STATE OF CONNECTICUT

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TO: Senate Co-Chair Catherine Osten
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Honorable Members of the Planning and Development Committee

FROM: Paul J. Knierim
Probate Court Administrator

RE: S.B. No. 188, An Act Concerning Municipal Mandate Relief

DATE: February 13, 2015

Thank you for the opportunity to testify on Senate Bill No. 188. The bill proposes to eliminate four types of municipal mandates, including, in section 2, the requirement that municipalities provide office space and related equipment, supplies and services for the Probate Court that serves their communities. My purpose in offering this testimony is to alert the committee that the proposed change would necessitate a large increase in probate fees or in the general fund appropriation for the Probate Courts.

By way of background, the finances of the Probate Court system divide into two principal components.

Central Probate Court System Budget: Since court restructuring took effect in 2011, all costs of operating the Probate Court system, with the exception of facilities expenses, are managed under a single system-wide budget. The central budget covers:

- Compensation for judges and staff
- Employee benefits, including health insurance and pension
- Payment of attorneys and conservators for indigent parties
- Computer systems and records storage

- Continuing education
- Kinship and Respite grants to assists guardians of minor children
- Central office expenses

The central budget is funded from two sources. In the current year, 75% of the revenue ($31 million) is generated from probate fees. Probate fees are set by statute for the various types of cases that fall within Probate Court jurisdiction. The remaining 25% ($10.25 million, net of rescissions) is a general fund appropriation. Although court restructuring reduced the cost of operating the system by over $4 million annually, the general fund appropriation will need to increase because probate fee revenue is projected to remain flat.

Local Budgets for Probate Court Facilities: Each of the 54 probate districts in the state receives support from the municipalities within the district, as required under C.G.S. section 45a-8. Under that statute, municipalities are required to provide the Probate Court that serves their communities with the following facilities-related items:

- Office space
- Furniture
- Photocopying equipment
- Document management system
- Office supplies
- Postage
- Telephone and internet service
- Property and premises liability insurance

Because we do not collect data on the 54 local budgets, we cannot currently quantify the total amount that municipalities contribute to the Probate Court system. The uncertain financial impact of the legislation is compounded by the fact that most courts are located in city and town halls. As a result, much of the municipal contribution is in-kind, in the form of rent-free office space and utilities, building maintenance and building security.

To assist the committee in evaluating the impact of the proposal, we have included an attachment to this testimony that summarizes the local budgets for three representative courts: Norwich Probate Court (serving eight towns and a total population of 71,644); Simsbury Regional Probate Court (serving four towns and a total population of 63,890); and Stamford Probate Court (serving one municipality with a population of 126,456). The attachment indicates that the financial outlay for cities and towns to the Probate Courts is quite modest. At the same time, the figures for two of the three courts do not attribute any cost to the space itself or to utility and maintenance expenses.

Given the possibility that space constrained municipalities may not continue providing space to the Probate Courts if the existing mandate is repealed, any reasonable estimate of the impact of the legislation must factor in the cost of replacing municipal space with facilities that are leased or purchased for the

courts by the Department of Administrative Services. Keeping in mind the significant gaps in available data, we estimate the total cost would be in the range of $5 to $6 million. We base this estimate primarily on our experience with the Regional Children's Probate Courts, all of which are currently located in commercial leased facilities. On average, facilities-related expenses for the children's courts approach $100,000 annually. While there is considerable variation in the size of court facilities, we believe that the children's courts are representative and that the facility expense for the 54 probate districts, if not hosted in municipal offices, would be a similar amount.

It is our view that Connecticut citizens benefit from the longstanding partnership between municipalities and the Probate Courts. Being located in municipal facilities promotes convenient access to the courts and advances our customer service mission. Moreover, we believe that the current arrangement is a highly cost-effective solution to our space needs because courts share space that is part of a larger municipal facility and benefit from shared common areas and building maintenance.

We recognize, of course, that the topic of unfunded state mandates is a sensitive one. Likewise, we recognize that the manner in which the Probate Courts are financed is a policy decision that belongs to the General Assembly. We do, however, respectfully ask the committee to consider that the legislation will necessitate immediate increases in probate fees and/or our general fund appropriation and will, in all likelihood, substantially increase the cost of Probate Court facilities over time.

For these reasons, we respectfully ask the committee not to advance this proposal.

PROBATE COURT FACILITIES
SAMPLE MUNICIPAL BUDGETS

Norwich Probate Court

Number of municipalities served:	8
Population served:	71,644
Number of staff	4.6 (full-time equivalent)
Location of court:	Norwich City Hall
Approximate size of office:	1,750 sq. ft.
Annual rent:	$23,000
Annual facilities budget	$48,000 (including rent)
Cost allocation method:	Population
Contribution amounts:	

Bozrah	$1,760
Franklin	$1,288
Griswold	$8,007
Lisbon	$2,906
Norwich	$27,130
Preston	$3,166
Sprague	$1,999
Voluntown	$1,744

Simsbury Regional Probate Court.

Number of municipalities served:	4
Population served:	63,890
Number of staff	3.4 (full-time equivalent)
Location of court:	Simsbury Town Hall
Approximate size of office:	1,300 square feet
Annual rent:	$0
Annual facilities budget	$16,703
Cost allocation method:	Population
Contribution amounts:	

Avon	$4,804
Canton	$2,719
Granby	$2,973
Simsbury	$6,207

Stamford Probate Court

Number of municipalities served:	1
Population served:	126,456
Number of staff	6.6 (full-time equivalent)
Location of court:	Stamford City Hall
Approximate size of office:	3,600 square feet
Annual rent:	$0
Annual facilities budget	$48,600
Cost allocation method:	N/A