

CAPC

Connecticut Association of Probate Clerks

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President, Danbury

Elaine D. Johnson
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Pamela Griffin
Secretary, Tobacco Valley

February 11, 2016

TO: Members of the Appropriations Committee

RE: **H.B. No. 5044**, Adjustments to the State of Connecticut Budget

Dear Committee Members,

My name is Patricia Saviano, and I am the President of the Connecticut Association of Probate Clerks (hereinafter "CAPC"). I am also the Chief Clerk of the Danbury Probate Court. CAPC is a voluntary organization comprised of approximately 230 members; which is about seventy-percent (70%) of the total 329 employees in the probate system. Our mission is to further and promote the interest of all probate clerks, assistant clerks, and court staff in State of Connecticut Probate System through professional development, education, the open exchange of ideas, the collection and distribution of information, and advocacy. *Today, I speak on behalf of all the members of CAPC when I ask you to support the restoration of general fund support for the Probate Court System, of approximately \$14 million, and placement of a reasonable cap on fees for decedents' estates.*

By way of background, the Connecticut Probate Courts are charged with more than administering a decedent's or trust assets. We also affect people in over 72 areas: including conservatorships and guardianships; to protect the elderly, the intellectually disabled, those suffering from mental illness; adoptions, removal or termination of parental rights, for the benefit or protection of children and even changing your name. Before the budget changes in 2015, the General Fund paid for approximately 25% of the Probate Court budget and so the remaining 75% had been paid through fees. In contrast, the general fund pays for 90% of the Superior Court costs. As an administrator of justice and provider of social services, our benefits far exceed our costs. We believe it is only proper for the State to share in the costs of the system, if only, because of the vital services and supports we provide to our State's most vulnerable people.

Furthermore, each year the number and proportion of cases involving mental health, children and intellectual disability increases and they represent more than 1/2 of the system caseload. Moreover, those cases consume nearly 2/3 of the probate budget. For example, payments to conservators for indigent persons have increased from \$2.1 million to \$4.4 million annually and conservator cases for indigent persons have risen from 2,229 in 2011 to 3,886 in FY 15. As you may see, the Connecticut Probate Courts continue to provide a core government function that is vital in promoting justice and is critical to the State's safety net. Therefore, we ask you to consider restoring general fund support to the Connecticut Probate Courts.

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Similarly, CAPC supports instituting an estimated \$20,000 cap on fees in decedent's estate, which will allow a \$14 million appropriation. As staff, we are charged with collecting and administering the probate fees, and we have already seen the detrimental effects of the current unrestrained probate fee. For example, dependence on such a fee structure results in high volatility in collection of revenue, due to its reliance on very large estates and the passing of wealthy individuals. Similarly, the unrestrained fee bears no relationship between the fee and service provided. Furthermore, it is the highest probate fee in the nation and court staff have already reported rumors of residents leaving the State to avoid the astronomical fees, thereby exacerbating the volatility of court revenue.

Thank you for your service, time, consideration, and support! If you have any questions as to the above, please do not hesitate to contact me.

Warm Regards,

/s/

Patricia Saviano,
CAPC President