



STATE OF CONNECTICUT

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To: Senate Co-Chair Eric Coleman
House Co-Chair Gerald Fox
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House Ranking Member John Hetherington
Honorable Members of the Judiciary Committee

From: Paul J. Knierim
Probate Court Administrator

Re: RB No. 248 An Act Concerning Probate Fees

Date: March 5, 2012

Thank you for the opportunity to testify in support of Raised Bill No. 248, which is submitted jointly by the Probate Assembly and the Office of the Probate Court Administrator. The bill would make minor adjustments to the probate court fee structure.

Sections 1 through 8 seek to establish greater consistency in the terminology of the statutes governing probate fees. Currently several different terms are used to describe the amounts charged by the courts, including "costs," "fees," "charges" and "expenses." In the interest of consistency, the bill substitutes the word "fee" for all other terms.

Sections 2, 3 and 4 eliminate two fees that are not uniformly applied due to the difficulty in automating them in our case management system. The first authorizes courts to charge an additional \$25 whenever a petition requires more than one hearing. The second imposes a charge of \$25 per hour to the extent that the duration of a hearing exceeds one hour. Both fees represent the legacy of our former financial structure under which judges were compensated based upon court revenues and should be repealed now that judges are paid a salary established by statute.

Section 3 would codify existing practice by carving out an exception to the fees applicable in decedents' estates when the Department of Administrative Services (DAS) is appointed legal representative to administer the estate of a recipient of state assistance. Specifically, the bill would permit DAS to pay the lesser of the probate fee calculated using the fee tables and the amount actually recovered minus funeral expenses.

Section 5 establishes a new \$25 fee for a digital copy of the audio recording of a probate court hearing. The option of purchasing a digital recording rather than paying for a transcription of the hearing – often at a cost of several hundred dollars – will represent significant savings for many court users.

Finally, section 9 would repeal a now obsolete study and report provision enacted in 1995, when the state began phasing out the succession tax. The concern at the time was that probate fee revenue would fall precipitously when the succession tax was eliminated because the probate fee was based upon the succession tax. The study became unnecessary when the estate tax was substituted for the succession tax.

On behalf of the probate court system we urge the committee to act favorably on the bill. Thank you for your consideration.
