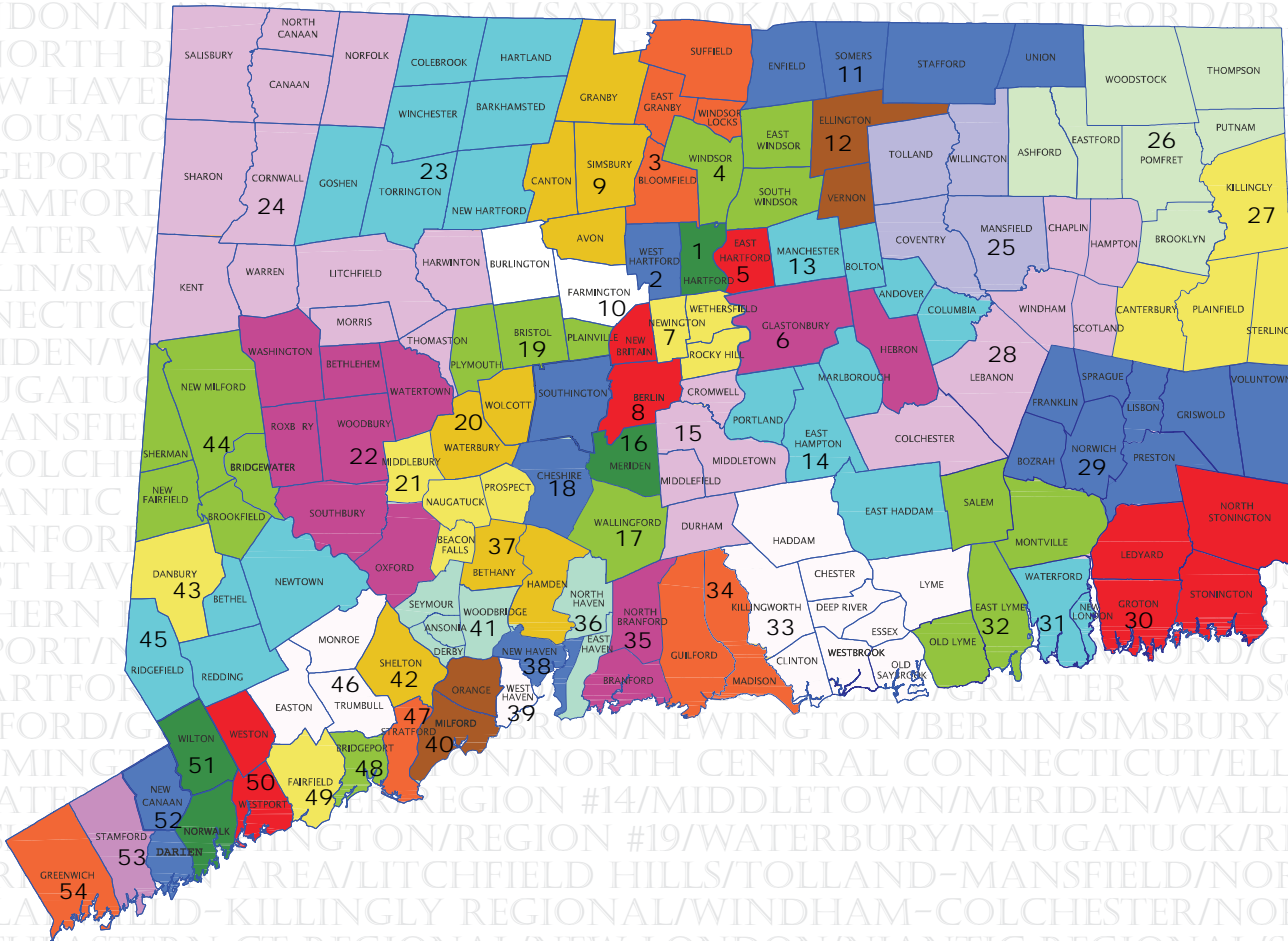


2011 ANNUAL REPORT

OF THE PROBATE COURT ADMINISTRATOR



Overview of Connecticut's Probate Courts

Connecticut's First Estate

In 1614, Dutch explorer Adriaen Block became the first European to navigate the Connecticut River, sailing as far north as Enfield. Two decades later, there were so many Europeans flocking to the "New World" that settlers had pushed south from the Massachusetts and Plymouth Bay colonies to "plantations" on the banks of the Connecticut. In March 1636, the general court of Massachusetts gave a one-year grant of legislative and judicial powers to eight "freemen" from Newtowne (Hartford), Dorchester (Windsor), and Watertowne (Wethersfield).

At this time, there was increasing unrest between the Pequot Indians and settlers, and in July 1636, a trader from the Massachusetts Bay Colony named John Oldham was murdered on Block Island. His brutal death helped to spark the Pequot War of 1637. It also marked the start of probate records in Connecticut. Oldham's body was brought to Hartford for burial, and his estate was the first to be officially recorded in the records of the Connecticut Colony on September 1, 1636:

Whereas there was tendered to vs an Inventory of the estate of Mr. Jo: Oldā wth seemed to bee somewhat vncertainely valued, wee therefore thinke meete to, & so it is ordered, that Mr. Jo: Plum & Rich: Gildersleeue together wth the Constable shall survey the saide Inventory and p^rfect the same before the next Corte & then to deli^v it into the Corte. (1 Col. Rec. 3.)

In that same session of the court, Mr. Thurston Rayner was appointed to continue to look after Mr. Oldham's corn crop and report to the court about the bounty of the harvest at the next session. The court promised to allot him a share of the crop for his "paines & labor." In later sessions, the court reviewed the inventory, ordered creditors to appear, and disbursed some of Mr. Oldham's property. In February 1639, the court reviewed an accounting of Mr. Oldham's estate in Connecticut and ordered that it be sent to the Massachusetts Bay Colony. If a "just accounting" were returned in a "reasonable tyme," the court ordered, "an equal division may be made of the whole; yf not, the estate here shall be divided among the Creditors here." (1 Col. Rec. 43, 44.)

Evolution of Probate Districts

The first separate forums for the administration of decedents' estates and the appointment of guardians were established in 1698 as offshoots of the county courts. These courts were officially recognized as the probate courts in 1716. Four separate courts, each with its own judge, were established in the state's four counties: Hartford, Fairfield, New Haven, and New London.

The first probate districts comprising less than a full county were established in 1719, due in part to the transportation needs of a growing population. As the years passed, probate districts became progressively smaller and more local in character. This trend continued until 1987, when the legislature established the 133rd probate district. After that time, however, the trend began to reverse, primarily for economic reasons, and a number of districts consolidated with other districts. Further restructuring took place following the passage of Public Acts 09-114 and 09-1 (September Special Session). Effective January 5, 2011, the number of probate districts was reduced from 117 to 54.

Probate Court Jurisdiction

The probate courts derive their jurisdiction and authority from the state legislature. Originally, the probate courts only administered decedents' estates and guardianships. Today, the probate courts deal with a multitude of matters that affect Connecticut's citizens from birth to death. These include:

- Proceedings involving children – paternity matters, removals of parents as guardians, terminations of parental rights, emancipations of minors, and adoptions
- Conservatorships
- Guardianships of persons with intellectual disability
- Commitments of persons with psychiatric disability
- Commitments for treatment of tuberculosis and drug/alcohol abuse
- Decedents' estates
- Trusts
- Guardianships of estates
- Name changes

Probate Court Proceedings

The proceedings in probate courts are generally informal, and many of the parties appearing before the court are not represented by counsel. Hearings tend to be brief. The benefit of this informality is that matters are able to proceed more quickly and with less cost.

Probate Judges

The state constitution requires that probate judges be elected, and the term of office is four years. The mandatory retirement age for probate judges is 70. Each newly elected judge beginning on or after January 5, 2011 must be an attorney. The Code of Probate Judicial Conduct establishes ethical standards for the judges, and there is a Council on Probate Judicial Conduct that hears complaints alleging judicial misconduct.

Probate Clerks

Following appointment by the judge, probate clerks receive and file papers, maintain and certify probate court records, keep the court's seal, send out orders of notice of hearings, distribute notices of decrees, and help the public with general questions about probate court procedures. C.G.S. § 45a-18 refers to the "faithful performance" of duties, and the court staff in Connecticut's probate court system abide by this standard every day, whether serving the public, assisting the judges, or performing administrative tasks.



Dedication

JUDGE FREDERICK PALM, JR.

1947-2011

The 2011 Annual Report is dedicated to Judge Fred Palm, Jr.,
who died on March 16, 2011.

A compassionate and dedicated public servant,
Judge Palm served as a judge for 24 years, overseeing the Groton Probate District and, following
court restructuring, the Southeastern Connecticut Regional Probate District. He was actively
involved in the Connecticut Probate Assembly and honored in his community
for his work on behalf of children.

His death is a great loss to the probate court system.



A Message from Judge Paul J. Knierim

improvements in both the financial health and the professionalism of Connecticut's probate courts.

Without question, the credit for our successes belongs to the people who work in the probate court system. The achievements that came to life in 2011 are the product of teamwork among the judges, probate court employees, and PCA staff. All gave generously of their time and talents to implement new systems and policies while still meeting the demands of busy court dockets. The year's accomplishments are the direct result of the work done by this wonderfully public-spirited group of individuals. I am very grateful for their extraordinary efforts.

We can now look back and see the fruits of those efforts in measurable outcomes. Once near the brink of insolvency, the probate court system today is able not only to meet its expenses, but operates under a system-wide budget that greatly facilitates future planning. Our new accounting system is stronger and vastly more efficient than the duplicative structure that it replaced. Savings from restructuring are projected at \$3.75 million annually, more than 33 percent better than original expectations. Those savings, combined with critical support from the state's General Fund, mean that the system is now financially stable for the long term.

Our commitment to customer service has remained steadfast even as we cut expenses. While we now

Following more than two years of intensive planning and preparation, 2011 marked the launch of myriad changes to Connecticut's probate court system. A full year has now passed since we implemented court consolidation and our streamlined financial structure. The transition has been a remarkable success, producing marked

operating from fewer locations, accessibility has been improved due to the establishment of full-time business hours at all courts. Each court operates with a full complement of experienced staff who make it their top priority to assist those who need the services of our courts. The consistently positive feedback attorneys and court users have given me indicates that the system is functioning exceptionally well under its new structure.

Restructuring has produced collateral benefits as well. For example, our new financial system necessitated upgrades to our computer system that now give us current data about the system's financial condition and workload. Thanks to assistance from the cities and towns that we serve, courts now operate in much-improved facilities. Space constraints led us to develop new records management policies that will reduce storage costs and establish the State Library as the central repository for safeguarding our oldest and most fragile archives.

With financial stability restored and so many structural improvements in place, the probate court system is well positioned to face the future challenges of an increasingly complex caseload. While we have made great progress, all of us in the probate courts share a commitment to ongoing improvement and recognize that there is more to do. A major priority in the coming year will be the comprehensive revision of the Connecticut Probate Practice Book to establish uniform procedures for the manner in which cases should be handled. We must continue to be diligent in our ongoing efforts to manage costs and capitalize on technological advances to make sure that our workflow is as efficient as possible. Top quality educational programs also rank high in our priorities for 2012.

This annual report documents a year of enormous progress for the probate courts. Thanks to the unwavering dedication of the special people who work in the system, we have completed a successful reorganization while preserving the best features of the probate courts. We are a more efficient organization today than we were before restructuring. But more importantly, we continue our proud tradition as an accessible and customer-service-oriented community court.

Assistant Clerks Louis Taylor and Barbara Ward from the four-town Tobacco Valley Probate District enjoy working in their bright, roomy, renovated offices.



In 2011, the Probate Practice Book Advisory Committee met regularly to work on revising the rules of procedure for the probate courts. At the December meeting, left to right, are Attorney Greta Solomon, Suzette Farrar, Judge John McGrath, Attorney Carmine Perri, Arthur Teal, and Attorney Paul Hudon.

A New Court System Emerges

Years of designing and planning the probate court system of the future came to fruition on January 5, 2011 when 32 reconfigured probate districts opened their doors. They joined 22 existing districts to launch a more efficient, professional, streamlined, and cost-effective court operation. With their new terms beginning in January 2011, nine newly elected probate judges and 45 veteran judges executed the ambitious plan.

Municipalities across the state completed the facility improvements necessary to open the new merged courts in a timely manner. As a result, many courts were noticeably better-equipped and had better accommodations for their consolidated operations.

The year also brought the reworking of financial operations, which are now centralized in the Office of the Probate Court Administrator (PCA). This approach has produced millions in savings. After 12 months, it is clear that these innovations are proving successful.

PUTTING BUDGET COMMITTEE POLICIES INTO ACTION

As part of the court system's restructuring, the Probate Court Budget Committee developed several improvements to financial operations. Most notable was the transition to uniform standards for employee compensation and benefits. The Budget Committee also developed policies for determining individual court office budgets and a cohesive plan to determine appropriate staffing levels in each court.

Centralized oversight helped balance the needs of individual courts with the constraints of scarce fiscal resources. The changes also made planning for future needs more achievable. These steps put the probate court system on sound financial footing. For FY 2011-2012, the first full year of operation, the savings are projected to be \$3.75 million.

For more information about the financial impact of restructuring, please see the Budget Committee's section on the website at jud.ct.gov/probate.

UPGRADING TECHNOLOGY

Significant legislative changes necessitated numerous programming upgrades in 2011. The IT department centralized the Case Management System (CMS) database, which allows PCA to track revenues and financial transactions. Network infrastructure improvements in 2011 also made it easier to deploy additional technological upgrades. These improvements will save money and provide better service.

As part of ongoing work on a disaster recovery plan, the IT department made significant progress establishing the necessary network for off-site data backup. As of December 2011, that technology was in place in 40 probate courts.

The IT department also continues to refine its help desk function. New software enables courts to submit support requests electronically and helps the department prioritize and manage requests. A new knowledge base gives all staff easy access to answers about common questions. In 2011, the IT department staff handled approximately 3,000 support issues.



PCA Chief Counsel Thomas Gaffey visits the new quarters of the Madison-Guilford Probate District. Next to him are: Chief Clerk Mary DiMeola, Clerks Janet Sturk, Cynthia Dwyer, and Priscilla Geer, and Judge Joel Helander.

UPDATING REGULATIONS

Probate court administration continues to review and update the probate court regulations, all of which are now posted on the probate court website. Revised regulations governing the eligibility of judges and court staff for health insurance and for vacation, holiday, and sick time went into effect in June of 2011. Several regulations were amended in October to reflect 2011 statutory changes. For the complete regulations, please see the “Information for the Probate Judges and Employees” section on the jud.ct.gov/probate website.

In December, regulations implementing a comprehensive update of the system used to track statistics on judges’ workloads were submitted to the General Assembly’s Judiciary Committee.

STREAMLINING PUBLICATIONS

With the advent of new financial and administrative procedures, a new PCA Policy Manual was launched in January as an online resource. In addition, numerous advisory memoranda were updated and incorporated into the Probate Clerk’s Manual. For the complete PCA Policy Manual, please see the “Information for Probate Judges and Employees” section on the jud.ct.gov/probate website.

PROBATE MAGISTRATES

Under a new program that began in 2011, 13 retired judges took on new duties as probate magistrates. They will lend their experience and expertise to assist with complex cases requiring lengthy hearings.

Legislation passed in 2011 (P.A. 11-177) will enable the probate court administrator to assign magistrates to hear matters referred from the pilot truancy clinic that is administered by the Waterbury Regional Children’s Probate Court.

PRESERVING COURT RECORDS

The probate courts made steady progress in preserving historical court records in 2011. Working in partnership with the State Library, courts and towns regained scarce vault space in municipal buildings while safeguarding older records from courts that have closed by transferring approximately 1,650 record books to the State Library.

The plan to computerize more recent court records also continues to advance. Merged courts are expected to complete this project in 2012, and then plans call for digitizing the records of courts that did not merge.

COURT VISITS

State law requires the probate court administrator or his designee to make a biennial visit to each probate court, but the significant changes that took place in 2011 warranted visits to all 54 courts this year. During the visits, Judge Knierim and the three PCA attorneys found that the courts were functioning well under the new structure. They had successfully integrated the courts’ separate caseloads, established new administrative and financial practices, and tackled backlogs in case and records management.

Staff from the financial services department also visited every court. Those visits focused on the application of policies and procedures that grew out of restructuring. The visits revealed that the courts had done excellent work applying those changes.

CONNECTICUT PROBATE PRACTICE BOOK

At midyear, PCA began a comprehensive revision of the Connecticut Probate Practice Book. Undertaking a task that complements restructuring, the Probate Practice Book Advisory Committee seeks to establish uniform procedures for the management of cases while preserving informality and the user-friendly nature of the probate court system. The committee is charged with completing its work by July 2012. For information about the proposed rules, please see the “Probate Practice Book Advisory Committee” section on the jud.ct.gov/probate website.

Judge Nicholas Kepple participates in an orientation session at PCA. Judge Kepple won a special election in August to become judge of the Southeastern Connecticut Regional Probate District.



PCA Chief Counsel Thomas Gaffey addresses a full house at the annual October meeting for probate court staff.

Training for Today and Tomorrow

TRAINING FOR TODAY AND TOMORROW

Continuing education is one of the most important resources PCA provides to judges and court staff. Programs are held throughout the year, and planning and arranging meetings is a continual process. Probate court administration presents roundtable discussions for court staff, judges institutes, and other training, such as programs for probate court officers. In addition, PCA works with the Continuing Education Committee of the Connecticut Probate Assembly to ensure that the judges and staff receive training on the full range of probate jurisdiction at quarterly meetings. The Probate Assembly's Judicial Education Standards Committee reviews requests to attend programs sponsored by other organizations.

Judges and court staff must meet continuing education requirements – 15 hours for judges and six hours for court staff – and file yearly compliance reports concerning their attendance. In 2011, more than 100 hours of continuing education were offered. Probate court administration also worked with the Judicial Branch to obtain educational vouchers from the Connecticut Bar Association that allow judges and court staff to attend CBA programs free of charge.

PCO TRAINING PROGRAMS

In January, the probate court officers from the regional children's probate courts gathered at the Office of the Probate Court Administrator for a training program featuring David Mandel, MA, of the Department of Children and Families. Program Manager for Mental Health and Family Programs Stephanie Janes from PCA organized the session to provide the probate court officers with advanced training on domestic violence.

A second training program for probate court officers was held in September. The topic was "Family Assessment and Genograms."

SPECIAL SEMINAR ON HEALTH EMERGENCIES

Judges and staff from the Connecticut probate court system traveled to White Plains, New York in February for a two-day seminar funded by the University of Pittsburgh on dealing with public health emergencies. Participants from New York, New Jersey, and Connecticut included health department employees, judicial officials, and other health professionals. Topics such as public health law, biological agents as instruments of terrorism, and cross-border issues were discussed to encourage collaboration and planning for health emergencies and to explore their effects beyond state borders.

TRAINING PROGRAMS FOR CLERKS

Clerks Roundtables

The first series of roundtable discussions, which was held in February, focused on the new employee assistance program. Tami Hodges, vice president and regional director of the ESI Employee Assistance Group, discussed the services, benefits, and resources the program offers to probate court personnel.

In April and May, the roundtable programs held at seven locations around the state featured a review of civil commitment procedures. Probate Court Administration Attorney Debra Cohen presented the programs with the assistance of Court Staff Attorney Francesca Lafante of the Hartford Probate District, Assistant Clerk Darlene Ayrtton of



George Fernandes of the IT department at PCA takes notes at a clerks roundtable in which he participated.

the Norwich Probate District, and Chief Clerk Patricia Saviano of the Danbury Probate District.

The fall roundtable series focused on children's matters, including custody, guardianship, and paternity applications, and changes in the law concerning estate tax returns and probate fees. Children's matters are always a strong draw for the clerks; the focus on estate matters was precipitated by recent changes in the law that could affect the estates of decedents who died on or after January 1, 2011. Probate Court Administration Attorney Bonnie Bennet, Attorney Cohen, and Chief Clerk for Children's Matters Amy Benjamin from PCA presented the programs at meetings in Torrington, Norwich, Fairfield, Madison, and Manchester. IT Systems Manager George Fernandes of PCA attended several roundtables to answer IT questions.

March Training Programs for Clerks

Two programs were offered at Central Connecticut State University in March. On March 22, Winnie Sumner of PCA presented a review of the CMS program and frequently-asked questions. The following day, Attorney Cohen and Amy Benjamin were joined by Noreen Bachteler, supervisor of interstate compacts at DCF, and Karen Miskunas, program manager of the adoption unit at DCF, for a presentation about terminations and adoptions.

Training for Chief Clerks

The chief clerks received training on supervisory skills from Tami Hodges of the ESI Employee Assistance Group at sessions in March and June. The topic was "Motivating, Coaching and Counseling, and Recognizing Achievement."

October Meeting for Probate Court Staff

The annual October program for probate court staff featured a variety of presentations. Judge Knierim and Attorney Thomas Gaffey reviewed 2011 legislation, followed by a discussion of

recent case law by Attorney Gaffey. Judge Knierim explained the state labor agreement as it pertains to the probate courts; Attorney Bennet discussed the work of the Probate Practice Book Advisory Committee; George Fernandes was joined by Attorney Cohen for a report about developments in the IT department; and Attorney Bennet and Attorney Cohen ended the program with some observations from recent court visits.

JUDGES INSTITUTES

Judges institutes were held in March and October at Central Connecticut State University. The morning session of the March program focused on writing and research. Superior Court Judge Carl Schuman discussed opinion writing; Attorney John Weikart, manager of legal research at Superior Court Operations, reviewed the Manual of Style for the Connecticut Courts; and Attorney Dan Shapiro, co-chairman of the board of Casemaker, explained how to get the most from the Casemaker legal research service.

During the afternoon session, Tami Hodges of the ESI Employee Assistance Group gave an overview of the employee assistance program. For the remainder of the afternoon session, the judges focused on "Best Practices in Children's Matters: Recommendations from the Child Fatality Review Panel." After an introduction by DCF Commissioner Joette Katz, Ken Mysogland, who directs the Office of Foster Care & Adoption Services at DCF, and Dr. Michael Schultz, the director of quality assurance and special reviews at DCF, presented an overview of the child fatality review process. Attorney Gaffey presented an overview of fatality cases, and Judge Thomas Brunnock of the Waterbury Probate District and Amy Benjamin discussed best practices in immediate temporary custody and removal of guardian proceedings. Other topics included DCF studies and recommendations and the hearing and decision-making process. In addition, there was a panel discussion of family-centered assessments in which Stephanie Janes participated along with Judge Brunnock, Ken Mysogland, and Dr. Schultz.



Jane Obert and Sue Dornfried of PCA handle registration at one of the continuing education programs at Central Connecticut State University's ITDB Conference Center.

The October Judges Institute began with a discussion of end-of-life decisions, covering ethical, medical, legal, and judicial views on these issues. The presenters were Dr. Barbara Jacobs, Director of the Clinical Ethics Consultation Service at Hartford Hospital; Dr. Lenworth Jacobs, Director of Trauma and Emergency Medicine at Hartford Hospital; Judge Robert Killian, Jr. of the Hartford Probate District; and Attorney Timothy Fisher of McCarter & English, LLP.

The second session, "Managing and Motivating Court Staff," was conducted by Tami Hodges. The final offering was a human resources primer on issues such as unemployment compensation, workers' compensation, discrimination and sexual harassment claims, and family and medical leave. Judge Holly Quackenbush Darin, formerly of the Killingworth Probate District, and Attorneys William Ryan and Sandra Cruz Kennedy, both of Ryan & Ryan, LLC were the discussion leaders.

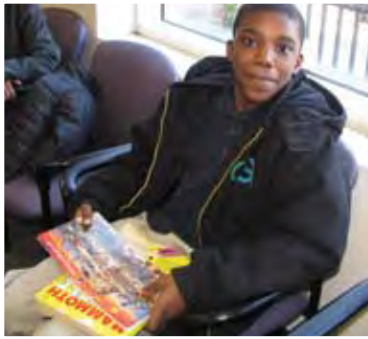
NATIONAL COLLEGE OF PROBATE JUDGES (NCPJ)

The National College of Probate Judges is the only national organization that focuses exclusively on improving probate law and the probate courts. Currently, 49 Connecticut probate judges are members of the NCPJ. Judge Fred Anthony served as Education Co-Chair of the 2011 spring and fall conferences.

Connecticut was in the spotlight at the fall NCPJ conference. Judge Anthony; Vincent Russo, Manager of Communications and Intergovernmental Relations at PCA; and Peter Smith, the Probate Assembly's legislative assistant, gave a joint presentation that looked at the changing nature of probate courts nationwide and offered advice about advocating for the courts.

The presentation used the recent restructuring of Connecticut's probate courts to suggest ideas and explore techniques that might benefit other states. The panel also discussed national trends and offered advice on working with the legislative and executive branches of state government to achieve the best results.

Kamaar waits for adoption proceedings to begin, which will make him a big brother to three siblings.



Judge Beverly Streit-Kefalas presents a book to Jermaine after she presided over his adoption on National Adoption Day. His twin sister, Jade, who was also adopted that day, hugs the book she received.

Probate Courts in the Community

REGIONAL CHILDREN'S PROBATE COURTS

Since the first regional children's probate court opened in New Haven in 2004, hundreds of children and their families have benefited. The five regional children's probate courts unite court personnel, local and state agencies, and families to ensure that the children and their families can thrive in a secure, stable home environment. Highly trained staff in each court hold family conferences to develop the most beneficial plans for the care of children. Working in collaboration with the Department of Children and Families and other agencies, the staff provides continuing support and long-term monitoring. With their advanced degrees and specialized training in family issues, probate court officers are a key component of this comprehensive support.

The New Haven Regional Children's Probate Court serves the residents of six probate districts. In addition to New Haven, those districts are: Branford-North Branford, East Haven-North Haven, Hamden-Bethany, Milford-Orange, and West Haven. Judge Michael Albis is the administrative judge.

In 2011, the Central Connecticut Regional Children's Probate Court completed its second year of operation at its new location. The court provides services for the Meriden, Middletown, Region 14, and Wallingford Probate Districts. Judge Philip Wright, Jr. of the Wallingford Probate District is the court's administrative judge.

The Hon. Mathew Greene of the New London Probate District serves as administrative judge for the New London Regional Children's Probate Court, which was established in

May 2006. In 2011, the court served families from the New London, Niantic Regional, and Southeastern Connecticut Regional Probate Districts.

The Waterbury Regional Children's Probate Court opened in June 2007. Region 22 and Waterbury, which together serve nine towns, are the two probate districts that participate in this court. Judge Thomas Brunnock of the Waterbury Probate District is the administrative judge.

The Northeast Regional Children's Probate Court has locations in Willimantic and Brooklyn. In 2011, it served the residents of the Northeast, Plainfield-Killingly Regional, Tolland-Mansfield, and Windham-Colchester Probate Districts. Administrative Judge Jodi Thomas oversees the court's daily operations.

Hartford Regional Children's Probate Court

By the fall of 2011, preparations were well underway for a sixth regional children's probate court. Judges from the participating courts met regularly to discuss the plans as they evolved. Eleven probate districts have agreed to participate, including East Hartford, Farmington-Burlington, Glastonbury-Hebron, Greater Manchester, Greater Windsor, Hartford, Newington, North Central Connecticut, Simsbury Regional, Tobacco Valley, and West Hartford. Judge Steven Zelman of the Tobacco Valley Probate District was chosen as administrative judge. The court is expected to open in early 2012.



Chief Clerk Laurie Roberts at her desk at the Tobacco Valley Probate District.

Truancy Clinic

In 2008, the Waterbury Regional Children's Probate Court and the Waterbury public school system jointly established a truancy clinic for at-risk students under the leadership of Judge Thomas Brunnock of the Waterbury Probate District. The program works with elementary school children and their families to address health problems and other systemic causes of truancy. The clinic individualizes its approach for each student, establishing clear expectations for attendance.

In 2011, the Waterbury Board of Education hired Jeff Parsons, a truancy clinic officer based in the Waterbury Regional Children's Probate Court. Mr. Parsons, who is a family therapist, conducted home visits with the families of truants and coordinated services to address problems causing the attendance issues. In November, William Samell, a retired attendance officer, took over the truancy officer position. He regularly goes to the schools and attends truancy clinics.

This year, the General Assembly passed legislation formally establishing a pilot truancy clinic under the auspices of the Waterbury Regional Children's Probate Court. The legislation authorizes probate magistrates and probate attorney referees to hear matters in the clinics. Beginning September 1, 2012, the court's administrative judge is required to file an annual report on the clinic's effectiveness. By January 1, 2015, PCA must provide a report to the General Assembly assessing the truancy clinic's overall effectiveness.

Interagency Collaboration and Training

The regional children's probate courts continued to promote and expand their collaboration with other agencies in 2011. Stephanie Janes, probate court officers, and social workers and managers from DCF met regularly to share ideas about the children's courts' most complex cases.

In 2011, probate court officers from all the regional children's probate courts attended a training session on handling domestic violence issues, which was presented by a consultant from DCF. Staff from the probate courts and DCF also participated in cross-agency training about using genograms to develop family-centered assessments.

In addition, the New Haven Regional Children's Probate Court and the Yale University Child Study Center began a pilot program offering intensive support for at-risk families. The project provides 12 weeks of in-home therapy, support, case management, and advocacy aimed at promoting healthy relationships between caregivers and the children in their charge.

KINSHIP FUND AND GRANDPARENTS AND RELATIVES RESPITE FUND

The Children's Trust Fund, a state agency that works to prevent child abuse and neglect, administers the Kinship Fund and the Grandparents and Relatives Respite Fund through the probate courts. The two funds offer critical assistance to relatives serving as court-appointed guardians, helping them to provide for the children in their care.

Kinship Fund grants award families up to \$500 per child annually to buy items and services for their children that would not be affordable otherwise. The grants are limited to \$2,000 per family. Typically, grants pay for expenses such as school uniforms, summer camp fees, and dental care. The Grandparents and Relatives Respite Fund gives qualified guardians annual grants of up to \$2,000. This money can be spent on family expenses, such as housing, food, transportation, and day care.

Some of the savings realized from the probate court system's restructuring was passed on to the Kinship and Respite Funds. The General Assembly increased funding for the programs from \$1,050,000 to \$2,050,000, offering families additional help with the challenges of caring for at-risk children.



Soon-to-be brother and sister, Orlando and Serenity, share a hug.

In 2011, the Kinship Fund provided assistance to 1,246 families with 1,911 children. Grants from the Respite Fund were awarded to 1,153 families, benefiting 1,685 children.

New Haven Probate Court Service Center

The New Haven Probate Court Service Center oversees the Kinship Fund and the Grandparents and Relatives Respite Fund in New Haven. The center also runs the Extended Family Guardianship and Assisted Care Program, which provides outreach to individuals who are interested in serving as guardians for non-relative children to avoid foster care placement outside of the home community. This program gives caregivers training in skills such as conflict resolution, anger management, and parenting.

MELISSA'S PROJECT

Melissa's Project was established in 2002 to help individuals with severe, chronic mental disabilities. This private, non-profit organization connects individuals with services to ensure the best possible access to health care and community support. Working in partnership with PCA and the Department of Mental Health and Addiction Services, Melissa's Project enables individuals who would otherwise be at risk of

hospitalization or incarceration to live independently in the community. Melissa's Project served 132 people in 2011.

This year, NAMI-CT (National Alliance on Mental Illness-Connecticut) and Melissa's Project established the Honorable James Lawlor Leadership Award, which recognizes professionals doing outstanding work on behalf of people with psychiatric disabilities. A former probate court administrator, Judge Lawlor is a long-time mental health advocate.

In 2011, the Connecticut Community Foundation and the Naugatuck Savings Foundation awarded Melissa's Project \$20,000 and \$5,000 matching grants, respectively, to upgrade the organization's technology.

CHILDREN IN PLACEMENT CONNECTICUT

The Children in Placement Connecticut program enables community volunteers to become advocates for the best interests of abused and neglected children involved in court proceedings. In 2011, Children in Placement Connecticut provided advocates for 89 children whose cases came before the probate courts.

Chief Court Administrator Barbara Quinn joins probate judges and staff at the annual meeting of the Connecticut Probate Assembly.



State Rep. Bob Godfrey (second from right) receives the Public Service Award during the annual meeting of the Connecticut Probate Assembly. Presenting the award are Probate Assembly President-Judge Daniel Caruso, Probate Court Administrator Paul Knierim, and Past President-Judge Dianne Yamin.

Legislative Summary 2011

While fiscal challenges dominated the 2011 legislative session, the state budget maintained critical funding for the probate courts, and the General Assembly adopted several other key probate court system initiatives. A summary of legislation affecting the probate courts appears below.

BUDGET ACTS

Reacting to a difficult fiscal situation, the General Assembly and the governor passed numerous budget acts during the 2011 session. Funding for the probate courts was reduced from a high of \$11.25 million in fiscal year 2010-11 to \$8.2 million in fiscal year 2011-12 and \$7.3 million in fiscal year 2012-13, reflecting the savings being achieved from restructuring. A portion of the surplus from the Probate Court Administration Fund was used to increase the Kinship Fund and the Grandparents and Relatives Respite Funds from \$1,050,000 to \$2,050,000. Recognizing the need for a contingency fund while restructuring is implemented, the state authorized the Probate Court Administration Fund to maintain a carryover balance of \$4 million.

On the revenue side, the threshold for paying estate tax was lowered from \$3.5 million to \$2 million. That change is retroactive for the estates of decedents who died on or after January 1, 2011.

Public Act 11-128, An Act Concerning Probate Court Operations

This act makes several technical changes to probate court statutes. It provides greater flexibility to probate courts to share confidential records in children's matters with other agencies and courts that are involved in the cases. The act also permits probate courts to authorize a temporary administrator to obtain records to evaluate a possible cause of action without opening a full estate.

Public Act 11-129, An Act Concerning Applications for Guardianship of an Adult with Intellectual Disability and Certain Statutory Changes Related to Intellectual Disability

This act permits the filing of an application for guardianship of an adult with intellectual disability before that person's 18th birthday. The legislation also replaces the term "mental retardation" in the probate statutes with "intellectual disability."

Public Act 11-134, An Act Establishing a Procedure for Relief from Certain Federal Firearms Prohibitions

This act provides a mechanism by which a person who is prohibited from purchasing or owning a firearm due to a mental health adjudication can seek restoration of his or her federal firearms rights through a judicial proceeding. The probate courts will have jurisdiction over these cases.

Public Act 11-167, An Act Concerning Access to Records of the Department of Children and Families

This act authorizes DCF to disclose all records relating to a child to a probate court that has a matter before it concerning that child.

Public Act 11-177, An Act Concerning a Pilot Truancy Clinic in Waterbury

The act recognizes the truancy clinic administered by the Waterbury Regional Children's Probate Court as a statutory pilot project. It also gives probate magistrates and attorney probate referees the authority to hear matters at the clinic.

For a more complete description of 2011 legislation affecting the probate courts, please see the "Legislative Information" section on the jud.ct.gov/probate website.



PCA Attorney Bonnie Bennet meets with Judge Evelyn Daly and Chief Clerk Evan Brunetti at the Farmington-Burlington Probate District.

Office of the Probate Court Administrator

The Connecticut General Assembly established the Office of the Probate Court Administrator in 1967 to provide administrative and legal support to the courts and to promote uniform procedures throughout the probate court system. The Chief Justice appoints the probate court administrator from among the sitting probate judges.

When court restructuring took effect in January 2011, PCA's responsibilities grew. The functions of the office now include:

- Administrative and legal support
- Technological and computer support
- Financial oversight, analysis, and projections
- Centralized budget administration, banking management, and payroll
- Educational programs
- Policy leadership and legislative initiatives
- Publication of materials relevant to the probate courts

FINANCIAL ACCOUNTABILITY FOR A STREAMLINED COURT SYSTEM

With the launch of centralized financial operations in January 2011, Probate Court Administration's Financial Services Department oversaw dramatic changes to the probate court system statewide. Probate court administration staff and court personnel aptly handled the extraordinary challenges of implementing those changes while closing out the former decentralized financial system.

Budget Measures

The Probate Court Budget Committee was established in 2009 to create a uniform system-wide compensation and benefits plan for court employees, set staffing levels for each probate court, and determine each court's office budget. In 2011, the Budget Committee oversaw implementation of the

first year with a single system-wide budget and monitored the implementation of numerous new policies. In the 2010-2011 fiscal year, a surplus in excess of \$8 million was transferred from the Probate Court Administration Fund to the General Fund. In addition, the financial services department prepared the biennial budget for the 2011-2012 and 2012-2013 fiscal years.

PCA Policy Manual

Probate court administration launched the PCA Policy Manual in 2011. The manual provides judges and court staff with over 40 policies covering compensation, benefits, court staffing, payroll administration, accounts receivable and banking, court expenditures, and other financial and operational matters. The manual is posted on the website for easy reference. During 2011, several new policies were added and existing policies were refined.

Payroll

On January 5, 2011, the financial services department began handling payroll for approximately 400 judges and court staff. The new payroll system features a secure web-based time and attendance reporting system, direct deposit of paychecks, and the ability to view pay stubs online. There is 100 percent participation in direct deposit, which saves the cost of printing and mailing paychecks. Payroll processing savings are projected at approximately \$170,000 annually.

The online time and attendance system allows employees to request time off in advance. Employees can view a complete history of their time off, along with up-to-date balances for accrued vacation, sick, and personal time.



Accountant Robert Guzzo handles numerous financial duties at PCA.

Banking

Centralized banking is a key component of restructuring. On January 1, 2011, courts began depositing all probate fees directly to the State Treasurer, crediting them to the Probate Court Administration Fund. The CMS software was also upgraded in 2011 to allow access to data on invoicing and cash collections for individual courts and for the probate court system as a whole. Court level and system-wide reports track outstanding accounts receivable, daily cash receipts, and other real-time metrics useful for planning and forecasting.

Workers' Compensation Insurance

In 2011, the financial services department replaced 59 separate workers' compensation insurance policies for the 54 individual probate districts and five regional children's probate courts with a single policy covering all judges and employees. Insurance premiums are paid bi-weekly based on actual payroll costs, eliminating the need for year-end adjustments. Under this new structure, workers' compensation costs are expected to be cut in half. Additional savings are realized by eliminating administrative tasks associated with maintaining separate insurance policies.

Court Audits

The 117 probate courts that merged in 2011 had operated under a decentralized financial structure. To close out that system, the financial services department audited the financial reports of all 117 courts in 2011. The centralized financial structure eliminates quarterly assessment payments by individual courts and also eliminates the need for external accountants and external auditors, saving approximately \$340,000 annually. Combined with the savings in payroll processing, cost reductions are expected to exceed \$510,000 in 2011 and each year thereafter.

During the fall of 2011, financial services staff visited the 54 new court districts to conduct financial reviews focused on compliance with the new financial structure.

TECHNOLOGICAL IMPROVEMENTS FOR THE 21ST CENTURY

Probate Court Administration's Information Technology Department made a number of improvements in 2011 to give the probate courts the most effective tools to meet the challenges of a changing court system. By year's end, all courts were better equipped to offer the public uniform, efficient, user-friendly service.

Help Desk

The help desk was established as a resource for courts seeking assistance with technology problems. Approximately 3,000 support issues were addressed in 2011. During the year, the IT department took several steps to better document and manage support requests. Adding SysAid help desk software for use on desktops in all the courts improved communication between PCA and the courts. In September, the staff expanded the SysAid help desk software to allow users to submit help desk tickets electronically. This new feature also lets users track and change help desk tickets, and it offers a convenient database of frequently asked questions.

Case Management System (CMS)

The IT department launched several programming initiatives in 2011 to keep pace with the evolving court system. Upgrades to CMS addressed legislative changes and added a new case type for applications to restore rights to buy and own firearms.

Over the past year, CMS has evolved to become a business operations application in addition to its core case management function. Financial data is entered; revenue is tracked; deposit slips are created; credits or adjustments are made; refunds are issued; and deposit reconciliation is reviewed, all within CMS. Additional software upgrades simplify the ability to collect newly mandated revenues. Court staff can now use CMS to charge interest on a decedent's estate if a tax filing is late or an invoice is not paid within 30 days.

Another new CMS feature gives courts the ability to store digital audio recordings as part of case files. This application



Judge Robert Killian, Jr. makes a point during a meeting of the Probate Practice Advisory Committee. Assistant Attorney General Karen Gano is at left. Seated to the right is Judge Beverly Streit-Kefalas.

saves time and eliminates the risk that data might be lost or degraded. Improved network infrastructure has significantly improved the deployment of CMS upgrades, reducing the time involved from weeks to overnight or over a single weekend.

Scanning Project

In 2011, the IT department continued its efforts to preserve probate court records and promote public access. Phase I of the Laserfiche scanning project involved digitizing non-confidential records books and index cards of merged courts from 1976 to the present. After scanning 2.9 million images, the project was completed in February. Work then began on Phase II, which involves scanning records books of the merged courts from 1921 to 1976 and creating a microfilm backup for any book not previously microfilmed. This phase is expected to produce 2.5 million scanned images and one million microfilmed pages. The third and fourth phases, handling the records of courts that did not merge, are expected to begin in 2012.

New Initiatives

Off-site backup is critical for probate court administration's disaster data recovery plan. As of December 2011, the IT department had installed the necessary infrastructure to permit off-site backup for 40 courts. This project is expected to be finished by the end of 2012.

The department is also pursuing ways for court users to search and view other courts' CMS data. This will be a valuable research tool for new applications to the courts.

In 2011, the IT department received a federal grant to streamline communications with the Department of Public Safety regarding conservatorships and commitments. The goal is to automate the process by using CMS to provide the information electronically.

LEGAL GUIDANCE FOR CHANGING TIMES

Probate Court Administration's Law Department plays a major role in many aspects of probate court operations. The attorneys provide ongoing advice and expertise to individual courts, judges, and Connecticut Probate Assembly committees. They also collaborate with DCF on a regular basis.

Connecticut Probate Practice Book

In 2011, the law department played a central role on the Probate Practice Book Advisory Committee. The committee, which was convened by Judge Knierim in 2011, is undertaking a comprehensive revision of the Connecticut Probate Practice Book. The workload is divided among three subcommittees, and Judge Knierim, Attorney Gaffey, and Attorney Bennet each support one of the subcommittees. Each subcommittee met six times in 2011, and the full committee is expected to finish its work by July 2012.

Regional Children's Probate Courts

The law department, which includes Chief Clerk for Children's Matters Amy Benjamin and Program Manager for Mental Health and Family Programs Stephanie Janes, supervises the operations of the regional children's probate courts. The chief clerk and program manager work with the children's courts on a daily basis. Staff members also participate in all meetings of the administrative judges who oversee the children's courts. In 2011, the department assisted in planning for the opening of the Hartford Regional Children's Probate Court, which is set for early 2012.

Court Visits

State law requires the probate court administrator or his designee to visit each probate district every two years. Due to the significance of the restructuring changes, visits were made to each of the 54 courts in 2011. These visits



The staff of the Office of the Probate Court Administrator.

confirmed the success of the transition. The judges and staff in the merged courts worked diligently to integrate court staff and files while continuing to provide excellent service to the public. Without exception, all courts have instituted the new administrative and financial procedures.

Collaboration with Other Agencies

The law department works closely with other state agencies, most notably the Department of Children and Families. Judge Knierim and law department staff meet quarterly with Commissioner Joette Katz and her staff to improve interaction between the courts and DCF. In 2011, working in conjunction with DCF and the Superior Court for Juvenile Matters, Judge Knierim, Attorney Gaffey, Amy Benjamin, and Stephanie Janes completed an update of an

existing memorandum of understanding between DCF, PCA, and the Superior Court for Juvenile Matters. The memorandum offers guidance for the probate courts, Superior Court, and DCF in matters in which the same child is the subject of simultaneous proceedings in both courts.

Other state agencies with which PCA regularly collaborates include the Department of Administrative Services, the Department of Developmental Services, the Department of Mental Health and Addiction Services, the Department of Public Health, the Department of Public Safety, the Department of Revenue Services, the Department of Social Services, and the State Library.

Assistant Clerk Patricia Phillips and Judge Claire Twerdy from the Tolland-Mansfield Probate District wait for the annual meeting to start.



Court Assistants Augustine Peverada and Felicia Iagrossi from the New Haven Probate District review some handouts during the September continuing education program.

Probate Judges and Clerks in 2011

PROBATE ASSEMBLY COMMITTEES

Continuing Education Committee
Judge Cynthia Becker, Chair

With the assistance of PCA, the Continuing Education Committee presents quarterly programs covering all areas of probate court jurisdiction.

February 2011

The first program of the year focused on civil commitments. A number of probate judges and clerks with expertise in this area of probate jurisdiction served as panelists and presenters. Dr. Stuart Forman, Chief of Professional Services at Connecticut Valley Hospital, began the program with an overview of “Mental Illness and Psychiatric Diagnosis.” He was followed by Commissioner Patricia Rehmer of the Department of Mental Health and Addiction Services, who explained the department’s organization and services.

A discussion of commitment procedures featured Judge Sydney Elkin of the West Hartford Probate District and Judge Dianne Yamin of the Danbury Probate District, along with Chief Clerk Lori Errico of the West Hartford Probate District. Judge Joseph Marino of the Middletown Probate District and Judge Robert Killian, Jr. of the Hartford Probate District reviewed the patient’s bill of rights, and the program concluded with a mock commitment hearing that featured Judge Elkin, Judge Philip Wright, Jr. of the Wallingford Probate District, Judge Marino, and Judge Fred Anthony of the Shelton Probate District.

June 2011

The need for a standardized approach in dealing with attempted ex parte communications and related issues prompted the program choice for the June Probate Assembly meeting entitled “Managing Communications: Best Practices.”

Topics and presenters included access to judicial records (PCA Chief Counsel Thomas Gaffey), e-mail and fax communications (Judge Michael Magistrali of the Torrington Area Probate District), the protocol for court staff managing ex parte communications (Judge Knierim and Judge Beverly Streit-Kefalas of the Milford-Orange Probate District), the use of e-mail and the perils of social media for the courts (Judge Streit-Kefalas), and audio recordings and hearing participation via speakerphone (Judge Steven Zelman of the Tobacco Valley Probate District).

The materials included templates for the courts to use to reply to ex parte communications. These templates are now part of the Probate Clerk’s Manual.

September 2011

Over 150 people attended the September Probate Assembly meeting and seminar held at the Institute of Technology and Business Development in New Britain. The topic of the continuing education program was “The Decedent’s Intent under the Will and . . . Surprises,” and it covered a variety of related issues.



Judge Anthony DePanfilis and Judge Daniel Caruso catch up before the annual meeting.

Judge Michael Brandt of the East Haven-North Haven Probate District was the moderator. Judge F. Paul Kurmay of the Stratford Probate District discussed will construction, the appointment of fiduciaries, probate bonds, the statutory share, family allowances, abandonment, and the slayer statute. Judge Marino and Attorney Anne Burnham followed with a presentation on joint ownership, abatement, the anti-lapse statute, and terminating and establishing trusts. The afternoon session featured a panel discussion of disclaimers, mutual distribution and settlement agreements, and claims against estates by Judge Joseph Egan, Jr. of the Northern Fairfield County Probate District and Attorneys Steven Fast and Edward Krzanowski.

November 2011

“Protecting the Elderly from Financial Abuse” was the topic of the year’s final Probate Assembly meeting. The topics and speakers are listed below:

Investigations by the Department of Social Services Office of Protective Services for the Elderly – Dorian Long, Program Manager, Social Work Division, and Staff Attorney Lara Stauning

Power of Attorney and Inter Vivos Accounts under C.G.S. § 45a-175 – Judge James Kelley, former judge of the Brooklyn Probate District, probate magistrate, and attorney at Jackson Harris Hubert and Kelley, LLC

Forensic Accounting (and Tips to Avoid Financial Abuse of Court-Appointed Fiduciaries) – Stephen Pednault, CPA, CFE, CFF, FCPA, Forensic Accounting Services, LLC

Investigations of Financial Crimes – Cases from the Office of the Chief State’s Attorney, Financial Crimes Unit – Attorney John Whalen, Supervisory Assistant State’s Attorney; Charles Coffey, Supervisory Inspector; and Attorney Maura Coyne, Senior Assistant State’s Attorney

Ethics Committee

Judge Michael Magistrali, Chair

The Ethics Committee was reconstituted in 2011 as the result of the retirement of several judges and the election of new members. At its June meeting, the committee reviewed guidelines for probate magistrates, a new position created as part of the restructuring legislation. At its September meeting, the committee recommended several changes to the Code of Probate Judicial Conduct for review by the Executive Committee of the Probate Assembly.

Two such changes substituted the words “a person with intellectual disability” for the words “the mentally retarded” in Canon 3B(7) and the words “persons with intellectual disability” for the words “mentally retarded persons” in Canon 3B(12)(c)(iii) to conform the code to recent legislative changes. Similarly, the committee recommended to the Executive Committee that “gender, gender identity or expression, sexual orientation, ethnicity, and physical or mental disability” be added to the list of protected classes in Canon 2(C) that prohibits membership in organizations that practice discrimination.

Executive Committee

The Executive Committee guides the work of the Connecticut Probate Assembly. The committee’s membership consists of the current assembly officers, the immediate past president, the chairs of the standing committees, and nine voting members elected on a rotating basis (three per year) with representation from each county.



Judge Michael Darby makes a point during a roundtable discussion in Manchester.

Legislative Committee

Judge Thomas Brunnock and Judge Brian Mahon, Chairs

The Legislative Committee is responsible for developing and reviewing legislative proposals that affect the probate court system. In 2011, the majority of the committee's work focused on the biennial budget. Thanks to the Probate Assembly's advocacy, the General Assembly approved the necessary funding for the operation of the courts.

Among the new laws that affect the probate courts is Public Act 11-129, which replaces the term "mental retardation" with "intellectual disability" throughout probate statutes. The same law permits applicants for guardianship of an adult with intellectual disability to file up to six months before the individual's 18th birthday, thereby smoothing the guardianship transition from childhood to adulthood for many families.

Public Act 11-134 expands the jurisdiction of the probate court system. The probate court is now the forum for any individual with an earlier mental health adjudication who seeks to renew his or her eligibility to possess firearms.

Additional acts include provisions: 1) permitting probate courts to share confidential records in children's matters with all involved parties, agencies, and other courts; 2) authorizing the Department of Children and Families to disclose relevant records to probate courts; 3) enabling probate courts to appoint temporary administrators in estates for the sole purpose of investigating possible causes of action; and 4) authorizing the truancy clinic administered in the Waterbury Regional Children's Probate Court as a state-sponsored pilot project.

Nominating Committee

Judge Joseph Egan, Jr., Chair

The Nominating Committee prepares and presents the slate of officers for election to Probate Assembly office and the Executive Committee.

Procedures Review Committee

Judge Heidi Famiglietti, Chair

The Procedures Review Committee revises forms and other publications as required by new legislation or in response to suggestions made by judges, clerks, and court users. In 2011, committee members revised over 30 forms and created several new forms. New forms were developed in response to: 1) P.A. 11-134, which authorizes the probate courts to hear and decide petitions from eligible individuals seeking to have their federal firearms rights restored; 2) P.A. 11-128, which enables a person to obtain records about a decedent without opening a full estate; and 3) P.A. 11-180, which requires the probate court to make specific findings when a child is being placed outside the state for adoption.

The new forms are:

1. PC-100, Application to Restore Right to Purchase, Possess or Transport a Firearm
2. PC-150, Authorization for the Release of Information Re: Application to Restore Right to Purchase, Possess or Transport a Firearm, P.A. 11-134
3. PC-161, Decree Re: Application to Restore Right to Purchase, Possess or Transport a Firearm
4. PC-207, Application/Temporary Administrator for Limited Purposes (C.G.S. § 45a-316, as amended)
5. PC-267, Decree Appointing Temporary Administrator for Limited Purposes (C.G.S. § 45a-316, as amended)
6. PC-608, Application Re: Placement for Out-of-State Adoption
7. PC-665, Decree Re: Placement for Out-of-State Adoption

Many of the form revisions involved replacing the term "mental retardation" with "intellectual disability" pursuant to P.A. 11-129. Another provision of that act required changes so that courts can make guardianship appointments effective immediately upon a respondent's 18th birthday.



PCA Attorney Debra Cohen listens to a presenter at the annual October meeting for court staff.

The committee made changes to form PC-360, Decree/Appointment of Conservator, in response to the Appellate Court decision in *Falvey v. Zurolo*, 130 Conn. App. 243 (2011). The case addresses a situation in which a probate court finds it necessary to appoint an independent third party as conservator. In the *Falvey* case, the court concluded that, in making such an appointment, the court must receive and consider evidence of the factors set forth in C.G.S. § 45a-650 (h) concerning the qualifications of the person being appointed as conservator. The decree now provides for specific findings about the respondent's choice of conservator and the qualifications of a conservator when the respondent has not designated a conservator.

In 2010, the committee decided to remove social security numbers from a number of forms. To allow the probate courts to maintain the confidentiality of social security numbers, a new Rule 9 was drafted for the Connecticut Probate Practice Book. After review by the Executive committee in 2011, the rule was submitted for approval by the Connecticut Supreme Court. Forms changes will be put into effect once the Supreme Court has approved Rule 9.

Public Information Committee

Judge Michael Brandt, Chair

The Public Information Committee had a very productive year in 2011. The committee members spent much of the previous year providing information to the probate judges to assist them in notifying the public about the pending restructuring of the probate courts. In 2011, the committee continued to assist PCA in preparing and organizing press releases to publicize newsworthy topics about the probate court system.

The Public Information Committee also began developing presentation materials on topics related to the probate courts. The presentation materials as well as more general presentation guideline materials will be used by probate judges to assist them in speaking to groups about the courts.

Ad Hoc Bylaws Committee

Judge Sydney Elkin, Chair

The new Article Six (Assembly Funds), which was approved at the November 2010 Probate Assembly meeting, took effect on January 1, 2011. The new section deals with the judges' payment of Probate Assembly dues in connection with the enabling legislation for probate court restructuring.

Ad Hoc Weighted Workload Committee

Judge Beverly Streit-Kefalas, Chair

The Weighted Workload Committee held extensive meetings during 2011 and made a number of presentations to the staff and judges of the probate courts, commencing with an informational session held in April 2011 in Trumbull.

The committee's goals were as follows: 1) to establish a uniform application of weighted workload computation; 2) to ensure fair and equitable judicial compensation; 3) to create reliable statistics for each court and the probate court system as a whole; and 4) to update CMS to include each counted activity with a more complete itemized list of activities.

The committee's efforts are a work in progress. In particular, there are two issues that the committee has expressly voted to review in one year, once the members have specific data to gauge the work. First, there is the decision in *Falvey v. Zurolo* regarding the appointment of neutral-third party conservators. The impact, if any, on each judge's workload will be reviewed in a year. Second, the committee continued its discussion regarding whether to assign weighted workload credit to the acting judge in all matters, not just in regional children's probate court matters. Issues of fairness and reciprocity were discussed at great length. At the time of this writing, the committee has voted to table discussion of reassigning weighted workload to acting judges for one year to review the net impact on judges. Probate court administration was directed to compile statistics on citations for the 54 judges for 2012 and report back to the committee.



PCA Attorney Bonnie Bennet and Chief Clerk Jacqueline Buckle of the Northern Fairfield County Probate District discuss one of the topics after a clerks roundtable in Manchester.

In December, the Executive Committee voted on the committee's work by approving Regulations 8 and 8A. The regulatory changes, which are subject to review by the General Assembly's Judiciary Committee, are set to take effect in July 2013. If approved, the revised regulations will encompass significant improvements to the CMS software, enabling staff to choose from a comprehensive list of case types when entering an activity into the system.

CONNECTICUT ASSOCIATION OF PROBATE CLERKS (CAPC)

More than 200 clerks and judges are members of the Connecticut Association of Probate Clerks (CAPC), an advocacy group founded in 1983. As stated in its bylaws, the group seeks to "further and promote the interests of all clerks and assistant clerks of the probate courts throughout the state by the exchange of ideas and information." The association holds quarterly meetings, which usually feature committee reports along with educational programs. The president is Chief Clerk Patricia Saviano of the Danbury Probate District. The association presented the following educational programs in 2011:

May 10, 2011 – "DSS – Money Follows the Person." Dawn Lambert from the Department of Social Services discussed how the department works to discharge people from the hospital to the community rather than to an institution by providing funds for home and community-based services. She also explained how the department endeavors to increase the probability of a person returning to the community within the first six months of institutionalization.

October 13, 2011 – Chief Clerk Sondra Waterman of the Hartford Probate District spoke about the changes in the probate court system following restructuring. She emphasized the importance of sharing information with other courts about the way that matters are handled, and, because most courts have increased in size, she offered suggestions for dividing the work so the clerks can be more efficient. Ms. Waterman also discussed form CT-706 NT and recent changes in the estate tax laws.

December 1, 2011 – Judge Terrance Lomme of the Saybrook Probate District spoke about "Title Through Decedents' Estates: The Devolution of Title to Testate and Intestate Real Estate and the Need to Probate." The discussion of title focused on the definitions of real property and title, who can hold title, and how title is held. Judge Lomme also discussed three types of property interests that are often overlooked from a tax perspective – retained life estates, powers of appointment, and revocable trusts.

Probate Court Fund Activity

7/1/10 – 6/30/11

FUND BALANCE AS OF JULY 1, 2010

\$4,692,289

RECEIPTS:

Probate Court Assessments	7,651,020
Probate Court Fees	15,503,176
General Fund Appropriation	11,250,000
Health Insurance Payments – Courts (Employee Share)	772,524
Pass-Through Funding (Kinship/Respite Care, Children in Placement, Guardianship)	1,226,396
Other Refunds and Adjustments	320,284
Investment Income	16,946

TOTAL RECEIPTS

\$36,740,346

PCA Expenses

Personnel Expenses:

Salaries and Wages	1,435,813
Fringe Benefits	840,522

Other Expenses:

Professional Services	149,089
Computer Equipment and Services	261,002
Building: Repairs, Maintenance, and Utilities	54,402
Printing and Binding	13,824
Office Expenses	65,912
Dues and Subscriptions	22,765
Mileage, Parking, and Tolls Reimbursement	7,309
Auto Lease and Maintenance	5,795
Training and Education – Judges, Clerks, and PCA Staff	35,251
Other	532

Court Expenses

Personnel Expenses:

Salaries and Wages	8,833,093
Fringe Benefits	4,394,938
Retiree Health Insurance (PCA Share)	3,465,108
Retirement Administration	71,833
Retirement Funding	200,000

Other Expenses:

Court Computer Equipment and Services	390,602
Outside Services	41,118
Council on Probate Judicial Conduct	106,994
Court Subsidies and Loans	45,424
Court Office Expenses	970,749
Mileage, Parking, and Tolls Reimbursement	34,878
Rental of Records Storage Space	45,027
Other	33,080

Indigency Expenses:

Court-Appointed Counsel	2,229,186
Conservators	2,145,546
Waived Entry Fees	354,884
Marshals and Newspapers	73,773

Pass-Through Funding:	
Children in Placement	51,396
Kinship and Grandparents and Relatives Respite Funds	1,050,000
Guardianship Pilot Program	100,000
Pilot – Mental Health and Truancy	156,856
<u>Reimbursed Expenses</u>	
Health Insurance – Courts (Employee Share)	772,524
Other Miscellaneous Expenses (Loans, Laserfiche, Iron Mountain)	640,089
Other Refunds	<u>118,303</u>
TOTAL EXPENSES	<u>(29,217,616)</u>
Transfer to General Fund	<u>(8,215,019)</u>
FUND BALANCE AS OF JUNE 30, 2011	<u>\$4,000,000</u>

PROBATE JUDGES AND EMPLOYEES RETIREMENT FUND

The Probate Judges and Employees Retirement Fund is a separate fund administered by the Retirement Division of the State of Connecticut. The fair market value of fund assets as of June 30, 2011 was \$81,596,438. In fiscal year 2010 – 2011, the following expenses were paid from the fund:

a) Benefits paid to retired judges and employees	\$3,587,177
b) Refunds (upon death or termination)	15,288
c) Interest paid on refunds	<u>1,305</u>
Total Expenses	<u>\$3,603,770</u>

Note: The Probate Judges and Employees Retirement Fund also paid \$3,465,108 for health services, which were reimbursed from the Probate Court Administration Fund.

Office of the Probate Court Administrator

HON. PAUL J. KNIERIM
Probate Court Administrator

THOMAS E. GAFFEY
Chief Counsel

BARBARA D. ASZKLAR
Administrative Clerk II
(Through May 31, 2011)

AMY L. BENJAMIN
Chief Clerk for Children's Matters

HELEN B. BENNET
Attorney

ALISON J. BLAIR
Administrative Clerk II

ANN C. BRENNAN
Computer Training Specialist

ALYCE E. CARISEO
Manager of Human Resources and
Senior Financial Analyst

DEBRA COHEN
Attorney

SUSAN A. DORNFRIED
Executive Assistant

GEORGE FERNANDES
Systems Developer IV

WILLETTE Y. FRANK
Administrative Clerk II

PAULA M. GILROY
Administrative Clerk II

ALISON J. GREEN
Staff Assistant

ROBERT F. GUZZO
Accountant II
(Effective August 12, 2011)

STEPHANIE A. JANES
Program Manager for Mental Health and
Family Programs

ANDREA M. KING
Director of Financial Services

S. JANE OBERT
Administrative Services Coordinator I

DIANNA B. ORVIS
Administrative Assistant
(Through August 31, 2011)

VINCENT J. RUSSO
Manager of Communications and
Intergovernmental Relations

SUSAN T. SCOTTI
Platform Analyst I

Judicial Directory - 2011

PROBATE JUDGE	DISTRICT	PROBATE JUDGE	DISTRICT
Albis, Michael A. Alter, Peter Jay Anthony, Fred J.	New Haven Reg. Children's* Glastonbury-Hebron Shelton	Keeney, Timothy R. Kepple, Nicholas F. Keyes, John A. Killian, Robert K., Jr. Kurmay, F. Paul	North Central CT Southeastern CT Regional New Haven Hartford Stratford
Becker, Cynthia C. Berkenstock, Jennifer L. Blick, Diane S. Brandt, Michael R. Brunnock, Thomas P.	Simsbury Regional Region #14 Litchfield Hills East Haven-North Haven Waterbury Waterbury Reg. Children's*	Landgrebe, Martin F. Lomme, Terrance D.	Housatonic Saybrook
Calabrese, Domenick N. Caruso, Daniel F. Chiota, John P. Clebowicz, Walter A.	Region #22 Fairfield Trumbull Berlin	Magistrali, Michael F. Mahon, Brian T. Mariano, Peter E. Marino, Joseph D. McGrath, John J. McNamara, Jeffrey A. Murray, Michael P.	Torrington Area Meriden Naugatuck Middletown Windham-Colchester Niantic Regional Darien-New Canaan
Daly, Evelyn M. Darby, Michael M. DeGennaro, Mark J. DePanfilis, Anthony J. Diglio, Salvatore L. Dorval, Andre D. Driscoll, Allan T.	Farmington-Burlington Greater Manchester West Haven Norwalk-Wilton Hamden-Bethany Region #19 East Hartford	Norris, Charles K. O'Grady, Kevin M. Purnell, O. James III Randich, Robert A.	Norwich Westport Ellington Newington
Egan, Joseph A., Jr. Elkin, Sydney W.	Northern Fairfield County West Hartford	Schad, Leah P. Streit-Kefalas, Beverly K.	Northeast Milford-Orange
Forgione, Frank J. Fox, Gerald M., Jr.	Branford-North Branford Stamford	Thomas, Jodi M. Twerdy, Claire C.	Northeast Reg. Children's* Tolland-Mansfield
Ganim, Paul J. Greene, Mathew H.	Bridgeport New London New London Reg. Children's*	Wright, Philip A., Jr.	Wallingford Central Connecticut Reg. Children's*
Griffin, Brian T. Griffiths, David A.	Greater Windsor Plainfield-Killingly Regional	Yamin, Dianne E.	Danbury
Helander, Joel E. Hopper, David W. Hoyle, Clifford D.	Madison-Guilford Greenwich Derby	Zelman, Steven M.	Tobacco Valley
Jalowiec, Matthew J.	Cheshire-Southington		

*Administrative Judge

For the complete Probate Court Directory, please see the link on the jud.ct.gov/probate website.