

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

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**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 1
General Provisions**

1.1 Definitions and Abbreviations

For the purposes of the Probate Court Regulations:

- (a) “Administration fund” means the Probate Court Administration Fund established under C.G.S. section 45a-82.
- (b) “Administrator” means the Probate Court Administrator.
- (c) “C.G.S.” means the general statutes of the State of Connecticut, Revision of 1958, as amended from time to time.
- (d) “Probate Court” means a court exercising the powers enumerated in C.G.S. section 45a-98.
- (e) “Fee revenue” means the total of all monies received during the fiscal year for fees, costs, and charges under C.G.S. sections 45a-105 to 45a-110, inclusive; C.G.S. section 45a-111; C.G.S. section 45a-112; sections 447 through 458 of Public Act 15-5 (June 2015 Special Session); and passport fees.
- (f) “P.C.R.” or “regulations” means the Probate Court Regulations.
- (g) “Probate assembly” means the Connecticut Probate Assembly established under C.G.S. section 45a-90.
- (h) “Probate judge” means a person elected to the office of judge of a Probate Court in the State of Connecticut.

Section 1 was amended January 25, 2016 (Approved by the Executive Committee October 14, 2015; Approved by the Judiciary Committee January 25, 2016)

Subdivisions (a), (g), (l) and (m) became effective July 8, 2010 (Approved by the Executive Committee March 16, 2010; Approved by the Judiciary Committee July 8, 2010)

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 2
Estimated Assessment Report**

This regulation is repealed.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 3
Income Report**

This regulation is repealed.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 4
Financial Records and Auditing of Reports**

This regulation is repealed.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 5

**Payments to Judges of Probate Who Leave Office and
Determination of Accounts Receivable on or before
December 31, 2010**

This regulation is repealed.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 5A

**Payments to Probate Judges Who Leave Office and
Determination of Accounts Receivable on or after
January 1, 2011**

This regulation is repealed.

**State of Connecticut
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Probate Court Regulations

**Section 6
Judge's Compensation**

This regulation is repealed.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 7
Request for Funding**

This regulation is repealed.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 8
Definition and Utilization of Weighted Workload**

This regulation is repealed.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 8A
Weighted Workload**

8A.1 Authority

These regulations are issued pursuant to C.G.S. sections 45a-77 and 45a-95.

8A.2 Applicability

Probate Court Regulation section 8A applies only to the definition and utilization of weighted workload for any period beginning on or after July 1, 2013.

8A.3 Weighted Workload

Weighted workload is the measure of the relative difficulty of the types of matters handled by courts of probate. A weight value is assigned to each type of matter. Weight values are on a scale of 0.5 through 5.0, the lowest value representing a type of matter for which the least amount of work is typically associated and the highest value representing a type of matter for which the most amount of work is typically associated. A weighted workload chart of assigned weight values is appended to and made a part of this regulation. If a new type of matter is added to the jurisdiction of the probate courts, the administrator may add the new type to the chart with an assigned weight value of 3.0. Only matters listed in the chart shall receive credit for weighted workload. No credit shall be given for multiple or continued hearings of the same matter or for individual matters of atypical difficulty.

8A.4 Annual Weighted Workload Certification

(a) The annual weighted workload of a probate court shall be used to determine compensation of the judge of the court under C.G.S. section 45a-95. The annual weighted workload shall be the sum of the products obtained by multiplying the total number of each type of matter handled in the preceding fiscal year by the court, including matters in a regional children's probate court under P.C.R. section 8A.5, by the assigned weight value for the type.

(b) Each court shall enter the weighted workload data required by the administrator into the case management system of the courts of probate. The administrator shall track and periodically review the data for each court and make adjustments necessary to comply with this regulation. The administrator shall give the judge of a court an opportunity to provide additional information on any adjustment proposed by the administrator.

(c) Not later than December 1 of each year, the administrator, after considering additional information supplied by the judge under subsection (b), shall certify the annual weighted workload for each court for the preceding fiscal year.

8A.5 Weighted Workload Credit for Matters in Regional Children's Probate Courts

A judge of probate in a regional children's probate court who hears a matter that has an assigned weight value shall receive weighted workload credit for the matter. The credit shall be added to the annual weighted workload for the judge's probate court.

Section 8A became effective July 1, 2013 (Approved by the Executive Committee December 14, 2011; Approved by the Judiciary Committee March 23, 2012)

Regulation 8A

Assigned Weight Values

| | Weight |
|----|---|
| 1 | <u>Fee Waivers :</u> |
| 2 | Fee Waivers 0.5 |
| 3 | |
| 4 | <u>Decedents' Estates :</u> |
| 5 | Administration-Intestate 3 |
| 6 | Probate of Will-Testate 3 |
| 7 | Sale or Mortgage of Real Estate 3 |
| 8 | Compromise of Claim 3 |
| 9 | Allowance for Spouse and/or Family 2 |
| 10 | Allowance of Account/Statement in Lieu of Account (exclude additional accounts for same period) 4 |
| 11 | Small Estates Affidavit (PC-212 ¶¶ Under \$40,000) 2 |
| 12 | Supplemental Small Estate Affidavit 1 |
| 13 | Section 4a-16 Estates 0 |
| 14 | Tax Returns in all Applications for Probate of Will, Administration, Affidavit in Lieu and TPO Estates (include 1st return only) 1 |
| 15 | Status Conferences 2 |
| 16 | Will Contests 5 |
| 17 | Action on Probate Bond 5 |
| 18 | Admit Will, Administration Having Been Granted (C.G.S. § 45a-297) 2 |
| 19 | Appointment of Trustee of Missing Person (C.G.S. § 45a-478) 2 |
| 20 | Ascertainment of Heirs (Exclude determination at time of application to probate/administration or at final account (C.G.S. § 45-431.) 2 |
| 21 | Revoke/Annual Decree Admitting Will and Admit Later Will (C.G.S. § 45a-295) 2 |
| 22 | Advice/Approval of Action by Fiduciary with Hearing 2 |
| 23 | Ancillary Administration 3 |
| 24 | Appoint GAL (exclude court's own motion) 1 |
| 25 | Claim by Fiduciary (C.G.S. § 45a-367) 3 |
| 26 | Compel Account (exclude court's own motion) 2 |
| 27 | Compel Power of Attorney Account (C.G.S. § 45a-175) 3 |
| 28 | Construe Will (C.G.S. § 45a-98) 3 |
| 29 | Contempt 2 |
| 30 | Custody of Remains 1 |
| 31 | Cy Pres (C.G.S. § 45a-98) 3 |
| 32 | Determination of Claims Presented to Prior Fiduciary (C.G.S. § 45a-362) 1 |
| 33 | Determination of Domicile on DRS motion (C.G.S. § 12-395(2)(b)) 3 |
| 34 | Disallowed Claim (C.G.S. § 45a-364) (previously "hearing on rejected claim") 3 |
| 35 | Disclaimer by Fiduciary (C.G.S. § 45a-579) 1 |
| 36 | Disclosure of Medical Information (C.G.S. § 45a-98b) 3 |
| 37 | Discovery Motion (except in Will Contest) 2 |
| 38 | Distribute Exempt Property to Spouse (Insolvent Estates) (C.G.S. § 45a-435) 1 |
| 39 | Establish Trust (other than testamentary trust) 3 |
| 40 | Extend Claims Period (C.G.S. § 45a-357(c)) 2 |
| 41 | Approval of Fees (exclude C0-17s and where part of account) 2 |
| 42 | Insolvent Estate - Determination 3 |
| 43 | Insolvent Estate - Hearing on Fiduciary Report (C.G.S. § 45a-380) 3 |
| 44 | Approval of Mutual Distribution Agreement with or without Final Account 2 |
| 45 | Objection to Inventory Other Than at Time of Final Account 3 |
| 46 | Objection to Succession Tax Assessment (C.G.S. § 12-367) 3 |
| 47 | Partial Distribution without Account 3 |
| 48 | Partition/Sale of Undivided Interest (C.G.S. § 45a-326) 3 |
| 49 | Presumption of Death (C.G.S. § 45a-329) 1 |
| 50 | Reconsider, Modify, Revoke Court Order (C.G.S. § 45a-128) 3 |
| 51 | Reformation of Will (C.G.S. § 45a-485) 3 |
| 52 | Release of Funds with Hearing 3 |
| 53 | Release of Funds without Hearing 1 |

Regulation 8A

Assigned Weight Values

| | | Weight |
|-----|---|--------|
| 54 | Remove Fiduciary | 3 |
| 55 | Re-open Estate for Appointment of Successor Fiduciary | 1 |
| 56 | Resignation of Fiduciary and Appointment of Successor | 1 |
| 57 | Appointment of Successor for Deceased Fiduciary | 1 |
| 58 | Sale of Personal Property | 3 |
| 59 | Seal/Unseal File | 3 |
| 60 | Set Bond (exclude bond at time of appointment) (C.G.S. § 45a-289) | 1 |
| 61 | Substitution of New Bond (C.G.S. § 45a-141) | 1 |
| 62 | Stay (C.G.S. § 45a-186(f)) | 3 |
| 63 | Summon to Appear and Give Testimony (C.G.S. § 45a-129) | 3 |
| 64 | Temporary Administration | 3 |
| 65 | Allowance of Final Account of Temporary Administrator | 4 |
| 66 | Temporary Administrator for Limited Purpose (P.A. 11-128, § 18) | 2 |
| 67 | Try Title | 3 |
| 68 | | |
| 69 | Trustees : | |
| 70 | Appointment of Testamentary Trustee | 2 |
| 71 | Trust Accounts (exclude additional accounts for same period) | 3 |
| 72 | Trust Accounts for Trusts with Assets Greater than \$10 Million | 4 |
| 73 | Compel Account for Inter Vivos Trust (C.G.S. § 45a-175) | 3 |
| 74 | Termination of Charitable Trusts (C.G.S. § 45a-520(b)) | 3 |
| 75 | Status Conferences | 2 |
| 76 | Action on Probate Bond | 5 |
| 77 | Advice/Approval of Action by Fiduciary with Hearing | 2 |
| 78 | Appoint GAL (exclude court's own motion) | 1 |
| 79 | Compel Account (testamentary trust) | 2 |
| 80 | Compel Power of Attorney Account (C.G.S. § 45a-175) | 3 |
| 81 | Contempt | 2 |
| 82 | Disclaimer by Fiduciary (C.G.S. § 45a-579) | 1 |
| 83 | Disclosure of Medical Information (C.G.S. § 45a-98b) | 3 |
| 84 | Discovery Motion | 2 |
| 85 | Approval of Division of Trust (C.G.S. § 45a-488) | 3 |
| 86 | Approval of Fees (exclude C0-17s and where part of account) | 2 |
| 87 | Construe Trust (C.G.S. § 45a-98) | 3 |
| 88 | Cy Pres (C.G.S. § 45a-98) | 3 |
| 89 | Establish Trust (other than testamentary trust) | 3 |
| 90 | Enforcement of Pet Trust | 3 |
| 91 | Purchase Property | 3 |
| 92 | Reconsider, Modify, Revoke Court Order (C.G.S. § 45a-128) | 3 |
| 93 | Reformation of Trust (C.G.S. § 45a-485 & 521) | 3 |
| 94 | Release of Funds with Hearing | 3 |
| 95 | Release of Funds without Hearing | 1 |
| 96 | Removal of Fiduciary | 3 |
| 97 | Sale or Mortgage of Real Estate | 3 |
| 98 | Sale of Personal Property | 3 |
| 99 | Seal/Unseal File | 3 |
| 100 | Set Bond (exclude bond at time of appointment) (C.G.S. § 45a-289) | 1 |
| 101 | Substitution of New Bond (C.G.S. § 45a-141) | 1 |
| 102 | Stay (C.G.S. § 45a-186(f)) | 3 |
| 103 | Summon to Appear and Give Testimony (C.G.S. § 45a-129) | 3 |
| 104 | Termination of Small Trust (C.G.S. § 45a-484) | 3 |
| 105 | Trust Created by Non-Domiciliary (C.G.S. § 45a-477) | 3 |
| 106 | Try Title | 3 |
| 107 | Resignation of Trustee and Appointment of Successor | 1 |
| 108 | Appointment of Successor for Deceased Trustee | 1 |
| 109 | Appointment of Trustee to Fill Vacancy (C.G.S. § 45a-474) | 1 |
| 110 | Appointment of Trustee of Missing Person (C.G.S. §45a-478) | 2 |

Regulation 8A

Assigned Weight Values

| | Weight | |
|-----|---|-----|
| 111 | | |
| 112 | Adoptions and Terminations : | |
| 113 | Termination of Parental Rights (PC-600 only) Combination termination of parental rights and adoption should be counted as relative or stepparent adoption below. | 5 |
| 114 | Transfers to Superior Court 柵 Juvenile Matters | 2 |
| 115 | Approval of Adoption 柵 Stepparent / Co-Parent | 4 |
| 116 | Approval of Adoption 柵 Relative | 4 |
| 117 | Approval of Adoption 柵 Statutory Parent (Non-Identified) processed by DCF | 4 |
| 118 | Approval of Adoption 柵 Statutory Parent (Non-Identified) processed by Private Agencies | 4 |
| 119 | Approval of Adoption 柵 Statutory Parent (Identified) processed by DCF | 4 |
| 120 | Approval of Adoption 柵 Statutory Parent (Identified) processed by Private Agencies | 4 |
| 121 | Status Conferences | 2 |
| 122 | Adult Adoption | 2 |
| 123 | Appoint GAL (exclude court's own motion) | 1 |
| 124 | Appointment of Statutory Parent | 1 |
| 125 | Determination of Age/DOB of Adopted Person Born Outside US (C.G.S. § 7-54) | 2 |
| 126 | Obtain Non-Identifying Information (C.G.S. § 45a-750) | 1 |
| 127 | Obtain Identifying Information (C.G.S. § 45a-752, C.G.S. § 45a-753) | 1 |
| 128 | Original Birth Certificate by Adult Adoptee (C.G.S. § 7-53) | 1 |
| 129 | Permanency Plan Hearing (C.G.S. § 45a-717(j)) | 3 |
| 130 | Placement for Out-of-State Adoption (P.A. 11-180) | 3 |
| 131 | Reconsider, Modify, Revoke Court Order (C.G.S. § 45a-128) | 3 |
| 132 | Release of Medical Information Re: Adoptee (C.G.S. § 45a-754(d)) | 2 |
| 133 | Stay (C.G.S. § 45a-186(f)) | 3 |
| 134 | Summon to Appear and Give Testimony (C.G.S. § 45a-129) | 3 |
| 135 | Validation of Foreign Adoptions | 2 |
| 136 | | |
| 137 | Children's Matters : | |
| 138 | Emancipation of Minors (C.G.S. §§ 46b-150) | 5 |
| 139 | Appointment of Guardian of the Estate | 3 |
| 140 | Temporary Guardianship (C.G.S. § 45a-607) | 3 |
| 141 | Appointment of Guardian or Co-Guardians of the Person of Minor (C.G.S. § 45a-616) | 3 |
| 142 | Compromise of Claim | 3 |
| 143 | Removal of Guardian of the Person | 4 |
| 144 | Transfers to Superior Court | 2 |
| 145 | Allowance of Account (exclude additional accounts for same period) | 3 |
| 146 | Temporary Custody (Pending Removal or Termination) | 4 |
| 147 | Immediate Temporary Custody (Ex Parte) (C.G.S. § 45a-607) | 7 |
| 148 | Paternity Claims (C.G.S. § 46b-172a) | 4 |
| 149 | Status Conferences | 2 |
| 150 | DCF Initial Permanency Hearing (C.G.S. § 17a-11) | 4 |
| 151 | DCF Subsequent Permanency Hearings (C.G.S. § 17a-11) (10 months after admission/yearly thereafter) | 4 |
| 152 | Report of Guardian of Person | 0.5 |
| 153 | Advice with Hearing | 2 |
| 154 | Appoint GAL (exclude court's own motion) | 1 |
| 155 | Appoint New Counsel with Hearing | 2 |
| 156 | Contempt | 2 |
| 157 | Disclosure of Medical Information (C.G.S. § 45a-98b) | 3 |
| 158 | Discovery Motion | 2 |
| 159 | Dispute Re: Standby Guardian (C.G.S. § 45a-624g) | 4 |
| 160 | In-Court Review for Possible Modification of Court Order | 3 |
| 161 | Reconsider, Modify, Revoke Court Order (C.G.S. § 45a-128) | 3 |
| 162 | Reinstatement of Parent as Guardian | 4 |

Regulation 8A

Assigned Weight Values

| | | Weight |
|-----|---|--------|
| 163 | Resignation of Guardian of Person and Appointment of Successor | 3 |
| 164 | Appointment of Successor for Deceased Fiduciary | 3 |
| 165 | Stay (C.G.S. § 45a-186(f)) | 3 |
| 166 | Summon to Appear and Give Testimony (C.G.S. § 45a-129) | 3 |
| 167 | Temporary Custody Parents Deceased | 3 |
| 168 | Visitation on Motion of a Party (exclude visitation motions/requests at time of custody or removal petitions) | 3 |
| 169 | Blood/DNA Order (Paternity) | 3 |
| 170 | | |
| 171 | Children's Matters : Guardian of the Estate | |
| 172 | Action on Probate Bond | 5 |
| 173 | Advice/Approval of Action by Fiduciary with Hearing | 2 |
| 174 | Appointment of Co-Guardian of Estate | 2 |
| 175 | Appoint GAL (exclude court's own motion) | 1 |
| 176 | Compel Account (exclude court's own motion) | 2 |
| 177 | Contempt | 2 |
| 178 | Disclaimer by Fiduciary (C.G.S. § 45a-579) | 1 |
| 179 | Disclosure of Medical Information (C.G.S. § 45a-98b) | 3 |
| 180 | Discovery motion | 2 |
| 181 | Establish Trust | 3 |
| 182 | Approval of Fees (exclude C0-17s and where part of account) | 2 |
| 183 | Purchase Property | 3 |
| 184 | Reconsider, Modify, Revoke Court Order (C.G.S. § 45a-128) | 3 |
| 185 | Release of Funds with Hearing | 3 |
| 186 | Release of Funds without Hearing | 1 |
| 187 | Removal of Fiduciary | 3 |
| 188 | Removal of Personal Property by Foreign Guardian (C.G.S. § 45a-635) | 3 |
| 189 | Resignation of Guardian of Estate and Appointment of Successor | 1 |
| 190 | Appointment of Successor for Deceased Fiduciary | 1 |
| 191 | Sale or Mortgage of Real Property | 3 |
| 192 | Sale of Personal Property | 3 |
| 193 | Seal/Unseal File | 3 |
| 194 | Stay (C.G.S. § 45a-186(f)) | 3 |
| 195 | Substitution of New Bond (C.G.S. § 45a-141) | 1 |
| 196 | Summon to Appear and Give Testimony (C.G.S. § 45a-129) | 3 |
| 197 | Transfer of Minor's Funds to UTMA Account (45-558c) | 3 |
| 198 | Try Title | 3 |
| 199 | | |
| 200 | Conservators : | |
| 201 | Appointment of Conservator of the Person 恗 Involuntary | 5 |
| 202 | Appointment of Conservator of the Person 恗 Voluntary | 3 |
| 203 | Appointment of Conservator of the Estate 恗 Involuntary | 5 |
| 204 | Appointment of Conservator of the Estate 恗 Voluntary | 3 |
| 205 | Appointment of Conservator of the Person and Estate 恗 (same application) 恗 Involuntary | 5 |
| 206 | Appointment of Conservator of the Person and Estate 恗 (same application) 恗 Voluntary | 3 |
| 207 | Appointment of Temporary Conservator | 3 |
| 208 | Appointment of Temporary Conservator Ex Parte | 2 |
| 209 | One Year Review | 2 |
| 210 | Three Year Review | 2 |
| 211 | Sale or Mortgage of Real Estate | 3 |
| 212 | Allowance of Account (exclude additional accounts for same period) | 4 |
| 213 | Permission for Medication (C.G.S. § 17a-543(e)(1)) | 5 |
| 214 | Orders Concerning Life Support Systems/Disputes Re: Health Care Decisions/Representatives (C.G.S. § 19a-580c) | 5 |
| 215 | Status Conferences | 2 |
| 216 | Annual Conservator Report | 0.5 |

Regulation 8A

Assigned Weight Values

| | | Weight |
|-----|--|--------|
| 217 | Action on Probate Bond | 5 |
| 218 | Advice/Approval of Action by Fiduciary with Hearing | 2 |
| 219 | Appoint Conservator of Nonresident's Property (C.G.S. § 45a-659) | 3 |
| 220 | Appoint Co-Conservator (exclude appointment at time of app't. of conservator) | 2 |
| 221 | Appoint New Counsel with Hearing | 2 |
| 222 | Appoint GAL (exclude court's own motion) | 1 |
| 223 | Conflicts Between Conservators (C.G.S. § 45a-657) | 4 |
| 224 | Compel Account (exclude court's own motion) | 2 |
| 225 | Compel Power of Attorney Account (C.G.S. § 45a-175) | 3 |
| 226 | Compromise Claim | 3 |
| 227 | Contempt | 2 |
| 228 | Disclaimer by Fiduciary (C.G.S. § 45a-579) | 1 |
| 229 | Disclosure of Medical Information (C.G.S. § 45a-98b) | 3 |
| 230 | Discovery motion | 2 |
| 231 | Change in DNR Order | 3 |
| 232 | Establish Trust | 3 |
| 233 | Approval of Fees (exclude C0-17s and where part of account) | 2 |
| 234 | Distribute Gifts of Income or Principal (C.G.S. § 45a-659(e)) | 3 |
| 235 | Habeus Corpus | 5 |
| 236 | Purchase Real Estate | 3 |
| 237 | Reconsider, Modify, Revoke Court Order (C.G.S. § 45a-128) | 3 |
| 238 | Release of Funds with Hearing | 3 |
| 239 | Release of Funds without Hearing | 1 |
| 240 | Remove Fiduciary | 3 |
| 241 | Resignation of Conservator and Appointment of Successor | 3 |
| 242 | Appointment of Successor for Deceased Conservator | 3 |
| 243 | Restoration | 3 |
| 244 | Restore Federal Firearms Rights (P.A. 11-134) | 5 |
| 245 | Review Appointment of Conservator/Non-Domicillary Located in CT | 3 |
| 246 | Sale of Personal Property | 2 |
| 247 | Sell or Dispose of Household Furnishings/List Property/Change of Residence/Placement/Terminate Lease | 2 |
| 248 | Special Limited Conservator (C.G.S. § 17a-543a) | 5 |
| 249 | Election of Spousal Share by Conservator (C.G.S. § 45a-436(c)) | 2 |
| 250 | Court Review Re: Care of Conserved Person | 3 |
| 251 | Seal/Unseal File | 3 |
| 252 | Stay (C.G.S. § 45a-186(f)) | 3 |
| 253 | Substitution of New Bond (C.G.S. § 45a-141) | 1 |
| 254 | Summon to Appear and Give Testimony (C.G.S. § 45a-129) | 3 |
| 255 | Support Allowance (C.G.S. § 655) | 2 |
| 256 | Try Title | 3 |
| 257 | Competency to Vote (C.G.S. § 45A-703) | 3 |
| 258 | | |
| 259 | <i>Commitments - Adults :</i> | |
| 260 | Commitment Drug & Alcohol Dependent (C.G.S. § 17a-685) | 5 |
| 261 | Permission for Shock Therapy | 5 |
| 262 | Commitment - Mentally Ill (C.G.S. § 17a-498) | 5 |
| 263 | Probable Cause Hearing (C.G.S. § 17a-502(d)) | 4 |
| 264 | Warrants Issued (C.G.S. § 17a-503) | 3 |
| 265 | Annual Review - Appointment of Psychiatrist Only - No Hearing (C.G.S. § 17a-498(g)) | 2 |
| 266 | Annual Review Hearing (C.G.S. § 17a-498(g)) | 4 |
| 267 | Biennial Review Hearing (C.G.S. § 17a-498(g)) | 4 |
| 268 | Application by Patient for Release (C.G.S. § 17a-510) | 4 |
| 269 | Status Conferences | 2 |
| 270 | Appoint GAL (exclude court's own motion) | 1 |
| 271 | Appoint New Counsel with Hearing | 2 |
| 272 | Commitment at Expiration of Term of Imprisonment (C.G.S. § 17a-520) | 5 |

Regulation 8A

Assigned Weight Values

| | | Weight |
|-----|--|--------|
| 273 | Contempt | 2 |
| 274 | Disclosure of Sealed Records (C.G.S. § 17a-500(a)) | 3 |
| 275 | Discovery Motion | 2 |
| 276 | Drug and Alcohol Recommitments (C.G.S. § 17a-685) | 3 |
| 277 | Habeas Corpus | 5 |
| 278 | Reconsider, Modify, Revoke Court Order (C.G.S. § 45a-128) | 3 |
| 279 | Restore Federal Firearms Rights (P.A. 11-134) | 5 |
| 280 | Stay (C.G.S. § 45a-186(f)) | 3 |
| 281 | Summon to Appear and Give Testimony (C.G.S. § 45a-129) | 3 |
| 282 | Termination of Alcohol and Drug Commitment (C.G.S. § 17a-685(l)) | 4 |
| 283 | Judicial Commitment for Treatment of Tuberculosis/Initial Commitment Order | 3 |
| 284 | Judicial Commitment for Treatment of Tuberculosis/Continuing Commitment Order | 3 |
| 285 | Warrant Enforcement Examination of Respondents Re: Tuberculosis | 3 |
| 286 | | |
| 287 | Commitments - Children (Under 16) : | |
| 288 | Commitment (C.G.S. § 17a-76) | 5 |
| 289 | Review of Status of Voluntary Patient - Hearing Requested (C.G.S. § 17a-80) | 4 |
| 290 | Transfer to Superior Court | 2 |
| 291 | Status Conferences | 2 |
| 292 | Appoint GAL (exclude court's own motion) | 1 |
| 293 | Contempt | 2 |
| 294 | Probable Cause Hearing (C.G.S. § 17a-78) | 3 |
| 295 | Recommitment Hearing (C.G.S. § 17a-77(g)) | 3 |
| 296 | Reconsider, Modify, Revoke Court Order (C.G.S. § 45a-128) | 3 |
| 297 | Stay (C.G.S. § 45a-186(f)) | 3 |
| 298 | Summon to Appear and Give Testimony (C.G.S. § 45a-129) | 3 |
| 299 | | |
| 300 | Proceedings Re: Adults with Intellectual Disability : | |
| 301 | Placement of an Adult with Intellectual Disability (C.G.S. §17a-274) | 4 |
| 302 | Plenary Guardian of an Adult with Intellectual Disability (C.G.S. § 45a-676) | 4 |
| 303 | Limited Guardian of an Adult with Intellectual Disability (C.G.S. § 45a-676) | 4 |
| 304 | Temporary Limited Guardian of an Adult with Intellectual Disability (C.G.S. § 45a-682) | 4 |
| 305 | Three Year Review (C.G.S. § 45-681) | 2 |
| 306 | Sterilization (C.G.S. § 45a-690) | 5 |
| 307 | Status Conferences | 2 |
| 308 | Report of Guardian of Adult with Intellectual Disability | 0.5 |
| 309 | Advice/Approval of Action by Fiduciary with Hearing | 2 |
| 310 | Appoint Co-Guardian or Stand-by Guardian (exclude appointment at time of app't. of guardian) | 2 |
| 311 | Appoint GAL (exclude court's own motion) | 1 |
| 312 | Conflicts Between Guardian and Other Fiduciaries (C.G.S. § 45a-679) | 4 |
| 313 | Contempt | 2 |
| 314 | Disclosure of Medical Information (C.G.S. § 45a-98b) | 3 |
| 315 | Discovery Motion | 2 |
| 316 | Dispute Re: Health Care Decisions/Representative/Life Support (19a-580c) | 5 |
| 317 | Change in DNR order | 3 |
| 318 | Habeas Corpus | 5 |
| 319 | Five Year Review Hearing Re: Placement of Person with Mental Retardation - 17a-276(d) | 2 |
| 320 | Reconsider, Modify, Revoke Court Order (C.G.S. § 45a-128) | 3 |
| 321 | Removal of Fiduciary | 3 |
| 322 | Resignation of Guardian of Person and Appointment of Successor | 2 |
| 323 | Review of Placement | 3 |
| 324 | Appointment of Successor for Deceased Guardian | 2 |
| 325 | Appointment of Standby Guardian | 2 |
| 326 | Seal/Unseal File | 3 |
| 327 | Stay (C.G.S. § 45a-186(f)) | 3 |

Regulation 8A

Assigned Weight Values

| | | Weight |
|-----|---|--------|
| 328 | Summon to Appear and Give Testimony (C.G.S. § 45a-129) | 3 |
| 329 | Visitation | 3 |
| 330 | Competency to Vote (C.G.S. § 9-159s/C.G.S. § 45a-703) | 3 |
| 331 | | |
| 332 | Other Matters : | |
| 333 | Change of Name Application - Adult | 2 |
| 334 | Change of Name Application - Child | 3 |
| 335 | Change of Name Application - Family | 3 |
| 336 | Passport Applications | 0 |
| 337 | Marriage: Request for Permission (Minors) | 1 |
| 338 | Action on a Probate Bond (C.G.S. § 45a-144) | 5 |
| 339 | Confirm Change in Gender (C.G.S. § 19a-42b) | 1 |
| 340 | Compel Cemetery Association Minutes or Accounting (C.G.S. § 19a- 296 and § 19a-301) | 3 |
| 341 | Approval of Cemetery Association Accounting (C.G.S. § 19a-301(b) (exclude reports for filing only § 19a-301(a) and additional accounts for the same period) | 3 |
| 342 | Injunction (C.G.S. § 17b-452, § 17b-453) | 3 |
| 343 | Isolation/Quarantine/Vaccination | 3 |
| 344 | Terminate/Modify Orders of Isolation/Quarantine/Vaccination | 3 |
| 345 | Compel Power of Attorney Accounting (C.G.S. § 45a-175) | 3 |
| 346 | Approval of Power of Attorney Accounting (C.G.S. § 45a-175) (exclude additional accounts for same period) | 3 |
| 347 | Compel UTMA Accounting (C.G.S. § 45a-559d) | 3 |
| 348 | Approval of UTMA Accounting (exclude additional accounts for same period) | 3 |
| 349 | Appointment of a UTMA Custodian/Successor Custodian (C.G.S. § 45a-559c) | 3 |
| 350 | Disputes Re: UTMA Accounts (C.G.S. § 45a-557b) | 3 |
| 351 | Remove UTMA Custodian (C.G.S. § 45a-559c) | 3 |
| 352 | Disclosure of Medical Information (C.G.S. § 45a-98b) | 3 |
| 353 | Discovery Motion | 2 |
| 354 | Dispute Re: Health Care Decisions/Representative/Life Support (19a-580c) | 5 |
| 355 | Order for Examination of Estate by Surety or Other Person Interested in Bond (C.G.S. § 45a-143) | 2 |
| 356 | Preservation of Monuments and Gravestones (C.G.S. § 19a-42b) | 2 |
| 357 | Order Authorizing Psychiatric Medication (capable and refusing medication) (C.G.S. § 17a-543(f)(1)) | 5 |
| 358 | Reconsider, Modify, Revoke Court Order (C.G.S. § 45a-128) | 3 |
| 359 | Recusal with Hearing | 4 |
| 360 | Seal/Unseal File | 3 |
| 361 | Status Conference | 2 |
| 362 | Stay (C.G.S. § 45a-186(f)) | 3 |
| 363 | Sterilization - Not Under Conservatorship or Guardianship (C.G.S. § 45a-691) | 5 |
| 364 | Summon to Appear and Give Testimony (C.G.S. § 45a-129) | 3 |

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 9

Reserved for future use.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 10 Probate Court Records

10.1 Authority

These regulations are issued pursuant to C.G.S. section 45a-77(b)(1).

10.2 Definitions

As used in regulation sections 10 and 11:

(a) “Collateral document” means any document in a court file or electronic court file that is not listed in regulation section 10.3. Correspondence and exhibits are collateral documents unless necessary to provide a complete record of a matter.

(b) “Court file” means all papers in a file for a matter.

(c) “eFile” means to file a document using the Probate Court eFiling system.

(d) “Electronic court file” means the images of all documents for a matter, whether eFiled or filed in paper form and scanned under regulation section 10.5, stored on electronic media.

(e) “Exhibit” means a document that is:

- (i) submitted to the court to establish a fact in connection with a petition or motion; or
- (ii) marked for or offered into evidence.

(f) “Permanent official record” for a matter means the images of all documents listed in regulation section 10.3, created in accordance with regulation section 10.7, and stored on electronic media.

(g) “Microfilm” means a photographic reproduction of a document on film that meets the standards set forth in the microfilming policy established by the Public Records Administrator.

(h) “Probate records center” means a secure, fire-resistive facility, designated by the Probate Court Administrator for storage of documents not on the premises of a Probate Court.

(i) “Record book” means an official court record contained in a hard cover book.

(j) “Scan” or “scanning” means the process of creating an image of a paper document for storage on electronic media.

10.3 Documents required to be in the permanent official record

The permanent official record for a matter shall include each:

- (a) application, petition and motion;
- (b) will and codicil;
- (c) estate tax return and, except as provided in Rule 31 of the Probate Court Rules of Procedure, attachment to the return;
- (d) report and evaluation required by statute;
- (e) order of notice, citation and return;
- (f) probate bond and restriction on control of assets;
- (g) inventory, financial report, account and affidavit of closing;
- (h) decree, order and opinion;
- (i) certificate issued by the court, except a fiduciary probate certificate;

- (j) document that is on the list of document types that the Probate Court Administrator designates to be included in the permanent official record; and
- (k) other document that the court considers necessary to provide a complete record of the matter.

10.4 Confidential records

(a) A document or file that is designated by law as confidential shall be maintained separately as a confidential record. Confidential records shall not be disclosed to the public but may be disclosed to parties and attorneys of record as permitted by law.

(b) All records in the following matters shall be confidential:

- (1) involuntary placement of a person with intellectual disability;
- (2) commitment for treatment of psychiatric disability;
- (3) administration of shock therapy;
- (4) medication for treatment of psychiatric disability;
- (5) appointment of a special limited conservator;
- (6) commitment for treatment of drug and alcohol dependency;
- (7) commitment for treatment of tuberculosis;
- (8) appointment of a guardian of an adult with intellectual disability;
- (9) sterilization;
- (10) removal of parent or guardian;
- (11) temporary guardianship;
- (12) termination of parental rights;
- (13) appointment of a statutory parent;
- (14) adoption;
- (15) emancipation of minor;

- (16) a hearing or conference, or part of a hearing or conference, that is closed under rule 16 of the Probate Court Rules of Procedure;
- (17) a request under C.G.S. section 45a-100 for relief from federal firearms disability; and
- (18) any other hearing or conference that is confidential under statute.

(c) The following documents, or parts of documents, in a non-confidential matter shall be confidential:

- (1) succession tax return and any other document containing succession tax information;
- (2) estate tax return and any other document containing estate tax information;
- (3) the part of a Probate Court form that contains a social security number;
- (4) hospital, psychiatric, psychological and medical records under C.G.S. sections 4-104, 45a-98b and 45a-650; and
- (5) record, or part of a record, that is sealed under rule 16 of the Probate Court Rules of Procedure.

10.5 Creation of Court File and Electronic Court File

(a) The court shall create and maintain a court file and an electronic court file for each matter.

(b) Except as provided in section 10.5(c), the court shall perform the tasks set forth below no later than one business day after receipt of a document.

- (1) For a document filed with or generated by the court in paper form, the court shall:

- A. scan the document;
- B. transmit the image of the document to the electronic court file; and
- C. file the document in the court file.

(2) For an eFiled document or for a court-generated document that is signed electronically, the court shall:

- A. transmit the image of the document to the electronic court file; and
- B. print and file the document in the court file.

(c) The court is not required to scan an exhibit unless necessary to provide a complete record of a matter.

(d) The staff member who transmits a document to the electronic court file for a matter shall review the image to verify that it is a complete, accurate and legible copy of the document.

(e) The Probate Court Administrator shall arrange for scanning equipment and software at each court that complies with the digital imaging policy established by the Public Records Administrator.

10.6 Microfilm of Documents

(a) The court shall contract with a microfilm vendor for the purpose of microfilming documents in accordance with this section. The court shall ensure that documents are microfilmed in compliance with the microfilming policy established by the Public Records Administrator.

(b) The court shall periodically transmit to the microfilm vendor an image of each document listed in section 10.3 that is contained in the electronic court file and not previously microfilmed.

(c) The court shall obtain a certification from the microfilm vendor that the microfilm of each document is accurate and legible and meets the standards established by the Public Records Administrator. The court shall scan the certification.

(d) The court shall designate one or more staff members to ensure that all of the documents listed in regulation section 10.3 are microfilmed in each matter.

10.7 Creation of Permanent Official Record

At the conclusion of all proceedings in a matter, including any appeal, the court shall convert the electronic court file to the permanent official record by:

- (a) confirming that the electronic court file contains an image of each document listed in regulation section 10.3;
- (b) verifying that each document listed in regulation section 10.3 has been microfilmed as required under regulation section 10.6; and
- (c) deleting the images of collateral documents contained in the electronic court file.

10.8 Storage of files and records

(a) Except as otherwise provided in this regulation, records in paper form that have not been microfilmed, including court files and record books, shall be kept in a secure and fire-resistive vault, safe or cabinet meeting the requirements of C.G.S. section 45a-10 and regulations adopted by the Public Records Administrator.

(b) Each court shall store and back up the electronic court file for each matter in a manner prescribed by the Probate Court Administrator.

(c) The microfilm shall be stored off the premises of the court in a secure, fire-resistive facility that meets the standards set forth in the microfilming policy

established by the Public Records Administrator. Courts shall maintain a complete index of the records on microfilm in storage.

10.9 Public access to records

(a) Except as provided in regulation section 10.4 and rules 16 and 17 of the Probate Court Rules of Procedure, the court shall make its official records accessible to the public at the court or other location.

(b) The administrator shall maintain a computer at each Probate Court to provide public access to non-confidential electronic court files and permanent official records.

10.10 Disposition of documents in the court file

(a) For an open matter, the court may destroy a document in the court file, other than an original will, if the document:

- (1) has been microfilmed and certification has been received in accordance with regulation section 10.6;
- (2) is a collateral document that has been scanned; or
- (3) is an exhibit that the court is authorized to destroy under section 64.4 of the Probate Court Rules of Procedure.

(b) For a closed matter, the court may destroy all contents of the court file, if all documents listed in regulation section 10.3 contained in the file have been microfilmed and certification has been received in accordance with regulation section 10.6, except that the court:

- (1) shall retain the original will; and
- (2) may not destroy an exhibit unless authorized under section 64.4 of the Probate Court Rules of Procedure.

(c) Notwithstanding regulation section 10.10(a) and (b), the court may not destroy any non-confidential document in a file that was closed before July 1,

1976. Disposition of documents in a file that was closed before July 1, 1976 is governed by regulation section 11.

(d) Except for a confidential record under regulation section 10.4 and wills not admitted to probate, a court may, in accordance with policies and procedures of the State Library, transfer to the library any document in a closed file that has historical significance, regardless of the date filed in court. Each court shall keep a complete index of the records transferred to the library.

10.11 Probate records center

(a) Except as provided in regulation section 11.2, the court may transfer original wills to the probate records center, in accordance with procedures established by the Probate Court Administrator. No other documents may be transferred to the probate records center without prior approval of the Probate Court Administrator.

(b) The court shall maintain a complete index of the records sent to the probate records center. A copy of the index shall be sent to the probate records center together with the records. The index shall contain a certification by the judge of the court that sent the records in substantially the following form:

I, _____, judge of the _____ Probate Court, do hereby certify that the records listed on this index have been properly recorded in the records of this court in accordance with regulation section 10. I further certify that this index is a complete list of those records being placed in the probate records center in accordance with these regulations.

(c) A party requesting any record from the probate records center shall pay the cost of retrieving the record.

10.12 Record book

(a) Unless a record book has been scanned and microfilmed, the court shall keep the record book in a secure and fire-resistive vault, safe or cabinet meeting the requirements of C.G.S. section 45a-10 and regulations adopted by the Public Records Administrator.

(b) A court may transfer any record book to the State Library in accordance with C.G.S. section 11-4c and policies and procedures established by the library.

(c) A court may destroy or transfer title and custody of any non-confidential record book created on or after January 1, 1921 to a municipality, historical society or other appropriate organization if:

- (1) the record book has been scanned;
- (2) the record book has been microfilmed; and
- (3) the Probate Court Administrator, the Public Records Administrator, and the State Archivist have authorized destruction or transfer of the record book.

(d) A court may destroy any confidential record book if:

- (1) the record book has been scanned;
- (2) the record book has been microfilmed; and
- (3) the Probate Court Administrator, the Public Records Administrator, and the State Archivist have authorized destruction of the record book.

Section 10 became effective August 8, 2010, except that subsection 10.5 is effective January 5, 2011 (Approved by the Executive Committee April 21, 2010; Approved by the Judiciary Committee August 8, 2010)

Amended January 25, 2016 (Approved by the Executive Committee October 14, 2015; Approved by the Judiciary Committee January 25, 2016)

Amended January 2, 2020 (Approved by the Executive Committee July 10, 2019; Approved by the Judiciary Committee November 1, 2019)

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 11 Disposition of Files in Matters Closed before July 1, 1976

11.1 Authority

These regulations are issued pursuant to C.G.S. sections 45a-77(b)(1).

11.2 Disposition of court files for matters closed before July 1, 1976

(a) The court shall transfer all court files, including original wills admitted to probate, for matters that were closed before January 1, 1900 to the State Library in accordance with rules and policies of the library. A court may, with the written agreement of the State Librarian, retain such court files within the rules and policies of the library.

(b) Except for a confidential document under regulation section 10.4 and a judge's notes, the court shall transfer all court files, including original wills admitted to probate, for matters that were closed on or after January 1, 1900 and before July 1, 1976 to the State Library in accordance with rules and policies of the library. A court may, with the written agreement of the State Librarian, retain such court files within the rules and policies of the library.

(c) Notwithstanding regulation sections 11.2 (a) and (b), the court shall not transfer any original will not admitted to probate to the State Library. The court may transfer an original will not admitted to probate to the probate records center in accordance with regulation section 10.11.

(d) The court shall keep a complete index of documents transferred to the State Library.

Section 11 was amended January 25, 2016 (Approved by the Executive Committee October 14, 2015; Approved by the Judiciary Committee January 25, 2016)

Section 11 became effective August 8, 2010 (Approved by the Executive Committee April 21, 2010; Approved by the Judiciary Committee August 8, 2010)

State of Connecticut
Office of the Probate Court Administrator
Probate Court Regulations

Section 12
Panels of Attorneys

12.1 Authority

This regulation is issued in accordance with C.G.S. sections 17a-76, 17a-274, 17a-498, 17a-503, 17a-543a, 17a-685, 19a-131b, 19a-221, 19a-265, 45a-77, 45a-132, 45a-620, 45a-621, 45a-649a, 45a-694, 45a-708, 45a-753, 46b-150a and 46b-172a.

12.2 Panels of attorneys

(a) The administrator shall maintain a panel of attorneys for use by the courts when making appointments in the types of matters listed in section 12.2 of the Probate Court Rules of Procedure.

(b) Each Probate Court shall maintain a panel of attorneys for use by the court when making appointments in matters not governed by section 12.2 of the Probate Court Rules of Procedure and when appointing attorneys as guardians ad litem.

12.3 Application for membership on panel

(a) Any attorney who is a member of the Connecticut bar in good standing may request membership on the administrator's panel of attorneys or on a court's panel of attorneys by submitting a written application to the administrator or the court, as applicable. The request shall include the following information about the attorney:

- (1) name, office address, telephone and fax numbers, Juris number, and email address;

- (2) year of admission to the Connecticut bar;
- (3) employment or law firm affiliation;
- (4) probate districts in which the attorney wishes to serve;
- (5) types of cases for which the attorney is willing to be appointed;
- (6) languages spoken; and
- (7) any public record of disciplinary action or pending disciplinary matter.

(b) On receipt of a request under subsection (a), the administrator or judge, as applicable, may add an attorney to the panel or may reject an application if the attorney's disciplinary history, criminal record or issues relating to the attorney's competence, diligence or professionalism raise a substantial question regarding the attorney's fitness to serve as a court-appointed attorney or guardian ad litem. The administrator or judge, as applicable, may remove an attorney from the panel based on the criteria set forth in this subsection. The administrator or judge, as applicable, shall notify the attorney in writing of the rejection of an application or removal from a panel.

12.4 Non-attorney guardians ad litem

Nothing in this regulation shall preclude a court from appointing an individual who is not an attorney as a guardian ad litem.

Section 12 effective January 1, 2018 (Approved by the Executive Committee September 13, 2017; Approved by the Judiciary Committee January 1, 2018)

State of Connecticut
Office of the Probate Court Administrator
Probate Court Regulations

Section 13
Compensation of Court-Appointed Attorneys and
Guardians Ad Litem When Respondent is Indigent

13.1 Authority

This regulation is issued in accordance with C.G.S. sections 17a-76, 17a-274, 17a-498, 17a-502, 17a-510, 17a-543a, 17a-685, 19a-131b, 19a-221, 19a-265, 45a-77, 45a-620, 45a-621, 45a-649a, 45a-673, 45a-694, 45a-708, 45a-717, 46b-150a and 46b-172a.

13.2 Definitions

For purposes of regulation section 13:

(a) “Respondent” means a party to a Probate Court matter:

(1) who has the right to an attorney under C.G.S. section 17a-76, 17a-274, 17a-498, 17a-502, 17a-510, 17a-543a, 17a-685, 19a-131b, 19a-221, 19a-265, 45a-620, 45a-649a, 45a-673, 45a-694, 45a-717 or 46b-150a; or

(2) for whom the court has appointed a guardian ad litem under C.G.S. section 45a-620, 45a-621, 45a-708 or 46b-172a.

(b) A respondent shall be considered “indigent” if the court has granted the respondent’s request for a fee waiver.

13.3 Applicability

(a) Except as provided in subsection (b), this regulation applies to the compensation of a court-appointed attorney or guardian ad litem for services provided to a respondent who is indigent.

(b) This section does not govern the compensation of:

- (1) an attorney or guardian ad litem for a respondent who is not indigent;
- (2) a guardian ad litem who is paid from estate funds under C.G.S. section 45a-132(g); or
- (3) a volunteer serving on behalf of a private non-profit organization that recruits and trains guardians ad litem for Probate Court matters.

(c) Nothing in this regulation shall be construed to permit payment of the compensation of an attorney or guardian ad litem appointed by the court in the absence of an explicit statutory requirement for the appointment. No compensation shall be paid for services provided to the respondent in connection with legal matters outside the scope of the appointment.

13.4 Compensation of court-appointed attorney or guardian ad litem for respondent who is indigent

(a) Subject to the availability of budgeted funds, the compensation of a court-appointed attorney or guardian ad litem for a respondent who is indigent shall be determined in accordance with this regulation and policies and procedures established by the administrator. The compensation shall be paid from funds appropriated to the Judicial Branch for such purpose or, if no such funds have been included in the budget of the Judicial Branch, from the administration fund.

(b) The hourly rate for time expended by an attorney or guardian ad litem in connection with representation of an indigent respondent is \$58.

(c) An attorney or guardian ad litem is eligible for compensation for time expended traveling to and from his or her place of business in connection with representation of the respondent. Time for travel to and from the residence of the attorney or guardian ad litem is not compensable unless the residence is his or

her sole place of business. Travel expenses such as mileage, parking and tolls are not eligible for reimbursement.

13.5 Invoicing

(a) An attorney or guardian ad litem shall submit each invoice for compensation under this regulation to the appointing court in accordance with procedures established by the administrator.

(b) Each invoice shall document time expended in increments of one-tenth of an hour and briefly describe the activity for each entry.

(c) The deadline for submission of an invoice to the appointing court shall be six months from the date of the activity. The administrator shall not pay the portion of any invoice that covers activity more than six months before submission of the invoice to the court.

13.6 Review and approval of invoices

(a) The court shall review each invoice submitted by an attorney or guardian ad litem. The court shall forward the invoice to the administrator for payment if in the opinion of the court the compensation sought complies with the provisions of this regulation. The court shall reject or reduce any entry that is not in compliance with this regulation.

(b) Upon receipt of an invoice from a court, the administrator shall process the invoice for payment in accordance with the court's approval, except that the administrator shall reject or reduce any entry that is not in compliance with this regulation. The administrator shall inform the attorney or guardian ad litem, in writing, of any entries that are rejected or reduced.

Amended January 1, 2018 (Approved by the Executive Committee September 13, 2017; Approved by the Judiciary Committee January 1, 2018)

Amended January 1, 2020 (Approved by the Executive Committee July 10, 2019; approved by the Judiciary Committee November 1, 2019)

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**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 13B
Court-Appointed Attorneys and Guardians Ad Litem in
other Probate Proceedings**

This regulation is repealed.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 13C
Compensation of Court-Appointed Attorneys in other
Probate Proceedings**

This regulation is repealed.

State of Connecticut
Office of the Probate Court Administrator
Probate Court Regulations

Section 14
**Compensation of Court-Appointed Physicians,
Psychiatrists, Psychologists and Interdisciplinary
Teams When Responsible Party is Indigent**

14.1 Authority

This regulation is issued in accordance with C.G.S. sections 17a-275, 45a-77, 45a-132a, 45a-609, 45a-695, 45a-717 and 46b-150a.

14.2 Definitions

For purposes of regulation section 14:

(a) “Responsible party” means the individual who is obligated to pay the expense of a court-ordered examination under C.G.S. section 17a-275, 45a-132a, 45a-609, 45a-695, 45a-717 or 46b-150a.

(b) A responsible party shall be considered “indigent” if the court has granted the party’s request for a fee waiver.

14.3 Applicability

(a) This regulation applies to the compensation of a physician, psychiatrist, psychologist or interdisciplinary team member appointed by a court to conduct an examination of an individual under C.G.S. section 17a-274, 45a-132a, 45a-609, 45a-695, 45a-717 or 46b-150a when the responsible party is indigent.

(b) This section does not govern the compensation of a court-appointed physician, psychiatrist, psychologist or interdisciplinary team member when the

responsible party is not indigent.

(c) Nothing in this regulation shall be construed to permit payment of the compensation of a physician, psychiatrist, psychologist or interdisciplinary team member appointed by the court in the absence of an explicit statutory requirement for the appointment.

14.4 Compensation of court-appointed physician, psychiatrist, psychologist or interdisciplinary team member when responsible party is indigent

(a) Subject to the availability of budgeted funds, the compensation of a court-appointed physician, psychiatrist, psychologist or interdisciplinary team member when the responsible party is indigent shall be determined in accordance with this regulation and policies and procedures established by the administrator. The compensation shall be paid from funds appropriated to the Judicial Branch for such purpose or, if no such funds have been included in the budget of the Judicial Branch, from the administration fund.

(b) The compensation of a court-appointed physician, psychiatrist, psychologist or interdisciplinary team member under this regulation shall be calculated as follows:

(1) The hourly rate for a court-appointed physician or psychiatrist is \$250, subject to a maximum of \$1,250 for each case, provided that a physician or psychiatrist shall receive additional compensation at the hourly rate of \$250 for required attendance at court hearings.

(2) The hourly rate for a court-appointed psychologist is \$100, subject to a maximum of \$500 for each case, provided that a psychologist shall receive additional compensation at the hourly rate of \$100 for required attendance at court hearings.

(3) The hourly rate for a member of an interdisciplinary team appointed under C.G.S. section 45a-695, other than a physician, psychiatrist or psychologist, is \$50, subject to a maximum of \$250

for each case, provided that a team member shall receive additional compensation at the hourly rate of \$50 for required attendance at court hearings.

(c) Subject to the maximum amounts set forth in section 14.4(b), a court-appointed physician, psychiatrist, psychologist or interdisciplinary team member is eligible for compensation for time expended traveling to and from his or her place of business in connection with the examination and required attendance at court hearings. Time for travel to and from the residence of the physician, psychiatrist, psychologist or team member is not compensable unless the residence is his or her sole place of business. Travel expenses such as mileage, parking and tolls are not eligible for reimbursement.

14.5 Invoicing

(a) A court-appointed physician, psychiatrist, psychologist or interdisciplinary team member shall submit each invoice for compensation under this regulation to the appointing court in accordance with procedures established by the administrator.

(b) Each invoice shall document time expended in increments of one-tenth of an hour and briefly describe the activity for each entry.

(c) The deadline for submission of an invoice to the appointing court shall be six months from the date of the activity. The administrator shall not pay the portion of any invoice that covers activity more than six months before submission of the invoice to the court.

14.6 Review and approval of invoices

(a) The court shall review each invoice submitted by a court-appointed physician, psychiatrist, psychologist or member of an interdisciplinary team. The court shall forward the invoice to the administrator for payment if in the opinion of

the court the compensation sought complies with the provisions of this regulation. The court shall reject or reduce any entry that is not in compliance with this regulation.

(b) Upon receipt of an invoice from a court, the administrator shall process the invoice for payment in accordance with the court's approval, except that the administrator shall reject or reduce any entry that is not in compliance with this regulation. The administrator shall inform the physician, psychiatrist, psychologist or team member, in writing, of any entries that are rejected or reduced.

Amended January 1, 2018 (Approved by the Executive Committee September 13, 2017; Approved by the Judiciary Committee January 1, 2018)

Amended January 1, 2020 (Approved by the Executive Committee July 10, 2019; Approved by the Judiciary Committee November 1, 2019)

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 15

**Payment of Members of a Three Judge Court Appointed
by the Probate Court Administrator**

15.1 Authority

These regulations are issued by the administrator in accordance with C.G.S. section 45a-20.

15.2 Appointment of Three Judge Panel

Whenever the administrator is required by statute to appoint a three judge court in any matter, compensation shall be paid in accordance with C.G.S. section 45a-20 and regulation section 15.3.

15.3 Compensation of Panel

The compensation of each judge serving as a member of a three judge court shall be \$50.00 per hour or fraction thereof, including travel time, provided that the maximum payment for any one day shall not exceed \$250.00, and provided further that compensation paid to a judge serving as a member of a three judge court, when added to the compensation of the judge established under C.G.S. sections 45a-95a and 45a-79b, shall not exceed the amount established under C.G.S. section 45a-95a (a) (4). In accordance with C.G.S. section 45a-20, the judge in whose district the matter is being heard is not entitled to compensation.

15.4 Certification for Payment

Any request for payment hereunder shall be submitted to the

administrator on an invoice form provided by the administrator.

Section 15 was amended January 25, 2016 (Approved by the Executive Committee October 14, 2015; Approved by the Judiciary Committee January 25, 2016)

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 16 Compensation of Conservator if Person under Conservatorship is Unable to Pay

16.1 Authority

These regulations are issued in accordance with C.G.S. section 45a-663.

16.2 Definitions

For purposes of regulation section 16:

(a) “Domestic partner” means an individual with whom another individual maintains a household and an intimate relationship.

(b) “Person under conservatorship” means a conserved person as defined under C.G.S. section 45a-644(h) or a person under voluntary representation under C.G.S. section 45a-646.

(c) A person under conservatorship shall be considered “unable to pay” if the court has granted the person’s request for a fee waiver unless the person’s counted assets exceed the maximum to be eligible for medical assistance (“Medicaid”) under the provisions of Title XIX of the Social Security Act, 45 U.S.C. section 1396 et seq., C.G.S. section 17b-261, and section 4005.10 of the Department of Social Services Uniform Policy Manual.

(d) “Psychiatric disability” means a diagnosed mental illness of a severe and persistent nature, but does not include dementia or intellectual disability.

16.3 Applicability

(a) This regulation applies to the compensation of a conservator for a person under conservatorship who is unable to pay for the services of the conservator.

(b) This regulation does not govern the compensation of:

(1) a conservator who is paid from the resources of the conserved person; or

(2) the Commissioner of Social Services when serving as a conservator under C.G.S. section 45a-651.

(c) A conservator who is related to the person under conservatorship by blood or marriage or who is the domestic partner of the person under conservatorship shall not be eligible for compensation under this regulation.

(d) A conservator of the estate shall not be eligible for compensation under this regulation if the person under conservatorship has been determined to be eligible for Medicaid and the requirements of any spend-down plan have been satisfied and:

(1) the person resides in a nursing home, hospital or similar facility; or

(2) the financial management needs of the person can be met by a representative payee designated by the Social Security Administration.

16.4 Compensation of conservator if person under conservatorship is unable to pay

(a) Except as provided in section 16.3 and subject to the availability of budgeted funds, the compensation of a conservator for a person who is unable to pay shall be determined in accordance with this regulation and policies and procedures established by the administrator. The compensation of the conservator shall be paid from the administration fund.

(b) The hourly rate for time expended by the conservator on compensable activities set forth in section 16.5 is \$52.

(c) A conservator shall be eligible for additional compensation for time expended by an employee of the conservator acting under the conservator's direct supervision. The hourly rate for time expended by an employee of the conservator on compensable activities set forth in section 16.5 is \$26.

16.5 Compensable Activities

(a) A conservator shall be eligible for compensation under this regulation for time expended on behalf of the person under conservatorship on the following activities:

- (1) Making decisions about medical and personal care;
- (2) Arranging and supervising services;
- (3) Arranging procurement of necessities such as food and medication;
- (4) Meeting and communicating with the person under conservatorship and third parties, such as family members, medical providers, facility staff, financial institution staff, professional advisers and other service providers, in connection with making decisions and arranging and supervising services;
- (5) Obtaining public assistance and benefits;
- (6) Managing mail;
- (7) Preparing for and attending hearings and conferences in Probate Court, including the preparation of petitions, motions and annual reports;
- (8) Managing records;
- (9) Handling emergency situations; and
- (10) Except as provided in sections 16.3(d) and 16.6:
 - (A) Applying for Medicaid and executing a spend-down plan;
 - (B) Managing income and assets;

- (C) Paying bills;
- (D) Banking;
- (E) Reconciling bank statements;
- (F) Bookkeeping;
- (G) Preparing financial reports and accounts; and
- (H) Preparing tax returns.

(b) A conservator shall not be eligible for compensation for activities that fall outside the authority set forth in the decree appointing the conservator.

(c) A conservator shall not be eligible for compensation for time expended on the following activities:

- (1) Shopping;
- (2) Delivering goods;
- (3) Delivering a cash allowance, unless there is no other practical alternative;
- (4) Travelling to the bank to make deposits of regular income sources for which direct deposit is available;
- (5) Providing transportation;
- (6) Providing companionship;
- (7) Acting as attorney for the person under conservatorship;
- (8) Performing home maintenance and improvement activities;
- (9) Moving furniture and possessions, except as necessary to safeguard items of significant value;
- (10) Caring for pets, except that the conservator may arrange for care on a temporary basis if the person under conservatorship is unable;
- (11) Timekeeping and billing activities, including preparation of invoices, motions for approval and task statements and attendance at hearings concerning conservator fees; and

- (12) Activities of a purely secretarial nature, including typing, photocopying, mailing, faxing and filing.

(d) A conservator is eligible for compensation under this regulation in connection with legal matters outside the conservatorship proceedings, including proceedings in other courts, that affect the interests of the person under conservatorship, provided that the conservator's time is limited to making decisions about the person's position on the matter and strategy to advance that position. No compensation shall be paid to a conservator who is an attorney for legal services provided to the person under conservatorship in connection with such matters.

(e) A conservator is eligible for compensation for time expended traveling to and from the conservator's place of business in connection with compensable activities. Time for travel to and from the conservator's residence is not compensable unless the residence is the conservator's sole place of business. Travel expenses such as mileage, parking and tolls are not eligible for reimbursement.

(f) After the death of the person under conservatorship, compensation of the conservator shall be limited to the following activities and shall be paid from the administration fund only to the extent that the assets of the person under conservatorship are insufficient:

- (1) Paying funeral expenses, administration expenses and claims, if permitted under C.G.S. section 45a-597; and
- (2) Preparing a final financial report or account and attending court hearings regarding the report or account.

16.6 Use of Funds during Medicaid Spend-down

Notwithstanding a determination by the court that the person under

conservatorship is entitled to a fee waiver, if a conservator reasonably anticipates that the person under conservatorship will become eligible for Medicaid within the succeeding twelve months, the conservator shall, to the maximum extent possible, pay the compensation of the conservator and other administration expenses from the person's income and assets. The compensation of the conservator shall be subject to court approval.

16.7 Invoicing

(a) A conservator shall submit each invoice for compensation under this regulation to the appointing court in accordance with procedures established by the administrator.

(b) Each invoice shall document time expended in increments of one-tenth of an hour and shall identify the person performing the service and briefly describe the activity for each entry.

(c) The deadline for submission of an invoice to the court shall be six months from the date of the activity. The administrator shall not pay the portion of any invoice that covers activity more than six months before submission of the invoice to the court.

16.8 Review and Approval of Invoices

(a) The court shall review each invoice submitted by a conservator. The court shall forward the invoice to the administrator for payment if in the opinion of the court the compensation sought complies with the provisions of this regulation. The court shall reject or reduce any entry that is not in compliance with this regulation.

(b) Except as set forth in section 16.8(c), the maximum amount of compensation per case shall not exceed the amount set forth below:

- (1) For a conserved person who is not residing in a nursing home, hospital or similar facility, a maximum of \$1,200 during the first six month period of service and a maximum of \$600 per year thereafter;
- (2) For a conserved person who is residing in a nursing home, hospital or similar facility, a maximum of \$600 for the first six month period of service and a maximum of \$300 per year thereafter; and
- (3) For a conserved person who has a psychiatric disability, a maximum of \$1,200 during the first six month period of service and \$1,200 per year thereafter.

(c) On request of a conservator, the court may authorize payment in excess of the maximum amounts set forth in section 16.8(b) if the court is of the opinion that the conservator used the most efficient method available to perform each activity for which compensation is sought. The court shall reject or reduce any entry if it determines that the time was not expended in the most efficient manner available.

(d) Upon receipt of an invoice from a court, the administrator shall process the invoice for payment in accordance with the court's approval, except that the administrator shall reject or reduce any entry that is not in compliance with this regulation and shall reject or reduce any entry in excess of the maximum set forth in section 16.8(b) upon determining that the time was not expended in the most efficient manner available. The administrator shall inform the conservator, in writing, of any entries that are rejected or reduced.

16.9 Alternative funding arrangement for conservatorship program established by organization

The administrator may contract with one or more organizations to develop and maintain a program to serve as conservator for persons who are unable to pay for the services of a conservator. The contract shall establish the method by

which the organization will be compensated for serving as conservator, which may differ from the provisions of this regulation.

16.10 Workload of conservator

(a) When considering whether to appoint an individual as conservator, the court shall consider whether the individual has sufficient time available in his or her schedule to properly perform the duties of the role in light of his or her other commitments, including other conservatorship appointments.

(b) The administrator shall maintain a list of individuals who are currently receiving compensation from the administration fund for services as conservator, which list shall indicate the number of cases each individual is currently handling. The administrator shall make the list available to the courts.

Amended December 18, 2013 (Approved by the Executive Committee September 11, 2013; Approved by the Judiciary Committee December 18, 2013)

Amended May 23, 2016 (Approved by the Executive Committee February 10, 2016; Approved by the Judiciary Committee May 23, 2016)

Amended January 1, 2020 (Approved by the Executive Committee July 10, 2019; Approved by the Judiciary Committee November 1, 2019)

State of Connecticut
Office of the Probate Court Administrator
Probate Court Regulations

Section 16A
Payment of Fees for Special Limited Conservators

16A.1 Authority

These regulations are issued by the Probate Court Administrator in accordance with P.A. 04-160 and are effective for appointments made on or after October 1, 2004.

16A.2 Purpose of a Special Limited Conservator

A special limited conservator is defined in P.A. 04-160 as

a licensed health care provider with specialized training in the treatment of persons with psychiatric disabilities appointed by a judge of the Probate Court with specific authority to consent to the administration of medication to a defendant during the pendency of such defendant's placement in the custody of the Commissioner of Mental Health and Addiction Services pursuant to section 54-56d, as amended. Upon termination of the patient's placement in the custody of the commissioner pursuant to section 54-56d, as amended, the special limited conservatorship shall automatically terminate.

16A.3 Compensation of Special Limited Conservators

The reasonable compensation of a special limited conservator receiving payment hereunder shall be established by the Probate Court Administrator and shall be paid from the Probate Court Administration Fund. Special limited conservators will be appointed for defendants in the custody of the Department of Mental Health and Addiction Services whom the Court has found not competent

to stand trial under C.G.S. § 54-56d.

The maximum rate of compensation that will be considered reasonable compensation for special limited conservators shall be \$50.00 per hour, up to a maximum of \$1,000.00 per case. Subject to the prior approval of the appointing judge, this maximum may be exceeded if the circumstances of the case require it.

All invoices shall be filed with the court no later than six (6) months from the date the service was rendered.

Payment is subject to availability of funds as budgeted and approved by the Probate Court Administrator each fiscal year.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 17
Reimbursement of Court Entry Fees**

The regulation is repealed.

State of Connecticut
Office of the Probate Court Administrator
Probate Court Regulations

Section 18
Health Insurance Plan for Judges and Court Employees

18.1 Authority

These regulations are issued in accordance with C.G.S. sections 5-259 and 45a-77.

18.2 Health insurance plan

Connecticut General Statutes section 5-259 requires the Comptroller of the State of Connecticut, subject to certain limitations set forth in the statute, to arrange and procure a group health insurance plan for probate court judges and probate court employees. The statute permits each eligible judge and employee to elect to participate in the plan.

18.3 Premiums

(a) The administrator shall pay from the administration fund one hundred percent of the premium for individual coverage in the health insurance plan procured by the Comptroller for each eligible probate court judge and probate court employee who elects to participate in the plan and fifty percent of the premium for dependent coverage for each judge and employee who elects to participate in the plan with respect to dependents, but not more than that percentage of the premium that is paid by the State of Connecticut for its employees and dependents, pursuant to a schedule promulgated by the office of the State Comptroller. The premium share of each judge or employee who elects to participate in the plan shall be deducted from the pay of the judge or employee in advance of the coverage period.

(b) Each court of probate shall adopt a Section 125 cafeteria plan to permit eligible probate court judges and probate court employees to pay their share of health insurance premiums on a pre-tax basis.

Section 18 became effective January 1, 2011 (Approved by the Executive Committee September 16, 2010; Approved by the Judiciary Committee December 20, 2010)

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 18A
Eligibility of Judges for Health Insurance and
Retirement Plan**

18A.1 Authority

These regulations are issued in accordance with C.G.S. sections 5-259, 45a-34, 45a-36, 45a-44, and 45a-77.

18A.2 Duties that qualify for hours of work

Duties of a judge of probate that qualify for hours worked under P.C.R. sections 18A.6 and 18A.7 include, but are not limited to, the following:

- (a) Presence at the probate court on court business;
- (b) legal research and preparation of decrees;
- (c) conduct of hearings outside of the probate court;
- (d) performance of management and administrative functions for the court;
- (e) service as an acting judge at another court of probate;
- (f) service as a judge or administrative judge at a regional children's court;
- (g) service on a three-judge panel;
- (h) service as a special assignment probate judge;
- (i) attendance at meetings of the Connecticut Probate Assembly;
- (j) attendance at programs that qualify for continuing education credit under P.C.R. section 26;
- (k) service as a committee member for the Connecticut Probate Assembly or the administrator;
- (l) participation in activities of bar associations or other professional organizations concerning the probate court system or legal matters related to

probate courts;

(m) presentations to community groups or professional organizations concerning the probate court system or legal matters related to probate courts; and

(n) all preparation and travel time related to any of the foregoing.

18A.3 Credit for vacation, holidays, and sick time.

(a) In determining hours of work under P.C.R. sections 18A.6 and 18A.7, a judge of probate shall, on a calendar year basis, receive credit toward the hours of work as follows:

(1) eighty hours for vacation;

(2) four hours for each of the twelve holidays that the judge of a court has designated as an official holiday for the court; and

(3) four hours for each sick day.

(b) If a judge of probate, because of illness, is absent from work for more than five consecutive days, not including weekends or holidays, the judge shall submit a medical certificate, signed by a physician licensed in the state of Connecticut or other practitioner whose method of healing is recognized by the state, to substantiate that the judge was medically unable to work and was under the care of a physician or practitioner during the period of absence. Information from the physician, practitioner, or judge about diagnosis or prognosis shall not be required.

(c) Except as provided in subsection (d), nothing in this section precludes a judge of probate from taking additional time off.

(d) A judge may carry over a maximum of forty hours of unused vacation credits to a subsequent calendar year. Any unused vacation time in excess of forty hours shall lapse at the end of each calendar year. A judge shall not be paid for any unused vacation credit at the time of separation from service.

(e) A judge of probate will be eligible for health insurance only if the actual hours worked, together with the credits applied under this section and P.C.R. section 18A.4 (b), meet the requirements of P.C.R. section 18A.6. A judge will be eligible for credit for service in the retirement plan for judges and employees only if the actual hours worked, together with the credits applied under this section and P.C.R. section 18A.4 (b), meet the requirements of P.C.R. section 18A.7.

18A.4 Family leave

(a) For purposes of this section:

(1) "Immediate family member" means the spouse, child, or parent of a judge of probate.

(2) "Care for an immediate family member" includes birth or adoption of a child; care of a newborn child; placement of a child for adoption or foster care; care of a newly placed child in adoption or foster care; and care of an immediate family member with a serious health condition.

(3) "Military caregiver leave" means leave for the care of an immediate family member or next of kin who is a member of the military service with a serious injury or illness.

(4) "Qualifying exigency leave" means leave for exigencies arising because the spouse, child, or parent of a judge is on active military duty or has been notified of an impending call or order to military duty.

(b) A judge of probate may receive (1) four hours credit for each day, subject to a maximum sixty days in a calendar year, for care for an immediate family member and for qualifying exigency leave, and (2) four hours credit for each day, subject to a maximum one hundred thirty days in a calendar year, for military caregiver leave. A judge must use available vacation credit before application of credit for care for an immediate family member, military caregiver leave, or qualifying exigency leave.

18A.5 Report and certification of hours of work

(a) Each judge of probate who seeks health insurance or who is subject to P.C.R. section 18A.7 and seeks credited service in the retirement plan for probate judges and employees shall report the hours worked to the administrator and certify the accuracy of the report. The report shall be submitted to the administrator quarterly, on or before the fifteenth day of April, July, October, and January for the preceding quarter.

(b) Each judge shall submit the report with the certification on a form designated by the administrator.

18A.6 When probate judge eligible for health insurance

(a) Under C.G.S. section 5-259(h), a judge of probate who works as a probate judge at least twenty hours per week, on average, on a quarterly basis and certifies to that fact in accordance with P.C.R. section 18A.5 is eligible for health insurance under C.G.S. section 5-259(g). A judge of probate who does not work an average of at least twenty hours per week on a quarterly basis or does not file a quarterly report certifying the hours of work on or before the date that is thirty days after the due date required under P.C.R. section 18A.5 is not eligible for health insurance under C.G.S. section 5-259(g).

(b) If the administrator determines that a judge receiving health insurance under C.G.S. section 5-259(g) is no longer eligible for health insurance under this section, the administrator shall instruct the health insurance carrier to terminate health insurance coverage. The judge may not reenroll in the health insurance plan until the next open enrollment period occurs, proof of eligibility is provided, and the required premium share, if any, is paid.

18A.7 When probate judge eligible to participate in retirement plan

(a) Under C.G.S. sections 45a-34 and 45a-36, a judge of probate first

elected to a term beginning on or after January 5, 2011, who works as a probate judge at least one thousand hours in a calendar year and certifies to the hours worked on a quarterly basis in accordance with P.C.R. section 18A.5, is eligible to participate in the retirement plan for probate judges and employees. A judge subject to P.C.R. section 18A.7 who does not work one thousand hours in a calendar year or does not file the report certifying the hours of work required under P.C.R. section 18A.5 on or before February 15 of the next calendar year shall not receive credited service in the retirement plan for the preceding year.

(b) If the administrator determines that a judge is not eligible under this section to participate in the retirement plan for probate judges and employees, the administrator shall report accordingly to the Retirement Commission and stop deducting retirement contributions from the judge's compensation until proof of eligibility is provided to the administrator.

(c) If a judge determined to be ineligible under this section to participate in the retirement plan for judges and employees is determined to have been eligible for a subsequent period, the judge shall pay to the Retirement Commission unpaid retirement contributions as determined by the commission for the period for which the judge was eligible.

(d) This section does not apply to a judge in office before January 5, 2011.

Section 18A became effective June 13, 2011 (Approved by the Executive Committee March 9, 2011; Approved by the Judiciary Committee June 13, 2011)

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 18B
Eligibility of Court Employees for Health Insurance and
Retirement Plan**

18B.1 Authority

These regulations are issued in accordance with C.G.S. sections 5-259, 45a-34, 45a-36, 45a-44, and 45a-77.

18B.2 Credit for vacation, holidays, and sick time

Employees shall receive credit towards the eligibility requirements of this section for vacation, sick time, holidays, personal days, and other paid time off in accordance with the compensation and benefits plan adopted by the Probate Court Budget Committee.

18B.3 When court employees eligible for health insurance

(a) Under C.G.S. section 5-259 (h), an employee of a probate court who works a standard work week of at least twenty hours per week is eligible for health insurance under C.G.S. section 5-259 (g). An employee who does not work a standard work week of at least twenty hours per week is not eligible for health insurance under C.G.S. section 5-259 (g).

(b) If the administrator determines that an employee receiving health insurance under C.G.S. section 5-259 (g) is no longer eligible for health insurance, the administrator shall instruct the health insurance carrier to terminate health insurance coverage. The employee may not reenroll in the health insurance plan until the next open enrollment period occurs, proof of eligibility is provided, and the required premium share, if any, is paid.

18B.4 When probate court employee eligible to participate in retirement plan

(a) **Employed before January 1, 2011.** Under C.G.S. sections 45a-34 and 45a-36, an individual, who was employed by a probate court or serving under a contract of employment with a probate court before January 1, 2011, and who works more than four hundred thirty hours per year, is eligible to participate in the retirement plan for probate judges and employees. An individual subject to P.C.R. section 18B.4 (a) who does not work more than four hundred thirty hours in a year shall not receive credited service in the retirement plan for the year. If a judge notifies the administrator that the employee is not expected to work more than four hundred thirty hours in a year, the administrator shall not deduct retirement contributions from the employee's compensation.

(b) **Employed on and after January 1, 2011.** Under C.G.S. sections 45a-34 and 45a-36, an individual, who is first employed by a probate court or is first serving under a contract of employment with a probate court on or after January 1, 2011, and who works at least one thousand hours per year, is eligible to participate in the retirement plan for probate judges and employees. An individual subject to P.C.R. section 18B.4 (b) who does not work at least one thousand hours in a year shall not receive credited service in the retirement plan for the year. If a judge notifies the administrator that the employee is not expected to work at least one thousand hours in a year, the administrator shall not deduct retirement contributions from the employee's compensation.

(c) If the administrator determines that an employee is not eligible to participate in the retirement plan for probate judges and employees under this section, the administrator shall report accordingly to the Retirement Commission and stop deducting retirement contributions from the employee's compensation until proof of eligibility is provided.

(d) If an employee who was not expected to be eligible to participate in the

retirement plan for probate judges and employees is determined to have been eligible, the employee shall pay to the Retirement Commission unpaid retirement contributions as determined by the Retirement Commission for the period for which the employee was eligible.

Section 18B became effective June 13, 2011 (Approved by the Executive Committee March 9, 2011; Approved by the Judiciary Committee June 13, 2011)

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 19

**Compensation of Physicians, Psychiatrists, and
Psychologists Pursuant to C.G.S. § 45a-132a**

This regulation is repealed.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 20

**Compensation of Physicians, Psychiatrists, and
Psychologists Pursuant to C.G.S. §§ 45a-717(d),
45a-609(d) and 46b-150a**

This regulation is repealed.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 21
Payment of Committee Fees
Pursuant to C.G.S. § 45a-123**

This regulation is repealed.

State of Connecticut
Office of the Probate Court Administrator
Probate Court Regulations

Section 22
Compensation of Mediators

22.1 Panel

Within available funds, the administrator shall establish a panel of probate judges and retired probate judges who are qualified to mediate contested probate cases under the provisions of rule 21 of the Probate Court Rules of Procedure.

22.2 Compensation of Mediator

(a) No member of the mediation panel who is currently serving as a probate judge shall receive compensation for conducting mediation under rule 21 of the Probate Court Rules of Procedure.

(b) A member of the mediation panel who is a retired probate judge may receive compensation for conducting mediation under rule 21 of the Probate Court Rules of Procedure at the rate of \$50.00 per hour, not to exceed \$250.00 per day. The number of hours for which compensation is paid shall be included in the calculation of the maximum amount that a judge who is receiving pension benefits from the Probate Judges and Employees Retirement Fund may work in any year under C.G.S section 45a-42.

(c) A panel member who has conducted mediation under rule 21 of the Probate Court Rules of Procedure shall submit an invoice to the administrator no later than six (6) months after the date of any service as a mediator. The administrator shall not pay the portion of any invoice that covers services rendered more than six (6) months before submission of the invoice to the court.

(d) Compensation under regulation section 22.2 shall be paid from the administration fund and is subject to availability of funds as budgeted and approved by the administrator each fiscal year.

22.3 Continuing Education

Within available funds, the administrator shall arrange continuing education programs on mediation for members of the panel and may reimburse members for registration fees to attend approved programs on mediation sponsored by other organizations.

Section 22 was amended January 1, 2018 (Approved by the Executive Committee September 13, 2017; Approved by the Judiciary Committee January 1, 2018)

Section 22 was amended January 25, 2016 (Approved by the Executive Committee October 14, 2015; Approved by the Judiciary Committee January 25, 2016)

Mediation Panel Members

| | |
|--------------------------|---|
| Hon. Kurt M. Ahlberg | Stratford Probate Court |
| Hon. Walter A. Clebowicz | Berlin Probate Court |
| Hon. Andre D. Dorval | Region #19 Probate Court |
| Hon. Mathew H. Greene | New London Probate Court |
| Hon. Nicholas F. Kepple | Southeastern CT Regional Probate Court |
| Hon. Martin F. Landgrebe | Housatonic Probate Court |
| Hon. Peter E. Mariano | Naugatuck Probate Court |
| Hon. Joseph D. Marino | Middletown Probate Court |
| Hon. Leah P. Schad | Northeast probate Court |
| Hon. Lisa K. Wexler | Westport Probate Court |
| Hon. Dianne E. Yamin | Danbury Probate Court |

Retired and Former Judges:

| | |
|-----------------------------|---------------|
| Hon. Peter Jay Alter | Glastonbury |
| Hon. Charles Bauer | Burlington |
| Hon. John A. Berman | West Hartford |
| Hon. John P. Chiota | Trumbull |
| Hon. Sydney W. Elkin | West Hartford |
| Hon. Ann Kennedy Fulco | Groton |
| Hon. Roger Goodnow | Old Saybrook |
| Hon. Donald L. Hamer | Glastonbury |
| Hon. James K. Kelley | Danielson |
| Hon. George L. Kennedy, Jr. | Griswold |
| Hon. Rober J. Killian, Jr. | Hartford |
| Hon. Paul J. Knierim | West Hartford |
| Hon. F. Paul Kurmay | Stratford |
| Hon. Joseph E. Milardo, Jr. | Middletown |
| Hon. Norman E. Rogers, Jr. | New Hartford |
| Hon. Claire C. Twerdy | Coventry |
| Hon. Steven M. Zelman | Bloomfield |

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 23 Enforcement Action by Probate Court Administrator

23.1 Authority

These regulations are issued pursuant to C.G.S. sections 45a-77 (b) (1) and 45a-79a.

23.2 Determination of Probate Court Administrator

(a) Prior to the initiation of any enforcement action under C.G.S. section 45a-79a, except an action under C.G.S. section 45a-79a (c) (2), the administrator shall make a preliminary determination that (1) the business of a probate court has not been conducted in accordance with law or the regulations issued pursuant to C.G.S. section 45a-77, or (2) the business is not being conducted properly or with expeditious dispatch, in accordance with the law or regulations. The administrator shall send written notice of any preliminary determination to the judge of the district that is the subject of the preliminary determination which notice shall specify the ways in which the business of the court is not being conducted properly and set forth the facts upon which the administrator relies in reaching that preliminary determination. In the written notice, the administrator shall offer to meet with the judge and use reasonable efforts to meet with the judge to discuss and resolve the matter. After such meeting, if any, if no course of action to remedy the deficiency or deficiencies has been agreed to, the administrator may proceed to give notice of his Determination and Proposed Disposition, as described below.

23.3 Notice of Proposed Disposition

(a) The determination of the administrator shall be in writing, shall specify the ways in which the business of the court is not being conducted properly, and shall set forth the facts upon which the administrator relies in reaching that determination.

(b) The administrator shall give said written notice to the judge who is the subject of the action of the determination provided in this section of this regulation, together with written notice of the proposed disposition of the matter.

(c) The notice shall describe the efforts made by the administrator to resolve the matter by other means, or the reasons why it is not feasible to resolve the matter by other means.

(d) The notice shall specify the action that the administrator proposes to take in resolving the matter, which may include one or more of the following: (1) reassignment or transfer of one or more cases pending before such court to a special assignment judge or another probate judge; (2) designation of a special assignment judge to assist the judge of such court in conducting the business of the court; or (3) recovery of reasonable expenses pursuant to P.C.R. section 23.5 below.

(e) The notice shall inform the judge that said judge has fifteen (15) calendar days to remedy the deficiency or deficiencies or to come to an agreement with the administrator to remedy the deficiency or deficiencies, prior to enforcement taking place pursuant to this regulation.

23.4 Reassignment or Transfer of Cases

The reassignment or transfer of any case under this regulation shall be by means of a citation issued in the manner provided in C.G.S. section 45a-120, to a special assignment judge or to another judge of probate selected by the

administrator. Such special assignment judge or probate judge shall serve as acting judge of the subject district for the matters designated in the citation, and may conduct such hearings and issue such orders and decrees as may be appropriate.

23.5 Recovery of Expenses

(a) The administrator may assess against the court which is the subject of the action the reasonable costs associated with the action. Such costs may include (a) the reasonable compensation of any special assignment judge or other judge of probate cited to hear any matters before the court or designated to assist the judge, which reasonable compensation shall be paid in accordance with P.C.R. section 3.4.4b, and (b) reasonable accounting fees required in connection with the action. The administrator shall provide the judge of that court with written notice of such assessment.

(b) Any expenses assessed against the court under this section shall be paid from funds of the court and may be deducted under C.G.S. section 45a-92, unless the administrator determines that the judge is engaging in willful misconduct, the administrator may direct that the assessment is not a deductible expense of that court. Any judge aggrieved by such assessment may request a hearing before a review panel pursuant to P.C.R. section 24. In no event shall the total dollar amount of fees for which a judge is held personally responsible exceed the amount of the cap on such judge's annual compensation, unless the assessment is a remedy for misappropriation of funds.

23.6 Report of Administrator

The administrator shall, upon conclusion of any action hereunder, prepare a report detailing the actions taken and the results thereof. Copies of the report shall be mailed to the judge who is the subject of the action.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 24 Hearings before Review Panel

24.1 Authority

These regulations are issued pursuant to C.G.S. sections 45a-77 (b) (1), and 45a-79a.

24.2 Request for Hearing

Any judge of probate who is the subject of proposed action by the administrator under C.G.S. section 45a-79a, may request a hearing before a review panel as hereinafter provided. The request for hearing shall be in writing and shall be sent by certified mail to the administrator within ten business days after receipt of notice pursuant to C.G.S. section 45a-79a and P.C.R. section 23.3.

24.3 Review Panel

(a) The review panel shall consist of (1) a judge of probate selected by the administrator; (2) a judge of probate selected by the judge who is the subject of the action; and (3) a judge of probate jointly selected by the judges who have been selected under subparagraphs (1) and (2), provided that if such judges are unable to make a joint selection, the third member of the review panel shall be selected by the Chief Justice of the Supreme Court.

(b) The judge of probate who is the subject of the action shall submit his or her selection of a judge to serve on the review panel along with his or her request for hearing. The administrator shall, within three business days after receipt of the request for hearing, give notice in writing to the judge who is the subject of

the action, and the panel member selected by that judge, of the administrator's selection of a judge to serve on the review panel. The judges so selected shall make their selection of a third member of the review panel within three business days thereafter. If they are unable to agree on a joint selection within the three-day period, they shall immediately inform the administrator and the Chief Justice of the Supreme Court, and request that the Chief Justice designate a judge of probate to serve as the third member of the review panel.

(c) The members of the review panel shall promptly select a presiding officer from among their members.

24.4 Requests for Continuance

Any request for continuance shall be in writing and shall be filed with the presiding officer of the review panel. The review panel shall take such action on the request for continuance as it shall deem proper in the interests of justice.

24.5 Communications by or to Members of Review Panel

(a) No member of the review panel shall communicate, directly or indirectly, in connection with any issue of fact, with any person or party, or, in connection with any issue of law, with any party or the party's representative, without notice and opportunity for all parties to participate.

(b) The provisions of this section apply from the date a judge becomes a member of the review panel to and including the effective date of the decision.

24.6 Notice and Record

(a) The review panel shall hold a hearing within fifteen business days after the filing of a request for hearing hereunder. The review panel shall give notice of the hearing in such manner as it shall determine.

(b) The notice shall be in writing and shall include: (1) A statement of the time, place, and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the statutes and regulations involved; (4) a short and plain statement of the matters asserted and (5) notice of the right to be represented by legal counsel.

(c) The matter before the review panel may be resolved by stipulation, agreed settlement, or consent order or by the default of a party.

(d) The record of the proceeding before the review panel shall include: (1) Written notices related to the case; (2) all petitions, pleadings, motions and intermediate rulings; (3) evidence received or considered; (4) questions and offers of proof, objections and rulings thereon; (5) the official transcript, if any, of proceedings relating to the case, or, if not transcribed, any recording or stenographic record of the proceedings; and (6) the decision of the review panel.

(e) Either the administrator or the judge who is the subject of the action may request that the matter be heard on the record under C.G.S. sections 51-72 and 51-73. Such request shall be in writing and presented to the review panel at least three days prior to the date scheduled for the hearing. The costs thereof shall be paid by the administrator from the administration fund.

24.7 Party, Intervenor Status

(a) The review panel may grant any person status as an intervenor in a proceeding before the review panel if it finds that: (1) Such person has submitted a written petition to the review panel and mailed copies to all parties, and (2) the petition states facts that demonstrate that the petitioner has sufficient interest in the matter and (3) the petitioner's participation is in the interests of justice and will not impair the orderly conduct of the proceedings.

(b) If a petition is granted pursuant to subsection (a) of this section, the review panel may limit the intervenor's participation to designated issues in which the intervenor has a particular interest as demonstrated by the petition and shall define the intervenor's rights to inspect and copy records, physical evidence, papers and documents, to introduce evidence, and to argue and cross-examine on those issues. The review panel may further restrict the participation of an intervenor in the proceedings, including the rights to inspect and copy records, to introduce evidence and to cross-examine, so as to promote the orderly conduct of the proceedings.

24.8 Subpoenas and production of documents

The presiding officer may administer oaths and, at the direction of the review panel, subpoena witnesses and require the production of records, physical evidence, papers and documents to any hearing held in the case. If any person disobeys the subpoena or, having appeared, refuses to answer any question put to him or her or to produce any records, physical evidence, papers and documents requested, the presiding officer may apply to the superior court for the judicial district of Hartford or for the judicial district in which the person resides, or to any judge of that court if it is not in session, setting forth the disobedience to the subpoena or refusal to answer or produce, and the court or judge shall cite the person to appear before the court or judge to show cause why the records, physical evidence, papers and documents should not be produced or why a question put to him or her should not be answered.

24.9 Documents, Evidence, Arguments and Statements

(a) The administrator and the judge who is the subject of the action shall be afforded the opportunity (i) to inspect and copy relevant and material records, papers and documents not in the possession of the party, except as otherwise provided by federal law or any other provision of the general statutes, and (ii) at a hearing, to respond, to cross-examine other parties, intervenors, and witnesses, and to present evidence and argument on all issues involved.

(b) Persons not named as parties or intervenors may, in the discretion of the review panel, be given an opportunity to present oral or written statements. The review panel may require any such statement to be given under oath or affirmation.

24.10 Evidence

(a) In each proceeding before a review panel: (1) Any oral or documentary evidence may be received, but the review panel shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence; (2) the rules of privilege recognized by law shall be given effect; (3) when a hearing will be expedited and the interests of the parties will not be prejudiced substantially, any part of the evidence may be received in written form; (4) documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and upon request, parties and the review panel shall be given an opportunity to compare the copy with the original; (5) a party may conduct cross-examination required for a full and true disclosure of the facts; (6) notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts.

24.11 Decision of Review Panel

(a) The review panel shall proceed with reasonable dispatch to conclude any matter pending before it and shall render a decision within ten days following the close of the hearing. The review panel may affirm, dismiss or modify the administrator's determination and proposed disposition.

(b) The decision of the review panel shall be in writing or orally stated on the record and shall include the findings of fact and conclusions of law necessary to its decision. Findings of fact shall be based exclusively on the evidence in the record and on matters noticed. The decision shall be delivered promptly to each party or his authorized representative, personally or by United States mail. The

decision shall be effective when personally delivered or mailed or on a later date specified by the review panel.

24.12 Appeal

(a) The judge who is the subject of the action may, if he or she is aggrieved by the decision of the review panel, appeal such decision to the Superior Court for the judicial district in which the probate district of such judge is located. Any such appeal shall be taken within thirty days of such decision. An appeal from any such decision that is on the record under C.G.S. sections 51-72 and 51-73 shall be on the record and shall not be a trial de novo.

(b) Within thirty days after mailing of the decision of the review panel a judge appealing as provided in this section shall serve a copy of the appeal on the presiding officer of the review panel and on the administrator, by personal service by a proper officer or indifferent person making service in the same manner as complaints are served in ordinary civil actions. The appeal shall be filed with the clerk of the superior court for the judicial district designated in subsection (a).

(c) The filing of an appeal shall not, of itself, stay enforcement of the decision. An application for a stay may be made to the review panel, to the court or to both. Filing of an application with the review panel shall not preclude action by the court.

(d) Within thirty days after the service of the appeal, or within such further time as may be allowed by the court, the review panel shall transcribe any portion of the record that has not been transcribed and transmit to the reviewing court the original or a certified copy of the entire record of the proceeding appealed from, which shall include the agency's findings of fact and conclusions of law, separately stated. By stipulation of all parties to such appeal proceedings, the record may be shortened.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 25
Special Assignment Probate Judges, Probate
Magistrates, and Attorney Probate Referees**

25.1 Authority

These regulations are issued pursuant to C.G.S. sections 45a-77(b) (1), 45a-79a, 45a-79b, 45a-123, 45a-123a, and 45a-186.

25.2 Appointment of Special Assignment Probate Judges

(a) The administrator shall, from time to time, nominate judges of probate to serve as special assignment probate judges. Such nominations shall be presented in writing to the Chief Justice of the Supreme Court. If appointed by the Chief Justice, notice of the appointment of any special assignment probate judge shall be sent to the members of the probate assembly.

(b) There shall be such special assignment probate judges as shall be determined necessary by the Chief Justice. At least one special assignment probate judge shall be appointed from each county.

(c) Each special assignment probate judge shall be chosen with reference to experience as judge or attorney, as well as proven expertise in relevant areas. Consideration may be given to knowledge of evidentiary issues, trial experience, experience presiding over contested proceedings, educational background, experience and expertise in specific areas of probate jurisdiction, administrative experience in probate court operations, and other relevant criteria. The written nomination submitted to the Chief Justice shall specify the considerations upon which the nomination is based.

(d) Each special assignment probate judge shall be appointed by, and serve at the pleasure of, the Chief Justice of the Supreme Court. Each special assignment probate judge shall continue to serve until the Chief Justice gives notice of the termination of such appointment, or until such time as such judge no longer serves as judge of probate. The administrator shall maintain records of all current and former special assignment probate judges and the dates of their terms of office.

25.3 Assignment and Responsibilities of Special Assignment Probate Judges

(a) The administrator may assign a special assignment probate judge in any of the following circumstances:

(1) A judge of probate requests the assignment of a special assignment probate judge under C.G.S. section 45a-119, and the administrator determines that (A) the assignment is appropriate and necessary, and (B) sufficient funds for that purpose are available in the budget established under C.G.S. section 45a-84. The administrator shall make such assignments by citation in accordance with C.G.S. section 45a-120. The special assignment probate judge shall have the authority specified in the citation.

(2) The office of a judge of probate becomes vacant. The administrator may assign a special assignment probate judge to act as judge of probate in the district during the vacancy and shall make such assignment by citation in accordance with C.G.S. section 45a-120. The special assignment probate judge shall have the authority specified in the citation.

(3) The administrator determines that (A) in accordance with C.G.S. section 45a-79a and P.C.R. section 23.4, the business of a court of probate has not been conducted in accordance with law or the regulations issued pursuant to C.G.S. section 45a-77 or that the business of a court of probate is not being conducted properly or with expeditious dispatch, (B)

designation of a special assignment probate judge to assist the judge is warranted, and (C) sufficient funds for that purpose are available in the budget established under C.G.S. section 45a-84. The administrator shall make such assignments by written designation pursuant to C.G.S. section 45a-79a. The special assignment probate judge shall provide the assistance and have the authority specified in the designation.

(4) The administrator determines that (A) in accordance with C.G.S. section 45a-79a and P.C.R. section 23.4, the business of a court of probate has not been conducted in accordance with law or the regulations issued pursuant to C.G.S. section 45a-77 or that the business of a court of probate is not being conducted properly or with expeditious dispatch, (B) reassignment of one or more cases pursuant to C.G.S. section 45a-79a is warranted, and (C) sufficient funds for that purpose are available in the budget established under C.G.S. section 45a-84. The administrator shall make such assignments by citation in accordance with C.G.S. sections 45a-79a and 45a-120. The special assignment probate judge shall have the authority set forth in the citation.

(b) The administrator shall assign a special assignment probate judge if (1) a judge of the Superior Court refers a probate appeal to a special assignment probate judge pursuant to C.G.S. section 45a-186 and (2) the administrator determines that sufficient funds for that purpose are available in the budget established under C.G.S. section 45a-84. The special assignment probate judge shall have the authority set forth in Chapter 19 of the *Connecticut Practice Book*.

25.4 Repealed

25.5 Compensation of Special Assignment Probate Judges

(a) A special assignment probate judge may be compensated for time expended pursuant to an assignment in the amount of \$50.00 per hour, not to exceed \$250.00 per day. Amounts paid to a special assignment probate judge

shall be paid from the administration fund, provided the amounts paid are within available funds budgeted for that purpose under C.G.S. section 45a-84.

(b) On or before the last day of a month, each special assignment probate judge who has rendered services during the immediately preceding month shall submit an invoice for the services to the administrator.

(c) Compensation paid to a special assignment probate judge, when added to the compensation of the judge established under C.G.S. section 45a-95a, shall not exceed the amount established under C.G.S. section 45a-95a (a) (4).

25.6 Appointment of Probate Magistrates

(a) The administrator shall, from time to time, nominate former judges of probate who meet the requirements of P.C.R. section 25.6 (b) to serve as probate magistrates. The nominations shall be presented in writing to the Chief Justice of the Supreme Court. The Chief Justice shall appoint probate magistrates from the nominations for a term of three years and inform the administrator of such appointments.

(b) Any former judge of probate under 70 years of age who is an elector of this state, other than a judge of probate receiving a retirement allowance under C.G.S. section 45a-40 due to permanent and total disability, shall be eligible for nomination, appointment, or assignment as a probate magistrate.

25.7 Assignment and Responsibilities of Probate Magistrates

The administrator may assign a probate magistrate if (a) a judge of probate refers a matter to a probate magistrate, except an involuntary patient matter or involuntary commitment matter under C.G.S. chapter 319i, a temporary custody matter under part II of C.G.S. chapter 802h, or an involuntary representation matter under part IV of C.G.S. chapter 802h, (b) the administrator determines that the assignment is appropriate and necessary, and (c) the

administrator determines that sufficient funds for the assignment are available in the budget established under C.G.S. section 45a-84. The administrator shall make such assignments by written designation. A magistrate may conduct hearings and prepare and file a report or amendments to a report pursuant to C.G.S. section 45a-123.

25.8 Compensation of Probate Magistrates

(a) A probate magistrate assigned pursuant to P.C.R. section 25.7 may be compensated for time expended pursuant to the assignment in the amount of \$50 per hour, not to exceed \$250 per day. Service as a probate magistrate shall not be credited service for purposes of health, retirement, or other benefits. Amounts paid to a probate magistrate shall be paid from the administration fund, provided the amounts are within available funds budgeted for that purpose under C.G.S. section 45a-84.

(b) If a probate magistrate is a former judge of probate who has elected retirement under part III of C.G.S. chapter 801, compensation under this section shall be in addition to any retirement salary the probate magistrate is entitled to receive as a retired judge of probate, subject to the limitations set forth in C.G.S. section 45a-42.

(c) On or before the last day of a month, each probate magistrate who has rendered services during the immediately preceding month shall submit an invoice for the services to the administrator.

25.9 Appointment of Attorney Probate Referees

(a) The administrator shall, from time to time, nominate individuals who meet the requirements of P.C.R. section 25.9 (b) to serve as attorney probate referees. Any judge of probate may submit to the administrator, on such form and in such manner as the administrator prescribes, a recommendation that the administrator nominate a specified individual as attorney probate referee,

provided the individual meets the requirements of P.C.R. section 25.9 (b). The administrator shall consider any such recommendation before making a nomination under this section but shall not be bound by such recommendation. The administrator shall ensure geographic, racial, and ethnic diversity among individuals nominated as attorney probate referees. The nominations shall be presented in writing to the Chief Justice of the Supreme Court. The Chief Justice shall appoint attorney probate referees from the nominations for a term of three years and inform the administrator of such appointments.

(b) Any individual who has been a member of the bar of this state in good standing for at least five years, is an elector of this state, and is under 70 years of age shall be eligible for nomination, appointment, and assignment as an attorney probate referee.

25.10 Assignment and Responsibilities of Attorney Probate Referees

The administrator may assign an attorney probate referee if (a) a judge of probate refers a matter pending in the court of probate to an attorney probate referee, except an involuntary patient matter or involuntary commitment matter under C.G.S. chapter 319i, a temporary custody matter under part II of C.G.S. chapter 802h, or an involuntary representation matter under part IV of C.G.S. chapter 802h, and (b) the administrator determines that the assignment is appropriate and necessary. The administrator shall make such assignments by written designation. The referee may conduct hearings and prepare and file a report or amendment to a report pursuant to C.G.S. section 45a-123.

25.11 No Compensation for Attorney Probate Referee

No attorney probate referee shall receive compensation for duties performed as a referee.

Section 25 became effective July 8, 2010, except Subsection 25.4 was repealed for services provided on or after January 5, 2011 and Subsections 25.5, 25.6, 25.7, 25.8, 25.9, 25.10, and 25.11 became effective January 5, 2011 (Approved by the Executive Committee March 16, 2010; Approved by the Judiciary Committee July 8, 2010)

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 26
Education of Judges, Probate Magistrates, Attorney
Probate Referees, and Court Staff**

26.1 Authority

These regulations are issued pursuant to C.G.S. section 45a-77 (b) (1).

26.2 New Judges

(a) Each person elected to a first term of office as judge of probate shall complete a training program established under C.G.S. section 45a-27, and these regulations.

(b) The administrator shall establish, supervise and fund the training programs for new judges, which shall include a minimum of forty hours of instruction. The curriculum shall be designed to establish a minimum level of proficiency by judges of probate, and shall be presented by qualified instructors approved by the administrator.

(c) Each newly elected judge shall complete a course between the date of election and the date of assuming office concerning the rules of judicial conduct and ethical considerations of the office, the operations of the probate court, and the availability of assistance for a judge of probate in the operation of the court.

(d) Each newly elected judge shall complete, within six months after taking office, courses in (1) civil procedure, including constitutional issues, due process and evidentiary considerations; (2) property law, including conveyancing and title

considerations; (3) the law of wills and trusts; (4) family law in the context of the probate courts; (5) probate court jurisdiction; (6) probate court procedure; (7) the conduct of hearings and other judicial duties; (8) legal research and drafting of decrees; (9) the substantive law of conservatorship, guardianship, termination of parental rights, adoption and other areas of probate jurisdiction; and (10) such other relevant matters as may be determined by the administrator. To the extent reasonably possible, the administrator shall attempt to present the educational program required hereunder prior to the time the new judges take office.

(e) Judges elected in special elections shall meet the educational requirements set forth in paragraphs (a) through (d) of this subsection, provided that: (1) such courses may be presented in person or by means of audio and or video recording, and (2) such judges shall complete all such within sixty days after the election.

(f) If a judge leaves office, but is thereafter again elected as judge of probate, the judge shall complete so much of the training program hereunder as the administrator shall deem appropriate under the circumstances.

(g) The administrator shall assign a mentor to each newly elected judge. The mentor shall be a judge of probate who has served for at least four years. The new judge shall observe at least eight hours of hearings before the mentor or other judge of probate, within two months after the election. The required eight hours may include time spent in discussion with the mentor or other judge of probate after the hearings, concerning relevant issues presented during such hearings. The mentor shall also advise and assist the new judge in such other manner and at such times as the mentor and the new judge shall determine.

(h) The failure of any newly elected judge to meet the requirements of this section shall be referred to the Ethics Committee of the Probate Assembly for such action as it deems appropriate, including but not limited to reference to the

Council on Probate Judicial Conduct, and /or for appropriate enforcement action by the administrator.

26.3 Continuing Judicial Education

(a) Each judge of probate shall, except as herein provided, annually complete at least 15 credit hours of continuing judicial education. Except as otherwise provided in this section, credit hours shall be earned by the personal attendance of the judge at courses of approved continuing education instruction. The administrator and the probate assembly shall, on an annual basis, provide educational programs sufficient to satisfy the required number of credit hours. At least eight of the required 15 credit hours shall be earned by attendance at programs offered by the administrator or the probate assembly.

(b) Each credit hour shall require at least fifty minutes of educational instruction, excluding business meetings, meal breaks and introduction of speakers.

(c) Credit shall be given for educational seminars presented by the administrator or the probate assembly. Credit may be given for such other programs as are approved by the Judicial Education Standards Committee, which may include, but are not limited to, educational programs offered by the following organizations:

- (1) The National College of Probate Judges
- (2) The American Bar Association
- (3) The Connecticut Bar Association
- (4) County and local bar associations
- (5) Accredited educational institutions offering relevant courses in the fields of law, medicine and social work.

(d) A judge who participates as a presenter in an educational program presented by the administrator or the probate assembly, shall, in addition to the credit hours allowable for attendance at the program, receive additional credit hours for preparation, equal to the number of hours of the judge's part of the presentation.

(e) The Judicial Education Standards Committee may, upon request of any judge or clerk, waive a requirement this section if the committee determines that the judge or clerk is prevented from compliance by circumstances beyond his or her control. Such circumstances may include, but are not limited to, serious medical issues, or that the judge was called to active duty in the military service.

(f) The Judicial Education Standards Committee may, for good cause, exempt a judge or clerk from the requirements of this section. Good cause for waiver may include circumstances beyond the control of the judge or clerk making compliance difficult or impossible, including but not limited to medical issues or active duty in the military service. Any such waiver shall be in writing and shall state the extent of the waiver and the year for which such waiver is granted.

(g) The Judicial Education Standards Committee shall evaluate and determine those programs that qualify for continuing judicial education credit. In making such determination the committee shall consider the relevance of the subject matter to the participant's professional competence as a judge. The committee shall take into consideration the length of the program and determine the number of hours, if any, that will qualify for continuing judicial education credit. The committee may also take into account the quality of any educational materials provided in conjunction with such program, and the extent to which they may assist in improving judicial skills.

(h) The Judicial Education Standards Committee shall consist of the chair of the Probate Assembly's Continuing Education Committee, the Executive Secretary of the Probate Assembly, the Probate Court Administrator or designee, and the First Vice-President of the Probate Assembly, who shall serve as the chair.

(i) Not later than January 31, of each year, each judge of probate shall file a report with the administrator indicating the number of hours of continuing judicial education credit earned during the previous calendar year. The report shall also state that the judge has verified that all members of the court staff have met the educational requirement of section 4 of this regulation. The report shall be filed on a form provided by the administrator. Any failure to file the report or to meet the requirements of this section shall be referred to the Ethics Committee of the Probate Assembly for such action as it deems appropriate, including but not limited to reference to the Council on Probate Judicial Conduct, and /or for appropriate enforcement action by the administrator.

(j) It shall be the responsibility of each judge of probate to ascertain whether or not any educational program reported in his or her report under subsection (g) of this section qualifies for continuing judicial education credits hereunder, and, if necessary, to submit any such matter to the Judicial Education Standards Committee for its determination.

26.4 Court Staff

(a) The requirements of this section shall apply to each clerk or other court staff employed by one or more courts of probate for at least 10 hours per week. Where an individual is employed by more than one court, the application of this section shall be determined by accumulating the hours worked in all such courts.

(b) Each clerk shall, except as herein provided, annually complete at least 6 credit hours of continuing education. Credit hours shall be earned by the

personal attendance of the clerk at courses of approved continuing education instruction. Qualified programs shall include those specifically designated for clerks, by the administrator. Sufficient educational programs shall be presented on an annual basis to satisfy the number of credit hours required hereunder.

(c) Educational programs for clerks shall be offered during normal working hours. Clerks shall be compensated at their regular rate for attendance at educational programs in satisfaction of the requirements of this section.

(d) It shall be the responsibility of each judge of probate to insure that member of the staff of his or her court meets the requirements of this section. The judge shall as part of his or her continuing judicial education compliance report under section 3 of this regulation, state that he or she has determined that each member of the staff of such court has complied with the requirements of this section for the calendar year reported.

26.5. Training and Education of Probate Magistrates and Attorney Probate Referees

(a) Each newly-appointed probate magistrate and attorney probate referee shall attend a program established by the administrator for training individuals in such positions. The administrator shall not assign a probate magistrate or an attorney probate referee to a matter unless the magistrate or the referee has completed the program required under this section.

(b) Each probate magistrate and attorney probate referee shall, after the first year of service as a magistrate or a referee, annually complete at least five credit hours of continuing education approved in accordance with P.C.R. section 26.3 (c).

(c) Each credit hour of continuing education shall require at least 50 minutes of educational instruction, excluding business meetings, meal breaks, and introduction of speakers.

(d) Credit shall be given for educational seminars presented by the administrator or the probate assembly. Credit may be given for such other programs as are approved by the Judicial Education Standards Committee, which may include, but are not limited to, educational programs offered by the following organizations:

- (1) The National College of Probate Judges
- (2) The American Bar Association
- (3) The Connecticut Bar Association
- (4) County and local bar associations
- (5) Accredited educational institutions offering relevant courses in the fields of law, medicine, or social work.

(e) The Judicial Education Standards Committee shall evaluate and determine those programs that qualify for continuing education credit. In making such determination the committee shall consider the relevance of the subject matter to the participant's professional competence as a probate magistrate or attorney probate referee. The committee shall take into consideration the length of the program and determine the number of hours, if any, that will qualify for continuing education credit. The committee may also take into account the quality of any educational materials provided in conjunction with the program, and the extent to which the materials may assist in improving the skills of a magistrate or referee.

(f) Not later than January 31 of each year, each probate magistrate and attorney probate referee shall file a report with the administrator indicating the

number of hours of continuing education credit earned by the magistrate or referee during the previous calendar year.

26.6 Attendance at Programs of Training or Education

Individuals may satisfy the training and education requirements of this section of the P.C.R. by attending programs in person or by other means approved by the administrator.

Section 26 became effective January 5, 2011 (Approved by the Executive Committee March 16, 2010; Approved by the Judiciary Committee July 8, 2010)

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 27 Recording of Conservator Proceedings

27.1 Authority

These regulations are issued pursuant to C.G.S. sections 45a-77 (b) (1), 45a-186a and 45a-645a.

27.2 Proceedings to be Recorded

Each court of probate shall cause an audio recording to be made of all hearings held under C.G.S. sections 45a-644 through 45a-663 inclusive, which recording shall be part of the record of the court in the matter.

27.3 Transcription

(a) The court shall, in the event of an appeal, cause a transcript to be made of the recording within thirty days after service is made of the appeal.

(b) The cost of transcription shall be charged to the party who filed the appeal, provided that if such person is unable to pay and files with the court an appropriate application for waiver of fees pursuant to C.G.S., the court may waive the payment of such expenses, which shall be paid from the administration fund.

(c) In instances in which no appeal has been filed, a transcript may be prepared and provided to any interested party upon their request and at their expense.

27.4 Retention and Destruction of Recordings

(a) All recordings shall be maintained until seven years after the termination of the conservatorship, in such cases where applications for conservatorship are denied, or the close of all proceedings, including appeals, in the matter.

(b) The court shall maintain an index of all such recordings, which shall include, where applicable, the date of destruction.

(c) All recordings shall be maintained by the court in a secure location that provides adequate protection from damage by fire, water or climatic conditions.

(d) In the event of a transfer of the file to another court in accordance with law, any recordings made under this regulation shall be transferred as part of the record of the court in the matter.

27.5 Recording Equipment

(a) It shall be the responsibility of the judge to procure suitable recording equipment, capable of making an accurate and audible recording of the proceedings, and to insure proper maintenance and operation of the equipment.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 28 Probate Court Budget Committee and the Budget Process

28.1 Authority

These regulations are issued pursuant to C.G.S. sections 45a-77 (b) (1), 45a-7a, 45a-84, and 45a-85.

28.2 Probate Court Budget Committee Established, Members

The administrator shall establish a Probate Court Budget Committee consisting of the following three members: the administrator, who shall be chairperson of the committee, and two probate judges appointed by the probate assembly.

28.3 Term of Office

At each annual meeting of the probate assembly, the assembly shall appoint a probate judge to the committee for a term of two years. The term of office of a probate judge appointed to the committee under this subsection shall begin July 1 of the year of appointment. A judge appointed to the committee under this section may serve more than one term.

28.4 Vacancy

(a) A vacancy occurs on the Probate Court Budget Committee if:

(1) a probate judge appointed to the committee ceases to be a probate judge,

(2) a judge resigns from the committee,

- (3) a judge is removed from the committee under P.C.R. section 28.4 (c),
- (4) the probate assembly fails to elect a member at its annual meeting to fill a vacant seat on the committee, or
- (5) the assembly fails to elect a member at its annual meeting to begin a term on the committee beginning the July 1 following the annual meeting.

(b) If a vacancy occurs on the Probate Court Budget Committee, the Executive Committee of the probate assembly shall appoint a probate judge to fill the vacancy for the remainder of the unexpired term or until the next annual meeting of the assembly, whichever first occurs. If an annual meeting of the assembly occurs before expiration of the term of a member appointed by the Executive Committee, the assembly shall appoint a probate judge to fill the remainder of the unexpired term.

(c) The Executive Committee of the probate assembly may remove a probate judge appointed to the Probate Court Budget Committee who becomes incapable or unfit to serve or who fails or neglects to perform the judge's duties as a member of the Budget Committee. The Executive Committee may remove a judge from the Budget Committee under this subsection of this section only by a two-thirds vote of the members present at a meeting of the Executive Committee at which the decision to remove is made.

28.5 Meetings

The Probate Court Budget Committee shall hold a regularly-scheduled meeting of the committee in March, June and December of each year and such special meetings as may be called by any member of the committee. The administrator shall prepare the agenda for each meeting.

28.6 Notice of Meetings

The administrator shall give notice of each meeting of the Probate Court Budget Committee. The notice shall include the place, date, time, and agenda for the meeting. The administrator shall post the notice of the meeting at the Office of the Probate Court Administrator and send a copy of the notice, by mail or by electronic means, to each Probate Court and to the Secretary of the State not later than seven days before the date of the meeting.

28.7 Meeting Procedures

The following procedures, in addition to other procedures the Probate Court Budget Committee may adopt, shall apply to meetings of the committee.

- (a) Except for procedures the committee has established for the conduct of its meetings, the latest edition of Robert's Rules of Order shall govern the conduct of meetings of the committee.
- (b) A quorum shall be two members of the committee.
- (c) Each member shall have one vote.
- (d) Decisions of the committee shall be by majority vote.
- (e) Voting by proxy shall not be permitted.
- (f) Members may participate in committee meetings in person or by electronic means as permitted by the Freedom of Information Act, C.G.S. chapter 14.
- (g) The committee may go into executive session as permitted by C.G.S. chapter 14.
- (h) The administrator shall prepare minutes of each meeting.

28.8 Committee Materials on Website

The administrator shall post notices of meetings and minutes of the Probate Court Budget Committee on the website of the Office of the Probate Court Administrator.

28.9 Probate Court Budget Committee Duties and Powers

(a) Subject to the provisions of C.G.S. section 45a-84, the Probate Court Budget Committee shall establish:

- (1) a compensation and employee benefits plan for employees of the Probate Courts,
- (2) a staffing level for each Probate Court, and
- (3) an annual office budget for each Probate Court.

(b) The Probate Court Budget Committee may establish guidelines to implement its responsibilities under this section.

(c) At any time, the Probate Court Budget Committee may modify the compensation and employee benefits plan, the staffing level for any Probate Court, or the office budget for any Probate Court.

28.10 Compensation and employee benefits plan

(a) The Probate Court Budget Committee shall establish a compensation and employee benefits plan. The plan may establish:

- (1) job titles, job descriptions, and minimum qualifications for employees of the Probate Courts,
- (2) compensation ranges for employees for each job title in the Probate Courts,
- (3) permitted periodic adjustments within a compensation range, including merit compensation and cost of living adjustments and the timing, frequency, and manner in which adjustment of rates of compensation are made, and
- (4) an employee benefits plan.

(b) Absent extraordinary circumstances, rates of compensation of individuals employed by the Probate Courts on or before December 31, 2008 shall not be less than rates of compensation listed on the December 31, 2008 verification of employees form, plus any adjustments approved in writing by the administrator in 2009 and 2010.

28.11 Job Analyses

The Probate Court Budget Committee may perform job analyses to assist in establishing job titles, job descriptions, and compensation ranges for employees of the Probate Courts. In performing an analysis, the committee shall consider the following factors:

- (a) job duties,
- (b) minimum educational qualifications,
- (c) minimum experience required,
- (d) compensation for similar work,
- (e) internal equity of compensation among employees of the Probate Courts, and
- (f) other factors considered relevant by the committee.

28.12 Staffing Levels for Probate Courts

The Probate Court Budget Committee shall establish an authorized staffing level for each Probate Court which may include job titles, number of staff positions within each job title, and temporary and contract positions. In establishing the staffing level for a Probate Court, the committee shall consider:

- (a) efficiency of operation of the Probate Court,
- (b) population of the probate district, as established in the annual population estimate by the Department of Public Health for each city or town as of October first of the immediately preceding calendar year,
- (c) workload of the court,

- (d) types of cases heard by the court, and
- (e) other factors the committee considers appropriate.

28.13 Office Budgets

The Probate Court Budget Committee shall establish an annual office budget for each Probate Court. In establishing each office budget, the committee shall consider:

- (a) efficiency of operation of the Probate Court,
- (b) population of the probate district, as established in the annual population estimate by the Department of Public Health for each city or town as of October first of the immediately preceding calendar year,
- (c) workload of the court,
- (d) staffing level of the court, and
- (e) other factors the committee considers appropriate.

28.14 Budget Process

- (a) The fiscal year for the Probate Courts shall be July 1 through June 30.
- (b) The Probate Court Budget Committee may:
 - (1) establish dates, in addition to those set forth P.C.R. section 28.14 (c), for the budgeting process of the committee,
 - (2) require submission of budget requests and other information by Probate Courts in a manner established by the committee,
 - (3) create forms for submitting budget requests and other information by Probate Courts, and
 - (4) establish policies, procedures, and guidelines for exercising the powers and duties of the committee.

(c) Not later than February 15 of each year, each Probate Court shall submit to the Probate Court Budget Committee a request for a budget for the court for the next succeeding fiscal year. Not later than March 31 of each year, the Probate Court Budget Committee shall establish an office budget for each court for the next succeeding fiscal year.

28.15 Budget of Probate Court Administrator

(a) Annually, the administrator shall prepare a proposed budget for the next succeeding fiscal year beginning July first. The proposed budget shall reflect all costs related to the Office of the Probate Court Administrator and the total of all Probate Court office budgets.

(b) Not later than April 1 of each year, the administrator shall submit the proposed budget prepared under P.C.R. section 28.15 (a) to the Executive Committee of the probate assembly for review. Not later than May 1 each year, the committee shall return to the administrator the committee's comments and recommendations concerning the proposed budget.

(c) Not later than May 15 of each year, the administrator shall transmit a proposed final budget, including such changes recommended by the Executive Committee of the probate assembly that the administrator considers appropriate, together with the comments and recommendations of the Executive Committee made under P.C.R. section 28.15 (b), to the Chief Court Administrator under C.G.S. section 45a-84.

28.16 Authority of Probate Judge to Administer Court

(a) Each probate judge shall administer the activities of the court to which the judge is elected and execute the office budget, compensation and benefits plan, and staffing level established by the Probate Court Budget Committee for the court. Each judge shall be responsible for hiring and supervising employees

of the court in accordance with the compensation and benefits plan and staffing level.

(b) Nothing in these regulations shall be construed to alter the status of probate court employees as employees of their respective Probate Courts pursuant to C.G.S. section 45a-21. Each employee of a Probate Court serves at the pleasure of the probate judge of the court in which the employee is employed.

28.17 Funds Received from Towns

(a) The Probate Court Budget Committee shall have no authority over funds received by a Probate Court from one or more towns under C.G.S. section 45a-8.

(b) The Probate Court Budget Committee shall not authorize expenditures from an office budget of a Probate Court for which one or more towns are obligated to pay under C.G.S. section 45a-8.

Section 28 became effective February 17, 2010 (Approved by the Executive Committee November 17, 2009; Approved by the Judiciary Committee February 17, 2010)

Amended December 18, 2013 (Approved by the Executive Committee September 11, 2013; Approved by the Judiciary Committee December 18, 2013)

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 29 Fiscal Administration

29.1. Authority

These regulations are issued pursuant to C.G.S. sections 45a-77 (b) (1) and 45a-7a.

29.2 Remittance of Fee Revenue

(a) Each court of probate shall deposit all fee revenue in accordance with policies and procedures issued by the administrator. The policies and procedures may include, but are not limited to:

- (1) standards for billing and management of accounts receivable;
- (2) acceptable methods of payment;
- (3) the method for safekeeping funds received by a court of probate;
- (4) the financial institutions into which funds shall be deposited;
- (5) the method by which deposits shall be made;
- (6) the frequency of deposits;
- (7) internal controls governing financial transactions;
- (8) standards for segregation of duties among court staff; and
- (9) standards for record keeping.

(b) Each court of probate shall use the case management system established by the administrator for all transactions involving fee revenue, including, but not limited to, invoices, bills, statements, waivers, credit memoranda, receipts, and refunds.

**29.3 Expenditure of Funds Received from the Probate Court
Administration Fund for Miscellaneous Office Budgets**

(a) Funds received from the administration fund for the miscellaneous office budget of a court of probate shall be held by the court in a segregated account using a bookkeeping system designated by the administrator.

(b) The administrator shall issue policies and procedures for managing and expending funds and for record keeping of funds received for the miscellaneous office budgets for courts of probate. The policies and procedures may include, but are not limited to:

- (1) The financial institutions in which accounts shall be maintained;
- (2) types of acceptable bank accounts;
- (3) guidelines for purchases;
- (4) standards for management of accounts payable;
- (5) internal controls governing financial transactions;
- (6) standards for reconciliation of bank statements;
- (7) rules for use of petty cash; and
- (8) standards for record keeping.

(c) A court of probate shall not make an expenditure from funds received for its miscellaneous office budget except as authorized in the budget established under P.C.R. section 28.

(d) Funds received from the administration fund for a miscellaneous office budget of a court of probate under P.C.R. section 28 that are not expended at the end of a fiscal year shall lapse at the end of the year. Lapsed funds shall be returned to the administration fund in a manner directed by the administrator.

29.4 Town Funds

(a) Funds received by a court of probate from one or more towns under C.G.S. section 45a-8 shall be held by the court in a segregated account.

(b) The administrator may issue policies and procedures for managing, expending, and record keeping of funds received under C.G.S. section 45a-8.

29.5 Audits

(a) The administrator, or the administrator's authorized representative, may audit financial records or other data of any court of probate to ascertain conformance with the law, the Probate Court Regulations, and policies and procedures established by the administrator. Financial records may include, but are not limited to, records pertaining to fee revenue, the miscellaneous office budget, petty cash, bank accounts, staffing levels, staff compensation, employee benefits, and attendance.

(b) Records and other data for an unaudited period shall be maintained at all times on the premises of the court, unless an alternative location is specifically authorized in writing by the administrator.

(c) Audits under this section shall be conducted at times determined by the administrator.

(d) The administrator may issue orders and directives to address any findings identified in an audit performed under this section.

(e) Audits of funds received by a court of probate under C.G.S. section 45a-8 from one or more towns shall be the prerogative of the town or towns providing the funds. The funds shall not be subject to audit by the administrator. On request of the administrator, a court shall provide information to the

administrator regarding the funds or other town expenditures made on behalf of the court.

Section 29 became effective February 17, 2010 (Approved by the Executive Committee November 17, 2009; Approved by the Judiciary Committee February 17, 2010)

Amended January 1, 2011 (Approved by the Executive Committee March 16, 2010; Approved by the Judiciary Committee July 8, 2010)

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

Section 30

Reserved for future use.

**State of Connecticut
Office of the Probate Court Administrator**

Probate Court Regulations

**Section 31
Extended Family Guardianship and
Assisted Care Pilot Program**

31.1 Authority

These regulations are issued pursuant to C.G.S. sections 45a-8b and 45a-77.

31.2 Establishment of the Extended Family Guardianship and Assisted Care Pilot Program, Purpose, Designation of Judge to Administer the Program

(a) The administrator shall establish, within available appropriations, an extended family guardianship and assisted care pilot program. The program shall be administered by the New Haven Regional Children's Probate Court.

(b) The purpose of the program is to reduce the number of children who are placed out of their communities and in foster care due to abuse and neglect. The program shall be designed to accomplish these goals through the following means:

- (1) Providing outreach to extended family members and non-relative caregivers in the community for possible appointment as guardians for children;
- (2) Seeking volunteers to act as assisted care providers to help guardians care for children;
- (3) Paying for needed services to assist guardians in meeting the needs of children under their care;
- (4) Making monetary grants to assist guardians in meeting the needs of children under their care; and

(5) Paying for needed services to assist parents and guardians who participate in the New Haven Attendance and Engagement Clinic established under C.G.S. section 45a-8c to reduce student truancy.

(c) The administrator shall designate a judge from among the judges whose probate districts are included in the New Haven Regional Children's Probate Court pursuant to C.G.S section 45a-8a (b) to manage the program, to determine eligibility to participate in the program under P.C.R. section 31.3, and to determine the amounts and purposes of grants under P.C.R. section 31.4. For the purposes of this section, "court" shall mean the judge designated to manage the program under this section.

(d) No judge designated to manage the program shall receive any compensation or benefits for such judge's services in connection with the program, other than the compensation and benefits that such judge receives from his or her court.

31.3 Applications and Eligibility

(a) For the purposes of this section:

(1) "Extended family guardian" means a permanent or temporary guardian who is related to a minor by blood, marriage, or step relationship or who is a non-relative determined by the court to have an existing personal relationship or some other connection with the minor through the local community, and who was appointed by the New Haven Regional Children's Probate Court or by any Probate Court serving a district included in the New Haven Regional Children's Probate Court pursuant to C.G.S section 45a-8a (b). In addition, an extended family guardian who was appointed by any Probate Court shall be eligible for the extended family guardianship and assisted care pilot program if

such guardian participates in the activities associated with the program.

- (2) "Participating parent or guardian" means a parent or guardian who has been referred to the New Haven Attendance and Engagement Clinic established under C.G.S. section 45a-8c and who is either currently participating or has successfully completed participation in the clinic.

(b) An extended family guardian or participating parent or guardian may apply for a grant under the extended family guardianship and assisted care pilot program by completing an application in such form as the court may designate. The applicant shall:

- (1) Indicate the amount and purpose for which the grant is sought, and
- (2) Stipulate whether the extended family guardian or participating parent or guardian has previously received grants from the Family Respite Fund Program or Kinship Fund Program in the current fiscal year.

(c) To be eligible for a grant under the program, an extended family guardian or participating parent or guardian must qualify at the time of the grant application for a fee waiver or have been determined by the court to be in need of such a grant.

(d) An extended family guardian or participating parent or guardian who received a grant from the Kinship Fund Program or the Family Respite Fund Program during the current fiscal year before making an application for the extended family guardianship and assisted care pilot program shall be eligible for a grant for services under P.C.R. section 31.4 (a) or for a study performed by a private agency pursuant to P.C.R. section 31.4 (d), but shall not be eligible for monetary grants under P.C.R. section 31.4(b).

31.4 Grants

(a) The court may authorize payment for any of the following services to assist an extended family guardian or participating parent or guardian who satisfies the eligibility criteria set forth in P.C.R. section 31.3 in meeting the needs of children in such guardian's custody:

- (1) Medical and dental care;
- (2) Nutritional counseling;
- (3) Psychiatric, psychological, or therapeutic counseling;
- (4) Developmental and educational services;
- (5) Summer and school vacation programs and camps;
- (6) Tutoring and mentoring programs;
- (7) Extra-curricular activities; and
- (8) Transportation related to any of the services listed above.

(b) The court may authorize monetary grants in the maximum amount of one thousand dollars (\$1,000) per fiscal year per child to an extended family guardian or participating parent or guardian who satisfies the eligibility criteria set forth in P.C.R. section 31.3 to be used for one or more of the expenditure types set forth in subsection (a) or, in the case of an extended family guardian, for one or more of the expenditure types set forth in the Department of Children and Families' Policy Manual section 36-55-25.4, as amended from time to time.

(c) The court shall be guided by the best interests of the child or children in the custody of the guardian when determining the amount and purpose of grants under P.C.R. sections 31.4 (a) and (b).

(d) The court may authorize payment for a study to be conducted by a private child-placing agency in connection with a guardianship proceeding in the New Haven Regional Children's Probate Court if the proposed extended family guardian satisfies the eligibility criteria set forth in P.C.R. section 31.3, and the court

determines that having the study performed by a private agency is in the child's best interest. A private child-placing agency is an agency licensed or approved by the Commissioner of the Department of Children and Families under C.G.S. section 45a-707 (3).

31.5 Assisted Care Providers

(a) The court shall seek to recruit volunteers willing to act as assisted care providers and shall maintain a list of such assisted care providers. The court shall perform a background check of the state criminal records and child protection databases before adding any proposed assisted care provider to the list.

(b) The list set forth in P.C.R. section 31.5 (a), shall serve as a resource for extended family guardians who wish to accept the assistance of an assisted care provider and who agree to supervise the activities of the assisted care provider.

31.6 Funding and Administration

(a) The administrator shall from time to time distribute available funds, in amounts determined by the administrator, to the New Haven Regional Children's Probate Court for use in the extended family guardianship and assisted care pilot program.

(b) The court shall maintain a bank account separate and distinct from any other court bank account, which account shall be used exclusively for the program.

(c) The court shall seek to inform eligible guardians about the program through outreach efforts, written communications, group meetings, and other appropriate means.

(d) The court shall submit quarterly reports to the administrator detailing the following information:

- (1) The amount and dates of disbursements of program monies;
- (2) A description of the uses of the program monies;
- (3) The balance remaining in the program bank account; and
- (4) The number of families and children served by the program during the reporting period.

(e) The administrator, or the administrator's authorized representative, may conduct periodic audits of the court's financial records pertaining to the program to ascertain compliance with the law, the P.C.R., and the policies and procedures established by the administrator.

(f) Any funds not utilized for the purposes of the program shall be returned to the administration fund in such manner and at such time as the administrator directs.

Section 31 became effective August 8, 2010 (Approved by the Executive Committee April 21, 2010; Approved by the Judiciary Committee August 8, 2010)

Amended December 18, 2013 (Approved by the Executive Committee September 11, 2013; Approved by the Judiciary Committee December 18, 2013)

Amended August 22, 2014 (Approved by the Executive Committee May 14, 2014; Approved by the Judiciary Committee August 22, 2014)