

TO: Senator Gary Winfield
Representative Steven Stafstrom
Senator John Kissel
Representative Rosa Rebimbas
Honorable Members of the Judiciary Committee

FROM: Hon. Domenick N. Calabrese
Judge, Region 22 Probate District
Administrative Judge, Waterbury Regional Children's Probate Court

RE: Raised Bill 7104
An Act Concerning Adoption of the Connecticut Uniform Trust Code

DATE: February 15, 2019

I write to you in support of Raised Bill 7104, An Act Concerning Adoption of the Connecticut Uniform Trust Code. The proposed Bill is important for Connecticut: courts, attorneys, and, most of all, the public, because it creates a comprehensive, organized, and modern trust code. Several states have already adopted modified versions of the Uniform Trust Code – the starting point for what is before you today. I believe the experiences of other states with the Uniform Trust Code are advantageous to our state because we are able to build on this experience to create a better trust code for Connecticut.

There are many aspects to the Bill that I support. However, for the purposes of my testimony, I am limiting my comments to how the Bill improves the existing statutory framework with respect to Connecticut Probate Courts, as well as an area of concern that may be effectively addressed.

One of the many strengths of the Bill is replacement of the medley of existing statutes. For example, more than a dozen statutes addressing Probate Court trust jurisdiction are unevenly distributed throughout Chapters 801 and 802 of the current General Statutes. In the Bill, jurisdiction issues are, for the most part, contained in Sections 15 and 16 - a vast improvement. The Bill clarifies unresolved issues under current Connecticut law, such as jurisdiction between the Superior Court and the Probate Court in trust matters.

However, I am concerned about Section 58 of the Bill because it neglects to grant authority to the Probate Court in awarding costs, expenses, and attorney's fees. As drafted, it creates a glaring inconsistency within the Bill. Section 15(a) of the Bill preserves the current authority of Probate Courts over trust accountings. Accountings necessarily include costs, expenses and attorney's fees. As drafted, Section 58 omits Probate Court authority over these three areas. Having overseen thousands of trust accountings over my 16 years on the bench, I believe my concerns in this regard are well-founded. Addressing this inconsistency before the Bill's adoption will help to eliminate problems that may be created by the current version.

One of the advantages for Connecticut residents in reconciling this inconsistency is continuing to allow use of our probate courts – which are generally informal and accessible – for such important trust issues. It may preclude the need to move a trust matter from a probate court to another court, promoting efficiency and expediency.

Otherwise, I believe passing Raised Bill 7104, An Act Concerning Adoption of the Connecticut Uniform Trust Code, is an opportunity to effectively update Connecticut's trust statutes.

Thank you for your time and consideration. I respectfully ask the committee to take favorable action on the proposed Connecticut Uniform Trust Code.