professional or assessment team shall personally observe or examine the ward within the forty-five-day period preceding the date it submits any report under subdivision (4) of this subsection.

(4) Each written report shall be submitted to the court not later than forty-five days after the court's request for such report. On receipt of a written report from the guardian or a Department of Developmental Services professional or assessment team, the court shall provide a copy of the report to the attorney for the ward.

(5) Not later than thirty days after the attorney for the ward receives a copy of a report pursuant to subdivision (4) of this subsection, the attorney for the ward shall (A) meet with the ward concerning the report, and (B) provide written notice to the court (i) that the attorney for the ward has met with the ward, and (ii) indicating whether a hearing is requested. Nothing in this section shall prevent the ward or the attorney for the ward from requesting a hearing at any other time

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as permitted by law.

[(3)] (6) If the ward is unable to request or obtain an attorney, the court shall appoint an attorney for the ward. If the ward is unable to pay for the services of the attorney, the reasonable compensation of such attorney shall be established by, and paid from funds appropriated to, the Judicial Department; however, if funds have not been included in the budget of the Judicial Department for such purposes, such compensation shall be established by the Probate Court Administrator and paid from the Probate Court Administration Fund. [The Department of Developmental Services professional or assessment team shall personally observe or examine the ward within the forty-five-day period preceding the date of submission of its report.]

(b) If the court determines, after receipt of the reports from [the attorney for the ward,] the Department of Developmental Services professional or assessment team and the guardian, and notice from the attorney for the ward, that there has been no change in the condition of the ward since the last preceding review by the court, a hearing on the condition of the ward shall not be required, but the court, in its discretion, may hold such hearing. If the attorney for the ward, the Department of Developmental Services professional or assessment team or the guardian requests a hearing, the court shall hold a hearing within thirty days of such request. No order expanding or reducing the powers and responsibilities of a guardian shall be issued unless such hearing is held.

Sec. 16. Subsection (d) of section 52-60 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

(d) Service upon the judge of probate as attorney for the nonresident fiduciary shall be sufficient service upon the nonresident fiduciary,

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and shall be made by leaving an attested copy of the process with such judge of probate [ , who] or with the probate court that appointed the nonresident fiduciary, and such judge or court shall forthwith give notice thereof to such executor, administrator, conservator, guardian or trustee.

Sec. 17. Section 52-61 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective January 1, 2013*):

Process in civil actions against a nonresident executor, administrator, conservator, guardian or trustee, in his representative capacity, or in his individual capacity in any action founded upon or arising from his acts or omissions as such executor, administrator, conservator, guardian or trustee, may be served by leaving a true and attested copy thereof with the judge of probate [in the district where the estate is in settlement;] or probate court that appointed the nonresident executor, administrator, conservator, guardian or trustee, and such judge or court shall forthwith give notice thereof to such executor, administrator, conservator, guardian or trustee.

Sec. 18. Section 1-18 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

The original records, papers or documents [so] reproduced pursuant to this chapter may be disposed of in such manner as [may meet the approval of] approved by (1) the head of the political subdivision in charge thereof, [or the Probate Court Administrator in the case of probate records, with the approval of] and (2) the Public Records Administrator. All other original records, papers or documents so reproduced may be disposed of at the option of the keeper thereof.

Sec. 19. Section 11-8 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

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(a) Under the direction of the State Library Board, the State Librarian shall be responsible for developing and directing a records management program for the books, records, papers and documents of all state agencies within the executive department, and the books, records, papers and documents of the several towns, cities, boroughs, districts and other political subdivisions of the state, [including the probate districts,] pursuant to the provisions of section 11-8a, as amended by this act. The State Librarian shall also supervise the operation of state records centers; provide photoduplication and microfilming service and document repair and restoration service for state and local records; approve security storage facilities, within or without the state, or establish and operate such facilities within the state, for the safe storage of original public records or security copies thereof; and carry out a program for the identification and preservation of essential records of the state and of its political subdivisions. [He] The State Librarian shall, with the approval of the State Library Board, and in accordance with the provisions of chapter 54, adopt regulations for the creation and preservation of the records of the several towns, cities, boroughs and districts [, including probate districts,] of the state. Such regulations shall establish the physical characteristics required for papers, inks, typewriter ribbons, carbon papers, loose-leaf binders, photographic films or other supplies and materials, including photographic or other processes for recording documents, used in the creation of public records; and the design, construction and degree of fire resistance required for safes, cabinets, vaults and file rooms in which public records are housed. [He] The State Librarian shall ascertain from time to time whether the provisions of the general statutes and of such regulations relating to the recording, filing, indexing, maintenance and disposition of such records are being carried out. [He] The State Librarian may order any person having the care and custody of such records to comply with such statutes or with such regulations. [He] The State Librarian shall send a copy of such order to the chief administrative officer of the

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town, city, borough or district to which the records relate. The order shall specify the time within which [it] the order shall be complied with. [; and, in] In setting such time for compliance, [he] the State Librarian shall take into consideration the availability of facilities or equipment or the need for the construction or purchase thereof. The State Librarian may cause the enforcement of any such order by application to the Superior Court, or to any judge thereof if said court is not then sitting, to issue an appropriate decree or process, which application shall be brought and the proceedings thereon conducted by the Attorney General.

(b) The State Librarian shall, subject to the provisions of chapter 67, appoint an assistant who shall be the Public Records Administrator. All powers, functions and duties assigned to the Examiner of Public Records are hereby transferred to the Public Records Administrator.

Sec. 20. Subsections (a) and (b) of section 11-8a of the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) The State Librarian shall, in the performance of his duties pursuant to section 11-8, as amended by this act, consult with the Attorney General, [the Probate Court Administrator and] the chief executive officers of the Connecticut Town Clerks Association and the Municipal Finance Officers Association of Connecticut, or their duly appointed representatives.

(b) The State Librarian may require each such state agency, or each political subdivision of the state, [including each probate district,] to inventory all books, records, papers and documents under its jurisdiction and to submit to [him] the State Librarian for approval retention schedules for all such books, records, papers and documents, or [he] the State Librarian may undertake such inventories and establish such retention schedules, based on the administrative need of

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retaining such books, records, papers and documents within agency offices or in suitable records centers. Each agency head, and each local official concerned, shall notify the State Librarian of any changes in the administrative requirements for the retention of any book, record, paper or document subsequent to the approval of retention schedules by the State Librarian.

Sec. 21. Subsection (a) of section 7-24 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Each town clerk who is charged with the custody of any public record shall provide suitable books, files or systems, acceptable to the Public Records Administrator, for the keeping of such records and may purchase such stationery and other office supplies as are necessary for the proper maintenance of the town clerk's office. Such books, files or systems, and such stationery and supplies shall be paid for by the town, and the selectmen of the town, on presentation of the bill for such books, files, systems, stationary and supplies properly certified to by the town clerk, shall draw their order on the treasurer in payment for the same. Each person who has the custody of any public record books of any town, city [,] or borough [or probate district] shall, at the expense of such town, city [,] or borough, [or probate district,] cause them to be properly and substantially bound. Such person shall have any such records which have been left incomplete made up and completed from the usual files and memoranda, so far as practicable. Such person shall cause fair and legible copies to be seasonably made of any records which are worn, mutilated or becoming illegible, and shall cause the originals to be repaired, rebound or renovated, or such person may cause any such records to be placed in the custody of the Public Records Administrator, who may have them repaired, renovated or rebound at the expense of the town, city [,] or borough [or probate district] to which they belong. Any custodian of public

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records who so causes such records to be completed or copied shall attest [them] such records and shall certify, under the seal of such custodian's office, that [they] such records have been made from such files and memoranda or are copies of the original records. Such records and all copies of records made and certified to as provided in this section and on file in the office of the legal custodian of such records shall have the force of the original records. All work done under the authority of this section shall be paid for by the town, city [,] or borough [or probate district] responsible for the safekeeping of such records, but in no case shall expenditures exceeding three hundred dollars be made for repairs or copying records in any one year in any town, [or any probate district comprising one town only, unless the same are authorized by a vote of the town, or in any probate district comprising two or more towns, unless the same are authorized by the first selectmen of all the towns included in such district] city or borough.

Sec. 22. Section 45a-10 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Each judge of probate shall keep the records and files of the court of probate for the district in a fire-resistant safe or vault, in office space provided for that purpose by the town or towns comprising the district in which [he is] the judge serves, except when the records and files are in actual use for the purpose of examination, recording, copying [,] or entry, or when the records and files, after being recorded or copied, are placed in storage as records and files not in current use. If such safe or vault or office space is not provided for [that] such purpose, the chief administrative officers of the town or towns comprising the district shall provide the safe or vault or office space, [at the expense of the town or towns] The expense of providing such safe or vault or office space shall be paid by the town or towns comprising the district in such proportion as the towns may determine by agreement, or, in the

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absence of such agreement, in proportion to their grand lists last perfected.

(b) If the proper authorities in any probate district fail to provide such safe or vault or office space, the Public Records Administrator may order the proper authorities in the probate district to provide such safe or vault or office space. If such provision is not made within a reasonable time thereafter, the Public Records Administrator shall so advise the State Librarian, who may seek enforcement of compliance with the order. [as provided in section 11-8.] The State Librarian shall send a copy of such order to the chief administrative officers of the town or towns comprising the district, the Probate Court Administrator and the judge of the probate district. The order shall specify the time within which the order shall be complied with. In setting such time for compliance, the State Librarian shall take into consideration the availability of facilities or equipment or the need for the construction or purchase thereof. The State Librarian may cause the enforcement of any such order by application to the Superior Court, or to any judge thereof if said court is not then sitting, to issue an appropriate decree or process, which application shall be brought and the proceedings thereon conducted by the Attorney General.

(c) All fire-resistant rooms or vaults and all safes for the safekeeping of any such public records shall conform to regulations adopted by the Public Records Administrator, in accordance with chapter 54, and shall be furnished with fittings of a noncombustible nature.

Sec. 23. Section 45a-77 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) The Probate Court Administrator may attend to any matters that the Probate Court Administrator considers necessary for the efficient operation of the courts of probate and for the expeditious dispatch and proper conduct of the business of such courts. The Probate Court

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Administrator shall administer and enforce the provisions of this chapter and the regulations issued under this section, and shall ensure performance of the duties of judges of probate and clerks of the courts of probate in accordance with the provisions of this chapter and such regulations. The Probate Court Administrator may make recommendations to the General Assembly for legislation for the improvement of the administration of the courts of probate.

(b) The Probate Court Administrator may issue and shall enforce regulations, provided such regulations are approved in accordance with subsection [(c)] (d) of this section. Such regulations shall be binding on all courts of probate and shall concern the following matters for the administration of the probate court system: (1) Auditing, accounting, statistical, billing, recording, filing, [record maintenance] records management and other court procedures; (2) reassignment and transfer of cases; (3) training of court personnel and continuing education programs for judges of probate, probate magistrates, attorney probate referees and court personnel; (4) remitting funds received by the courts of probate under section 45a-7a to the Probate Court Administration Fund; (5) administering the compensation plan established under section 45a-85 for employees of the courts of probate; (6) establishing criteria for staffing levels for the courts of probate for the purposes of subsection (b) of section 45a-85; (7) establishing criteria for the development and approval of miscellaneous office budgets for the courts of probate for the purposes of subsection (b) of section 45a-85; (8) expending funds from the Probate Court Administration Fund for the purposes set forth in the regulations adopted pursuant to subdivisions (4) to (7), inclusive, of this subsection; and (9) the enforcement of the provisions of this chapter and the regulations issued pursuant to this section, including, but not limited to, recovery of expenses associated with any such enforcement, as permitted by such regulations.

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(c) The Probate Court Administrator may, in consultation with the Public Records Administrator, issue and enforce regulations under subsection (b) of this section, or establish policies or retention schedules, for the management, preservation and disposition of judicial records, papers and documents and administrative records maintained by the courts of probate.

[(c)] (d) (1) Either the Probate Court Administrator or the executive committee of the Connecticut Probate Assembly may propose regulations authorized under subsection (b) of this section. Any regulation proposed by the Probate Court Administrator shall be submitted to the executive committee of the Connecticut Probate Assembly for approval. Any regulation proposed by the executive committee of the Connecticut Probate Assembly shall be submitted to the Probate Court Administrator for approval. If either the Probate Court Administrator or the executive committee of the Connecticut Probate Assembly fails to approve a proposed regulation, such proposed regulation may be submitted to a panel of three Superior Court judges appointed by the Chief Justice of the Supreme Court. The panel of judges, after consideration of the positions of the Probate Court Administrator and the executive committee of the Connecticut Probate Assembly, shall either approve the proposed regulation or reject the proposed regulation.

(2) Any proposed new regulation and any change in an existing regulation issued under this section on or after July 1, 2007, shall be submitted to the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary for approval or disapproval in its entirety, provided, if more than one proposed new regulation or change in an existing regulation is submitted at the same time, said committee shall approve or disapprove all such proposed new regulations and changes in existing regulations together in their entirety. Unless disapproved by said committee within ninety days of

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the date of such submittal, each such regulation shall become effective on the date specified in such regulation, but not in any event until ninety days after promulgation.

[(d)] (e) The Probate Court Administrator shall regularly review the auditing, accounting, statistical, billing, recording, filing, [record maintenance] records management, administrative and other procedures of the courts of probate.

[(e)] (f) The Probate Court Administrator shall, personally, or by an authorized designee of the Probate Court Administrator who has been admitted to the practice of law in this state for at least five years, visit each court of probate at least once during each two-year period to examine the records and files of such court in the presence of the judge of the court or the judge's authorized designee. The Probate Court Administrator shall make any additional inquiries that the Probate Court Administrator considers appropriate to ascertain whether the business of the court, including the charging of costs and payments to the State Treasurer, has been conducted in accordance with law, rules of the courts of probate, regulations issued under this section and the canons of judicial ethics, and to obtain information concerning the business of the courts of probate which is necessary for the Probate Court Administrator to perform properly the duties of the office.

Sec. 24. Subsection (b) of section 45a-8b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(b) The Probate Court Administrator shall adopt regulations, in accordance with subsection [(c)] (d) of section 45a-77, as amended by this act, to implement the provisions of this section. The regulations shall establish the criteria for (1) becoming a guardian or an assisted care provider under the program, (2) the awarding of grants pursuant to subsection (a) of this section, (3) the provision of services pursuant

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to subsection (a) of this section, and (4) obtaining and paying for studies from private child-placing agencies in connection with guardianship proceedings.