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Honorable Members of the Judiciary Committee

FROM: Paul J. Knierim
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RE: RB 143, An Act Concerning State Agency Compliance with Probate Court Orders

DATE: February 23, 2016

The Office of the Probate Court Administrator supports RB 143, An Act Concerning State Agency Compliance with Probate Court Orders.

The bill confirms the binding effect of the decisions of Probate Courts. It adds specificity by explicitly stating that a state agency, like any other party to a Probate Court proceeding, is bound by the court's decision. Of course, the bill's reach would be limited to those circumstances in which the Probate Court has subject matter jurisdiction and in which the state agency is a party.

The bill also confirms existing law that a state agency, like any party aggrieved by a Probate Court decision, has the right to appeal to the Superior Court. The agency would be subject to the same time limitations in filing an appeal as any other party.

The bill would amend the appeals statute, C.G.S. section 45a-186, to require that any appeal under section 1 be filed in the Hartford Judicial District, rather than the judicial district in which the Probate Court is located. This language appears to apply only when a state agency brings the appeal and not when another party appeals a Probate Court order in favor of the agency. We suggest that the language be amended to afford the state agency the right to change venue to Hartford when another party initiates the appeal in the local judicial district.

Thank you for your consideration.