

# Legal Assistance Resource Center

## □ of Connecticut, Inc. □

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### Written Testimony for the Judiciary Committee Supporting SB 219 and the Substitute Language for An Act Concerning Probate Court Operations March 2, 2016

My name is Sara Parker McKernan and I am a Legislative Liaison for the Legal Assistance Resource Center of Connecticut (LARCC), the policy advocacy branch of the Legal Services Programs in the state. We represent the interests of very-low income residents of the state.

Connecticut's Legal Services (LS) Programs would like to thank you for the opportunity to comment on SB 219, An Act Concerning Probate Court Operations. We support the concepts raised in this bill with the addition of the following substitute language that amends Section 1. This substitute language represents the product of an agreement between LS and the Probate Court Administration. Thank you for amending SB 219 accordingly.

#### Substitute Language for SB 219:

Section 1. (NEW) (*Effective October 1, 2016*) (a) If a Probate Court finds, after notice and hearing on any petition, application or motion, that the court does not have jurisdiction over the matter but that another Probate Court of this state would have jurisdiction to hear the petition, application or motion, the court may order that the file be transferred to the court that would have jurisdiction over the matter or may dismiss the petition for lack of jurisdiction. If the transferring court finds that more than one Probate Court of this state may have jurisdiction over the matter, the transferring court [shall] may order transfer to the Probate Court that the transferring court finds is the most convenient forum for the parties. The transferring court shall make written findings on the basis for its determination that the transferee court has jurisdiction over the matter and, if applicable, which court is the most convenient forum for the parties. The transferring court's findings shall be conclusive for all further proceedings in the matter, provided a transfer order under this section shall be subject to appeal as provided in section 45a-186 of the general statutes.

(b) Upon issuance of a transfer order under subsection (a) of this section, the transferring court shall cause certified copies of all documents in the transferring court's file to be delivered to the transferee court. The transferee court shall proceed on the underlying petition, application or motion as if it had originally been filed with the transferee court. No additional filing fee shall apply.

c) Nothing in this section shall prevent a court that has jurisdiction over a case from transferring the case to another court under a statute authorizing such transfer.