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# THE CONNECTICUT PROBATE COURTS

2020-2021 BIENNIAL REPORT  
OFFICE OF THE PROBATE COURT ADMINISTRATOR

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## DEDICATION

It has been the tradition of this organization to dedicate the Biennial Report to the memory of an individual member of the Probate Court community who died during the reporting period. As we look back on the past two years, every one of us has been touched by loss in ways none of us ever imagined. We have lost spouses, parents, grandparents, children, colleagues, neighbors and friends. They were taken from us by a virus we had never heard of when Fiscal Year 2020 began. The death toll continues to rise as we trudge into the third year of the coronavirus pandemic.

And so it is with heavy hearts that we dedicate this report to the memories of all who died as a result of COVID-19. May their memories live on in each of us, and may we treat one another with kindness recalling our shared grief.

## MESSAGE FROM THE ADMINISTRATOR

Each Biennial Report offers the opportunity to view the Probate Court system during a segment of time. The initial months of this biennium began with a routine summer and high priority placed on the pre-launch piloting of the eFiling system. The summer of 2019 ended with the retirement of Judge Paul J. Knierim after 11 years as the probate court administrator. Under his leadership, the Probate Court system reorganized, modernized and increased professionalism in many significant ways and it was on strong footing to continue to expand efficiencies and access.

**As I transitioned as administrator, we began the fall months forecasting and preparing budgets and other legislative initiatives for the upcoming session of the General Assembly.**

Nearly on the heels of the opening of the legislature, our world was flipped on its head with the appearance and spread of COVID-19 and the declaration by Gov. Ned Lamont of a public health and civil preparedness emergency. There was no longer any “routine” to what we encountered or needed to support the Probate Court system.

The public health emergency arising from the COVID-19 pandemic undoubtedly altered how the Probate Courts function as the safety net for the state’s safety net. What never wavered was the Probate Courts’ commitment to provide continuous service to the families and vulnerable individuals who count on us during what is often the worst of personal times regardless of the crisis of a pandemic.

Through prescient planning, agile responsiveness and can-do resilience, Connecticut’s Probate Courts met the challenges posed by this once-in-a-generation event. This report outlines the ways the judges and the court staff of 54 Probate Courts and six Regional Children’s Probate Courts put public service first, even as the individuals working in each one confronted their own personal concerns. Our judges and court staff maintained the priority for care, safety and services for thousands of the state’s most vulnerable residents. As much of the state closed up and locked down, Connecticut Probate Courts remained open to serve. When COVID-19 began to sweep through Connecticut nursing homes, the point of care for thousands of individuals under Probate Court jurisdiction, we worked to protect individuals’ safety and health. Our “people’s courts” saw the impact of their decisions in life-and-death situations every day and we rose to the occasion. This report details how that unfolded, from the Office of the Probate Court Administrator (PCA) to the eyes of a clerk in a local court.

The committed women and men who work in our courts routinely help people who are suffering grievous loss and often the most difficult of family times. The pandemic made what can be tense and emotional situations even more so. The grace, kindness and creativity of the judges and court staff in finding ways to safely provide service made all the difference to the family members whose worlds were shattered. We are grateful that they were on the front lines doing what they do so well – always rising to the occasion.

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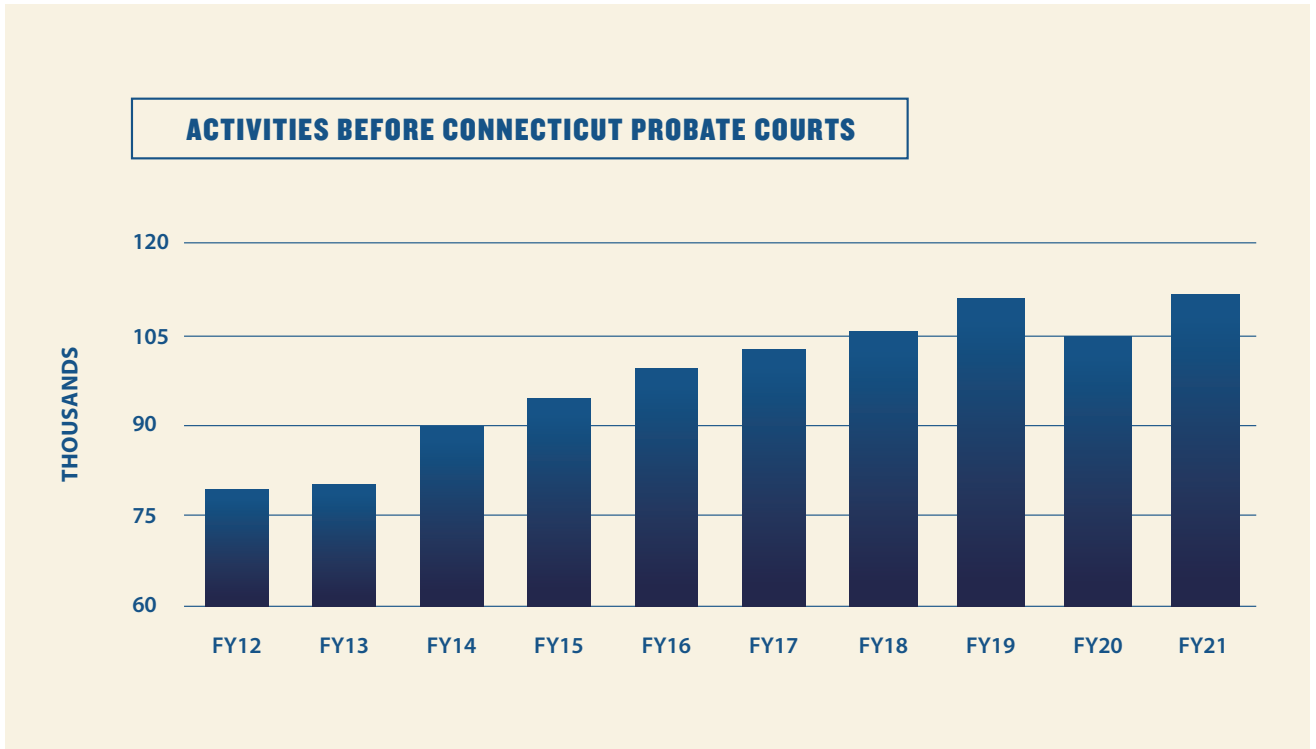
The scheduled rollout of the eFiling system in January 2020, providing 24/7 case access to attorneys and registered parties, and reducing paperwork for court staff, proved a significant aid for all during the pandemic. eFiling reduced mail processing and scanning of physical documents, freeing up court staff to help people in person and on the phone. It provided access to the Probate Courts and court filings even when town hall facilities had to literally close their doors to the public. With numerous businesses including law offices shutting down, this new system allowed attorneys to continue to represent their clients from remote locations. The result of years of planning, architecture and training under the previous probate court administrator, eFiling was ready when the system needed it and it continues to yield efficiencies for all parties as it is being expanded to state agencies and more.

The following pages also outline the value of the strong partnerships between the Probate Court system and stakeholders throughout government: the Office of the Governor, state agencies, legislators and municipalities.


From serving on leadership groups to consulting on retrofitting safety measures within Probate Court offices, personnel from PCA contributed to protecting the court staff and the individuals we serve.


Throughout the fiscal years ending June 30, 2020, and June 30, 2021, the Probate Court system experienced unprecedented financial uncertainty and volatility in probate fee revenue. At one point, the combination of deferred tax returns and a bottomed-out stock market led to a nearly 40% drop in probate fee revenue – the source that funds 75% of the system. While the stabilization in revenue tied to market changes and strong estate tax returns has buffered earlier revenue declines, it illustrated the pendulum-like swing the Probate Court Administration Fund (PCAF) can take in a year's time. The return to a normalized General Fund appropriation approved by the General Assembly for FY21 was critical to our continued solvency through so much turbulence.


Many readers use this Biennial Report to benchmark the business before the Probate Courts. The turmoil outside our doors does not change the fact that our courts remained open for business without interruption. Not surprisingly, as COVID-19 barreled into our state starting in March 2020, some members of the public put their routine business with the Probate Courts on hold until a safer time. This resulted in a slight net decline in activity in the Probate Courts as a whole in FY20 while Probate Judges performed more work in certain areas, such as Do Not Resuscitate orders and decrees involving custody of remains. In FY21, as the pandemic ebbed and flowed and the state reopened, activities within the Probate Courts returned to their normal levels.



Year over year, every time the Probate Courts act on behalf of a vulnerable person, we save the state money. With rising costs of care and living expenses, the savings to the state have also significantly grown.

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The state saves **\$4.2 million a day** keeping individuals with mental illness at home with the intervention of a Probate Court instead of going to intensive inpatient care.
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The state saves **\$10,000 a year** each time a Probate Court places a child in guardianship with a relative instead of in foster care.
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The state saves **\$95,000 a year** for every case where a Probate Court keeps a senior aging in place at home with the support of a conservator instead of in a nursing home under Medicaid.

**The current taxpayer savings of Probate Court involvement adds up to more than \$2.16 billion annually.**

At the time of this writing – entering Year 3 of the pandemic – the question increasingly put to all of us is, “What is normal?” For the Probate Courts, normal equals agile, efficient, responsive and compassionate service to vulnerable individuals and families. During the FY20-FY21 biennium, as we have in the past, we rose to the moment. We shall continue to do so to ensure the best probate service for Connecticut citizens, no matter what unprecedented events follow.



**BEVERLY K. STREIT-KEFALAS**  
 PROBATE COURT ADMINISTRATOR

# HIGHLIGHTS FY 2020 – FY 2021

CONTINUAL ADAPTATION: JULY 2019 – MARCH 2020

## eFILING

As the biennium began, the Probate Court system was deep into pilot testing its eFiling system, the digital modernization of the court filing system which had begun almost two years earlier. In July 2019, the first volunteer attorney successfully filed a decedent's estate electronically. Weeks later, 100 pilot attorneys were testing eFiling for all case types with 11 pilot courts, paying filing fees online and providing case documents to parties via electronic service. Attorney volunteers and court staff gave active feedback on the software development to the Information Technology and Law Department teams to resolve issues during the testing period.

Staff at the Office of the Probate Court Administrator (PCA) initiated an aggressive education campaign across the state to teach attorneys and legal staff how to use eFiling in advance of its launch on January 1, 2020.



Following the successful launch statewide on schedule, all attorneys now are required to use the system and are able to file paperwork 24/7, receive immediate notification of filings and notices of hearings and make online payments for probate fees. The system is also available for any party to a probate matter by requesting access through the Probate Court.

Not only does this system allow immediate access to the court documents at any time, it saves paper, postage and time for the court users and court personnel. Review of filings is completed electronically and notices of hearings and decrees are now transmitted immediately through the eFiling system, thus reducing the volume of documents that must be mailed. These increased efficiencies enhance the court operations as well as benefit parties and their attorneys.

The launch of eFiling dovetails with the governor's emphasis on streamlining state government and making it more accessible to the public. Its value as the coronavirus pandemic spread into Connecticut and severely curtailed personal contact between attorneys and the Probate Courts cannot be understated.

By the end of the biennium covered in this report, the Department of Children and Families had become the first state agency to use eFiling, with the Office of the Attorney General and the Department of Developmental Services to follow. eFiling access to all state agencies and other stakeholders continues in development and implementation.

With the retirement of Judge Paul J. Knierim in late August 2019, the system seamlessly transitioned with the appointment of his successor administrator, Judge Beverly K. Streit-Kefalas, a Probate Judge with over 20 years' experience, who took the helm by appointment of Chief Justice Richard A. Robinson.



## eBILLING

eFiling was only the most recent development as the Probate Court system continues to increase efficiencies and maximize use of technology. The web-based eBilling invoicing system, which became mandatory in late 2017, eases administrative burdens for Probate Court-appointed attorneys and conservators. It provided additional value when, on January 1, 2020, the Probate Courts implemented a rate change for attorneys appointed by the Probate Court to protect the rights of indigent individuals. (See page 19.) The rate change was put into place easily and applied systemwide, simplifying billing for court staff and attorneys. It also serves as an effective tool to immediately notify these parties of other Probate Court-related issues such as the necessary limitations placed on access to nursing home residents due to the public health emergency and other executive and public health orders.



“It is impossible to adequately express how proud I am of the staff here or to overstate their dedication to their jobs and to serving the people of the district. We have handled every matter filed with hardly a blip, mostly because our chief clerk is putting in lots of extra time here.

Even though I set up a reduced work schedule for her along with other staff, she’s too committed to the work and won’t adhere to it. Handling of matters and issuing decrees is taking only slightly longer than previously due to the reduced staff time, but we’re nearly as prompt as always. We’ve never stopped.”

– JUDGE MICHAEL F. MAGISTRALI

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## **SEAMLESS SERVICE: MARCH 2020 – JUNE 2021**

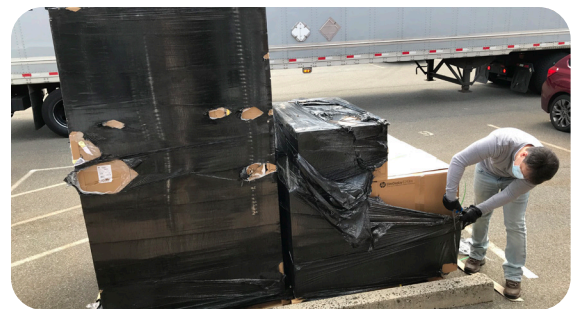
It is a point of immense pride that PCA and the 54 Probate Courts and six Regional Children’s Probate Courts continued in operation when the coronavirus pandemic was in its early stages in the state and throughout all subsequent surges in infection rates. A court system that frequently operates in confidential matters such as psychiatric care and guardianships, closing the Probate Court doors and working from home was not an option. Purchases of camera-enabled monitors and Cisco Webex videoconferencing accounts were swiftly made and delivered to all 60 courts to keep operations and hearings moving forward. The judges and court staff were innovative in meeting the needs of the public despite the closed doors of the municipal buildings in which they are largely located. Judges lined up installation of secure drop-off filing boxes. Telephone calls were redirected to emergency numbers as needed. The judges and court staff reported to the courts daily without hesitation.

The deadly threat posed especially to the vulnerable populations we protect was immediate. At the same time, lockdowns and visitor bans meant to protect individuals in skilled nursing facilities also jeopardized their constitutional rights and the ability of family and conservators to monitor their care. PCA immediately worked with the governor’s office, the Department of Public Health (DPH) and other stakeholders to protect the health and safety of nursing home residents and their caregivers while implementing alternative methods to protect due process rights and oversight.

We focused our energy on collaboration with decision-makers to ensure we had input into critical executive orders, and providing Probate Courts with tools and policies they needed to continue their service to the public. Our organization navigated emergency compensation plans, COVID-19 leave policies to provide additional leave benefits due to illness of the court staff or their family, upheavals

to child care with school and daycare closures, and returns from what had started as routine travel out of the state suddenly causing a public health problem. We upgraded internet network connections, held virtual hearings with legislators and participated in daily, weekly and emergency governmental planning meetings and briefings. While the PCA Law Department routinely assists with legal inquiries from judges, the nature and volume of the questions changed as the issues coming before the Probate Courts turned in the wake of the pandemic. As a result, the Law Department provided training on adjudication of quarantine and isolation orders in the event they came before the local courts.

From daily Emergency Operations Center command calls with the Office of the Governor, to installing video-conferencing equipment to hand-delivering personal protective equipment, gloves and sanitizer to remote locations across Connecticut, we applied single-minded purpose to keep our courts open safely.



The specific challenges our work entailed – and how we met them – will be discussed in further detail throughout this report.

Many Probate Courts went above and beyond to help those who needed the “people’s court.” The 54 courts are mostly located in municipal buildings across the state, and subject to municipal decisions regarding building access.



With the state largely shut down, the court personnel and judges were present with public health protocols implemented in the workplace to protect them while physical access to the courts was restricted in the interest of public health and safety.

### **TROPICAL STORM ISAIAS: AUG. 7, 2020**

If a full-blown pandemic was not enough to manage, the dramatic and widespread damage from Tropical Storm Isaias layered additional urgent challenges before the Probate Courts. The storm left 800,000 residents, nursing homes and other facilities without power and hundreds of miles of road blocked by downed trees and wires. The storm cut electricity to 22 Probate Courts. Storm briefings joined COVID-19 briefings on the daily agenda for PCA

### **The Probate Court system did what it had to do to serve the people of Connecticut.**

It did so from the earliest days of the pandemic through the subsequent variants and surges. And it will remain strong as the state safety net's safety net while we navigate the next phases of this chapter in our history.

leadership. Work performed earlier by the PCA Information Technology department to prepare the Probate Court network for such instances, again, was invaluable. Personnel deployed dedicated hotspots in storm-affected areas so that eFiling and the rest of court business could continue uninterrupted. With subsequent storms and other internet interruptions, this internet redundancy has been utilized frequently to keep courts in operation.

### **LEGISLATIVE SUPPORT AND COLLABORATION**

Throughout this biennium, we continued working on the development and approval of the Probate Court budget and other legislative initiatives such as the Connecticut Parentage Act. The 2020 Legislative Session opened routinely but as with the rest of the state, the doors of the Capitol and Legislative Office Building soon closed to the public. Notwithstanding the limitation on in-person meetings, PCA continued to meet virtually with stakeholders and legislative leaders to ensure support for the work of the Probate Courts and to enhance services for its constituents.

Public Act 19-117 funded the Probate Court system at \$7.5 million in FY20 and \$12.5 million in FY21, coinciding with the period of this report. This General Fund appropriation for FY21 represented the first restoration of full funding since 2015. In the years between, the Probate Court system had been subsidizing the cost of providing mandated services for individuals. In June 2021, the legislature approved a General Fund appropriation of \$13.5 million for FY22 and \$13.4 million for FY23.

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## PANDEMIC RESPONSE: CONTINUITY OF PROBATE COURT OPERATIONS

From the earliest word of its emergence in the U.S., the Probate Court system took seriously reports that a virus might pose a risk to health and safety in the months ahead. It started work in early March 2020 on implementing the Probate Court system's Continuity of Operations Plan as information came to light suggesting a threat to staff, judges and the tens of thousands of individuals under Probate Court jurisdiction. By March 10, 2020, with the World Health Organization declaring a pandemic, Gov. Lamont declared a state of public health and civil preparedness emergency due to the outbreak of the coronavirus 2019 with its high infection rate and serious risk of illness and death.

The scale of the public health emergency ballooned with its early impact on the elderly and nursing-home patients. The care of thousands of individuals living in nursing homes at the start of the pandemic was monitored by the Probate Courts through conservatorships. The courts are charged with protection of their rights in addition to overseeing their well-being. Lockdowns and visitor restrictions altered the normal course of business for due process notifications, conservator visits to individuals and medical evaluations. The early days and weeks of the coronavirus pandemic were a changing and fluid situation for all as the public health and medical experts discovered its nuances, how it spread and how to combat it. Daily participation in the governor's command calls allowed the probate court administrator to receive direct reports from the governor and the Department of Public Health (DPH) as the situation emerged. It also provided the opportunity to directly address the needs of the Probate Courts and their constituents by

collaborating on terms of emergency orders that impacted the parties and the court operations. Of particular note:

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**Executive Order 7F, issued on March 18, 2020:** Section 4 provided for the "Waiver of In-Person Service, Hearing, Screening Requirements for Facilities that Have Issued Orders Limiting Visitor Access to Protect the Public Health." It allowed Probate Court hearings by electronic means as necessary to protect the court staff, judges and parties. It also waived in-person service of process where respondent(s) were located in a facility with restricted visitor access due to COVID-19 outbreaks and provided for the continuation of service of process procedures on the administrator of the facility or his or her designee.

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**Executive Order 7K, issued on March 23, 2020:** With critical shortages of personal protective equipment, schools closed for two weeks, in-person gatherings limited in size, and large retail malls and non-essential workplaces ordered closed, in consultation with the probate court administrator, Gov. Lamont determined there existed a compelling state interest that the Probate Courts conduct only essential business to minimize the spread of COVID-19. Executive Order 7F provided for the suspension of non-critical probate operations. Notwithstanding the emergency order waiving hearings, statutory filings and other deadlines, the executive order did not restrict courts from holding hearings and issuing decrees. The Probate Courts took all measures to continuously provide service regardless of the flexibility offered by the executive order.

**Executive Order 9A, issued on September 8, 2020:** Renewed and extended all unexpired executive orders that were issued under the March 10, 2020, public health and civil preparedness emergency declarations through November 9, 2020, unless an order already has a specific expiration date, in which case the specific expiration date will remain in place. Extended all unexpired orders, rules, regulations, directives, or guidance issued by any official, agency, department, municipality, or entity to continue through November 9, 2020, unless earlier modified or terminated.

**Executive Order 9L, issued November 9, 2020:** Extended a number of executive orders including Executive Orders 7F and 7K, which directly affected the Probate Courts. These orders were extended through February 9, 2021.

**Executive Order 11, issued April 19, 2021:** Extended, among others, section 4 of Executive Order 7F through May 20, 2021.

**Executive Order 12B, issued May 20, 2021:** Extended section 4 of Executive Order 7F, which provided for the waiver of in-person hearings and in-person service of process in limited circumstances. This executive order expired at 11:59 p.m. on July 20, 2021.

In addition, PCA participated on the DPH Long Term Care Leadership Team as it evaluated maximum health measures for nursing home residents and developed COVID-19 Recovery Facilities to limit the spread of infection from resident to resident. These dedicated recovery facilities were envisioned as transition facilities for nursing home residents following COVID-related hospitalization and before returning to their nursing home of origin. As Probate Courts must authorize moving a conserved individual to a different setting, especially any more restrictive setting, in cooperation with the governor's office, state agencies and legislators,

the probate court administrator worked to expedite this process, educating judges where these facilities were to be located to meet the challenges they would pose.

Most of the 54 Probate Courts operate within municipal facilities. As such, they were subject to the same rules and closures made by municipal chief executive officers for town hall closings and restrictions while needing to provide access to the courts. Court personnel and judges needed to operate safely. Within days of the declaration of a public health emergency, the Probate Court Budget Committee convened an emergency meeting to approve a COVID-19 leave policy for court staff. The Probate Court Budget Committee is statutorily charged with approving and implementing staff compensation and benefits. It convened numerous special and emergency meetings and implemented emergency compensation plans to ensure the physical and fiscal health of the court staff while serving the public.

**Court staff was also eligible for benefits under the federal Families First Coronavirus Response Act (FFCRA).**

In other safety measures, PCA procured personal protective equipment, gloves and sanitizer through the state Emergency Operations Center and delivered these critical supplies to all the courts throughout the state. Near daily messages were sent to the courts to ensure they were aware of and adhering to the most current CDC and DPH guidance as well as the emergency operations of state agencies and the legislature. Court contact information was updated on the Probate Court website ([ctprobate.gov](http://ctprobate.gov)) for any member of the public to easily locate. Recognizing the value and importance of remote access to hearings

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which were first conducted via telephone, the Information Technology department worked hard and successfully sourced and delivered to each court camera-enabled monitors and web cameras – which had quickly become a highly demanded item soon in short supply.

The eFiling system, launched statewide for all attorneys on Jan. 1, 2020, proved to be an invaluable asset. Its secure access to case documents, filings, and party notice lists as well as online payment allowed attorneys to conduct business seamlessly without physical presence in the courts.

Municipal leaders were true partners in many efforts to retrofit Probate Courts to accommodate the health and safety of the judge and staff as well as necessary visitors. They recognized the important role the local courts play in their communities. Municipal chief elected officials, local health departments and their public works departments worked with the Probate Courts to provide safe access to the public when possible while protecting the health of court staff and judges. The Probate Court Administration Fund secured pandemic-related improvements at the Regional Children's Probate Courts.

PCA also expanded video conferencing access from all Probate Court locations to the Department of Correction (DOC). Prior to that improvement, in order for an incarcerated individual to participate in a probate hearing, the video conferencing hearing had to be initiated and conducted at PCA, where the secure equipment was located. The judge and other parties to the case were required to travel to West Hartford. Working with DOC, PCA decentralized this process allowing for each local court to schedule and conduct video conferencing hearings with DOC directly, streamlining the process.

As the emergency endured far beyond the time many had anticipated, the probate court administrator participated in remote hearings with the legislature's Appropriations Committee on the fiscal impact of COVID-19 on the Judicial Branch and the Probate Court system. The delay of tax filings had a significant impact on Probate Court finances. Already highly unpredictable, moving the state tax deadline from April to July delayed probate fee revenue, which is the major revenue source for the Probate Court Administration Fund. The Probate Courts' General Fund appropriation approved by the legislature gave the system financial stability when it was needed most. PCA tracked all COVID-related expenses and submitted them to the Office of Policy and Management (OPM), eventually receiving \$55,000 in federal funds to offset some of these costs.

**In addition, in the early discussions regarding the vaccine rollout, PCA worked with DPH and OPM to ensure Probate Court staff were recognized for their essential role in keeping the critical services of the courts in operation.**

While the Probate Courts remained in continuous operation throughout the pandemic, the nature of the emergency changed the normal flow of activities throughout the system. This was by no means exclusive to Connecticut. The National Center for State Courts' Court Statistics Project [courtstatistics.org] notes that incoming case filings to all courts nationwide dropped 28% in calendar 2020. Specific to Probate Court areas, it noted national declines of 29% in new conservatorships, 24% in guardianships of minors and even 5% in decedents' estates.

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**Simply stated:** Although Connecticut Probate Courts were open, the public was limiting



their activities outside the home. The impact of lockdowns and “Stay Home, Stay Safe” reverberated throughout the system.

For example, children staying home and isolating from extended family brought about a decline in the volume of guardianship cases though issues and needs intensified. The sheer volume of deaths in Connecticut nursing homes correlates to an out-of-the-ordinary decline in the number of conserved individuals. As early as May 6, 2020, the state reported 1,627 confirmed and probable COVID-19 deaths in nursing homes<sup>1</sup>. That number would rise to 3,881 nursing home resident deaths by the end of FY21<sup>2</sup>.

As noted in the following pages, while some court activities declined, particularly during FY20, Probate Courts saw increases in different proceedings directly attributable to the pandemic. These included end-of-life medical orders and custody of remains issues. Probate Courts routinely help people who are dealing with difficult, emotional family situations or loss of loved ones. The pandemic increased the intensity of many of these interactions, as shown in the heart-breaking observations noted throughout this report.

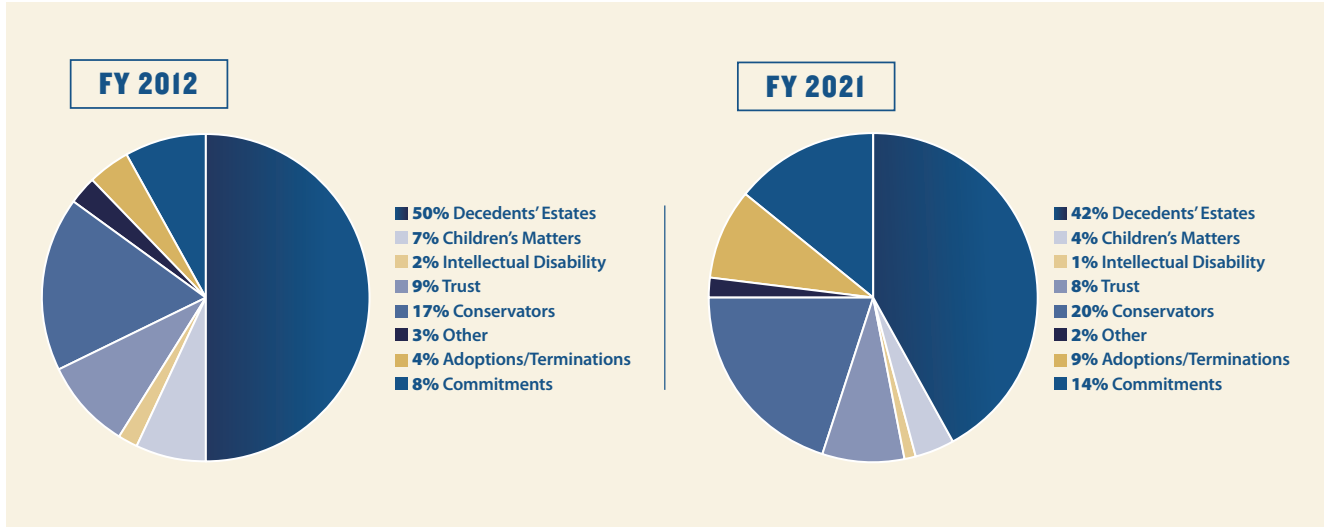
While the pandemic swept across the state, the 54 Probate Courts and six Regional Children’s Probate Courts met every challenge. The judges and court staff elevated their compassion and creativity when they were needed to serve the most vulnerable children and adults in our state. For some, this involved donning full medical PPE to conduct hearings with patients in hospitals. For others, it was handing off documents in open-air parking lots or through windows. In many cases, it was being the empathetic human at the other end of the phone line, listening to another person’s pain while helping them through a foreign process.

The Probate Court system continues to adapt and evolve. As we all learn to navigate the post-pandemic world, we will strive to retain the foresight that allowed the system to continue to serve the residents of Connecticut. Access to justice remains the mission of the courts, achieved by eliminating barriers whether they relate to technology, economics, limited English proficiencies or other issues.

<sup>1</sup> [portal.ct.gov/-/media/Office-of-the-Governor/News/20200507-Nursing-Homes-with-COVID19.pdf](https://portal.ct.gov/-/media/Office-of-the-Governor/News/20200507-Nursing-Homes-with-COVID19.pdf)

<sup>2</sup> [portal.ct.gov/-/media/Coronavirus/Nursing-Homes-and-Assisted-Living-Facilities-Data/20210701-Nursing-Homes-with-COVID-19.pdf](https://portal.ct.gov/-/media/Coronavirus/Nursing-Homes-and-Assisted-Living-Facilities-Data/20210701-Nursing-Homes-with-COVID-19.pdf)

# PROBATE COURT JURISDICTION



## NATURE OF PROBATE COURT PROCEEDINGS

Probate cases are highly personal, and Probate Courts conduct most hearings in a less formal manner than is typical in Superior Court. The rules of procedure applicable to Probate Courts are designed to make the Probate Courts accessible and approachable for attorneys and non-attorneys alike. The rules are intended to promote quick resolution of cases at the least expense possible for the parties.

At the same time, many types of probate cases involve the fundamental constitutional rights of the parties. Children's cases involve the right of parents to raise their children. Conservatorship and guardianship matters confront the right of an adult to make his or her own decisions. Commitment cases deal with involuntary confinement and treatment. Given the importance of the rights at stake, Probate Courts are required by the state and federal constitutions and by statute to appoint and pay the fees of attorneys appointed to represent indigent parties in certain probate matters. In

children's cases, the court also appoints and pays for the services of a separate attorney to represent the child.

In most of these areas, the Probate Courts are charged with safeguarding individuals' rights while also providing a core government service that is critical to the social safety net. Without the Probate Courts' work, more children would be displaced, more individuals would be removed from their homes to hospitals, nursing homes and other facilities – or homeless altogether. The courts' work is cost-effective. Placing children with guardians costs far less than placing them in foster homes and kinship care offers better outcomes for children. The courts save tens of thousands of dollars each time a conservator is appointed to help a person with mental illness live in the community. There is incalculable value to an individual living with maximized independence, self-determination and ability to control his or her environment versus restrictive institutional settings.

The expense of providing attorneys and conservators for indigent parties<sup>3</sup> represents a significant component of the Probate Court system's budget. From FY12 to FY21, the annual cost borne by the Probate Courts to provide these constitutionally mandated appointees jumped 47%.

In January 2020, the Probate Court system put a new rate system into place to compensate court-appointed attorneys. The change created a blended rate of \$58 per hour, simplifying the billing process for attorneys, reducing the review and processing time and ultimately, making it more efficient and expeditious for them to be paid.

Subsequently, in FY21, the cost of court-appointed attorneys' fees fell to the lowest level in nearly 20 years, both in cost to the Probate Court system as a whole and in the average cost per invoice. It is difficult to pinpoint exact reasons for the decline, but a few factors should be mentioned. The lockdowns and visitor restrictions brought about by the pandemic altered the way attorneys work in the Probate Courts. The use of telephonic and then remote videoconference hearings reduced billable travel time and lowered their invoices. Limited access to clients in person and the time efficiencies associated with virtual meetings also likely impacted the cost of these services.

Conversely, the cost of court-appointed conservators' services reached all-time highs in FY20 and 21. As the number of indigent conserved individuals grows, so has the cost of managing their care. It is also critical that the least restrictive means of intervention is engaged to meet the conserved person's needs, including their place of residence. Management and care of a conserved person living in the

community can be more time-intensive than an individual residing, for example, in a skilled nursing facility. As we continue to ensure that individuals age in place and remain in their communities, it is probable that this expense will continue to rise. And of course, the growth in aging population due to the Baby Boomer generation will continue to increase demands on all systems of care.

It should be noted that these figures do not reflect the hundreds of unpaid volunteers who take on this responsibility on behalf of friends or family members each year.

Probate Courts have experienced difficulty recruiting attorneys and conservators to represent the growing number of indigent individuals who come in contact with the system. The attendant responsibilities are significant, often requiring many hours of engagement. The Probate Courts and the individuals they serve must rely on the generosity of the attorneys, social workers and others willing to accept appointment to these complex cases.

In many states, these expenses are attributed to other state agencies – and funded by the state. In Connecticut, the Probate Courts pay the costs of these constitutionally-mandated services, assisted by General Fund appropriations from the legislature. For the past several years, the cost of these services exceeded the appropriation. Fortunately, the foresight of the legislature in FY21 allowed the Probate Courts to fully fund indigency expenses and also provided a necessary financial cushion when probate fee revenue was at its most volatile.

<sup>3</sup>A person is presumed to be indigent and unable to pay a fee or cost of service if he or she receives public assistance; or if the person's annual income is 125% or less of the federal poverty level after taxes, mandatory wage deductions and child care expenses. As of Jan. 1, 2021, 125% of the federal poverty level for an individual was \$16,100 annually or \$310 weekly.

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## CHILDREN'S MATTERS

Probate Courts hear several different types of cases involving children, including temporary custody and guardianship, termination of parental rights, visitation, adoption, emancipation and parentage. A large proportion of the guardianship matters in Probate Courts involve parents who are unable to care for their children as a result of mental illness, substance use disorder or incarceration. In the overwhelming majority of those cases, a family member is appointed as guardian to care for the child. Over 6,400 children are currently cared for by relatives and other familiar adults as a result of this framework, at far less expense to the state than if the children were instead placed in the foster care system, saving the state an estimated \$64 million annually.

Although the number of children in guardianships through the Probate Courts declined in this biennium compared to the 7,100 under the courts' jurisdiction in FY19, we do not believe there is any less need for Probate Court involvement on behalf of neglected and abused children. A significant consequence of the isolation and lockdown due to public health risks is that the mental and behavioral health problems encountered by children and others are largely unseen. Grandparents and family members typically seek guardianship in the courts due to their witnessing neglect and abuse. With concerns for family gatherings and risks of infection escalated, the visits of such family members largely ceased. And, of course, children were not attending school in person for a significant portion of this reporting period. The 65% drop in the number of weekly calls to the Department of Children and Families (DCF) Careline as schools around the state began to close<sup>4</sup> was one empirical indication

that mandatory reporters and concerned individuals were unable to report what they could not see. The pandemic brought financial, food and housing insecurity to thousands around our state. Domestic violence shelters exceeded peak occupancy. Substance use overdose deaths rose. The toll this has taken on children and how that will be reflected in engagement with the Probate Court system remains to be determined.

Probate Courts appoint and pay for attorneys in children's matters. These funds are part of the \$3.3 million the Probate Courts paid for court-appointed attorneys during the biennium.

Another category of children's cases involves the management of funds on behalf of minors. Connecticut law requires that when a minor is entitled to property in excess of \$10,000, the property must be managed by a guardian of the estate. Probate Courts are responsible for the appointment and supervision of guardians for this purpose. In most cases, the parents are appointed as guardians.

The Probate Courts also have jurisdiction over petitions for minors and young adults under 21 to be granted Special Immigrant Juvenile Status (SIJS). This status is created under federal law for foreign-born children present in the U.S. who need protection due to abuse, neglect or abandonment. The Probate Courts have jurisdiction to make findings necessary for the federal Immigration Court to grant this special status. For this biennium, there were petitions for SIJS affecting over 600 children living in Connecticut.





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## REGIONAL CHILDREN'S PROBATE COURTS

Six Regional Children's Probate Courts (RCPCs) provide a forum for families to ensure legal arrangements for the care of children when parents are unable to do so. Informal settings, comfortable court facilities and the additional expertise of family specialists put families at ease as they work out their problems. A family case conference conducted by a family specialist – a court employee with advanced training in child and family dynamics – takes place before a hearing with the judge. The conference brings the family together with representatives from DCF and court-appointed attorneys to develop a family-centered beneficial plan for children's care. The goal is to keep children in the care of family members in a safe and familiar home environment when possible. Court employees help families obtain needed services and monitor progress toward the goals set by the court.

Plans to increase the number of communities served by the Central Connecticut and Waterbury Regional Children's Probate Courts were well underway in FY21. Both courts expanded as of July 1, 2021, with the inclusion of Shelton, Berlin and New Britain in these courts.

### **The six RCPCs and the communities they serve are:**

- 1 New Haven Regional Children's Probate Court:**  
Established in 2004. Judge Frank J. Forgione of the Branford-North Branford Probate Court is the administrative judge. Communities served: Bethany, Branford, East Haven, Hamden, Milford, New Haven, North Branford, North Haven, Orange, West Haven.
- 2 Central Connecticut Regional Children's Probate Court:**  
Established in 2005. Judge Philip A. Wright, Jr. of the Wallingford Probate Court is the administrative judge. Communities served: Berlin, Cheshire, Chester, Clinton, Cromwell, Deep River, Durham, East Haddam, East Hampton, Essex, Haddam, Killingworth, Lyme, Marlborough, Meriden, Middlefield, Middletown, New Britain, Old Saybrook, Portland, Southington, Wallingford, Westbrook.
- 3 New London Regional Children's Probate Court:**  
Established in 2006. Judge Jeffrey A. McNamara of the Niantic Regional Probate Court is the administrative judge. Communities served: East Lyme, Groton, Ledyard, Montville, New London, North Stonington, Old Lyme, Salem, Stonington and Waterford.
- 4 Northeast Regional Children's Probate Court:**  
Established in 2007. Judge Leah P. Schad of the Northeast Probate Court is the administrative judge. Communities served: Ashford, Brooklyn, Canterbury, Chaplin, Colchester, Columbia, Coventry, Eastford, Hampton, Killingly, Lebanon, Mansfield, Plainfield, Pomfret, Putnam, Scotland, Sterling, Thompson, Tolland, Willington, Windham and Woodstock.
- 5 Waterbury Regional Children's Probate Court:**  
Established in 2007. Judge Fred J. Anthony of the Shelton Probate Court is the administrative judge. Communities served: Ansonia, Beacon Falls, Bethlehem, Derby, Middlebury, Naugatuck, Oxford, Prospect, Roxbury, Seymour, Shelton, Southbury, Waterbury, Watertown, Washington, Wolcott, Woodbridge and Woodbury.

## 6 Hartford Regional Children's Probate Court:

Established in 2012. Judge Evelyn M. Daly of the Farmington Regional Probate Court is the administrative judge. Communities served: Andover, Avon, Bloomfield, Bolton, Burlington, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Hebron, Manchester, Newington, Plainville, Rocky Hill, Simsbury, Somers, South Windsor, Stafford, Suffield, Union, West Hartford, Wethersfield, Windsor and Windsor Locks.

In addition, in late 2018, children's court services became available in the Bridgeport Probate Court. Two family specialists conduct family conferences at what is one of the system's busiest courts. This allows all interested parties and the Department of Children and Families the opportunity to discuss cases in a collaborative manner, focusing on the family's strengths and what is in the best interests of the child.

## SCHOOL ATTENDANCE AND ENGAGEMENT CLINICS AT THE REGIONAL CHILDREN'S PROBATE COURTS

In 2014, the General Assembly authorized the school attendance and engagement clinic with the New Haven Regional Children's Probate Court to address rising and intractable school truancy with children.

Since their inception, the clinics have engaged families to identify and resolve the causes of absences in a supportive environment.

The students and their parents or guardians collaborate with the New Haven probate judge, school personnel and community partners such as the Clifford Beers Guidance Clinic to find and address issues that result in the absenteeism. Causes have ranged from problems with completing homework to family illness, work pressures and other home life challenges.

By funding such needs as slots at an afterschool program that provides snacks and homework assistance, chronic absenteeism in the 2019-2020 academic year at one school dropped from 24.9% to 19.6% as of February 2020. At a cost of less than \$15,000 for ten students for the entire school year, the resulting increased attendance is cost-effective.

With the shutdown of schools in early March 2020 and subsequent return by remote, hybrid and then in-person attendance, a measurable cost of the pandemic has been significant school absenteeism throughout the state. Due to pandemic-related school closures, the New Haven clinics designed to reduce truancy have not been fully re-engaged with the schools' reopening and innovative solutions are once again merited.



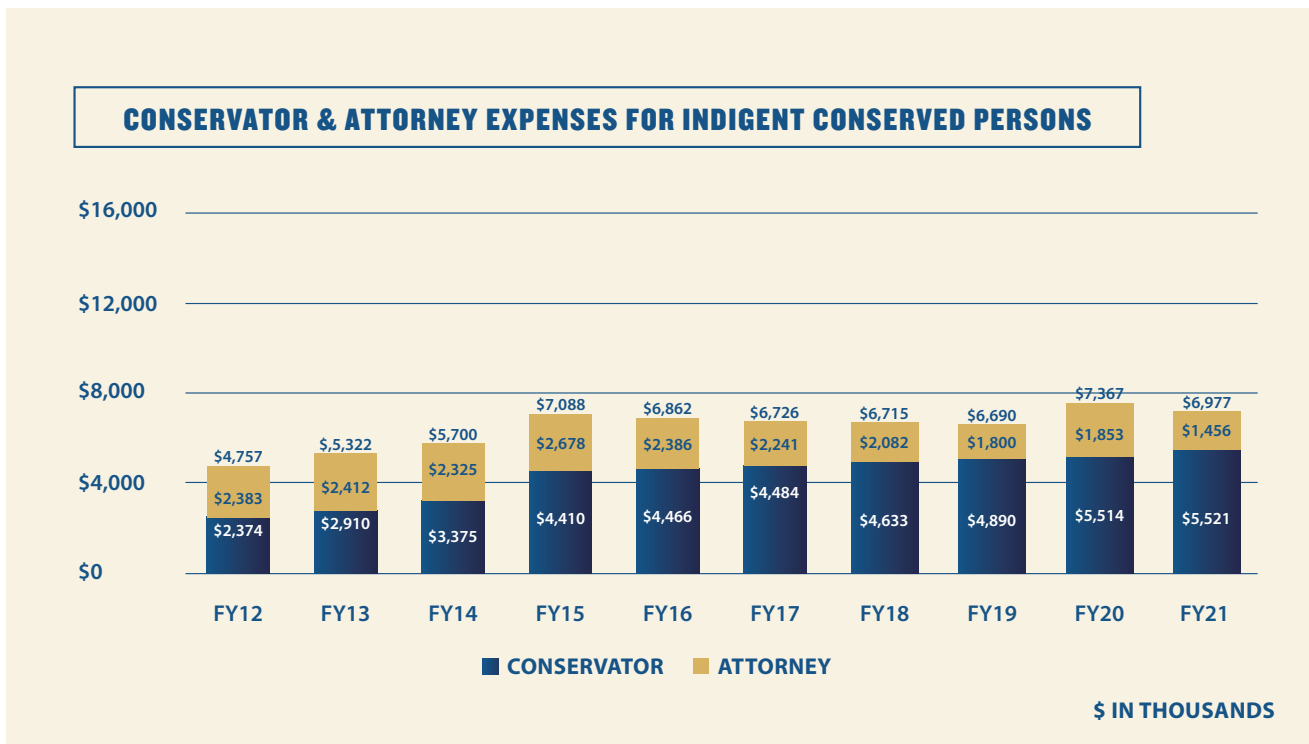
## CONSERVATORSHIP

Conservators have an enormously important role in the lives of individuals they serve. A conservator can be the difference between homelessness and having a safe apartment in the community for a person just discharged from a psychiatric hospital. For a senior with dementia, a conservator who manages home care services may be the key to avoiding placement in a nursing home, instead providing supportive care in a familiar environment and the least restrictive arrangements that keep the conserved person safe.

Conservatorship can also be needed for a person with mental illness, substance use disorder or intellectual disability. Conservatorship is a legal framework to manage the care and finances of an adult who is unable to do so for herself or himself. A Probate Court makes the determination whether a person is incapable and appoints one or more persons to serve as conservator. A conservator may also be appointed for someone who voluntarily requests assistance.

The conservator helps the conserved person make decisions about housing, finances, medical care and other basic needs while encouraging the conserved person to participate in the decision-making process and following the conserved person's preferences. The majority of conservators are family members with no experience in this area. However, often a person does not have a relative who is willing or able to take on this role. They are dependent on the resources of the state Probate Court system. The Probate Courts rely on professionals such as attorneys and social workers to shoulder this responsibility for little or no pay.

At the end of FY21, the Probate Court system was providing oversight to 22,488 conserved individuals, a 9% increase over the end of FY19. Of these, 48% – or 10,781 – were indigent, requiring a court to appoint and pay for a conservator and often an attorney as well to represent the individual's interests.



With an aging population and societal recognition of the value of aging in place, the increased strain on the court system and social services will only continue to grow. The Probate Courts also recognize that even for someone with impaired capacity due to mental health or behavioral health conditions, community-based services and maximizing independence can be key to successful treatment and recovery. While the common assumption is that most conserved parties are elders, the actual statistics in Connecticut say otherwise. Forty-six percent of conserved persons in Connecticut are under age 65. Twenty-two percent of conserved persons are age 45 and under. Although a best-case outcome is a conserved person regaining capacity to manage their finances and personal affairs, it is reasonable to predict that many of these conservatorships will continue for decades.

Also of note, Probate Courts saw a 32% increase in the number of indigent conserved individuals with mental illness between FY18 and FY21. This is a low estimate as this figure includes only those with a paid conservator, not a volunteer or family member serving in that role.

After the appointment of a conservator, the Probate Court supervises the conservator on an ongoing basis and, in the case of a conserved person who is indigent, pays the compensation of the non-relative conservator. A judge periodically reviews the capacity of the conserved person to determine whether any modifications or termination of the conservatorship are warranted. The court periodically conducts hearings on financial reports to ensure a conservator's proper management of the conserved person's finances. The court also provides instruction to the conservator on issues such as medical care, place of residence and end-of-life treatment.

It is in these areas where Connecticut Probate Courts saw a rise in activity that resulted from the COVID-19 pandemic. The rapid spread of the

coronavirus through the state's nursing homes coincided with the last three months of FY20 and into FY21. Each time a conserved individual was scheduled to be moved, even for medical reasons, such as from a hospital to a nursing home, a Probate Judge had to approve the new placement. At the same time, in FY20 the Probate Courts experienced a 42% spike over the previous year in requests by conservators to change Do Not Resuscitate orders and other end-of-life medical care.

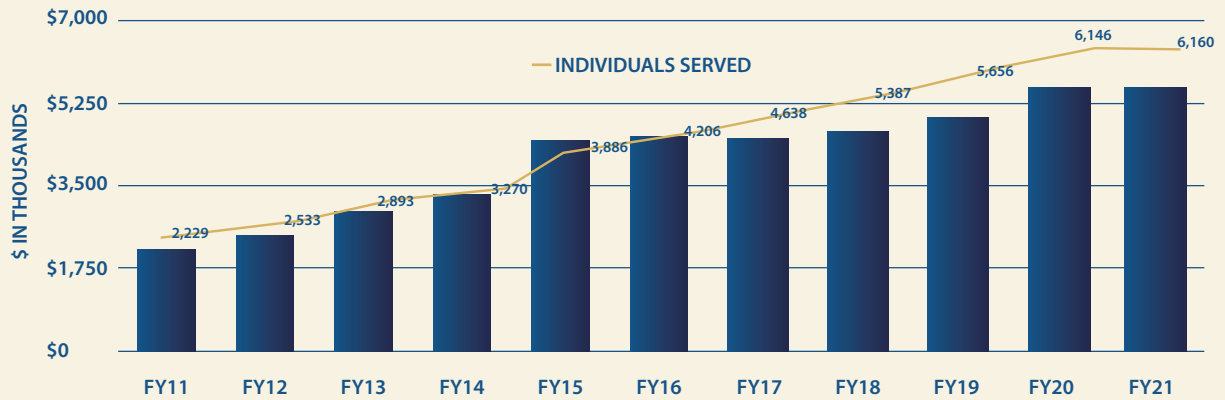
Over the past several fiscal years, the number of new conserved cases initiated each year in the state's Probate Courts has held steady at around 4,000.

The aggregate number of conserved cases continues to increase. Meanwhile, the number of conserved persons who are indigent and the cost of providing conservators to assist them continues to rise steeply.

The number of indigent conserved persons overseen by Probate Courts has grown at least 176% since 2011. Examining that population today, 46% of the indigent conserved persons in the Probate Court system are not elders (under age 65). Many are likely to remain dependent on the care of conservators – and need the financial resources of the Probate Court system – for the rest of their lives. As the number of indigent conserved persons has grown, the annual cost of managing their care has increased by \$3.4 million. Although changes such as the blended hourly rate for court-appointed attorneys has resulted in efficiency savings in terms of costs per person, the number of indigent individuals with court needs has risen dramatically.

In FY21, the Probate Court system paid 163% more for conservators for indigent parties than it did in FY11.

## CONSERVATOR EXPENSES FOR INDIGENT CONSERVED PERSONS



It is important to note that since 2018, all conservators, whether volunteer or compensated, are bound to abide by the Connecticut Standards of Practice for Conservators. These standards<sup>5</sup> describe the duties of a conservator, the ethical principles under which a conservator should operate and the decision-making considerations relevant to conservatorship cases.

The standards are available to the public on the Probate Court website<sup>6</sup> and in printed booklets in English and Spanish. Other resources to ensure conservators appropriately manage care and finances include the Probate Courts' online training course available in both Spanish and English.

## GUARDIANSHIPS OF ADULTS WITH INTELLECTUAL DISABILITY

Connecticut has a special type of guardianship for adults with intellectual disability. The Probate Court determines if an individual has an intellectual disability, whether a guardian is needed and, if so, who should serve as guardian. The court must also conduct periodic review of a guardianship to tailor the supportive decision-making to maximize the independence of the adult.

This adjudication is distinct from the Department of Developmental Services' (DDS) determination of an individual's eligibility for DDS services.

Annually, Connecticut Probate Courts receive 600-800 new petitions for guardianship of adults with intellectual disability. As part of the Probate Courts' initiative in 2017, the legislature expanded authority<sup>7</sup> to guardians of adults so they may manage the assets of individuals with intellectual disability as long as those assets remain below \$10,000. The change makes the existing guardianship framework more flexible and removed the need for a separate conservatorship for a person who needs assistance with a relatively small amount of assets.

## MANAGEMENT OF FINANCIAL ASSETS PETITIONS FILED

FY18	FY19	FY20	FY21
38	122	136	133

<sup>5</sup>[cga.ct.gov/2017/ACT/pa/2017PA-00007-R00SB-00976-PA.htm](http://cga.ct.gov/2017/ACT/pa/2017PA-00007-R00SB-00976-PA.htm)

<sup>6</sup>[ctprobate.gov/Pages/Conservators.aspx](http://ctprobate.gov/Pages/Conservators.aspx)

<sup>7</sup>FOOTNOTE: [cga.ct.gov/2017/ACT/pa/pdf/2017PA-00136-R00HB-07082-PA.pdf](http://cga.ct.gov/2017/ACT/pa/pdf/2017PA-00136-R00HB-07082-PA.pdf)

## COMMITMENTS

Probate Courts hear several different types of cases regarding involuntary confinement for treatment of mental illness, substance use disorder and infectious disease. In cases involving persons with psychiatric issues, Probate Courts determine whether a person is dangerous or gravely disabled. In helping individuals with particularly complex psychiatric diagnoses, the Probate Courts may decide whether a conservator should have authority to consent to the involuntary administration of psychotropic medication or electroconvulsion therapy (ECT). Probate jurisdiction also encompasses appeals from quarantine, isolation and vaccination orders issued by the Department of Public Health during a public health emergency.

There have been no appeals filed with the Probate Courts due to isolation, quarantine, or vaccination orders during this reporting period.

Probate Courts work with Guardian Ad Litem Services, a community-based nonprofit known as Melissa's Project, to provide care management for individuals. The Probate Court system provides

\$100,000 in annual funding to deliver care coordination. Participants have severe and persistent mental illness and are clients of the Department of Mental Health and Addiction Services (DMHAS). Melissa's Project has had an ongoing wait list beyond its 125-individual capacity. The need for these services far exceeds the availability of resources, leaving a two- to three-month wait list. Its staff continually works to assess which patients' needs can be managed by a conservator versus through its program. Since calendar 2020, the program discharged 42 people and admitted 48 more. The program had a wait list of approximately 45 people as this report was published.

While Probate Courts possess the authority to issue commitment orders, the scarcity of available therapeutic space throughout Connecticut for those needing even temporary mental health hospitalization hampers their ability to help. And the strain on community-based services for mental and behavioral health care continues as a factor in preventing crisis intervention.

## DECEDENTS' ESTATES AND TRUSTS

The settlement of decedents' estates is the area of jurisdiction most commonly associated with Probate Courts. However, for the past several years, this has represented less than half of the work done in the Probate Courts. The role of the court in these estates includes determining the validity of wills, appointing and supervising executors and administrators, resolving disputes among fiduciaries, heirs, beneficiaries and creditors, and ensuring proper payment of debts and distribution to heirs or beneficiaries.

One of the creditors is often the state of Connecticut. The Probate Courts oversee recovery of state assistance liens for the Department of Administrative Services (DAS) payable from decedents' estates. The recovery from these estates was in excess of \$31 million in both FY20 and 21 according to the DAS annual report.

However, in the 2021 legislative session, the General Assembly amended the law to limit liens placed on real property and inheritances for recovery of state assistance. In most cases, the new limit is the amount required to be recovered under federal law. The financial implications of this legislation remain to be seen.

During the biennium, when the state experienced an estimated 5,000 additional deaths attributable to the COVID-19 pandemic, the Probate Courts also responded to a rise in requests for assistance determining the proper care of remains of persons who died without available family to make final arrangements. At a time when the world was alarmed and grieving over the rising death rates, the Probate Courts stayed the course by their availability to address these grievous losses as expeditiously and compassionately as possible.

## PROBATE COURT MATTERS - FY20 AND FY21

### DECEDENTS

	FY20	FY21
4a-16 Petition	1535	2346
Administration Intestate	2506	3285
Admit Will	7467	8805
Approval/Instruction re: Action by Fiduciary	648	633
Affidavit Estate	5119	5807
Allowance for Spouse or Family	72	77
Allowance of Account	9294	9459
Compromise of Claim	563	481
Custody of Remains	693	637
Hearing Management/Status Conferences	1146	1265
Insolvent Estate	469	464
Sale or Mortgage of Real Estate	1370	1578
TPO Estate	3601	4236
Will Contest	41	32
Decedent Other	6995	8425

### TRUSTS

Approval/Instruction re: Action by Fiduciary	168	165
Trust Accounts	2633	2586
Appointment of Testamentary Trustee	436	380
Compel Account for Intervivos Trust	19	12
Hearing Management/Status Conferences	187	205
Termination of Charitable Trust	28	11
Trust Other	892	949

### CONSERVATORS

Approval/Instruction re: Action by Fiduciary	572	509
Allowance of Accounting	3914	4280
Appointment of Conservator of Person and Estate - Involuntary	1932	1969
Appointment of Conservator of Person and Estate - Voluntary	638	539
Appointment of Conservator of the Estate - Involuntary	198	197
Appointment of Conservator of the Estate - Voluntary	332	259
Appointment of Conservator of the Person - Involuntary	201	258
Appointment of Conservator of the Person - Voluntary	95	92
Appointment of Temporary Conservator	257	268
Authority to Consent to Psychiatric Medication Treatment 17a-543(e)	428	428
Hearing Management/Status Conferences	738	882
Orders Concerning Life Support Systems	11	9
Mortgage or Sale of Real Estate	407	334
Conservatorship Reviews	1189	1337
Conservatorship Other	10935	11522



**CHILDREN'S MATTERS**

	<b>FY20</b>	<b>FY21</b>
Approval/Instruction re: Action by Fiduciary	10	15
Appointment of Co-Guardian of a Minor	60	66
Continuation of DCF Care or Placement (Voluntary)	15	1
Review of DCF Plan	2	0
Emancipation of Minor	7	8
Hearing Management/Status Conference	117	103
Immediate Temporary Custody	103	98
Paternity Claim	60	66
Reinstatement of Parent as Guardian	112	148
Removal of Guardian of the Person	678	553
Temporary Custody	415	365
Temporary Guardian	521	300
Transfer to Superior Court	10	4
Children's Matters Other	4081	4178

**GUARDIAN OF MINOR ESTATES**

Approval/Instruction re: Action by Fiduciary	38	42
Allowance of Account	861	1035
Appointment of Guardian of the Estate	658	601
Compromise of Claim	409	399
Hearing Management/Status Conferences	138	119
Guardian of Estate Other	787	614

**GUARDIAN PERSON WITH INTELLECTUAL DISABILITY**

Approval/Instruction re: Action by Fiduciary	21	23
Appointment of Guardian of Person with Intellectual Disabilities	602	552
Hearing Management/Status Conference	114	167
Placement of Person with Intellectual Disabilities with DDS	17	18
Sterilization	0	3
Temporary Limited Guardian of a Person with Intellectual Disabilities	2	1
Three Year Reviews	1738	1904
Guardian Person with Intellectual Disability Other	5657	7042

**ADOPTIONS AND TERMINATION OF PARENTAL RIGHTS**

Approval/Instruction re: Action by Fiduciary	1	0
Approval of Adoption - Co-parent/Step-Parent	152	179
Approval of Adoption - Relative	21	26
Approval of Adoption - Statutory Parent (DCF Identified)	0	0
Approval of Adoption - Statutory Parent (DCF Non-Identified)	1	2
Approval of Adoption - Statutory Parent (Private Agency Identified)	13	8
Approval of Adoption - Statutory Parent (Private Agency Non-Identified)	6	9
Approval of Adult Adoption	113	125
Hearing Management Conference	18	20
Termination of Parental Rights	293	245
Transfer to Superior Court	1	1
Adoption/TPR Other	213	193

## PROBATE COURT MATTERS - FY20 AND FY21

### ADULT COMMITMENT

	FY20	FY21
Annual Review	126	139
Biennial Review Hearing	0	0
Commitment of Adult - Involuntary	1265	1293
Hearing Management/Status Conference	82	88
Permission for Shock Therapy	121	170
Probable Cause Hearing - Adult Commitment	798	936
Release from Confinement	15	23
Warrant for Examination by Court	4	3
Adult Commitment Other	3	3

### CHILD COMMITMENT

Commitment of Child - Involuntary	2	3
Child Commitment Other	3	2

### COMMITMENT - DRUG AND ALCOHOL

Commitment - Alcohol & Drug Dependency	44	33
Commitment - Alcohol & Drug Dependency Other	1	3

### OTHER MATTERS

Change of Name Petitions	2286	2347
Compel Power of Attorney Accounting	48	62
Compel UTMA Accounting	4	2
Hearing Management/Status Conference	36	28
Marriage: Request for Permission (Minors)	10	5
Restore Right to Purchase, Possess, or Transport a Firearm	5	3
Other Matters - Other Petitions or Motions	104	100
Fee Waivers	13857	12960
Passports	415	4

### TOTAL

105,023 112,161



## PROBATE COURT MATTERS - FY18 AND FY19

These statistics were not published in the FY18-19 Biennial Report and are included here for reference.

	FY18	FY19
<b>DECEDENTS</b>		
4a-16 Petition	2075	1727
Administration Intestate	2394	2511
Admit Will	7895	7830
Approval/Instruction re: Action by Fiduciary	623	654
Affidavit Estate	5984	6199
Allowance for Spouse or Family	93	75
Allowance of Account	9106	9372
Compromise of Claim	565	583
Custody of Remains	547	621
Hearing Management/Status Conferences	1600	1433
Insolvent Estate	455	492
Sale or Mortgage of Real Estate	1417	1414
TPO Estate	3769	3820
Will Contest	47	43
Decedent Other	6081	7021

### TRUSTS

Approval/Instruction re: Action by Fiduciary	169	155
Trust Accounts	2860	3041
Appointment of Testamentary Trustee	351	413
Compel Account for Intervivos Trust	10	6
Hearing Management/Status Conferences	202	240
Termination of Charitable Trust	4	5
Trust Other	1054	975

### CONSERVATORS

Approval/Instruction re: Action by Fiduciary	528	576
Allowance of Account	4014	4397
Appointment of Conservator of Person and Estate - Involuntary	1961	2020
Appointment of Conservator of Person and Estate - Voluntary	660	718
Appointment of Conservator of the Estate - Involuntary	182	206
Appointment of Conservator of the Estate - Voluntary	369	349
Appointment of Conservator of the Person - Involuntary	276	278
Appointment of Conservator of the Person - Voluntary	127	120
Appointment of Temporary Conservator	222	287
Authority to Consent to Psychiatric Medication Treatment 17a-543(e)	395	410
Hearing Management/Status Conferences	1051	890
Orders Concerning Life Support Systems	9	3
Mortgage or Sale of Real Estate	370	386
Conservatorship Reviews	1726	1804
Conservatorship Other	10600	11552

**CHILDREN'S MATTERS**

	<b>FY18</b>	<b>FY19</b>
Approval/Instruction re: Action by Fiduciary	13	12
Appointment of Co-Guardian of a Minor	74	72
Continuation of DCF Care or Placement (Voluntary)	18	20
Review of DCF Plan	10	6
Emancipation of Minor	9	10
Hearing Management/Status Conference	126	89
Immediate Temporary Custody	142	107
Paternity Claim	57	74
Reinstatement of Parent as Guardian	186	150
Removal of Guardian of the Person	722	712
Temporary Custody	563	506
Temporary Guardian	644	609
Transfer to Superior Court	6	10
Children's Matters Other	2993	3530

**GUARDIAN ESTATE**

Approval/Instruction re: Action by Fiduciary	65	56
Allowance of Account	889	1074
Appointment of Guardian of the Estate	675	664
Compromise of Claim	441	416
Hearing Management/Staus Conferences	127	109
Guardian of Estate Other	738	795

**GUARDIAN PERSON WITH INTELLECTUAL DISABILITY**

Approval/Instruction re: Action by Fiduciary	53	72
Appointment of Guardian of Person with Intellectual Disabilities	602	575
Hearing Management/Status Conference	188	168
Placement of Person with Intellectual Disabilities	18	21
Sterilization	3	1
Temporary Limited Guardian of a Person with Intellectual Disabilities	3	3
Three Year Reviews	1902	2314
Guardian Person with Intellectual Disability Other	5034	6009

**ADOPTIONS AND TERMINATION OF PARENTAL RIGHTS**

Approval/Instruction re: Action by Fiduciary	0	0
Approval of Adoption - Co-parent/Step-Parent	201	204
Approval of Adoption - Relative	34	26
Approval of Adoption - Statutory Parent (DCF Identified)	1	6
Approval of Adoption - Statutory Parent (DCF Non-Identified)	2	0
Approval of Adoption - Statutory Parent (Private Agency Identified)	15	13
Approval of Adoption - Statutory Parent (Private Agency Non-Identified)	14	22
Approval of Adult Adoption	150	147
Hearing Management Conference	24	15
Termination of Parental Rights	355	360
Transfer to Superior Court	1	0
Adoption/TPR Other	140	211

## PROBATE COURT MATTERS - FY18 AND FY19

	FY18	FY19
<b>ADULT COMMITMENT</b>		
Annual Review	123	139
Biennial Review Hearing	1	0
Commitment of Adult - Involuntary	1095	1183
Hearing Management/Status Conference	102	90
Permission for Shock Therapy	115	157
Probable Cause Hearing - Adult Commitment	823	808
Release from Confinement	5	22
Warrant for Examination by Court	8	5
Adult Commitment Other	1	11
<b>CHILD COMMITMENT</b>		
Commitment of Child - Involuntary	6	7
Child Commitment Other	2	2
<b>COMMITMENT - DRUG AND ALCOHOL</b>		
Commitment - Alcohol & Drug Dependency	39	41
Commitment - Alcohol & Drug Dependency Other	2	0
<b>OTHER MATTERS</b>		
Change of Name Petitions	2584	2671
Compel Power of Attorney Accounting	38	41
Compel UTMA Accounting	6	0
Hearing Management/Status Conference	13	25
Marriage: Request for Permission (Minors)	5	12
Restore Right to Purchase, Possess, or Transport a Firearm	7	7
Other Matters - Other Petitions or Motions	135	114
Fee Waivers	13676	14179
Passports	2075	897
<b>TOTAL</b>	<b>107,890</b>	<b>112,225</b>



# PROBATE COURT ADMINISTRATION FUND ACTIVITY

	FY20	FY21
<b>FUND BALANCE- BEGINNING OF YEAR</b>	<b>\$13,438,105</b>	<b>\$7,830,762</b>
<b>REVENUE</b>		
Probate Court Fees	41,778,943	49,079,189
General Fund Appropriation	7,200,000	12,500,000
Pass-Through Funding	133,220	133,220
Interest	321,313	314,476
Investment Income	224,309	15,523
Probate Court Miscellaneous Funds	1,780	1,110
<b>TOTAL REVENUE</b>	<b>\$49,659,565</b>	<b>\$62,043,518</b>
<b>EXPENSES</b>		
<b>PCA Expenses</b>		
<b>Personnel Expenses</b>		
Salaries and Wages	1,963,415	2,090,386
Fringe Benefits	1,659,721	1,815,927
<b>Other Expenses</b>		
Computer Equipment and Services	225,770	240,678
Building Repairs, Maintenance and Utilities	103,156	98,145
Office Expenses	61,612	50,470
Training and Education- Judges, Clerks and PCA Staff	33,125	3,462
Professional Services	720	750
Conservator Audits	41,546	7,763
Dues and Subscriptions	16,195	23,929
Other	17,467	12,919
<b>Court Expenses</b>		
<b>Personnel Expenses</b>		
Salaries and Wages	20,547,881	20,993,899
Retirement Plan Funding	4,236,400	8,468,185
Fringe Benefits	6,206,397	6,173,873
Retirement Administration	75,636	77,954
<b>Other Expenses</b>		
Computer Equipment and Services	1,473,241	1,298,372
Court Office Expenses	501,184	459,076
Outside Services	85,019	71,140
Council on Probate Judicial Conduct	87,816	47,054
Mileage, Parking and Tolls	38,867	2,506
Rental of Records Storage Space	24,765	24,971
Other	44,263	73,799



	<b>FY20</b>	<b>FY21</b>
<b>Indigency Expenses</b>		
Conservators	5,514,190	5,520,806
Court-Appointed Counsel	1,852,502	1,455,753
Marshals/Ads/Newspapers/Physicians	159,221	125,703
<b>Pass-Through Funding</b>		
Kinship and Respite Care Program	2,000,000	2,000,000
Guardianship Pilot	88,812	88,812
Melissa's Project	100,000	100,000
Children in Placement	44,406	44,406
<b>TOTAL EXPENSES</b>	<b>\$47,203,327</b>	<b>\$51,370,738</b>
<b>Transfer to General Fund</b>	<b>(\$8,063,581)</b>	<b>(\$10,307,518)</b>
<b>Fund Balance - End of Year</b>	<b>\$7,830,762</b>	<b>\$8,196,024</b>

## PROBATE JUDGES AND EMPLOYEES RETIREMENT FUND

	<b>FY20</b>	<b>FY21</b>
Benefits Paid to Retired Judges and Employees	<b>\$5,863,252</b>	<b>\$5,836,893</b>
Professional Expenses	11,000	11,000
Refunds (upon death or termination)	52,909	34,866
Interest Paid on Refunds	829	1,248
<b>TOTAL EXPENSES</b>	<b>\$5,927,990</b>	<b>\$5,884,007</b>

## FINANCIAL DATA

### ORGANIZATIONAL STRUCTURE

The Connecticut Probate Court system is comprised of 54 probate districts and six Regional Children's Probate Courts (RCPCs). Court consolidation in 2011, with its reduction in the number of courts and other significant changes including to the financial structure of the system, continues to produce savings of approximately \$4.4 million annually.

Although part of the state judicial system, the majority of the Probate Courts are located within municipal facilities. Some communities lease commercial office space for the courts. In addition to the provision of court facilities, state law requires municipalities to provide their courts with office furnishings and equipment, supplies, telephone service, internet access and liability insurance.

Municipal governments across the state proved to be willing partners in efforts to keep the Probate Courts open safely to meet the needs of local residents throughout the COVID-19 pandemic. As municipalities renovated and retrofitted town halls and municipal office space, they also retrofitted the Probate Courts with plexiglass and enacted other recommended public health measures. The towns also provided use of larger conference or meeting rooms to accommodate social distancing for larger hearings. These endeavors secured the health and safety of the public as well as the court staff and judges.

### PROBATE COURT ADMINISTRATION FUND

Apart from the facilities costs borne by municipalities, all other expenses of the Probate Court system are managed through a dedicated revenue fund known as the Probate Court Administration Fund (PCAF). The PCAF has two revenue sources: probate fee receipts and an appropriation from the General Fund when approved by the legislature. Both sources have

historically been unpredictable, and the events of the biennium illustrate that starkly. The Probate Court system is a unique court system as it is dependent on its own revenue for operations.

The Probate Court system is largely funded from probate fee receipts, of which the majority is derived from estate tax filings. The value of



"The work being done at the Probate Court is a vital lifeline for the public. During this period of isolation, many people have called the court for our guidance. They are feeling lost and alone. They have lost a loved one: some, due to COVID-19. They call with questions related to the probate process. But they also call because they are reaching out for human contact. Many are afraid to leave their homes.

Calling the court with questions on the probate process gives them a sense of purpose and normalcy, something they need to do. It's something that gives them a reason to keep moving forward, that life does go on, even under such stressful times."

– ASSISTANT CLERK

decedents' estates is volatile as a source of income, as many assets are tied to the stock market, real estate values, and other fluctuating valuations. The legislature's annual General Fund appropriation is necessary to offset the cost of constitutionally mandated services to support indigent individuals in the Probate Court system and provide stability in funding for continued court operations.

Mandated services include the right to court-appointed attorneys for respondents in certain proceedings, waiver of court filing fees to ensure access to the courts, conservators, and attorneys to represent the interests of minors in custody proceedings. As recently as FY16, the Probate Courts' appropriation had been reduced to zero. In FY18, the Probate Courts received a net \$1.9 million appropriation but the system's indigency expenditures were \$8.6 million. The FY19 approved budget provided no reprieve with an appropriation of only \$4.35 million of which nearly half – \$2 million – was allocated for dedicated Kinship and Respite grants (See page 36). The Probate Courts continued to subsidize constitutionally mandated services for indigent constituents.

It is difficult to budget for the system without knowing what the probate fee revenue will be. It makes forecasting for long-range improvements as well as other capital or personnel expenditures challenging at best. Poor stock market performance can adversely impact probate fee revenue. And as more individuals who are indigent enter our system, the costs of handling their cases which are borne by the Probate Courts, escalate. This volatility can jeopardize ongoing operations of the courts.

At the start of the pandemic in March 2020, the deadline for tax filings for decedents' estates was deferred by three months from April to July. This delay had significant impact on the PCAF for the fourth quarter of 2020. The filing deadline deferral along with the economic

slowdown experienced by businesses, law offices and the general public in lockdown caused probate fee revenue to decline by almost 40%. Although generally unpredictable, our system had never before experienced such a sharp decline in probate fee revenue. Since 75% of our system is funded by this revenue, this decline highlighted the precarious position of our operations but for the buffer of the PCAF and the General Fund appropriation.

The General Fund appropriation for FY20 of \$7.2 million represented less than a quarter of the system's expenditures. It provided the system with the stability and cash flow needed to keep the Probate Courts solvent at a time of enormous financial uncertainty. Similarly, in FY21 as the economy remained stagnant with thousands out of work for extended periods of time, the General Fund appropriation of \$12.5 million represented a financial cushion at a time when certainty of other revenue was elusive.

For a modest investment, the Probate Courts save the state over \$2 billion annually by helping families help themselves – and by reducing the need for far more expensive and intensive state services. By statute, any balance in the PCAF in excess of 15% of the system's total expenditures sweeps automatically to the General Fund at year-end. Since 2011, the PCAF has returned \$38 million to the General Fund.

Legislative proposals to eliminate the estate tax also have potential adverse financial impact on the system. While the Office of the Probate Court Administrator (PCA) has no position on the tax, the implications of its repeal for the Probate Courts are significant. The elimination of the estate tax would result in an annual revenue loss of \$17 million, at best decimating the Probate Court system and bringing it unquestionably into insolvency without a commensurate stable source of funding in its place.

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## PROBATE COURT SYSTEM BUDGET

The budget for the Probate Court system is administered by PCA and is separate from the financial operations of the Judicial Branch. Since the consolidation from 117 to 54 local probate districts, the system has realized annualized savings of \$4.4M.

The Probate Court Budget Committee, a body established by statute, has oversight and authority to establish the compensation and benefits plan for court staff and to determine staffing levels for each court. Since the 2011 restructuring, staffing levels have largely remained flat despite the continual increase in the volume of matters in the courts. A compensation study was conducted pre-consolidation to bring Probate Court staff compensation levels to comparable rates paid to similar positions in the state's executive and judicial branches, court systems in neighboring

states, and Connecticut law firms. Faced with significant state funding challenges, it took the Budget Committee five years to implement the compensation study completed in 2014. The final compensation adjustments related to this study were made in June of 2019. The committee approved both merit raises and cost of living increases (COLAs) for court staff in FY20 and FY21 to begin to bring these positions in line with other employers.

The consolidation led to significant efficiencies that benefited the state of Connecticut and resulted in uniformity in compensation for both court staff and judges. The compensation of judges, which is established by statute, is based on the population and workload of their respective districts. Judges received a compensation increase July 1, 2019, tied to those of Superior Court judges.

## OTHER FINANCE DEPARTMENT ACTIVITY

The Finance Department at PCA manages all financial processes for the Probate Court system. During FY20 and FY21, it took on additional responsibilities related to managing the effects of the coronavirus pandemic on the Probate Court system. As part of its human resources function for the Probate Courts and Regional Children's Probate Courts, the department administered the federal Families First Coronavirus Response Act (FFCRA) for court staff. The department worked with the Probate Court Budget Committee to create and administer new policy providing extraordinary paid leave for COVID-19 related absences. Together with the Probate Court Budget Committee, the department implemented emergency compensation plans to ensure the physical and fiscal safety of the court staff while continuing to serve the public. The Finance Department also tracked the system's COVID-related expenses and submitted them to the Office of Policy and Management, receiving reimbursement for

\$55,000 in expenditures. Department leadership met virtually with state House and Senate leadership many times regarding the financial status of the Probate Court system throughout the first year of the pandemic.

**In addition to the federal and probate benefits due to the coronavirus, the Finance Department also enrolled in and began deductions for the Connecticut Paid Family Leave benefit for court staff.**

Approximately 20% of the Probate Court system budget is expended on critical constitutional or family needs. The Probate Courts expended \$9 million in three key areas and in FY21, for the first time in six years, the General Fund support covered these statutory and constitutionally mandated expenditures.



### KINSHIP AND RESPITE GRANTS

The Kinship Program and the Grandparents and Relatives Respite Program provide grants to guardians caring for children. Unlike foster parent placements through the Department of Children and Families, guardians appointed by Probate Courts are not eligible for monthly stipends. The Kinship and Respite programs as they are known, seek to fill that gap by providing financial assistance for basic needs. Kinship grants help guardians pay for expenses such as eyeglasses, school clothes and supplies, after-school programs, tutoring, summer camp and music lessons. Respite grants provide them assistance in the areas of child care, transportation and housing. Both programs are limited to low-income recipients.

### CONSERVATORS

Payment of conservators caring for individuals who are indigent is the fastest-growing expense category in the Probate Court system budget. The annual cost of conservator payments has increased 163% over the past decade at the same time as the number of conserved individuals lacking the financial means to pay

Because of the financial insecurity that arose for many resulting from the pandemic, the Probate Courts issued news releases throughout the year to make guardians aware that a change in their circumstances might make them newly eligible for grants.

**The Probate Courts administered grants serving 3,307 children and 2,329 families in FY20 and 2,454 children and 1,765 families in FY21.**

has grown 176%. The expense for indigent conserved persons in the current reporting period increased over the prior biennium but appeared largely flat from FY20 to FY21. This may be another factor or consequence of the public health emergency.



## ANNUAL COST OF CONSERVATORS

	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21
<b>Conserved persons</b>	2,229	2,533	2,893	3,270	3,886	4,206	4,638	5,387	5,656	6,146	6,160
<b>Conservator cost (in thousands)</b>	\$2,100	\$2,400	\$2,910	\$3,375	\$4,410	\$4,466	\$4,484	\$4,633	\$4,890	\$5,514	\$5,521

## COURT-APPOINTED ATTORNEYS

Under statutory mandates and the state and federal constitutions, Probate Courts must arrange for attorneys to represent certain indigent individuals whose rights are at issue in court proceedings. Probate Courts bear these expenses in children's matters, conservatorships, guardianships of adults with intellectual disability and commitments.

In the middle of FY20, the Probate Court system implemented a new "blended" rate of \$58/

hour for court-appointed attorneys. This single hourly rate simplifies billing, no longer requiring attorneys to separately bill preparation time from court time. While attorneys are permitted to bill for travel time and home visits, the use of remote hearings and limitations on in-person visits due to the pandemic are likely to have contributed in FY21 to the lowest average invoice costs since at least 2004. This expense dropped 45% from its historic high in FY15.

### MELISSA'S PROJECT

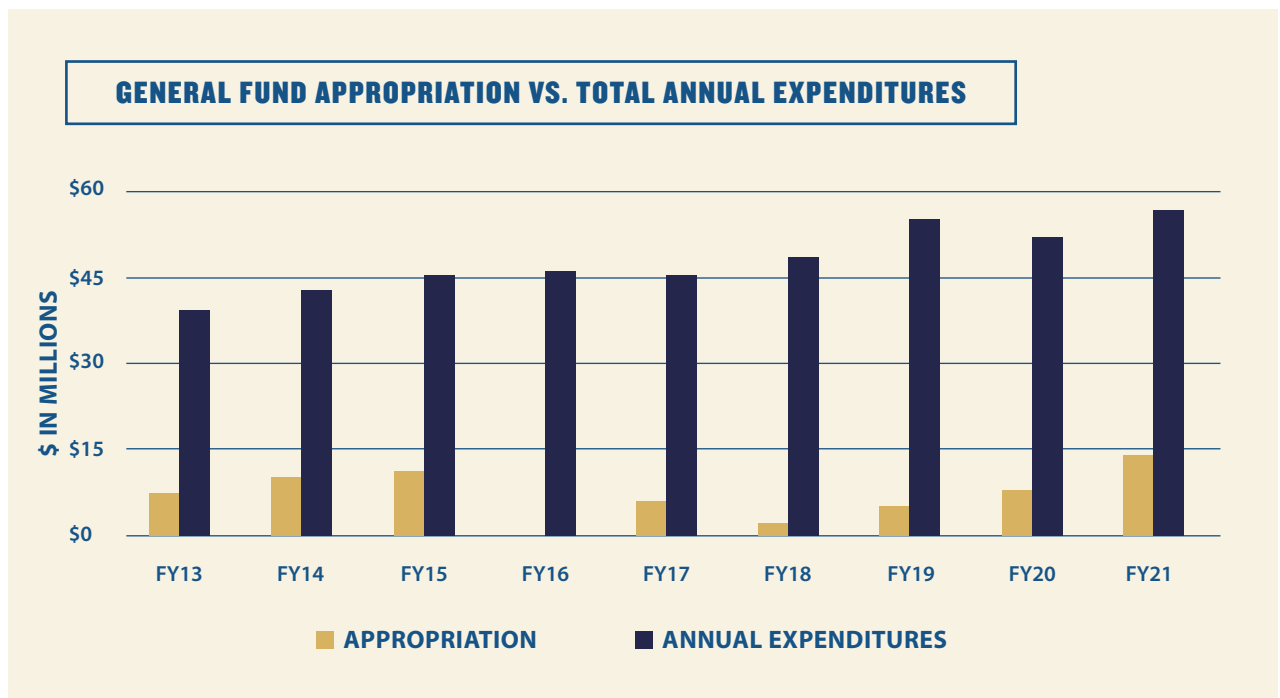
The Probate Court system provides \$100,000 annually for the Guardian Ad Litem Services, Inc.'s Melissa's Project, a nonprofit organization that provides case coordination for individuals with severe and persistent mental illness. The care provided by Melissa's Project has shown to be effective in reducing arrests, incarcerations and hospitalizations for this vulnerable population. Melissa's Project is available to individuals who are Department of Mental Health and Addiction Services clients in Region 2 or 5 and are conserved by the Probate Courts. The program is limited to 125 people and as noted previously, it regularly has a waitlist.

The Probate Courts' FY20 total expenditures were \$47.2 million. The FY21 total expenditures were \$51.3 million. With the exception of the small but necessary General Fund allocation, the Probate Courts have been funded by fee revenue which represents approximately 75% of the system's overall revenue.



"We have had serious situations present themselves where immediate action mattered. A local provider for persons with intellectual disability called the court to state that a father had picked up his daughter at the group home and refused to return her because of fears of the coronavirus. The father planned to drive her to his home out of state. She did not have her medications. The court held an emergency hearing and transferred guardianship to a sister of the protected person. The police then assisted in getting the father to return his daughter to the group home. Our intervention helped keep her safe."

– JUDGE JOHN J. MCGRATH, JR.



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## LEADERSHIP: JUDGES AND CLERKS

### ADVISORY COMMITTEE ON THE PROBATE COURT RULES OF PROCEDURE

*Judge Beverly K. Streit-Kefalas, Chair*  
*Judges Peter C. Barrett, Kathleen N. Maxham, and Robert A. Randich, Chairs of each Subcommittee*

The Advisory Committee on the Probate Court Rules of Procedure is comprised of judges, attorneys and court staff and convenes on at least a two-year cycle to review and propose revisions to the Connecticut Probate Court Rules of Procedure. Revisions typically address changes in statutory provisions and recommended court procedures. The rules establish uniform procedures for probate matters. They provide guidance in all areas of probate jurisdiction and are written in plain language to assist both self-represented individuals and attorneys. The most recent revision was effective January 1, 2020, and largely addressed requirements of the eFiling system. The committee reconvened in March 2021, and held working meetings to develop proposed revisions for the scheduled July 1, 2022, edition.

### CONTINUING EDUCATION COMMITTEE

*Judge Cynthia C. Becker, Chair*

The Continuing Education Committee develops education programs in cooperation with the Office of the Probate Court Administrator on matters of probate law and related topics. The committee presents education seminars to both judges and court staff who are all required to complete annual continuing education credits.

### ETHICS COMMITTEE

*Judge Michael F. Magistrali, Chair*

The Ethics Committee is responsible for periodic review of the Code of Probate Judicial Conduct. The committee also conducts educational programs for judges on ethics.

### EXECUTIVE COMMITTEE

The Executive Committee guides the work of the Probate Assembly. Committee membership is comprised of 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 of Connecticut's counties.

### LEGISLATIVE COMMITTEE

*Judge Gerald M. Fox III, Co-Chair*  
*Judge T.R. Rowe, Co-Chair*

The Legislative Committee develops and reviews legislative proposals that affect the Probate Courts. Throughout 2020 and 2021, and despite COVID-19 challenges that cut short the 2020 legislative session, the committee worked closely with the probate court administrator to update several statutes and affirm the state's commitment to Probate Courts through General Fund appropriations. New 2021 laws affecting the system included modifications to statutes to improve court procedures as found in the Probate Court operations bill, and the Connecticut Parentage Act.

### AD HOC MODIFICATIONS FOR PANDEMIC/ EXTRAORDINARY CIRCUMSTANCES COMMITTEE

*Judge Andre D. Dorval (ret'd.), Chair*

The Modifications for Pandemic/Extraordinary Circumstances Committee is an Ad Hoc Committee established at the height of the COVID-19 pandemic in direct response to the public health emergency. The committee considered the constraints on court operations and determined whether to make recommendations to standing committees to address the needs of the system in real time response to the pandemic. Ultimately, the committee recommended that the Executive Committee seek a "blanket exemption from the continuing educational requirements" for judges and court clerks for 2020 for health and safety reasons.



**NOMINATING COMMITTEE***Judge Joseph D. Marino, Chair*

The Nominating Committee prepares the slate of candidates for Probate Assembly offices and the slate of members for the executive committee, budget committee and Council on Probate Judicial Conduct. Elections are conducted at the Probate Assembly's annual meeting in April.

**PLANNING COMMITTEE***Judge Fred J. Anthony, Chair*

The Planning Committee is charged with the study of the role and structure of the Probate Courts, planning for changes that affect the Probate Court system, and other duties as may be assigned by the Executive Committee or President Judge.

**PROCEDURES REVIEW COMMITTEE***Judge Jennifer L. Berkenstock, Chair*

The Procedures Review Committee works to develop and revise court forms for compliance with legal requirements and to increase ease of use by court users. The committee reviews new legislation and responds to suggestions from judges, court personnel and court users.

**PUBLIC INFORMATION COMMITTEE***Judge Diane S. Blick, Chair*

The Public Information Committee endeavors to enhance understanding of what the Probate Courts do. The committee assists with periodic press releases and other documents that inform citizens about the services the Probate Courts provide.

**AD HOC CONSERVATORSHIP GUIDELINES COMMITTEE***Judge Mark J. DeGennaro, Chair*

The Conservator Guidelines Committee convened in 2015 to review compensation for conservators appointed on behalf of indigent conserved individuals and develop guidelines for conservators as they carry out their duties. The committee focuses its work on producing standards of practice that establish high expectations for conservators without losing sight of the practical realities that conservators face on a day-to-day basis.

**AD HOC COURT SECURITY COMMITTEE***Judge Domenick N. Calabrese, Chair*

The Court Security Committee began meeting in 2013 to strengthen safety and security at the courts. It established court security and emergency preparedness policies for all courts. At the committee's recommendation, all court employees periodically participate in training programs to learn how to handle workplace violence.

**CONNECTICUT ASSOCIATION OF PROBATE CLERKS (CAPC)**

More than 200 court clerks, staff, staff attorneys, family specialists and retirees are members of the Connecticut Association of Probate Clerks (CAPC), a professional group founded in 1983. The group seeks to "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 four meetings each year which usually have an educational component. The co-presidents during this reporting period were Idaliz Gomez, chief clerk of the East Hartford Probate Court, and Nanci Howard, chief clerk of the Housatonic Probate Court.

# CONTINUING EDUCATION

## 2019 | SEPTEMBER

### Continuing Education Seminar, 9/17

*Impact of Trauma on Children, Caregivers and Court Staff:* Julian D. Ford, Ph.D., A.B.P.P., UConn School of Medicine Professor of Psychiatry

*Name Change and Birth Certificates Gender Change:* Hon. Gerald M. Fox III, Stamford Probate Court

*Overlapping Jurisdiction with the Superior Court:* Hon. Matthew J. Jalowiec, Cheshire-Southington Probate Court

*Adult Adoptions:* Hon. Frank J. Forgione, Branford-North Branford Probate Court

*Did You Know That?:* Amy L. Benjamin, PCA Manager of Staff Training and Support

## OCTOBER

### Judges Institute, 10/17

*New Legislation:* Hon. Beverly K. Streit-Kefalas, Probate Court Administrator and Hon. Bonnie Bennet, PCA Chief Counsel

*eFiling in the Probate Court Overview:* Attorney Heather L. Dostaler, PCA

*Courtroom Management:* Hon. Fred J. Anthony, Shelton Probate Court; Hon. Domenick N. Calabrese, Region #22 Probate Court; Hon. Robert A. Randich, Newington Probate Court; Hon. Dianne E. Yamin, Danbury Probate Court

## NOVEMBER

### Joint Probate Assembly/Connecticut Bar Association Seminar, 11/19

*Connecticut Uniform Trust Code:* Attorney Suzanne Brown Walsh of Murtha Cullina, LLP, Hartford; Hon. Frank J. Forgione, Branford-North Branford Probate Court; Attorney Molly Ackerly of Ackerly Brown, LLP, Bantam; Hon. Domenick N. Calabrese, Region #22 Probate Court; Attorney Deborah J. Tedford of Tedford

Law Firm PC, Mystic; Hon. Paul J. Knierim (ret'd.) of Czepiga Daly Pope & Perri, Berlin; Attorney Kelley M. Galica Peck of Cummings & Lockwood, LLC, West Hartford; Attorney John R. Ivimey of Reid & Riege PC, Hartford

*eFiling in the Probate Court Overview:* Attorney Heather L. Dostaler, PCA

*Connecticut Standards of Practice for Conservators:* Hon. Jeannine Lewis, Saybrook Probate Court and Attorney Sandra Sherlock-White of Law Offices of Sandra Sherlock-White, Newington

## 2020 | JANUARY

### Judges Institute, 1/16

*Rule 16, Public Access to Hearings and Records:* Hon. David W. Hopper, Greenwich Probate Court; Hon. Lisa K. Wexler, Westport Probate Court

*Insolvency & Claims Procedures in Decedents' Estates:* Hon. Michael F. Magistrali, Torrington Area Probate Court

*New Probate Court Rules of Procedure:* Hon. Beverly K. Streit-Kefalas, Probate Court Administrator; Hon. Brian T. Mahon (ret'd.), Meriden Probate Court; Hon. Steven M. Zelman (ret'd.), Tobacco Valley Probate Court

*eFiling Frequently Asked Questions:* Attorney Heather L. Dostaler, PCA

## ▶ SEPTEMBER

### Webinar for all judges and court staff, 9/3

*Children's Matters: Did You Know That?:* Amy L. Benjamin, PCA Manager of Staff Training and Support

### Webinar for all judges and court staff, 9/16

*Probate Judicial Ethics:* Hon. Michael F. Magistrali, Torrington Area Probate Court



### **Webinar for all judges and court staff, 9/30**

*Conducting Cisco Webex Hearings:* Hon. Frank J. Forgione, Branford-North Branford Probate Court; Karen Parzych, Chief Clerk, Madison-Guilford Probate Court; George Fernandes, PCA Manager of Information Technology

### ▶ **OCTOBER**

#### **Webinar for judges and staff attorneys, 10/28**

*Special Immigrant Juvenile Status Findings:* Attorney Edwin Colon, Director of Immigrant Children's Justice Project, Center for Children's Advocacy; Attorney Mary Foden of De Castro Foden, LLC; Hon. Dianne E. Yamin, Danbury Probate Court

### ▶ **NOVEMBER**

#### **Webinar for all judges and court staff, 11/12**

*Cultural Competence and Implicit Bias:* Connecticut Supreme Court Chief Justice Richard A. Robinson

#### **Webinar for all judges and court staff, 11/18**

*Capacity & Conservators:* Harry Morgan, M.D.

### ▶ **2021 | JANUARY**

#### **Webinar for judges and staff attorneys, 1/27**

*Veterans Administration Federal Fiduciary Regulations:* Jonathan Page, Fiduciary Program Specialist, Veterans Benefits Administration

### ▶ **FEBRUARY**

#### **Webinar for all judges and court staff, 2/18**

*Real Property:* Attorney Ellen L. Sostman (ret'd.), Senior Title Counsel, CATIC

### ▶ **MARCH**

#### **Webinar for all judges and court staff, 3/2**

*Mental Health Matters -- Commitments and Probable Cause:* Hon. Joseph D. Marino, Middletown Probate Court; Hon. Lisa K. Wexler, Westport Probate Court

### **Webinar for all judges and staff attorneys, 3/18**

*2019-2020 Case Law Update:* Prof. Jeffrey Cooper, Associate Dean of Research & Development, Professor of Law, Quinnipiac University School of Law and Attorney John R. Ivimey of Reid and Riege, P.C.

### **Webinar for all judges and mediators, 3/31**

*Mediation:* Hon. Robert L. Holzberg (ret'd.) of Pullman & Comley, LLC

### ▶ **APRIL**

#### **Webinar for all judges and court staff, 4/13**

*Digital Assets:* Attorney Suzanne Brown Walsh of Murtha Cullina, LLP

### ▶ **MAY**

#### **Webinar for all judges and court staff, 5/4**

*Disclaimers:* Hon. Jeannine Lewis, Saybrook Probate Court

#### **Webinar for all judges and court staff, 5/19**

*Decedent Estate Claims Procedures:* Hon. Kathleen N. Maxham, Fairfield Probate Court

### ▶ **JUNE**

#### **Webinar for all judges and court staff, 6/3**

*Mutual Distribution Agreements:* Hon. Frank J. Forgione, Branford-North Branford Probate Court

#### **Webinar for all judges and court staff, 6/23**

*The Incomplete PC-200:* Hon. Michael M. Darby, Greater Manchester Probate Court

#### **Webinar for all judges and court staff, 6/29**

*Workplace Violence:* Jeffrey A. Getz, Deputy Chief Marshal, Judicial Branch

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## BY THE NUMBERS

# 122

**Credit hours** offered by Connecticut Probate Assembly and PCA in 76 workshops, seminars, judges institutes, roundtables, webinars and other programs for judges and court staff

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# 56%

**Judges who exceeded** the minimum 15-hour continuing education requirements during calendar year 2020, despite COVID-19 approved waiver of CLE requirement for the year

# 40

**Webinars** presented by Connecticut Probate Assembly and PCA

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# 13

**In-person** training programs

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# 28.25

**Credit hours** offered by local bar associations, law schools, state agencies and other professional organizations in 8 programs



## DIRECTORY OF PROBATE JUDGES AND COURTS

PROBATE JUDGE	DISTRICT
Anthony, Fred J.	Shelton   Waterbury Regional Children's Probate Court (as of 07/01/21)*
Baram, David A	Tobacco Valley
Barrett, Peter C.	Madison-Guilford
Bartlett, Elisa H.	Ellington
Becker, Cynthia C.	Simsbury Regional
Berkenstock, Jennifer L.	Region #14
Blick, Diane S.	Litchfield Hills
Brandt, Michael R.	East Haven-North Haven
Burt, Edward C., Jr.	Hamden-Bethany
Calabrese, Domenick N.	Region #22
Carrier, Michael A. (eff. 11/12/21)	Berlin
Ceneviva, Ariana F.	Meriden
Chadwick, Scott R.	East Hartford
Clebowicz, Walter A. (through 10/14/21)	Berlin
Daly, Evelyn M.	Farmington Regional   Hartford Regional Children's Probate Court*
Darby, Michael M.	Greater Manchester
DeGennaro, Mark J.	West Haven
Dorval, Andre D. (through 6/1/21)	Region #19
Eagan, Owen P.	West Hartford
Forgione, Frank J.	Branford-North Branford   New Haven Regional Children's Probate Court (as of 09/01/19)*
Fox, Gerald M., III	Stamford
Ganim, Paul J.	Bridgeport
Gettinger, Ben (eff. 01/01/22)	Milford-Orange
Graves, Clifton E., Jr.	New Haven
Greene, Mathew H.	New London
Hamzy, William A. (eff. 6/3/21)	Region #19
Hopper, David W.	Greenwich
Hoyle, Clifford P.	Derby
Jalowiec, Matthew J.	Cheshire-Southington

## PROBATE JUDGE

## DISTRICT

Kepple, Nicholas F. (until 9/1/21)	Southeastern CT Regional
Landgrebe, Martin F.	Housatonic
Lassman Fisher, Marianne	Greater Windsor
Leamon, Elizabeth L. (eff. 9/3/21)	Southeastern CT Regional
Lewis, Jeannine	Saybrook
Magistrali, Michael F.	Torrington Area
Mariano, Peter E.	Naugatuck
Marino, Joseph D.	Middletown
Maxham, Kathleen N.	Fairfield
McCaffrey, Carolyn L.	North Central CT
McGrath, John J., Jr.	Windham-Colchester
McNamara, Jeffrey A.	Niantic Regional   New London Regional Children's Probate Court*
Norris, Charles K.	Norwich
O'Grady, Daniel W. (deceased 03/27/2022)	Northern Fairfield County
Osterndorf, William P.	Darien-New Canaan
Peoples, Sean M.	Glastonbury-Hebron
Randich, Robert A.	Newington
Riordan, Barbara Gardner	Tolland-Mansfield
Rosenberg, Max L.	Stratford
Rowe, Carolanne	Plainfield-Killingly Regional
Rowe, T. R.	Trumbull
Schad, Leah Pollard	Northeast   Northeast Regional Children's Probate Court*
Smith, Foye A.	Hartford
Stern, Douglas N.	Norwalk-Wilton
Streit-Kefalas, Beverly K. (until 12/31/21)	Milford-Orange   New Haven Regional Children's Probate Court (until 08/31/19)*
Vaccarelli, Matthew P.	Waterbury   Waterbury Regional Children's Probate Court (until 6/30/21)*
Wexler, Lisa K.	Westport
Wright, Philip A., Jr.	Wallingford   Central Connecticut Regional Children's Probate Court*
Yamin, Dianne E.	Danbury

\*Administrative Judge





## OFFICE OF THE PROBATE COURT ADMINISTRATOR

### Hon. Beverly K. Streit-Kefalas

Probate Court Administrator

### Heather L. Dostaler

Chief Counsel

### George Fernandes

Manager of Information Technology

### Lisa L. Hansen

Director of Financial Services

### Jim Polites

Manager of Communications and Intergovernmental Relations

### Amy L. Benjamin

Manager of Staff Training and Support

### Alison J. Blair

Administrative Clerk II

### Evan C. Brunetti

Attorney

### Alyce E. Cariseo

Manager of Human Resources and Senior Financial Analyst

### Joanne Descoteaux

Accountant I

### Michelle DiDonato

Administrative Services Coordinator I

### Stephanie M. Duncan

Help Desk Analyst

### Glendy Escarria

Administrative Clerk II

### Willette Y. Frank

Administrative Clerk II

### Audrey Honig Geragosian

Communications Assistant

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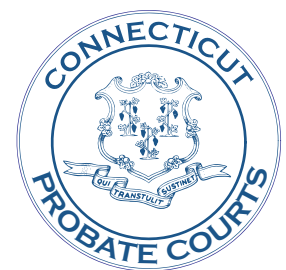
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## EVOLUTION OF PROBATE DISTRICTS

Connecticut's Probate Courts have a long history dating back to 1698 as offshoots of the county courts. In 1716, the Probate Courts were established and the state's four counties at the time – Hartford, Fairfield, New Haven and New London – each had one court with one judge.

The first probate districts comprising less than a full county were formed 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, the trend began to reverse, mainly for economic reasons, and a number of districts consolidated with other districts. In 2009, the General Assembly established a process to further consolidate the Probate Courts, and Public Act 09-1 reduced the number of probate districts from 117 to 54, effective January 5, 2011.

## PROBATE COURT JURISDICTION

The Probate Courts derive their jurisdiction and authority from the state legislature. Originally, the courts only administered decedents' estates and guardianships. Today, the courts handle a variety of matters that affect Connecticut's citizens from birth to death.

### These matters include:

- Decedents' estates
- Trusts
- Conservatorships

- Guardianships of adults with intellectual disability
- Guardianships of minors
- Removal of parents as guardians and termination of parental rights
- Adoptions
- Parentage
- Emancipation of minors
- Commitments of persons with psychiatric disabilities
- Commitments for treatment of drug and alcohol dependence
- Name changes

## PROBATE JUDGES AND CLERKS

The state constitution requires that probate judges be elected, and the term of office is four years. The mandatory retirement age for judges is 70. Since 2011, any new candidate for the office of probate judge must be an attorney. Probate clerks manage court files and help the public with general questions about court procedures. Family specialists with mental and behavioral health expertise provide support in matters before the Regional Children's Probate Courts.

The Code of Probate Judicial Conduct establishes ethical standards for judges, and the Council on Probate Judicial Conduct hears complaints alleging judicial misconduct.

[ctprobate.gov](http://ctprobate.gov)



**OFFICE OF THE PROBATE COURT ADMINISTRATOR**

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