



Senate

General Assembly

File No. 406

February Session, 2012

Substitute Senate Bill No. 248

Senate, April 12, 2012

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING PROBATE FEES.

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

1 Section 1. Section 45a-105 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2013*):

3 The [costs] fees charged by courts of probate shall be uniform for all
4 of the probate districts established by law. [Costs] Fees shall be
5 assessed in accordance with sections 45a-106 to 45a-112, inclusive, as
6 amended by this act.

7 Sec. 2. Section 45a-106 of the general statutes is repealed and the
8 following is substituted in lieu thereof (*Effective January 1, 2013*):

9 The basic [costs] fees payable to courts of probate for any
10 proceeding other than in connection with the settlement of the estate of
11 a deceased person or periodic accounts of trustees, guardians,
12 conservators or other fiduciaries shall be as follows:

13 (1) Except for such proceedings for which basic [costs] fees are
14 specified in subdivision [(7) or (8)] (4), (5) or (6) of this section or are
15 otherwise specified or exempted in section 45a-111, as amended by this
16 act, or elsewhere in the general statutes, there shall be payable to the
17 Court of Probate with respect to each application, petition or motion
18 filed with the court to commence a matter before it, an entry fee of one
19 hundred fifty dollars which shall be paid by the person making the
20 application, petition or motion.

21 (2) On each matter commenced by the court on its own motion, an
22 entry fee of one hundred fifty dollars shall be payable by an interested
23 party as determined by the court.

24 [(3) If more than one hearing is held in any matter so entered, an
25 additional charge of twenty-five dollars shall be payable to the court
26 by the party paying the entry fee in the matter, or, in the discretion of
27 the court, by any interested party against whom the court shall assess
28 such additional charge.]

29 (4) If the total time of any one hearing in the matter exceeds one
30 hour, an additional charge of twenty-five dollars per hour for each
31 hour in excess of the first hour shall be payable to the court by the
32 party paying the entry fee in the matter, or, in the discretion of the
33 court, by any interested party against whom the court shall assess the
34 additional charge, provided the additional charge shall not exceed
35 three hundred dollars.]

36 [(5)] (3) For purposes of establishing [charges] fees payable to courts
37 of probate [hereunder] under this section, all applications, petitions
38 and motions filed and proceedings thereunder, in connection with a
39 matter which has been entered as above, which are necessary to enter a
40 final decree in and are incidental to the action of the court being sought
41 in the matter so entered shall be covered by the entry fee and by any
42 additional [charge] fee or expense under [subdivisions (3) and (4)]
43 subdivision (6) of this section that may have become payable in such
44 matter. No additional [charges] fees under this section shall be [made]
45 charged for any such incidental applications, petitions or motions,

46 [provided] except that once a final decree is entered in any matter and,
47 thereafter, additional action or actions are sought in the court in
48 connection therewith, such additional action or actions shall be treated
49 as a new matter [hereunder] under this section.

50 [(6)] (4) For proceedings brought under section 46b-30, the [cost] fee
51 shall be twenty-five dollars.

52 [(7)] (5) For filing a will in the Probate Court, the [cost] fee shall be
53 five dollars. For filing any other document in the probate court under
54 the provisions of any statute if the court is not required to take any
55 action, the [cost] fee shall be twenty-five dollars, in addition to any
56 applicable recording [charge] fee. [The cost] Any fee under this
57 subdivision shall be payable by the person filing such will or
58 document.

59 [(8)] (6) A [charge] fee of fifty dollars, plus the actual [costs]
60 expenses of rescheduling the adjourned hearing that are payable under
61 section 45a-109, as amended by this act, shall be payable to the court
62 by any party who requests an adjournment of a scheduled hearing or
63 whose failure to appear necessitates an adjournment, [provided]
64 except that the court, for cause shown, may waive either the [charge]
65 fifty-dollar fee or [the costs] the actual expenses of rescheduling the
66 adjourned hearing, or both.

67 Sec. 3. Section 45a-107 of the 2012 supplement to the general statutes
68 is repealed and the following is substituted in lieu thereof (*Effective*
69 *January 1, 2013*):

70 (a) The basic [costs] fees for all proceedings in the settlement of the
71 estate of any deceased person, including succession and estate tax
72 proceedings, shall be in accordance with the provisions of this section.

73 (b) For estates in which proceedings were commenced on or after
74 January 1, 2011, [costs] fees shall be computed as follows:

75 (1) The basis for [costs] fees shall be (A) the greatest of (i) the gross
76 estate for succession tax purposes, as provided in section 12-349, (ii)

77 the inventory, including all supplements thereto, (iii) the Connecticut
 78 taxable estate, as defined in section 12-391, or (iv) the gross estate for
 79 estate tax purposes, as provided in chapters 217 and 218, except as
 80 provided in subdivisions [(4) and] (5) and (6) of this subsection, plus
 81 (B) all damages recovered for injuries resulting in death, minus any
 82 hospital and medical expenses for treatment of such injuries resulting
 83 in death, minus any hospital and medical expenses for treatment of
 84 such injuries that are not reimbursable by medical insurance, and
 85 minus the attorney's fees and other costs and expenses of recovering
 86 such damages. Any portion of the basis for [costs] fees that is
 87 determined by property passing to the surviving spouse shall be
 88 reduced by fifty per cent. Except as provided in [subdivision (3)]
 89 subdivisions (3) and (4) of this subsection, in no case shall the
 90 minimum [cost] fee be less than twenty-five dollars.

91 (2) Except as provided in [subdivision] subdivisions (3) and (4) of
 92 this subsection, [costs] fees shall be assessed in accordance with the
 93 following table:

T1	Basis for Computation	
T2	Of [Costs] <u>Fees</u>	Total [Cost] <u>Fee</u>
T3	0 to \$500	\$25
T4	\$501 to \$1,000	\$50
T5	\$1,000 to \$10,000	\$50, plus 1% of all
T6		in excess of \$1,000
T7	\$10,000 to \$500,000	\$150, plus .35% of all
T8		in excess of \$10,000
T9	\$500,000 to \$4,754,000	\$1,865, plus .25% of all
T10		in excess of \$500,000
T11	\$4,754,000 and over	\$12,500

94 (3) Notwithstanding the provisions of subdivision (1) of this
 95 subsection, if the basis for [costs] fees is less than ten thousand dollars
 96 and a full estate is opened, the minimum [cost] fee shall be one
 97 hundred fifty dollars.

98 (4) In any matter in which the Commissioner of Administrative
99 Services is the legal representative of the estate pursuant to section 4a-
100 16, the fee shall be the lesser of (A) the amount calculated under
101 subdivisions (1) and (2) of this subsection, or (B) the amount collected
102 by the Commissioner of Administrative Services after paying the
103 expense of funeral and burial in accordance with section 17b-84.

104 [(4)] (5) In the case of a deceased person who was domiciled in this
105 state on the date of his or her death, the gross estate for estate tax
106 purposes shall, for the purpose of determining the basis for [costs] fees
107 pursuant to subdivision (1) of this subsection, be reduced by the fair
108 market value of any real property or tangible personal property of the
109 deceased person situated outside of this state.

110 [(5)] (6) In the case of a deceased person who was not domiciled in
111 this state on the date of his or her death but who owned real property
112 or tangible personal property situated in this state on the date of his or
113 her death, only the fair market value of such real property or tangible
114 personal property situated in this state shall be included in the basis
115 for [costs] fees pursuant to subdivision (1) of this subsection.

116 (c) For estates in which proceedings were commenced on or after
117 April 1, 1998, and prior to January 1, 2011, [costs] fees shall be
118 computed as follows:

119 (1) The basis for [costs] fees shall be (A) the gross estate for
120 succession tax purposes, as provided in section 12-349, the inventory,
121 including all supplements thereto, the Connecticut taxable estate, as
122 defined in section 12-391, or the gross estate for estate tax purposes, as
123 provided in chapters 217 and 218, whichever is greater, plus (B) all
124 damages recovered for injuries resulting in death, minus any hospital
125 and medical expenses for treatment of such injuries resulting in death,
126 minus any hospital and medical expenses for treatment of such injuries
127 that are not reimbursable by medical insurance and minus the
128 attorney's fees and other costs and expenses of recovering such
129 damages. Any portion of the basis for [costs] fees that is determined by
130 property passing to the surviving spouse shall be reduced by fifty per

131 cent. Except as provided in subdivision (3) of this subsection, in no
132 case shall the minimum [cost] fee be less than twenty-five dollars.

133 (2) Except as provided in subdivisions (3) and (4) of this subsection,
134 [costs] fees shall be assessed in accordance with the following table:

T12	Basis for Computation	
T13	Of [Costs] <u>Fees</u>	Total [Cost] <u>Fee</u>
T14	0 to \$500	\$25
T15	\$501 to \$1,000	\$50
T16	\$1,000 to \$10,000	\$50, plus 1% of all
T17		in excess of \$1,000
T18	\$10,000 to \$500,000	\$150, plus .35% of all
T19		in excess of \$10,000
T20	\$500,000 to \$4,754,000	\$1,865, plus .25% of all
T21		in excess of \$500,000
T22	\$4,754,000 and over	\$12,500

135 (3) Notwithstanding the provisions of subdivision (1) of this
136 subsection, if the basis for [costs] fees is less than ten thousand dollars
137 and a full estate is opened, the minimum [cost] fee shall be one
138 hundred fifty dollars.

139 (4) In estates where the gross taxable estate is less than six hundred
140 thousand dollars, in which no succession tax return is required to be
141 filed, a probate fee of .1 per cent shall be charged against non-solely-
142 owned real estate, in addition to any other fees computed under this
143 section.

144 (d) For estates in which proceedings were commenced on or after
145 July 1, 1993, and prior to April 1, 1998, costs shall be computed as
146 follows:

147 (1) The basis for costs shall be: (A) The gross estate for succession
148 tax purposes, as provided in section 12-349, or the inventory, including
149 all supplements thereto, whichever is greater, plus (B) all damages
150 recovered for injuries resulting in death minus any hospital and

151 medical expenses for treatment of such injuries that are not
 152 reimbursable by medical insurance and minus the attorney's fees and
 153 other costs and expenses of recovering such damages. Any portion of
 154 the basis for costs that is determined by property passing to the
 155 surviving spouse shall be reduced by fifty per cent. Except as provided
 156 in subdivision (3) of this subsection, in no case shall the minimum cost
 157 be less than ten dollars.

158 (2) Except as provided in subdivision (3) of this subsection, costs
 159 shall be assessed in accordance with the following table:

T23	Basis for Computation	
T24	Of Costs	Total Cost
T25	0 to \$1,000	\$10.00
T26	\$1,000 to \$10,000	\$10, plus 1% of all
T27		in excess of \$1,000
T28	\$10,000 to \$500,000	\$100, plus .30% of all
T29		in excess of \$10,000
T30	\$500,000 to \$4,715,000	\$1,570, plus .20% of all
T31		in excess of \$500,000
T32	\$4,715,000 and over	\$10,000

160 (3) If the basis for costs is less than ten thousand dollars and a full
 161 estate is opened, the minimum cost shall be one hundred dollars.

162 (e) For estates in which proceedings were commenced on or after
 163 July 1, 1983, and prior to July 1, 1993, costs shall be computed as
 164 follows:

165 (1) The basis for costs shall be: (A) The gross estate for succession
 166 tax purposes, as provided in section 12-349, minus one-third of the first
 167 fifty thousand dollars of any part of the gross estate for succession tax
 168 purposes that passes other than by will or under the laws of intestacy,
 169 plus (B) all damages recovered for injuries resulting in death minus
 170 any hospital and medical expenses for treatment of such injuries that
 171 are not reimbursable by medical insurance and minus the attorney's
 172 fees and other costs and expenses of recovering such damages.

173 (2) Costs shall be assessed in accordance with the following table:

T33	Basis for Computation	
T34	Of Costs	Total Cost
T35	0 to \$1,000	\$10.00
T36	\$1,000 to \$10,000	\$10, plus 1% of all
T37		in excess of \$1,000
T38	\$10,000 to \$100,000	\$100, plus .30% of all
T39		in excess of \$10,000
T40	\$100,000 to \$200,000	\$370, plus .25% of all
T41		in excess of \$100,000
T42	\$200,000 to \$500,000	\$620, plus .2% of all
T43		in excess of \$200,000
T44	\$500,000 to \$1,000,000	\$1,220, plus .15% of all
T45		in excess of \$500,000
T46	\$1,000,000 to \$5,000,000	\$1,970, plus .125% of all
T47		in excess of \$1,000,000
T48	\$5,000,000 and over	\$6,970, plus .1% of all
T49		in excess of \$5,000,000

174 [(f) For estates in which proceedings were commenced prior to July
175 1, 1983, costs shall be computed as follows:

T50	With respect to any	Costs computed under:
T51	estate in which any	
T52	proceedings were	
T53	commenced or succession	
T54	tax documents filed:	
T55	Prior to January 1, 1968	Section 45-17 of the
T56		1961 supplement to
T57		the general statutes
T58	Prior to July 1, 1969, but	Section 45-17a of the
T59	on or after January 1, 1968	1967 supplement to
T60		the general statutes
T61	Prior to July 1, 1978, but	Section 45-17a of the
T62	on or after July 1, 1969	1969 supplement to

T63 the general statutes
T64 Prior to July 1, 1983, but Section 45-17a of the
T65 on or after July 1, 1978 general statutes,
T66 revised to
T67 January 1, 1983

176 (g) If more than one hearing is held in any matter under this section,
177 an additional charge of twenty-five dollars shall be payable to the
178 court by the estate, or, in the discretion of the court, by any interested
179 party against whom the court shall assess such additional charge.

180 (h) If the total time of any one hearing in the matter exceeds one
181 hour, an additional charge of twenty-five dollars per hour for each
182 hour in excess of the first hour shall be payable to the court by the
183 estate, or at the discretion of the court by any interested party against
184 whom the court shall assess the additional charge, provided the
185 additional charge shall not exceed three hundred dollars.]

186 [(i)] (f) A [charge] fee of fifty dollars shall be payable to the court by
187 any creditor applying to the Court of Probate pursuant to section 45a-
188 364 or 45a-401 for consideration of a claim. If such claim is allowed by
189 the court, the court may order the fiduciary to reimburse the [charge]
190 amount of such fee from the estate.

191 [(j)] (g) A [charge] fee of fifty dollars, plus the actual [costs] expenses
192 of rescheduling the adjourned hearing that are payable under section
193 45a-109, as amended by this act, shall be payable to the court by any
194 party who requests an adjournment of a scheduled hearing or whose
195 failure to appear necessitates an adjournment, [provided] except that
196 the court, for cause shown, may waive either the [charge and costs for
197 cause shown] fifty-dollar fee or the actual expenses of rescheduling the
198 adjourned hearing, or both.

199 [(k)] (h) In no event shall any fee exceed ten thousand dollars for
200 any estate in which proceedings were commenced prior to April 1,
201 1998, and twelve thousand five hundred dollars for any estate in which
202 proceedings were commenced on or after April 1, 1998.

203 [(1)] (i) In the case of decedents who die on or after January 1, 2011:

204 (1) Any [costs] fees assessed under this section that are not paid
205 within thirty days of the date of an invoice from the court of probate
206 shall bear interest at the rate of one-half of one per cent per month or
207 portion thereof until paid;

208 (2) If a tax return or a copy of a tax return required under
209 subparagraph (D) of subdivision (3) of subsection (b) of section 12-392
210 is not filed with a court of probate by the due date for such return or
211 copy under subdivision (1) of subsection (b) of section 12-392 or by the
212 date an extension under subdivision (4) of subsection (b) of section 12-
213 392 expires, the [costs] fees that would have been due under this
214 section if such return or copy had been filed by such due date or
215 expiration date shall bear interest at the rate of one-half of one per cent
216 per month or portion thereof from the date that is thirty days after
217 such due date or expiration date, whichever is later, until paid. If a
218 return or copy is filed with a court of probate on or before such due
219 date or expiration date, whichever is later, the [costs] fees assessed
220 shall bear interest as provided in subdivision (1) of this subsection;

221 (3) A court of probate may extend the time for payment of any
222 [costs] fees under this section, including interest, if it appears to the
223 court that requiring payment by such due date or expiration date
224 would cause undue hardship. No additional interest shall accrue
225 during the period of such extension. A court of probate may not waive
226 interest outside of any extension period;

227 (4) The interest requirements in subdivisions (1) and (2) of this
228 subsection shall not apply if:

229 (A) The basis for [costs] fees for the estate does not exceed forty
230 thousand dollars; or

231 (B) The basis for [costs] fees for the estate does not exceed five
232 hundred thousand dollars and any portion of the property included in
233 the basis for [costs] fees passes to a surviving spouse.

234 Sec. 4. Section 45a-108 of the general statutes is repealed and the
235 following is substituted in lieu thereof (*Effective January 1, 2013*):

236 (a) (1) Except with respect to a decedent's estate, the basic [costs]
237 fees for all proceedings in connection with allowance and settlement of
238 a periodic or other account, after notice and hearing, regardless of the
239 date of origin of the estate in which such account is filed, shall be in
240 accordance with the following schedule:

T68	If the book value or market value or	[Cost] <u>Fee</u>
T69	receipts, whichever is larger, is:	
T70	Less than \$25,000	\$50.00
T71	\$25,000 to \$375,000	.20% thereof
T72	\$375,000 and over	\$750.00

241 (2) If more than one account is the subject of a hearing, the [charges]
242 fees shall be based on the values in the most recent account being
243 heard.

244 [(b) If more than one hearing is held in any matter under this
245 section, an additional charge of twenty-five dollars shall be payable to
246 the court by the moving party, or, in the discretion of the court, by any
247 interested party against whom the court shall assess such additional
248 charge.

249 (c) If the total time of any one hearing in the matter exceeds one
250 hour, an additional charge of twenty-five dollars per hour for each
251 hour in excess of the first hour shall be payable to the court by the
252 moving party, or in the discretion of the court, by any interested party
253 against whom the court shall assess the additional charge, provided
254 the additional charge shall not exceed three hundred dollars.]

255 [(d)] (b) A [charge] fee of fifty dollars, plus the actual [costs]
256 expenses of rescheduling the adjourned hearing that are payable under
257 section 45a-109, as amended by this act, shall be payable to the court
258 by any party who requests an adjournment of a scheduled hearing or
259 whose failure to appear necessitates an adjournment, [provided]

260 except that the court, for cause shown, may waive either the [charge
261 and costs for cause shown] fifty-dollar fee or the actual expenses of
262 rescheduling the adjourned hearing, or both.

263 Sec. 5. Section 45a-109 of the 2012 supplement to the general statutes
264 is repealed and the following is substituted in lieu thereof (*Effective*
265 *January 1, 2013*):

266 In addition to the basic [charges and costs] fees specified in sections
267 45a-106 to 45a-108, inclusive, as amended by this act, the following
268 expenses shall be payable to the courts of probate: (1) For recording
269 each page or fraction thereof after the first five pages of any one
270 document, three dollars; (2) for each notice in excess of two with
271 respect to any hearing or continued hearing, two dollars; (3) for any
272 expenses incurred by the court of probate for newspaper publication of
273 notices, certified or registered mailing of notices, or for service of
274 process or notice, the actual amount of the expenses so incurred; (4) for
275 providing copies of any document from a file in the court of any
276 matter within the jurisdiction of the court, five dollars for a copy of any
277 such document up to five pages in length and one dollar per copy for
278 each additional page or fractional part thereof as the case may be,
279 [provided] except that there shall be furnished without charge to the
280 fiduciary or, if none, to the petitioner with respect to any probate
281 matter one uncertified copy of each decree, certificate or other court
282 order setting forth the action of the court on any proceeding in such
283 matter; (5) for certifying copies of any document from a file in the
284 court of any matter before the court, five dollars per each copy certified
285 for the first two pages of a document, and two dollars for each copy
286 certified for each page after the second page of such document,
287 [provided] except that no charge shall be made for any copy certified
288 or otherwise that the court is required by statute to make; (6) for
289 retrieval of a file not located on the premises of the court, the actual
290 [cost] expense or ten dollars, whichever is greater; [and] (7) for copying
291 probate records through the use of a hand-held scanner, as defined in
292 section 1-212, twenty dollars per day; and (8) for providing a digital
293 copy of an audio recording of a hearing, twenty-five dollars.

294 Sec. 6. Section 45a-110 of the general statutes is repealed and the
295 following is substituted in lieu thereof (*Effective January 1, 2013*):

296 (a) The [costs, fees, charges] fees and expenses provided for in
297 connection with proceedings under section 45a-107, as amended by
298 this act, with respect to a decedent's estate shall be paid for by the
299 executor or administrator [,] or, if there is no such fiduciary, by the
300 transferee filing the succession tax return under section 12-359 or a tax
301 return under section 12-392.

302 (b) The [costs, fees, charges] fees and expenses provided for in
303 connection with proceedings under section 45a-108, as amended by
304 this act, with respect to an accounting shall be paid by the trustee,
305 guardian, conservator or other fiduciary.

306 (c) In the case of any proceeding under sections 45a-106 to 45a-112,
307 inclusive, as amended by this act, commenced on motion of the court,
308 such [costs, fees, charges] fees and expenses shall be paid by the party
309 against whom such [costs] fees and expenses are assessed by the court.

310 (d) In all other cases, the petitioner shall pay the [costs, fees,
311 charges] fees and expenses provided for by sections 45a-106 to 45a-112,
312 inclusive, as amended by this act, unless otherwise provided by law.

313 Sec. 7. Section 45a-111 of the general statutes is repealed and the
314 following is substituted in lieu thereof (*Effective January 1, 2013*):

315 (a) No [cost] fee or expense shall be charged for any proceedings in
316 the settlement of the estate of any member of the armed forces who
317 died while in service in time of war as defined in section 27-103.

318 (b) No fees or expenses shall be charged under sections 45a-106 to
319 45a-112, inclusive, as amended by this act, or under section 45a-727 for
320 adoption proceedings involving special needs children.

321 (c) If a petitioner or applicant to a court of probate claims that unless
322 his or her obligation to pay the fees and the necessary [costs] expenses
323 of the action, including the [cost] expense of service of process, is

324 waived, such petitioner or applicant will be deprived by reason of his
325 or her indigency of his or her right to bring a petition or application to
326 such court or that he or she is otherwise unable to pay the fees and
327 necessary [costs] expenses of the action, he or she may file with the
328 clerk of such court of probate an application for waiver of payment of
329 such fees and necessary [costs] expenses. Such application shall be
330 signed under penalty of false statement, shall state the applicant's
331 financial circumstances, and shall identify the fees and [costs] expenses
332 sought to be waived and the approximate amount of each. If the court
333 finds that the applicant is unable to pay such fees and [costs] expenses,
334 it shall order such fees and [costs] expenses waived. If such [costs]
335 expenses include the [cost] expense of service of process, the court, in
336 its order, shall indicate the method of service authorized and the [cost]
337 expense of such service shall be paid from funds appropriated to the
338 Judicial Department, [however] except that, if funds have not been
339 included in the budget of the Judicial Department for such [costs]
340 expenses, such [costs] expenses shall be paid from the Probate Court
341 Administration Fund.

342 (d) The court may, in its discretion, postpone payment of any entry
343 fee or other [charge] fee or expense due under sections 45a-106 to
344 45a-112, inclusive, as amended by this act, and enter any matter if it
345 appears to the court that to require such entry fee or other fee or
346 expense to accompany submission of the matter would cause undue
347 delay or hardship, but in such case the applicant, petitioner or moving
348 party shall be liable for the entry fee and all other [charges] fees and
349 expenses upon receipt of an invoice therefor from the court of probate.

350 (e) Any fee or expense charged under the provisions of sections
351 45a-106 to 45a-112, inclusive, as amended by this act, shall not be
352 subject to the tax imposed under chapter 219.

353 Sec. 8. Section 45a-112 of the general statutes is repealed and the
354 following is substituted in lieu thereof (*Effective January 1, 2013*):

355 When the state or any of its agencies is an applicant, petitioner or
356 moving party commencing a matter in a court of probate, or is

357 otherwise liable for the [charges] fees or expenses under sections 45a-
 358 106 to 45a-112, inclusive, as amended by this act, the court shall accept
 359 such matter without the entry fee accompanying the filing thereof, and
 360 shall bill the entry fee or other [charge] fee or expense to the
 361 appropriate agency for subsequent payment, which payment shall be
 362 due and payable upon receipt of such bill.

363 Sec. 9. Section 45a-107a of the general statutes is repealed. (*Effective*
 364 *July 1, 2012*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2013</i>	45a-105
Sec. 2	<i>January 1, 2013</i>	45a-106
Sec. 3	<i>January 1, 2013</i>	45a-107
Sec. 4	<i>January 1, 2013</i>	45a-108
Sec. 5	<i>January 1, 2013</i>	45a-109
Sec. 6	<i>January 1, 2013</i>	45a-110
Sec. 7	<i>January 1, 2013</i>	45a-111
Sec. 8	<i>January 1, 2013</i>	45a-112
Sec. 9	<i>July 1, 2012</i>	Repealer section

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Judicial Dept.	PCAF - Potential Revenue Gain	Minimal	Minimal

Note: PCAF=Probate Court Administration Fund

Municipal Impact: None

Explanation

The bill establishes a \$25 fee to receive a digital copy of an audio recording of a probate hearing. It is anticipated that fewer than 100 such requests will be made, resulting in a revenue gain of less than \$2,500.

The bill also makes other changes to probate court fees, conforming fees to current practice. Because the fees that are being eliminated are discretionary by nature and are very rarely applied, the anticipated revenue loss is negligible.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 248*****AN ACT CONCERNING PROBATE FEES.*****SUMMARY:**

This bill eliminates the \$25 fee for each (1) probate hearing beyond the first and (2) hour of a hearing beyond the first hour (up to a \$300 maximum) (§§ 2, 3, 4). It also makes various other changes affecting probate court fees.

The bill creates an exception to the general estate settlement fees when the Department of Administrative Services (DAS) commissioner is the legal representative of the estate by law (see BACKGROUND). In that situation, the fee is the lesser of the (1) fees that would otherwise apply or (2) amount the commissioner collects after paying funeral and burial expenses (§ 3).

The bill establishes a \$25 fee to receive a digital copy of an audio recording of a probate hearing (§ 5).

The law imposes a charge of \$50 plus the actual cost of rescheduling an adjourned probate hearing on any party who requests adjournment of a scheduled hearing or whose failure to appear requires an adjournment. The court may waive these for cause. The bill specifies which expenses of rescheduling can be charged to such a party, by referencing another statute that establishes fees for various matters (e.g., a \$2 charge for each notice of a hearing or continued hearing, starting with the third notice) (§§ 2, 3, 4).

The bill makes technical changes to terminology regarding probate fees and expenses. It also makes other minor, technical, and conforming changes.

EFFECTIVE DATE: January 1, 2013, except a technical change is effective July 1, 2012.

BACKGROUND

DAS as Estate's Legal Representative

By law, DAS must petition the probate court for appointment as legal representative of an estate when the (1) state has a claim against the estate for support or care provided to the decedent; (2) amount of the claim, together with other specified expenses, equals or exceeds the value of the estate; and (3) value of the assets does not exceed \$40,000 (CGS § 4a-16).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/26/2012)