



## State of Connecticut

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### Testimony

#### **SB 13: An Act Reducing Certain Probate Court Fees**

#### **Finance, Revenue, and Bonding Committee**

**February 26, 2016**

Good morning, Senator Fonfara, Representative Berger, Senator Frantz, Representative Davis, and distinguished members of the Committee. Thank you for this opportunity to testify on SB 13, An Act Reducing Certain Probate Court Fees.

This bill requires certain adjustments to the probate fee structure, including a restoration of the cap on probate fees to \$40,000.

**I support the restoration of a cap, although I would prefer to see it set at its previous level of \$12,500.**

As you know, without a cap, probate fees can grow to very high levels, attaining six figures for substantial estates. Connecticut's probate fees are among the highest, if not the highest, in the country.

Many Connecticut residents, and not just my constituents, have told me that when added to the taxes on their income, property, pensions, Social Security, gifts, and estates, the elimination of the probate fee cap is the last straw. They have found living here very expensive, but they now consider dying here absolutely unaffordable. When people who pay taxes leave, there are consequences for everyone in Connecticut. The growth in the budget deficit this week is an excellent illustration of the pressure that falls on everyone in the state when projected revenues decline, the neediest among us most of all.

**So I believe it is imperative to restore the cap. But restoring the cap is not enough. I would also insist on restoring the annual appropriation for the probate courts.**

Here are several of my reasons:

- Last year's budget removed the appropriation for the probate courts when it eliminated the cap, with the intention of funding their operation with the increased fees. If a cap is restored without being accompanied by an appropriation, the courts will not be able to fund their operations.
- Even now, without the cap, the fees generated by decedents' estates are not enough to fund the courts' operations. A \$6 million shortfall is expected this year, and the Probate Court Administration fund will be virtually depleted.
- Funding the courts' operations with fees on decedents' estates is short-sighted. First, relying on the sufficient occurrence of deaths among those whose estates will occasion the payment of substantial probate fees is not necessarily a very predictable way to plan a budget. But more important, it is important to consider trends in the breakdown of the probate courts' caseload. Work in matters related to mental health, intellectual disability, elder care, and other sensitive areas represents 57% of the caseload, and it is growing while the portion related to decedents' estates is shrinking. Over time, it is far from certain that estate fees will be able even to come close to funding the rest of the courts' operations.

Even under the current straitened budget circumstances, which will likely become even worse in the coming months, the probate courts are often the last recourse for the indigent, the disabled, the mentally ill, children without resources, and the elderly and bear the ultimate responsibility for their welfare. I believe it is imperative to ensure that they can perform their fundamental duties.

**The Probate Court Administrator has proposed capping the probate fees on decedents' estates at \$20,000, while allocating General Fund appropriation of \$14 million to fund operations. I respectfully urge the Committee to accept this proposal.**