



STATE OF CONNECTICUT

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PROBATE COURT ADMINISTRATOR

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

From: Paul J. Knierim
Probate Court Administrator

Re: RB 154 An Act Concerning Probate Court Operations

Date: February 24, 2014

Thank you for the opportunity to testify in support of Raised Bill 154, which the Connecticut Probate Assembly and the Office of the Probate Court Administrator jointly support. The bill is part of our ongoing effort to streamline Probate Court procedures and update obsolete provisions in the statutes relating to probate law. This testimony will summarize the major provisions of the bill.

Sections 1 and 3 change the jurisdiction for commitment review hearings, at which the court determines whether a patient who has been involuntarily hospitalized for an extended period should be released. The bill provides that review hearings be held at the court where the hospital is located, rather than the court that originally committed the patient, to permit easier participation by the patient and hospital staff.

Sections 1, 3, 5 and 6 all incorporate clarifying language into statutes that require the application of rules of evidence in probate hearings. The new language is intended to make it clear that the entire body of evidentiary rules used in civil matters in the Superior Court, including the Connecticut Code of Evidence, statutory provisions and the common law, also applies in probate matters.

Section 2 streamlines the process by which Probate Courts report psychiatric commitments to the federal National Instant Background Check System (NICS), which is used to determine eligibility to purchase firearms. Under federal and state law, commitment for treatment of mental illness is among the grounds for ineligibility. Using federal grant funds, the Superior Court, DMHAS, DESPP and OPM and my office developed a single Connecticut database for all matters to be reported to NICS and automated the transmission of information to the state database. The system obviates the existing paper intensive reporting process and ensures that the database is updated nightly with accurate information. In light of these technological improvements, the bill would delete the requirement that Probate Courts fax commitment paperwork to DMHAS.

Section 4 simplifies C.G.S. section 4a-17, which establishes procedures to provide notice of a court proceeding to a patient in a psychiatric facility. The proposal seeks to synchronize section 4a-17 with other statutory notice provisions by directing that any notice requirement other than personal service may be satisfied by mailing the notice to the patient at the facility and to the superintendent of the facility. The superintendent, in turn, is required to provide a copy to the patient as a means of ensuring that the patient receives the notice. If a statute or rule requires personal service, the notice must be mailed to the superintendent, in addition to being personally served on the patient at the facility.

Sections 7 and 8 correct an oversight in last year's budget implementing legislation. The biennial budget adopted in 2013 transferred funding for the Kinship Fund and Grandparents and Relatives Respite Fund programs from DSS to the Probate Courts. Sections 6 and 7 complete the transition by transferring the responsibility for administering the grants from DSS to Probate Court Administration.

JFS Request – in line 384, add “Administrator” after “Probate Court”

Section 9 amends C.G.S. section 45a-8c to permit the New Haven Regional Children's Probate Court to establish a clinic to address student attendance problems. The clinic, which is modeled after a highly successful program established by the Waterbury Regional Children's Probate Court in 2008, is a collaboration among the court, the New Haven Public Schools and DCF.

JFS Request – in line 460, delete “the district of” before “New Haven”

Sections 10-13 permit the court to appoint a successor conservator when appointing a primary conservator and similarly permit an individual to make an advance designation of a successor conservator. The arrangement ensures that a conservator is immediately available to act if the primary conservator is no longer able.

Section 14 amends C.G.S. 45a-661, which deals with the transfer of a conservatorship matter from one Connecticut Probate Court to another. Under the proposal, the court may grant a transfer request only if it finds that it represents the conserved person's preference. The change is intended to permit the court to scrutinize the reasons for a transfer request and elevate the preferences of the conserved person over those of other parties to the matter.

Section 15 repeals the requirement that the Probate Court Budget Committee make an annual report to the Governor and the General Assembly. The budget committee was established in 2009 and charged with establishing a uniform compensation and benefits plan for court employees, staffing levels, and court office budgets. While the report provided a useful mechanism to document the progress of the Probate Court system during restructuring, it is not a productive use of resources now that the transition complete.

Section 16 repeals C.G.S. 45a-113 resolving a redundancy between two statutes dealing with use of credit cards to pay probate fees.

On behalf of the Probate Court system, I respectfully request that the committee act favorably on the bill. Thank you for your consideration.