

2010 ANNUAL REPORT



CONNECTICUT PROBATE COURTS



Overview of Connecticut's Probate Courts

Evolution of Probate Districts

Connecticut's probate courts have a long history. The first separate forums for the administration of decedents' estates and the appointment of guardians were established in 1698 as offshoots of the county courts. In 1716, these courts were officially established as the probate courts. One court with one judge was established in each of the state's then four counties: Hartford, Fairfield, New Haven, and New London.

The first probate districts comprising less than a full county were established in 1719, due in part to the transportation needs of a growing population. As the years passed, probate districts became progressively smaller and more local in character. This trend continued until 1987, when the legislature established the 133rd probate district. After that time, however, the trend began to reverse, primarily for economic reasons, and a number of districts consolidated with other districts. In 2009, Public Act 09-114 established a process to further consolidate the probate courts. During a September Special Session, the General Assembly passed Public Act 09-1, which 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 probate courts only administered decedents' estates and guardianships. Over the years, the jurisdiction of the probate courts increased dramatically. Today, the probate courts deal with a variety of matters that affect Connecticut's citizens from birth to death. These include:

- Decedents' estates
- Trusts
- Conservatorships
- Guardianships of persons with mental retardation
- Terminations of parental rights
- Adoptions
- Removals of parents as guardians
- Paternity matters
- Emancipations of minors
- Commitments of persons with psychiatric disabilities
- Commitments for treatment of drug and alcohol abuse and treatment of tuberculosis
- Name changes

Probate Court Proceedings

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

Probate Judges

The state constitution requires that probate judges be elected, and the term of office is four years. The mandatory retirement age for probate judges is 70. The provisions of C.G.S. § 45a-18 require that each newly elected judge elected for a term of office beginning on or after January 5, 2011 must be an attorney. The Code of Probate Judicial Conduct establishes ethical standards for the judges, and there is a Council on Probate Judicial Conduct that hears complaints alleging judicial misconduct.

Probate Clerks

Probate clerks have often been described as "the backbone of the court." Following appointment by the judge, they receive and file papers, maintain and certify probate court records, keep the court's seal, send out orders of notice of hearings, distribute notices of decrees, and assist the public with general questions about probate court procedures.

As an employee of the probate court, a probate clerk may serve a number of judges during his or her career. Probate court work seems to inspire great devotion to the probate court system, and a number of clerks have served for 25 years or more.

A Message from Judge Paul J. Knierim



As 2010 began, we were just starting the extraordinary journey of restructuring Connecticut's probate courts. State leaders had challenged us to change the probate court system to reflect the demands and realities of the twenty-first century. Judges and court staff embraced this daunting task with a remarkable spirit of cooperation. They worked together towards the tandem goals of preserving the

best aspects of our courts while embracing forward-thinking ideas to improve the system. As a result of those tremendous efforts, by the end of 2010 we were fully prepared for the January 5, 2011 opening of the new system.

We have transformed so many aspects of our organization. We consolidated 117 courts into 54. Municipal leaders assisted us in improving and preparing facilities for our new regional districts. Merging courts developed staffing plans to handle the increased workload and meet the requirement to be open 40 hours per week. We upgraded computer equipment and software and established a system-wide network to improve communications and make it easier to share data. New records management policies will reduce storage costs and improve public access to data. Our partnership with the Connecticut State Library creates a central repository to safeguard our oldest and most fragile archives.

Modernizing the probate court system also meant creating an entirely new financial structure. We developed a system for collecting all revenue directly into the Probate Court Administration Fund. This change greatly reduces each court's accounting responsibilities. The Probate Court Budget Committee adopted a uniform statewide compensation and benefits plan for court staff and developed guidelines for each court's staffing levels and budgets. Using state-of-the-art online technology, Probate Court Administration will now act as the payroll agent for all probate courts.

These changes will mean significant cost savings for the probate court system and, in turn, for the state. In fiscal year 2010-11, during which our new structure will be in place for only six months, we project a \$1.2 million savings. Fiscal year 2011-12 will mark the first full year of the restructured system and should produce savings of nearly \$3 million. Our probate court system is now a model for public service that is both cost-effective and customer-oriented.

This transition has not been easy. It has meant a long year of uncertainty, upheaval, and a seemingly endless workload. I am also mindful that we have suffered a great loss with the departure of so many judges at the end of the term. We will all miss the day-to-day contact with our former colleagues, and we are indebted to them for their service.

We have succeeded in this momentous transition by respecting differing views. Indeed, the openness of communication among all interested parties is perhaps the hallmark of this restructuring. Meetings of the Connecticut Probate Assembly, the Connecticut Association of Probate Clerks, the Probate Court Budget Committee, and the Consolidation Advisory Committee provided forums for working together to develop an implementation strategy. Regional meetings afforded us opportunities to join forces with municipal officials to determine court locations and plan new facilities in a cost-conscious manner. We learned from each other and adjusted our plans along the way. Through numerous training sessions, we made sure that everyone understood the details. We ultimately achieved better results because of this process.

I am grateful to the judges and employees of our courts who have worked so hard to meet the challenge of restructuring. Thank you for your extraordinary efforts and your dedication to the mission of the probate courts. The staff at Probate Administration is also due a special note of thanks. Like the judges and clerks, they took on many extra assignments over the past year, often under intense pressure. I am proud of their exceptional work.

Congratulations to all on a job well done.



RESTRUCTURING

the Probate Courts

Where We Are and How We Got Here

In 2010, the Connecticut probate court system prepared to begin a new era. Public Acts 09-114 and 09-01 required significant changes, involving everything from the number of courts to the management of finances. The legislation seeks to reduce costs while preserving the personal service that has always been the hallmark of the probate courts.

The 2009 legislation requires that 117 courts consolidate into 54 on January 5, 2011. It also requires that all new candidates for probate judge be lawyers beginning with the November 2010 elections. All courts will operate on a 40-hour work week to improve accessibility and convenience for court users.

Court financial operations will operate centrally through the Office of the Probate Court Administrator beginning in January 2011. In preparation for this change, Probate Administration worked in tandem with the Probate Court Budget Committee to establish a first-ever budget that encompasses the entire probate court system. Probate Administration will now handle most accounting functions on behalf of the courts, oversee revenue collection and banking activities, conduct payroll services for all judges and court employees on behalf of the probate districts, and disburse and audit budgeted funds.

Judges' salaries will be based on the population and workload of their districts. A uniform compensation and benefits plan has been established for court staff, and health insurance and pension eligibility match state policies.

With a restructured probate court system due to open in the first week of 2011, our efforts this past year were focused on equipping the new courts for optimal operations, helping the merging courts prepare for a smooth changeover, and assisting all of the courts with the new requirements associated with financial restructuring.

Saving Money

Although most of the provisions of Public Acts 09-114 and 09-01 will not take effect until January 2011, some savings are already being realized. For the 2009-10 fiscal year, the system achieved savings of \$703,000. For the 2010-11 fiscal year, when the new system will have been in place for six months, projected savings are \$1.2 million. During the first full year of operation for the restructured court system in fiscal year 2011-12, the new organization is expected to produce savings of nearly \$3 million. Areas in which expenses will be reduced include: judicial



Andrea King, Director of Financial Services for Probate Administration, discusses a pilot payroll program that was tested in the regional children's probate courts.

compensation, accounting and payroll services, administrative expenses, and information technology support.

Further cost savings are expected in the future as we refine the new structure. With the closing of 63 courts, municipalities will also save money on equipment, facilities, and records storage expenses.

Shaping a Budget

Public Act 09-114 established the Probate Court Budget Committee. Its members are Probate Court Administrator Paul Knierim, Middletown Probate Judge Joseph Marino, and Danbury Probate Judge Dianne Yamin. They were charged with creating a uniform system-wide compensation and benefits plan, establishing staffing levels for each probate court, and determining each court's office budget. The Budget Committee held an intensive series of meetings in 2009 and 2010 to develop budget recommendations for the reconfigured court system, as charged by the 2009 legislation.

From November 16, 2009 to December 15, 2010, the committee held 14 public meetings to hear concerns and ideas from court staff. Chief Court Administrator Barbara Quinn and Robert Genuario, Secretary of the Office of Policy and Management, appeared before the committee to confer with members and offer their input. The Connecticut Association of Probate Clerks, judges, and individual members of court staff provided valuable information and offered numerous recommendations throughout the process. The committee incorporated many of those ideas into its final decisions.

The new legislation requires the Budget Committee to file an annual report to the General Assembly and Governor about efforts to improve the efficiency of the probate court system. The committee's 2010 report detailed the savings already achieved and projections for future expense reductions.

Centralizing Finances

The new law centralizes the financial operations of the system and assigns to Probate Court Administration many of the responsibilities previously performed separately by each court. The transition to the new financial structure was a huge undertaking for the financial services department.

Project teams drawn from Probate Administration and court staff worked together to develop plans for various elements of central financial

operations. State officials also provided input to ensure that the changes comply with state policies.

Under the new banking system, all probate fees will be deposited to the State Treasurer and credited to the Probate Court Administration Fund to pay court expenses. Upgraded Case Management System (CMS) software will allow courts to easily monitor the collection of invoices, post receipts, and prepare deposit tickets.

Beginning in 2011, Probate Administration will provide payroll services for all the courts, using an outside vendor. Upgraded software gives judges and staff the ability to report their work hours and view their pay stubs online.

The financial services department conducted pilot programs in a small number of courts to test the proposed banking system and the payroll service. The office held numerous seminars to explain the Budget Committee's decisions and to acquaint court staff and judges with other financial initiatives.

As a result of this planning and preparation, all 54 courts were ready to operate under centralized financial structure on January 1, 2011.

Consolidating Courts

As soon as Public Act 09-114 was enacted, work began on a comprehensive plan to carry out its requirements. While 22 courts were unaffected by consolidation, redistricting meant that 94 previously separate courts had to be combined into 32 new regional districts.

As our work started, we asked leaders from affected communities to help formulate a plan. With their assistance, we were able to finalize each district's name and location quickly and at minimal cost to the community. Of the 32 courts, 21 opened in existing courts that were large enough to accommodate the expansion without change. Six courts are in existing space that has been expanded to handle the demands of a larger court. Five courts opened in new facilities that had not previously been used as courts.

Probate Administration staff worked with municipal officials to prepare communities to host the new courts. They assisted with plans for physical court needs, including designing office layouts to accommodate the staff of the larger court. The final cost for the communities that host regional probate districts ranged from a few hundred dollars to a high of \$40,000. In addition, the diligence of the information technology department in coordinating technology upgrades ensured uninterrupted court service. Many merging courts moved early, thereby smoothing operating switchovers and minimizing the impact on the public.

The probate court system greatly appreciates the widespread community participation and the collaboration of judges and clerks in helping to establish the new probate districts. In December, Probate Administration published a directory of courts and locations that includes the new districts.

Updating Records Management

With 63 courts closing, Probate Administration wanted to ensure that court materials were properly managed. Our priorities were preserving historical records, improving public access, and avoiding the expense of building new vaults or expanding existing ones.

By upgrading court software, the IT department was able to convert all 54 courts to a standardized, system-wide digital document storage system. Court staff has easy access to the computerized records on their desktops. These changes also facilitate public review of historical records. Cities and towns do not have to provide extra vault space for the new regional courts because the probate courts no longer have to retain paper records of closed files.

Probate Administration and the Connecticut State Library are working as partners in these efforts. Over the next several years, the State Library will become the depository for all historical probate court documents. Record books up to 1920 and all non-confidential files created on or before July 1, 1976 are already being transferred there.

During 2010, the documents and records of merging courts dating from 1976 to the present were scanned. In 2011, records from 1921 to 1976 from merging courts will be scanned and microfilmed. Documents from non-merging probate courts will be microfilmed and scanned in future years.

Reviewing and Revising Regulations

For over a year, Probate Administration's legal and legislative team has been conducting a comprehensive review of all probate court regulations. In 2010, they rewrote several existing regulations and drafted three entirely new regulations to implement the restructuring legislation (P.A. 09-114). They are:

- Section 5A – Payments to Judges Who Leave Office and Determination of Accounts Receivable on or after January 1, 2011
- Section 8 – Definition and Utilization of Weighted Workload
- Section 10 – Probate Court Records
- Section 11 – Retention and Destruction of Probate Court Records in Files Closed before July 1, 1976
- Section 18 – Health Insurance Plan for Judges and Employees
- Section 25 – Special Assignment Probate Judges, Probate Magistrates, and Attorney Probate Referees
- Section 26 – Education of Judges, Probate Magistrates, Attorney Probate Referees, and Court Staff



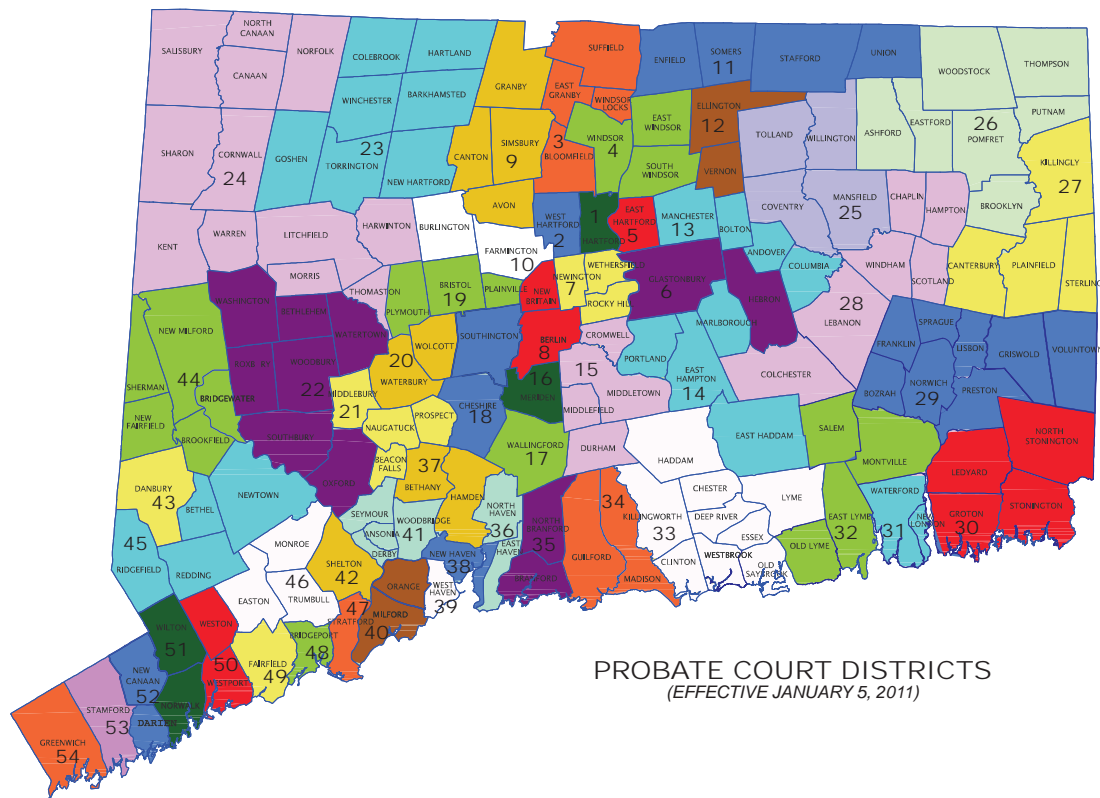
Staff from the Office of the Probate Court Administrator discuss the steps to consolidation at a meeting of judges and clerks at Tolland's municipal complex.

- Section 28 – Probate Court Budget Committee and the Budget Process
- Section 29 – Fiscal Administration
- Section 31 – Extended Family Guardianship and Assisted Care Pilot Program

Nine regulations deemed obsolete due to the many changes were repealed.

As the regulations were finalized throughout the year, they were submitted to the Probate Assembly's Executive Committee for review. They were then submitted to the General Assembly's Judiciary Committee, which enacted them all.

The complete text of all regulations related to the probate courts is available on the probate court section of the Judicial Branch website at jud.ct.gov/probate.



District Name

Berlin
 Branford-North Branford
 Bridgeport
 Central Connecticut Regional Children's Probate Court
 Cheshire-Southington
 Danbury
 Darien-New Canaan
 Derby
 East Hartford
 East Haven-North Haven
 Ellington
 Fairfield
 Farmington-Burlington
 Glastonbury-Hebron
 Greater Manchester
 Greater Windsor

Greenwich
 Hamden-Bethany
 Hartford
 Housatonic
 Litchfield Hills
 Canaan Office
 Madison-Guilford
 Meriden
 Middletown

Milford-Orange
 Naugatuck
 New Haven
 New Haven Regional Children's Probate Court
 New London
 New London Regional Children's Probate Court
 Newington
 Niantic Regional
 North Central Connecticut
 Northeast
 Northeast Regional Children's Probate Court
 Brooklyn Office
 Northern Fairfield County
 Norwalk-Wilton
 Norwich
 Plainfield-Killingly Regional
 Region #14
 Region #19
 Region #22
 Saybrook
 Shelton
 Simsbury Regional
 Southeastern Connecticut Regional
 Stamford
 Stratford
 Tobacco Valley
 Tolland-Mansfield
 Torrington Area
 Trumbull
 Wallingford
 Waterbury
 Waterbury Regional Children's Probate Court
 West Hartford
 West Haven
 Westport
 Windham-Colchester
 Colchester Office

Location

Berlin
 Branford
 Bridgeport
 Meriden
 Cheshire
 Danbury
 Darien
 Ansonia
 East Hartford
 East Haven
 Vernon
 Fairfield
 Farmington
 Glastonbury
 Manchester
 South Windsor

Greenwich
 Hamden
 Hartford
 New Milford
 Litchfield
 Canaan
 Madison
 Meriden
 Middletown

Milford
 Naugatuck
 New Haven
 New Haven
 New London
 New London
 Newington
 Niantic
 Enfield
 North Grosvernordale
 Willimantic
 Brooklyn
 Bethel
 Norwalk
 Norwich
 Plainfield
 Marlborough
 Bristol
 Southbury
 Old Saybrook
 Shelton
 Simsbury
 Groton
 Stamford
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 Tolland
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 Wallingford
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 West Hartford
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 Westport
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 860-510-5028
 203-924-8462
 860-658-3277
 860-441-6655
 203-323-2149
 203-385-4023
 860-627-1450
 860-871-3640
 860-489-2215
 203-452-5068
 203-294-2100
 203-755-1127
 203-573-5080
 860-561-7940
 203-937-3552
 203-341-1100
 860-465-3049
 860-537-7290



TRAINING

for Today and Tomorrow

Probate judges must complete 15 hours of continuing education credit annually by personally attending approved educational programs. Qualified court personnel must earn six hours of continuing education credit each year. The judges must file a yearly report with the Probate Court Administrator concerning their credit hours, and they must verify that court personnel have met their requirements.

In 2010, the administrator's office and the Connecticut Probate Assembly offered more than 170 hours of continuing education, featuring presenters with expertise not only in basic probate law, but also in fields such as environmental law, firearms, evidence, special needs trusts, Medicaid, constitutional law, and real property. More than two dozen judges and clerks served as panelists or presenters.

As part of ongoing efforts at collaborative education, some of the programs were held jointly with the Department of Children and Families, and the Probate Assembly sponsored a joint program with the Connecticut Bar Association. The Probate Assembly presented four programs that are described later in this report, and a number of judges earned credit by attending programs approved by the Probate Assembly's Judicial Education Standards Committee.

Probate clerks learn about changes in the financial operations of the probate court system at a training session held at the West Hartford Town Hall.



Throughout the year, the Office of the Probate Court Administrator assisted the courts in the restructuring process by offering programs on court consolidation, probate records, and the pending changes in the handling of court finances.

Programs for Probate Clerks

Training for New Clerks

In March, the Office of the Probate Court Administrator and the Connecticut Association of Probate Clerks collaborated to present a training program for new clerks on “Guardianships of the Estates of Minors, Trusts, and Accountings.” Experienced clerks and judges were also welcome, and more than 90 clerks and judges from 53 courts attended the program. Following a brief review of campaign ethics by Attorney Thomas Gaffey, Clerks Elaine Johnson (Wallingford) and Sharon Tiezzi (Old Saybrook) presented an overview of guardianships of minors’ estates. The meeting continued with an in-depth discussion of trusts by Attorneys Debra Cohen and Bonnie Bennet and a review of probate accounts, which was presented by Attorney Francesca LaFante of the Farmington Probate Court.

October 21 Probate Court Staff Meeting

On October 21, 135 clerks, judges, and staff members from 84 courts met at the Elmwood Community Center in West Hartford. Traditionally, the October meeting features a detailed look at new legislation that affects the courts. This year, after Judge Knierim and Attorney Thomas Gaffey reviewed new legislation, the judges and court staff also learned about changes in social security and new probate regulations. Jeffrey Bieber, social security administrator for the Office of the State Comptroller, discussed social security 218 agreements, and Attorney Bonnie Bennet explained how and why the regulations on records management had changed.

Probate Court Administrator Paul Knierim expressed his gratitude to the clerks for their commitment to the probate court system and for their many suggestions for better approaches to the forthcoming changes. He also acknowledged the extreme stress and heavy workload the clerks had been experiencing. To assist the clerks with their concerns, Dr. Donald Wetmore closed the program by speaking about ways to handle stress. He took a light-hearted approach, which made the audience laugh at many points. However, he also offered many tips for handling stress and managing time.

E-Mail Training

As part of ongoing efforts to improve the operation of the probate court system, all probate courts switched to a secure, system-wide e-mail program in 2010. On March 24 and 25, the Office of the Probate Court Administrator offered three two-hour training sessions for judges and clerks about e-mail policies and practices in advance of the April deployment of the program. The training covered such topics as ex parte communications, how to foil viruses and hackers, e-mail storage, ethics, and privacy issues.

Consolidation Meetings

To assist the courts with the upcoming mergers, the Probate Court Administrator created a Consolidation Advisory Committee. Sixteen clerks and judges volunteered to work on this project, which focused on developing a checklist to assist merging courts in managing the numerous details of consolidation. The members were:

Pam Baldini (*Assistant Clerk, Avon and Simsbury*)
Amy Benjamin (*Chief Clerk for Children’s Matters*)
Margherita Bergstrand (*Clerk, Cheshire*)



Judge John McGrath of the Windham-Colchester Probate District listens to a presentation during training for new judges in November.

- Diane Blick (*Judge, Litchfield*)
- Domenick Calabrese (*Judge, Woodbury*)
- Gail Cesarello (*Clerk, Woodbury*)
- James Kelley (*Judge, Brooklyn*)
- Martin Landgrebe (*Judge, New Milford*)
- Mary MacGregor (*Clerk, Glastonbury*)
- Beth McGuire (*Clerk, Northwest Corner*)
- Linda Neal (*Clerk, Colchester*)
- Gale Pellegren (*Clerk, Torrington*)
- Sharon Tiezzi (*Clerk, Old Saybrook*)
- Charles Vail (*Judge, Northwest Corner*)
- Susan Warner (*Judge, Enfield*)
- Mary Woods (*Clerk, Middletown*)

Once the checklist was ready, a series of seven regional meetings was held. Staff members from Probate Administration traveled to sites around the state to discuss upcoming changes with court staff and judges. The objective was to help the courts get started on the work of consolidation and to review all the issues that had to be addressed, such as communication, records, budgets, staff, and facility considerations.

The most popular topic was the handling of open and closed records. So many people were interested in the discussion that the administrator's office arranged a series of roundtable discussions

on records retention, disposition, and destruction. These meetings are discussed below.

Roundtable Discussions

The administrator's office offered roundtable discussions in eight locations around the state during April with a focus on probate records. As noted above, this program was an offshoot of the consolidation checklist meetings, but it was open to both merging and non-merging courts. The meetings were attended by 145 clerks and judges from 84 courts. Representatives from the State Library were on hand at the meetings to answer questions about the disposition of public records and the transfer of records to the State Library.

Judges' Institutes

Judges' Institutes offer specialized training that complements the programs offered by the Connecticut Probate Assembly's Continuing Education Committee. In 2010, Judges' Institutes were held in March, November, and December.

March 2010. A one-day Judges' Institute at Central Connecticut State University on March 23 covered several informative topics. In the morning, Attorneys Edward Heath and Christopher Hug led a session on discovery procedures, and Meriden Probate Judge Brian Mahon presented the program "Management Techniques in Contested Matters." His discussion included topics such as discerning the issues among the parties involved and reviewing the key points of settlement conferences.

The afternoon session focused on the Council on Probate Judicial Conduct. Judge William Wollenberg, chair; Attorney Richard Banbury, executive director; and Judge Patrick Wall, member of the council;

discussed how the council handles complaints. During the second afternoon program, Probate Court Administrator Paul Knierim and Attorneys Thomas Gaffey and Bonnie Bennet reviewed the procedures used when the Office of the Probate Court Administrator receives complaints.

November and December 2010. Six New Judges' Institutes were held in November and December, providing in-depth courses on the areas of probate court jurisdiction. The meetings were mandatory for new judges as part of their 40 hours of required training, but a number of others came to refresh and update their knowledge.

Attorney Bonnie Bennet, who organized all of the educational programs, recruited judges, attorneys, court staff, and other professionals to speak about their areas of expertise. The programs included a vast amount of information on everything from children's matters to issues regarding capacity decisions. The sessions provided well-rounded, detailed discussions of the demands and responsibilities probate judges face. Sitting judges offered advice and stories of their experiences.

The meeting topics and presenters are listed below.

November 5 – This session provided an overview of probate court operations and the administrative and legal support provided by Probate Administration and a discussion of the new financial structure by Judge Paul Knierim and Andrea King, Director of Financial Services.

November 12 – 1) Real & Personal Property Law – Attorney Ellen Sostman, Counsel, Connecticut Attorneys Title Insurance Company, and Judges Michael Magistrali and Fred Anthony, 2) Ethics – Judges Paul Knierim and Thomas Sutnik, 3) Council on Probate Judicial Conduct – Judge Patrick Wall

November 19 – 1) Wills & Trusts – Attorneys Greg Barringer and John Ivimey, 2) Jurisdiction Re: Intervivos Trusts – Attorney Thomas Gaffey, 3) Probate Procedures: Decedents' Estates – Judges Peter Alter and Steven Zelman and Attorneys Thomas Gaffey and Bonnie Bennet

December 3 – 1) Constitutional Law – Martin Margulies, Professor Emeritus, Quinnipiac University School of Law, 2) Due Process in Probate Matters – Judge Dennis O'Brien, 3) Guardianships of Estates of Minors – Attorney Bonnie Bennet, 4) Issues of Capacity – Dr. Harry Morgan, Center for Geriatric and Family Psychiatry, 5) Conservatorships – Judge Robert Killian, Jr., and Attorney Anne Holihan, Clerk, Bristol Probate District

December 10 – 1) Children's Matters: Assessing Families and Larger Systems – Michael Schultz, Director of Quality Assurance and Special Reviews, Department of Children and Families, and Stephanie Janes, Mental Health and Family Program Manager, Office of the Probate Court Administrator, 2) Law and Procedures: Children's Matters – Guardianships, Paternity, Termination, Adoption, and Emancipation – Judge F. Paul Kurmay and Amy Benjamin, Chief Clerk for Children's Matters, Office of the Probate Court Administrator, 3) Overview of the Department of Developmental Services – Attorney James Walsh, Director of Legal and Governmental Affairs, and Dr. Stephen Zuckerman, Psychologist, Department of Developmental Services, 4) Guardianship of Persons with Mental Retardation – Judge Brian Griffin

December 17 – 1) Conducting Uncontested & Contested Hearings – Judges Michael Brandt, Robert Killian, Jr., and Brian Mahon, 2) Rules of Evidence – Attorney Daniel Klau, 3) Mock Trial – Judge Brian Mahon and Attorney Daniel Klau

Financial Training Programs

In November and December, Andrea King, Director of Financial Services, held a series of training sessions on centralized financial operations. Those in attendance received a detailed explanation of new procedures in areas such as payroll administration, court expenditures, and the new banking process, which all took effect in January 2011. Court staff members were given a chance to ask questions about the extensive changes. Overall, 260 people came to the six full-day and two half-day meetings.

Collaborative Training with the Department of Children and Families

In May, June, and September, the Office of the Probate Court Administrator and the Department of Children and Families collaborated on “Overlapping Jurisdiction in Children’s Matters in Superior Court and Probate Court.” The program featured overviews of the DCF investigations process, probate court jurisdiction, the probate court process, and the *DCF Policy Manual* as it pertains to the probate courts. The presenters also discussed the current memorandum of understanding between DCF, the Office of the Probate Court Administrator, and the Superior Court for Juvenile Matters.

The program was presented to DCF staff and probate court personnel, including clerks and probate court officers from the regional children’s probate courts, at seven locations across the state. Attorney Thomas Gaffey, Chief Clerk for Children’s Matters Amy Benjamin, and Mental Health and Family Program Manager Stephanie Janes worked with Attorney Matthew LaRock, Assistant Legal Director at DCF, to plan and present the programs.

National College of Probate Judges (NCPJ)

As explained on the organization’s web site, the National College of Probate Judges was organized in 1968 to improve the administration of justice in courts with probate jurisdiction. It is the only national organization exclusively dedicated to improving probate law and probate courts. There are currently more than 400 members nationwide, and Connecticut has one of the largest delegations, with almost 70 members in 2010. Judge Joseph Egan of the Ridgefield Probate District has served as president of the NCPJ, and Judge Fred Anthony of Shelton is a member of the group’s executive committee and is currently co-chair of the 2011 Spring and Fall Conferences.



Probate Courts in the **COMMUNITY**

Regional Children's Probate Courts

The first regional children's probate court opened in New Haven in 2004 with the goal of improving the handling of children's matters under probate court jurisdiction. In 2010, five regional children's probate courts were in full operation, providing children and their families with specialized services and ongoing support to help them flourish in safe and stable home environments.

The regional children's probate courts unite court personnel, local and state agencies, and families in a collaborative effort. Specialized staff in each court hold family conferences to develop the most beneficial plan for the placement of children within their families when appropriate. The staff provides continuing support and long-term monitoring. In the 2010 calendar year, the regional children's probate courts handled 1,794 children's matters.

The **New Haven Regional Children's Probate Court**, which opened in 2004, served the residents of the Branford, East Haven, Hamden, Milford, New Haven, North Branford, North Haven, Orange, and West Haven Probate Districts in 2010. The administrative judge was North Branford Probate Judge Frank Forgiione. New Haven handled 612 children's matters.

The **Central Connecticut Regional Children's Probate Court** had its first full year of operation in 2010. During that time, the court served the Meriden Probate District; the Middletown Probate District, which includes Middlefield, Durham, and Cromwell; and the East Hampton; Portland; and Wallingford Probate Districts. Judge Philip Wright Jr. of the Wallingford Probate District is the court's administrative judge. This year, the court received a \$10,000 grant from the Cuno Foundation to pay for specialized visitation services. There were 363 cases before the Central Connecticut Regional Children's Probate Court in 2010.

The Hon. Mathew Greene of the New London Probate District serves as administrative judge of the **New London Regional Children's Probate Court**, which has been in operation since May 2006. In 2010, the court handled 257 children's matters and served families from the probate districts of Bozrah; Colchester, which includes Lebanon; East Lyme; Griswold; Ledyard; Montville; New London, which includes Waterford; Salem; and Stonington.



The **Waterbury Regional Children's Probate Court** has been in operation since June 2007. It has four participating probate districts: Cheshire, which includes Prospect; Southbury; Waterbury, which includes Middlebury and Wolcott; and Woodbury, which includes Bethlehem and Watertown. Judge Raymond Voelker of the Cheshire Probate District was the administrative judge in 2010. The court handled 286 cases.

The **Northeast Regional Children's Probate Court** has locations in Willimantic and Brooklyn. In 2010, it served the probate districts of Andover, which includes Bolton and Columbia; Ashford; Brooklyn; Eastford, which includes Chaplin; Killingly; Mansfield, which includes Coventry; Plainfield, which includes Canterbury and Sterling; Pomfret; Putnam; and Windham, which includes Scotland. The court handled 276 cases during the year. Administrative Judge Dennis O'Brien of the Windham Probate District oversaw the court's daily operations.

Truancy Clinic

Since 2008, the Waterbury Regional Children's Probate Court and the Waterbury school system have jointly operated a truancy clinic to help at-risk students and their families resolve the challenges that contribute to frequent school absences. The voluntary clinic, run by Waterbury Probate Court Judge Thomas Brunnock, uses a systemic approach, looking at each student's individual situation, addressing problems, and requiring weekly attendance and academic reports from each participating school.

In 2010, four elementary schools (grades K through 5) participated in the clinics, with 100-125 students attending clinics at any given time. The clinic is a team effort that involves the children's court, school staff, police, social service agencies, parents, and other community resources. Families that request help with major family issues are assisted by a Truancy Court Officer and assigned a student intern from the Southern Connecticut State University Family Therapy Graduate Program.

This innovative approach is a major reason for the reduction in truanies in Waterbury elementary schools. For students involved in the clinics, the drop in absenteeism is 60 to 65 percent. In May, the Connecticut Association of Schools honored Judge Brunnock for his leadership in making the truancy clinic successful.

Collaboration with Other Agencies

Probate Court Administration and the regional children's probate courts continued working with the Department of Children and Families (DCF) in 2010 to improve collaboration at every level. Probate Court Administrator Paul Knierim, Chief Counsel Thomas Gaffey, and Program Manager for Mental Health and Family Programs Stephanie Janes, MFT, held quarterly meetings with DCF Commissioner Susan Hamilton and DCF Assistant Legal Director Matthew LaRock to discuss interagency training needs, talk about policy matters, and plan ways to increase future cooperation.

In March, Judge Knierim, Commissioner Hamilton, and Chief Administrative Judge Christine Keller of the Juvenile Division of Superior Court led a symposium to review the interagency agreement and the transfer statute and to discuss the challenges of overlapping jurisdiction. From that meeting, a subcommittee on overlapping jurisdiction was created. It met twice in 2010 to work on updating the interagency agreement and will continue to meet in 2011.

Attorney Thomas Gaffey, Chief Clerk for Children's Matters Amy Benjamin, and Stephanie Janes also worked with Attorney LaRock to help update the *DCF Policy Manual*. The policy revisions require that reports that DCF submits to the probate courts meet the same standards as reports submitted to the Juvenile Court. The group also developed a form letter to notify the probate court when DCF has filed a neglect petition in Juvenile Court involving a probate court case.

DCF staff and regional children's court staff, including probate court officers and social workers, continued to hold monthly case review meetings to refine their team approach for cases involving complex family matters.

Training

To expand interagency understanding, Attorney Thomas Gaffey, Amy Benjamin, and Stephanie Janes, along with Attorney Matthew LaRock, conducted seven training sessions that covered the challenges of overlapping jurisdiction for children's matters. Held in Bridgeport, Hartford, Meriden, New Haven, Norwich, Waterbury, and Willimantic, they included programs in parts of the state without children's probate courts, offering a way to increase DCF collaboration with a majority of the probate courts.

Melissa's Project

Since 2002, Melissa's Project has coordinated health care and psychiatric health services for people with severe, chronic psychiatric disabilities who are under conservatorship. Guardian Ad Litem Services, a private, non-profit organization headed by Attorney Michael Mackniak, administers Melissa's Project working in partnership with Probate Court Administration and the Department of Mental Health and Addiction Services (DMHAS).

Melissa's Project acts as a liaison between the clients under conservatorship and the agencies that assist them, making sure that the clients are part of the treatment team. The project has helped to reduce emergency room use, hospital stays, arrests, and incarceration days for its clients. The clients are better able to connect to their families and their communities.

Melissa's Project expanded its geographic reach this year to provide services for 15 more people in the New Britain and Norwich areas who have transitioned out of the Cedarcrest Hospital in Newington. The agency has also begun to collaborate with DMHAS to improve the delivery of mental health services throughout the state to young adults 18-25 years old.

In 2010, Guardian Ad Litem Services, Inc., was credentialed to use the Melissa's Project model with traumatic brain injury patients. In October, NAMI Waterbury, part of the National Alliance on Mental Illness, presented Executive Director Michael Mackniak and retired Probate Court Administrator James Lawlor with NAMI Waterbury Heroes Awards for their work on Melissa's Project.

Kinship Fund and Grandparents and Relatives Respite Fund

The Children's Trust Fund, a state agency that works to prevent child abuse and neglect, administers the Kinship Fund and the Grandparents and Relatives Respite Fund through the probate courts. The two funds provide critical assistance to qualified guardians to help provide for children they have selflessly taken into their care.

Families use grants from the Kinship Fund to buy items and services for their children that they normally could not afford. Typically, grants pay for expenses such as school uniforms, summer camp fees, and dental care. The grants are given in amounts of up to \$500 per child with a limit of \$2,000 per family.

The Grandparents and Relatives Respite Fund provides annual grants of up to \$2,000 to relatives serving as court-appointed guardians. The guardians use the money for family expenses, such as housing, food, transportation, and day care fees.

All of the probate courts can make use of grants from the Kinship Fund and the Grandparents and Relatives Respite Fund. In 2010, 961 families with 1,454 children received assistance from the Kinship Fund. The Respite Fund awarded grants to 944 families, helping 1,411 children.

Probate Court Service Center

The New Haven Probate Court Service Center provides assistance to relatives who act as guardians for children whose parents are unable to care for them. The center oversees the Kinship and Respite Funds. The staff moved to an office in New Haven City Hall in 2010, relocating from a Hamden office that was closed to reduce expenses.

The center also runs the Extended Family Guardianship and Assisted Care Pilot Program, which helps children who might otherwise be placed in foster care outside their communities. The program provides outreach for individuals who may be interested in serving as guardians and assisted care providers to help care for children.

In November, Executive Director Emma Jones began offering several new services that will help guardians become better caretakers. Guardian families meet monthly to share resources, experiences, and advice, and learn problem-solving. Various state and local agencies are being enlisted to teach guardians skills such as conflict resolution, anger management, and parenting. The Extended Family Guardianship and Assisted Care Pilot Program pays for these services as well as covering the cost of a partnership with the Creative Arts Workshop to give children a creative outlet. The center also collaborates with the Farnam Neighborhood Houses and the Boys and Girls Club of New Haven to arrange activities when school is not in session. Under the Extended Care program, guardians are eligible for a grant of up to \$1,000 per child.

Children in Placement Connecticut

The Children in Placement Connecticut program enables community volunteers to become court advocates for the best interest of abused and neglected children involved in court proceedings. In 2010, Children in Placement Connecticut served 92 children involved in probate court cases.



LEGISLATIVE SUMMARY

2010

Probate Administration submitted three bills on behalf of the Connecticut Probate Assembly in 2010. Most of the concepts in the bills involved correcting existing law that was affected by the restructuring of the system. All of the bills passed unanimously. Summaries of the acts that affect the probate court system appear below.

Public Act 10-34, An Act Concerning the Courts of Probate

This act streamlines the process of adopting regulations by providing that all probate court regulations be approved by the same procedure. It also authorizes probate judges to hold hearings at any location in the state to facilitate a party's attendance and permits towns that comprise a multi-town probate district to negotiate agreements to pay for court expenses.

Public Act 10-41, An Act Concerning Probate Court Operations

This act makes several technical changes to the probate court statutes relating to the financial operations of the system.

Public Act 10-121, An Act Concerning Probate Districts

This act moves Union to the North Central Connecticut Probate District, which includes Enfield, Somers, and Stafford.

Public Act 10-123, An Act Concerning Anatomical Gifts

This act replaces the 1987 Uniform Anatomical Gift Act with its 2007 successor. Many provisions of the existing law remain or are updated. New provisions on organ and tissue procurement organizations and the role of the chief medical examiner were added.

Public Act 10-184, An Act Concerning Probate Fees and the Recording of Probate Proceedings

Section one of this act eliminates the assessment of probate fees on real and tangible personal property situated outside the state of Connecticut for estates commenced on or after January 1, 2011. It also repeals the 0.1% fee on non-solely-owned real estate in estates valued at less than \$600,000.

In addition, this section imposes interest on probate fees in decedents' estates that are not paid within 30 days from the date of the invoice. Interest also applies if an estate tax return is not filed in the probate court by the due date plus 30 days. There are two exemptions related to the interest provisions:

- All estates in which the basis for costs does not exceed \$40,000
- Estates in which any property passes to a surviving spouse, and the basis for costs does not exceed \$500,000

In addition, a probate court may extend the time for payment if requiring the payment would cause undue hardship. Interest does not accrue during the extension period, but a court may not waive any interest incurred before an extension is granted. The interest provisions apply to estates of decedents who die on or after January 1, 2011.



Office of the PROBATE COURT ADMINISTRATOR

The Office of the Probate Court Administrator is the central resource for services that enable Connecticut's probate courts to operate in an efficient, timely, and effective manner. Those services are:

- Administrative and legal support
- Computer systems
- Financial oversight
- Educational programs
- Policy leadership and legislative initiatives
- Publication of materials to assist court users

Beginning in January 2011, Probate Administration takes over added responsibilities mandated by restructuring legislation. They include:

- Management of the banking system
- Payroll for judges and court staff
- Administration of court budgets
- Financial analysis and projections

Our publications include the *Probate Clerk's Manual*, the *PCA Policy Manual*, an annual report, a newsletter, and various booklets explaining probate court jurisdiction. Most of this material and other useful information regarding the probate courts is available on the probate court section of the Judicial Branch website at jud.ct.gov/probate/.

The Chief Justice appoints the Probate Court Administrator from among the sitting probate judges. The statute that delineates the duties of the office, C.G.S. § 45a-77, gives the administrator the authority to attend to any matters considered "necessary for the efficient operation of the courts of probate and for the

expeditious dispatch and proper conduct of the business of such courts." The administrator may also recommend changes in legislation related to the probate courts.

It is important to remember that Probate Court Administration has no jurisdiction over the rulings of probate judges. Judges' decisions can be appealed to the Connecticut Superior Court. Probate Administration also has no authority to discipline judges for misconduct. The Council on Probate Judicial Conduct, a separate, independent body, handles those complaints.

FINANCIAL INITIATIVES

During 2010, Probate Court Administration's Financial Services Department oversaw dramatic changes throughout the probate court system. The department worked with court staff to plan the transition to centralized financial operations, streamline procedures, and provide vital support for



Georgette Mauro Celentano and Odell Cohen of the New Haven Regional Children's Probate Court listen to an explanation of the pilot payroll program that was tested in the children's courts.

consolidating courts. Several project teams made up of Probate Administration and court staff worked together to tackle various aspects of restructuring. Probate Court Administration staff consulted with the Judicial Branch's Department of Fiscal Administration, the Office of the State Comptroller, and the State Treasurer's Office to ensure that the restructured system would comply with state policies.

■ NEW BANKING SYSTEM

Centralized banking is a key component of restructuring. Public Act 09-114 requires that all probate fees be deposited to the State Treasurer and credited to the Probate Court Administration Fund. Financial services staff worked with the Treasurer's Office to establish procedures for deposits from the 54 probate districts and five regional children's courts. As of January 1, 2011, all cash receipts will be deposited to the Probate Court Administration Fund, and all payroll and court expenses will be paid out of that fund.

Updates to the Case Management System (CMS) software will enable courts to monitor collection of receipts. The software changes automate the process of posting receipts and the preparation of deposit tickets.

To lay the groundwork for the transition, the financial services department ran a banking pilot program using the Bridgeport, Farmington, Fairfield, and West Hartford probate courts as test sites. Financial services staff worked closely with the courts, encouraging feedback, and using participants' experiences to refine the program. The test courts and Probate Administration staff worked as a team, helping to ensure the successful system-wide launch in 2011.

■ PAYROLL

The restructuring legislation requires that Probate Administration provide payroll services for the courts beginning in 2011. After reviewing several options for the most effective way to deliver these services, our office awarded a two-year contract to Paychex, an outside payroll service provider.

As part of planning for implementation, the financial services department conducted a pilot payroll program, using the five regional children's probate

courts to test the system. Financial services staff drew many useful lessons from the pilot.

The features of the new bi-weekly payroll system include:

- Electronic reporting for time and attendance, using a secure web-based system
- Uniform compensation and benefits policies
- Direct paycheck deposit (Participation is 99 percent.)
- The ability to view pay stubs online

■ TRAINING

Financial services staff held six training sessions throughout the state in December to educate court staff about centralized financial operations. The programs covered the new payroll system, the compensation and benefits plan, attendance reporting, accounts receivable and banking procedures, and court expenditures. Approximately 250 clerks came to at least one session. A similar program was presented to the judges.

■ PURCHASING CARDS

Probate Administration initiated a new credit card system for the regional children's probate courts, testing it first in the Central Connecticut Regional Children's Probate Court. Under the P-Card system, the staffs of the regional courts use a state-issued P-Card to buy specific items that are authorized under their budgets. By the end of 2010, all regional children's probate courts were using P-Cards.

TECHNOLOGY TO SUPPORT CHANGE

To convert the computer equipment and data of 94 separate courts into the operations of 32 regional districts, Probate Court Administration's Information Technology Department spent 2010 traveling the state to plan and execute a complex transition. IT department staff made significant upgrades to equipment and improved communication tools for merging and non-merging courts. They organized and led training programs and met frequently with court staff to familiarize them with the new technology. The Help Desk fielded over 1,500 calls for support.

By January 5, 2011, the upgraded computer systems at all 54 courts were operational. With the assistance of municipal officials and court staff, the enormous task of moving equipment and records to the new court locations and the transfer of data into the merged courts' databases was completed on time.

■ PLANNING

Advance planning began over a year ago to ensure that technological changes would not disrupt court services. In 2010, the IT staff visited the 32 locations that would host the merged courts. They determined the equipment, wiring, network connections, software, and physical facility adaptations needed to accommodate upgraded technology and expanded staff. Floor plans were developed, including detailed specifications for each court's technology requirements.



Assistant Clerk Amanda Astle works at her desk at the Central Connecticut Regional Children's Probate Court.

■ EQUIPMENT AND E-MAIL

Two technology goals for restructuring were standardizing e-mail systems and data management. In 2010, IT staff visited over 30 locations to install servers at courts that did not previously have that equipment. To assist with communication needs, every judge was provided with a workstation. Courts now have the necessary equipment to support all case data and retrieve over 30 years of digitized records. Judges and staff have easy access to financial records, scanned documents, and the Internet.

Using a newly-completed Wide Area Network (WAN), the IT department created system-wide data connections for all courts. This will greatly facilitate the department's ability to provide technical support and online training for judges and clerks.

In April, a secure e-mail system was launched that linked all the courts. These improvements greatly reduce mailings, saving time, postage expenses, and paper.

■ SOFTWARE

Restructuring also necessitated numerous programming changes to the CMS software. These upgrades added tools to handle the new banking system, centralized payroll, digital document storage, and online employee work records. Additional changes were made to reflect 2010 legislation revising the probate fee statutes and requiring courts to charge interest on the late payment of fees.

■ SCANNING PROJECT

To preserve probate court records, free up vault space, and make it easy for staff to access these records at their workstations, the probate court system embarked on a multi-year project to digitize court records. Probate Administration and probate court staff joined forces to complete the first phase of the project in 2010.

Phase 1 of the scanning project involved scanning the index cards and record books from 1976 to the present for the 94 merging courts. In Phase 2, staff will scan and microfilm the records of merging courts from 1921 to 1976. In the long term, the IT department plans to scan and microfilm the record books of non-merging courts as well.

■ WEBSITE

Probate Court Administration significantly increased the information available on our website in 2010, and it proved a useful tool to make documents related to restructuring available to all courts in a timely manner. All of the Probate Court Budget Committee's materials, including comments from staff and judges, meeting minutes, draft policies, and the committee's final decisions,

were available online. The *PCA Policy Manual*, the annual report, and regulations governing the probate courts were also posted on the website.

At a time when many changes were underway, the expansion of information on the website improved public access to information and created a central point for all staff and judges to keep track of the restructuring progress.

PCA POLICY MANUAL

Probate Administration developed the *PCA Policy Manual* to guide judges and court staff through changes in financial and administrative operations required by restructuring. It covers staff compensation and benefits, staffing levels, payroll administration, accounts receivable and banking, court expenditures, audits, and computers. The manual is posted on the website for easy-to-use reference.

During the development of the policy manual, it became apparent that many of the transmittal memoranda (TRs) that Probate Administration had issued over the years would become obsolete due to extensive changes in the financial structure of the courts. This prompted a review of both volumes of the TR Binder. A number of TRs were repealed, some were incorporated into the policy manual, and those remaining will be incorporated into the *Probate Clerk's Manual*.

The policy manual is an ongoing project. Some sections are still being written and are noted as "pending" in the current version. The manual will be updated, supplemented, and refined during 2011. Whenever the material is revised, courts will be notified through e-mail.

COURT USER SURVEY

Probate Administration conducted a survey in 2010 to learn more about users' perceptions of the courts and to identify areas in which service could be improved. The office contracted with the University of Connecticut's Department of Public Policy to create, conduct, and analyze the survey.

UConn prepared a 27-question telephone survey. Over 400 court users involved in non-confidential proceedings (including petitioners, respondents, fiduciaries, and other interested parties) participated. In addition, an on-line survey posed similar questions of attorneys, hospital staff, state personnel, and other professionals who routinely appear in the probate courts.

The results were remarkable. More than 80 percent of the respondents gave the courts positive marks in most categories, and over 90 percent rated court staff positively. These ratings were nearly 10 percent higher than a comparable study that UConn conducted in 1982.

The survey findings will be a useful baseline to measure the quality of public service under the restructured courts. A follow-up survey is planned for 2012.



Intern Amy Kirby worked in several courts during the summer to help with the transfer of records.



2010

Probate Judges and Clerks

Probate Assembly Committees

Continuing Education Committee

Judge Cynthia Becker, Chair

The Continuing Education Committee works with the Probate Court Administrator to present quarterly programs covering the whole range of probate court jurisdiction. In January, the committee helped judges prepare for the upcoming elections by presenting “Election Campaigns: Ethics and Finances.” A panel reviewed the relevant provisions of the Code of Probate Judicial Conduct. The panelists were Judges Daniel Brown, Jr., John Donegan, Paul Knierim, Bryan Meccarriello, Daniel O’Grady, Thomas Sutnik, Susan Warner, and Attorney Thomas Gaffey. They discussed the rules governing campaigning and advertising, endorsements, permitted political party activities, allowable public comment, campaign financing, party nominations, and primaries. Judge Brown followed with a presentation on “Extra-Judicial Private Practice Activities.” He focused on due process concerns and discussed the limits on judges appearing as fiduciaries or attorneys in other courts and various ethical dilemmas arising from contested matters, specialized practice, and the dual roles of judge and attorney.

During the afternoon session, the judges learned about “Challenging Estate Assets,” with discussions of environmental issues by Attorney Jane Kimball Warren and firearms by Attorneys Alfred Cassella and Jeffrey Crown.

In June, the Continuing Education Committee presented a review of fiduciary duties and responsibilities. Judges Michael Brandt, E. Michael Heffernan, and John Rearden discussed the statutory and common law responsibilities of executors and administrators, conservators, trustees, guardians of minors, and health care representatives, among others. The panelists explained accounting issues and stressed the need for fiduciaries to communicate with all interested parties, whatever the fiduciary relationship. The program included scenarios

illustrating violations of the duty of fair dealing, a trustee’s excessive invasion of principal, and the duty of loyalty. The panelists also discussed jurisdictional issues and remedies for fiduciary misconduct.

Judge Rearden concluded the program with a presentation on fiduciary fees in which he focused on *Hayward v. Plant*, 98 Conn. 374 (1923) and its nine criteria for determining “reasonable compensation” for fiduciaries. He called the case the “most important authority in Connecticut fiduciary fee litigation.” The judge also reviewed his own case management techniques and advocated application of the “Kurmay Doctrine” as set forth in *In re Estate of Bernadine Ordner and Estate of William Ordner*, 22 *Quinnipiac Probate Law Journal* 104 (2009). In this decision, Judge F. Paul Kurmay stressed the need for attorneys to always serve the estate and recognize a duty to notify the Court of potentially high fees that would reduce the shares of the beneficiaries.

The September program, entitled “A Potpourri of Practical Tips,” was presented by the Connecticut Probate Assembly in cooperation with the Elder Law and Estates and Probate Sections of the Connecticut Bar Association. The program, which was extremely well-received, was attended by more than 300 judges, clerks, and attorneys, and more than 125 attorneys who were unable to attend purchased an audio recording.

The topics and speakers were as follows:

Special Needs Trusts – Attorney Sharon Pope and Judge Robert Killian, Jr.

Estate Recovery and Medicaid – Attorney Mark Dost and Judge Michael Albis

Conservatorships and the Interplay with Powers of Attorney and Advance Medical Directives – Attorney Sandra Sherlock-White and Judge Evelyn Daly

Change of Residence in Conservatorships/ Money Follows the Person – Attorney Donna Levine and Judge Michael Brandt

Claims Regarding Joint Accounts, TOD Assets, and Statutory Provisions Outside of Claims Statutes – Attorney Kelley Galica Peck and Judge Joseph Marino

Insolvent Estate Procedures – Attorney Douglas Brown and Judge Andre Dorval

Jurisdiction Over Inter Vivos Trusts – Attorney Christopher Drew and Judge Cynthia Becker

Rules of Evidence – Attorney Michael Kaelin and Judge Fred Anthony

The educational program at the November Probate Assembly meeting was part of the 40-hour training program for the newly elected judges. The morning session focused on real and personal property. Attorney Ellen Sostman of Connecticut Attorneys Title Insurance Company offered a “real property primer” for probate judges in which she explained the mechanics of title. Judge Michael Magistrali reviewed various types of deeds and other forms of conveyance, different forms of jointly owned property, and the court’s role in reviewing inventories and deeds and in granting approval of a fiduciary’s actions with respect to real property. Judge Fred Anthony completed this portion of the program with a discussion of the probate court’s role in trying title to personal property.

During the afternoon session, Probate Court Administrator Paul Knierim and Judge Thomas Sutnik, chair of the Ethics Committee, reviewed the Code of Probate Judicial Conduct, using a variety of scenarios to illustrate the code’s provisions and encourage discussion. They also offered “rules to remember” for each of the five canons contained in the code and finished with some tips for resolving ethical issues. Judge Patrick Wall completed the program with a discussion of the role of the Council on Probate Judicial Conduct.

Ethics Committee
Judge Thomas Sutnik, Chair

The Ethics Committee proposes revisions to the canons of ethics governing the conduct of probate judges. As described above, the committee developed the January 12, 2010 program on judicial conduct as it particularly relates to campaign rules. During the remainder of the year, the Ethics Committee worked on ethical guidelines for the new roles of probate magistrates and attorney referees, as provided for in C.G.S. §§ 45a-123 and 45a-123a.

Executive Committee

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

Legislative Committee
Judge Thomas Brunnock and Judge Brian Mahon, Chairs

The Legislative Committee develops proposals for consideration by the General Assembly. The 2010 legislative session was very successful for the probate court system. All three proposals offered by the courts were passed into law unanimously.

A major piece of legislation passed in 2010 was Public Act 10-184, An Act Concerning Probate Fees and the Recording of Probate Proceedings. The act eliminated out-of-state property from the calculation of probate fees and repealed the 0.1% fee on non-solely-owned real estate. Also, fees on estates will be subject to a 0.5% monthly interest rate if not paid on time.

Other legislation streamlined the probate regulation process, permitted municipalities to enter into agreements to pay for court facilities, sunset work-in-process payments for retired judges, and made a number of technical changes related to the restructuring of the probate court system.

Nominating Committee

Judge Joseph Egan, Jr., Chair

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

Planning Committee

Judge Philip Wright, Jr., Chair

The Planning Committee studies the role and structure of the probate courts and plans for changes that may have an impact on the probate court system.

Procedures Review Committee

Judge Ronald McDaniel, Chair (through April 2010)
Judge Heidi Famiglietti, Chair (April 2010 – Present)

The Procedures Review Committee is responsible for matters related to probate court practice and procedure. This involves making changes to forms and other publications as required by new legislation or in response to suggestions made by judges and clerks. In 2010, the Procedures Review Committee revised nine forms in response to suggestions. In addition, six new forms were created. These include two forms related to the new requirement that interest be charged on the late payment of fees in decedents' estates as set forth in C.G.S. § 45a-107 as amended by P.A. 10-184. They are:

1) PC-238, Notice Re Interest on Fees. This form is used to notify fiduciaries and other interested parties of the statutory interest provisions.

2) CM-79, Application/Order for Extension of Time to Pay Probate Fees. Fiduciaries may use this form to ask the probate court for an order extending the time for the payment of fees in a decedent's estate, including interest, because making payment by the required date would cause undue hardship.

The other new forms are microfilm certification forms created as an offshoot of the revised regulations for probate court records, an application for reinstatement of a parent as guardian of a minor, and PC-255A, Opinion of No Connecticut Estate Tax Due (For Decedents Dying on or after January 1, 2010).

The committee's major work in 2010 involved a review of probate court forms that request social security numbers. After a series of meetings, the committee members decided to remove social security numbers from a number of forms altogether and to use separate confidential sheets marked "DO NOT RECORD" for each form requiring a social security number. Two exceptions were made – PC-801, Application for Involuntary Commitment of Person with Psychiatric Disabilities, and PC-861, Decree/Involuntary Commitment of Person with Psychiatric Disabilities, because these forms are confidential.

To allow the probate courts to maintain the confidentiality of social security numbers, a new Rule 9 was drafted for the *Connecticut Probate Practice Book*. The proposed rule will be reviewed by the Executive Committee in 2011, after which it will be submitted for approval by the Connecticut Supreme Court. The forms changes will be put into effect once the Supreme Court has approved Rule 9.

Public Information Committee

Judge Michael Brandt, Chair

In 2010, the Public Information Committee transitioned its focus from promoting the existing probate court system to providing information regarding the newly formed probate districts. The Public Information Committee assisted the Office of the Probate Court Administrator in presenting the new probate districts to the public through press releases and information packets delivered to each



Attorney Linda Dow, New Canaan Probate Clerk Karen Smith, and Ridgefield Probate Clerk Jacqueline Buckle catch up before the annual meeting.

judge via e-mail on the new e-mail system. The judges were encouraged to distribute these packets locally. The committee hopes to recruit new members and continue to work with Probate Administration in 2011 to inform the public about services the probate courts provide to the residents of the State of Connecticut.

Ad Hoc Bylaws Committee

Judge Sydney Elkin, Chair

In order to have the bylaws correspond with the enabling legislation for the probate court restructuring, the committee recommended an amendment to the section dealing with the judges' payment of Probate Assembly dues. A revised Article Six containing new paragraphs (a) and (b) was adopted by the Probate Assembly on November 12, 2010.

Ad Hoc Weighted Workload Committee

Judge Beverly Streit-Kefalas, Chair

The Weighted Workload Committee, chaired by Milford Probate Judge Beverly Streit-Kefalas, was charged with reviewing and updating the weighted workload system. The committee's goal was to develop a system that fairly measures the relative difficulty of the cases that probate judges handle in light of changes since the weighted workload system was originally developed in 1999.

Beginning in January, 2011, judicial compensation will be determined primarily by the population of the probate district, but weighted workload will continue to be a factor in setting salaries. The committee met regularly through 2010 and will make its recommendations regarding revisions to the weighted workload system to the full Connecticut Probate Assembly in early 2011.

Connecticut Association of Probate Clerks (CAPC)

More than 200 clerks and judges are members of the Connecticut Association of Probate Clerks (CAPC), an advocacy group founded in 1983. As stated in its bylaws, the group seeks to "further and promote the

interests of all clerks and assistant clerks of the probate courts throughout the state by the exchange of ideas and information." The association holds quarterly meetings, which usually feature reports from various committees along with educational presentations. The current president is Mary MacGregor, clerk of the Glastonbury Probate District.

The clerks' association was very active in the restructuring process throughout 2010. The group offered valuable input to the Probate Court Budget Committee, and many suggestions were incorporated into the committee's decisions. President Mary MacGregor attended nearly every meeting of the Budget Committee, and she was frequently joined by other clerks. Those who were unable to attend voiced their opinions via correspondence.

Court staff was also instrumental in planning court mergers and assisting with the physical moves that took place in November and December. Clerks took the initiative in many locations to meet and coordinate their efforts to prepare for a smooth transition to the new system.

In March, the clerks' association collaborated with the Probate Court Administrator's office on a training program for new clerks, which is described in the continuing education section of this report. In anticipation of the various court mergers, a group of clerks met with Dr. Donald Wetmore, president of the Productivity Institute, and he was one of the featured speakers at the probate court staff meeting on October 21. His topic was "Destressing Your Stress."

Tiffany shares a hug with her dads James Boone and William Gleason after her adoption was finalized in the Manchester Probate Court.





Probate Court Administration Fund Activity

7/1/09 – 6/30/10

FUND BALANCE AS OF JULY 1, 2009

\$5,068,755

RECEIPTS:

| | |
|--|------------|
| Probate Court Assessments, Penalties, Interest, <i>CT Probate Practice Book</i> | 10,852,079 |
| Regional Children's Probate Courts – General Fund Appropriation | 5,500,000 |
| Health Insurance Payments – Courts (Employee Share) | 1,221,979 |
| Pass-Through Funding (Kinship/Respite Care, Children in Placement, Guardianship) | 1,214,762 |
| Other Miscellaneous (Loans, Laserfiche, Iron Mountain) | 268,781 |
| Investment Income | 15,269 |

TOTAL RECEIPTS

\$19,072,871

PCA Expenses

| | |
|---|-----------|
| Printing and Binding | 14,122 |
| Rental of Storage Space | 37,594 |
| Building: Repairs, Maintenance, Utilities | 60,999 |
| Office Expenses: | |
| Equipment and Furniture | 3,776 |
| Copier and Postage Meter Lease | 18,197 |
| Office and Miscellaneous Supplies | 15,909 |
| Postage and Delivery Fees | 22,741 |
| Telephone | 18,138 |
| PCA Computer Equipment and Services | 227,126 |
| Transportation: | |
| Mileage, Parking, and Tolls Reimbursement | 4,867 |
| Auto Lease, Maintenance, and Supplies | 5,696 |
| PCA Staff: | |
| Salaries and Wages | 1,334,827 |
| Fringe Benefits | 792,433 |
| Independent Contractors | 157,932 |
| Education and Meetings: | |
| PCA Staff | 6,807 |
| Membership Dues, Subscriptions, and Books | 16,087 |
| Judges and Clerks | 40,067 |
| Other | 2,224 |

Court Expenses

Regional Children's Probate Courts:

| | |
|---------------------------------------|-----------|
| a) New Haven | 745,756 |
| b) Central Connecticut | 394,767 |
| c) New London | 311,003 |
| d) Northeast | 224,842 |
| e) Waterbury | 407,241 |
| Council on Probate Judicial Conduct | 91,542 |
| Court Computer Equipment and Services | 294,975 |
| Health Insurance: | |
| Courts (PCA Share) | 3,481,058 |
| Retirees | 2,739,654 |
| Indigency Expenses: | |
| a) Court-Appointed Counsel | 2,237,593 |
| b) Marshals and Newspapers | 90,158 |
| c) Waived Entry Fees | 576,537 |
| d) Conservators | 1,767,190 |

| | |
|---|---------------------------|
| Court Subsidies | 292,326 |
| Pilot – Mental Health and Truancy | 156,856 |
| Pass-Through Funding: | |
| a) Children in Placement | 51,396 |
| b) Kinship and Respite Care | 1,038,366 |
| c) Guardianship Pilot Program | 100,000 |
| d) Middletown Youth-in-Crisis | (50,051) |
| Special Assignment Judges | 7,110 |
| Retirement Administration | 94,731 |
| Retirement Funding | 125,986 |
| <u>Reimbursed Expenses</u> | |
| Health Insurance – Courts (Employee Share) | 1,221,979 |
| Other Miscellaneous Expenses (Loans, Laserfiche, Iron Mountain) | 268,781 |
| TOTAL EXPENSES | (19,449,337) |
| FUND BALANCE AS OF JUNE 30, 2010 | <u>\$4,692,289</u> |

PROBATE JUDGES AND EMPLOYEES RETIREMENT FUND

The Probate Judges and Employees Retirement Fund is a separate fund administered by the Retirement Division of the State of Connecticut. The fair market value of fund assets as of June 30, 2010 was \$71,854,218. In fiscal year 2009 – 2010, the following expenses were paid from the fund:

| | |
|--|--------------------|
| a) Benefits paid to retired judges and employees | \$3,157,847 |
| b) Refunds (upon death or termination) | 14,385 |
| c) Interest paid on refunds | <u>2,579</u> |
| Total Expenses | \$3,174,811 |

Note: The Probate Judges and Employees Retirement Fund also paid \$2,739,654 for health services and \$12,000 for professional services, which were reimbursed 100 percent from the Probate Court Administration Fund.

Waterbury Probate Judge Thomas Brunnock poses with four siblings who were adopted by their grandmother on National Adoption Day.





Probate Court Administrator and Staff

HON. PAUL J. KNIERIM
Probate Court Administrator

THOMAS E. GAFFEY
Chief Counsel

BARBARA D. ASZKLAR
Administrative Clerk II

AMY L. BENJAMIN
Chief Clerk for Children's Matters

HELEN B. BENNET
Attorney

ALISON J. BLAIR
Administrative Clerk II

ANN C. BRENNAN
Computer Training Specialist

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

DEBRA COHEN
Attorney

SUSAN A. DORNFRIED
Executive Assistant

GEORGE FERNANDES
Systems Developer IV

WILLETTE Y. FRANK
Administrative Clerk II

PAULA M. GILROY
Administrative Clerk II

ALISON J. GREEN
Staff Assistant

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

ANDREA M. KING
Director of Financial Services

S. JANE OBERT
Administrative Services Coordinator I

DIANNA B. ORVIS
Administrative Assistant

VINCENT J. RUSSO
Manager of Communications & Intergovernmental Relations

SUSAN T. SCOTTI
Platform Analyst I

Judicial Directory 2010



| Probate Judge | District | Probate Judge | District |
|--------------------------|----------------|--------------------------|------------------|
| Albis, Michael A. | East Haven | Kinsella, Stephen E. | Portland |
| Alter, Peter Jay | Glastonbury | Knierim, Paul J. | Simsbury |
| Anthony, Fred J. | Shelton | Koch, William T., Jr. | Lyme |
| | | Kurmay, F. Paul | Stratford |
| Barber, Alan M. | Winchester | Landgrebe, Martin F. | New Milford |
| Barry, Kathleen Sendley | Plainfield | | |
| Bauer, Charles W. | Burlington | Magistrali, Michael F. | Torrington |
| Becker, Cynthia C. | Avon | Mahon, Brian T. | Meriden |
| Blick, Diane S. | Litchfield | Malley, Mark D. | Plymouth |
| Bouldin, Marygale | Canton | Maniscalco, Mark J. | Stafford |
| Brandt, Michael R. | North Haven | Mariano, Peter E. | Naugatuck |
| Brown, Cheryl H. | Tolland | Marino, Joseph D. | Middletown |
| Brown, Daniel P. | Granby | McAnaney, Edward G. | Suffield |
| Brunnock, Thomas P. | Waterbury | McDaniel, Ronald K., Jr. | Montville |
| Buhl, Paul D. | East Haddam | McKinney, Anne C. | East Hampton |
| Butts, John W. | Salem | McNamara, Jeffrey A. | East Lyme |
| | | Meccariello, Bryan F. | Southington |
| Calabrese, Domenick N. | Woodbury | Mokrzewski, Stanley A. | Bozrah |
| Camposio, Elaine N. | Andover | Murphy, Kathleen J. | Thompson |
| Carangelo, John J. | Orange | | |
| Caruso, Daniel F. | Fairfield | O'Brien, Dennis J. | Windham |
| Case, Stuart | Hampton | O'Grady, Daniel W. | Bethel |
| Champney, Mary Ann | Woodstock | O'Grady, Kevin M. | Westport |
| Cherniske, Victoria M. | Washington | | |
| Chiota, John P. | Trumbull | Palm, Frederick W., Jr. | Groton |
| Clebowicz, Walter A. | Berlin | Pearl, Deborah M. | Essex |
| Cooney, John W. | Manchester | Pensis, Teresa A. | North Stonington |
| Corbo, Frank J., Jr. | Marlborough | Peterson, Sylvia L. | Old Lyme |
| Cotnoir, Ernest J. | Putnam | Poitras, Dennis R. | Ashford |
| Cravinho, Paul E. | Stonington | Puglio, Jeannette M. | Roxbury |
| | | Purnell, O. James III | Ellington |
| Daly, Evelyn M. | Farmington | | |
| Damon, Patricia L. | Deep River | Randich, Robert A. | Newington |
| Darin, Holly Quackenbush | Killingworth | Rearden, John B., Jr. | Darien |
| DeFeo, William P. | New Fairfield | Rigat, Raymond J. | Clinton |
| DePanfilis, Anthony J. | Norwalk | Rodgers, Moira B. | Newtown |
| Diglio, Salvatore L. | Hamden | Rogers, Norman E., Jr. | New Hartford |
| Donegan, John E. | Branford | | |
| Dorval, Andre D. | Bristol | Salafia, Linda M. | Norwich |
| Driscoll, Allan T. | East Hartford | Schad, Leah P. | Pomfret |
| | | Secola, Joseph P. | Brookfield |
| Egan, Joseph A., Jr. | Ridgefield | Streit-Kefalas, Beverly | Milford |
| Elkin, Sydney W. | West Hartford | Sutnik, Thomas M. | Southbury |
| Emerson, Richard L. | Redding | | |
| Fairchild, Joseph J. | Thomaston | Thomas, Jodi M. | Colchester |
| Famiglietti, Heidi | Plainville | Tobis, Justine R. | Saybrook |
| Fertig, John W., Jr. | Oxford | Twerdy, Claire C. | Mansfield |
| Fisher, Marianne Lassman | East Windsor | | |
| Forgione, Frank J. | North Branford | Vail, Charles C. | Northwest Corner |
| Fox, Gerald M., Jr. | Stamford | Voelker, Raymond F. | Cheshire |
| | | Vogell, Constance J. | Westbrook |
| Ganim, Paul J. | Bridgeport | | |
| Goodnow, Roger W. | Old Saybrook | Wall, Patrick J. | Harwinton |
| Greene, Mathew H. | New London | Warner, Susan L. | Enfield |
| Grenger, Ellin M. | Ledyard | Wright, Philip A., Jr. | Wallingford |
| Griffin, Brian T. | Windsor | | |
| Griffiths, David A. | Killingly | Yale, Guy D. | Bethany |
| | | Yamin, Dianne E. | Danbury |
| Heffernan, E. Michael | West Haven | | |
| Helander, Joel E. | Guilford | Zelman, Steven M. | Bloomfield |
| Hershman, Peter | Woodbridge | Zuckerman, Phillip | Madison |
| Hopper, David W. | Greenwich | | |
| Hoyle, Clifford D. | Derby | | |
| | | | |
| Kapitulik, Sharon G. | Haddam | | |
| Kelley, James K. | Brooklyn | | |
| Kennedy, George L., Jr. | Griswold | | |
| Kervick, J. Christopher | Windsor Locks | | |
| Keyes, John A. | New Haven | | |
| Killian, Robert K., Jr. | Hartford | | |
| Kimes, Russell A., Jr. | New Canaan | | |

DEDICATION

THIS ANNUAL REPORT IS DEDICATED
TO THE JUDGES AND STAFF OF THE
CONNECTICUT PROBATE COURTS
IN RECOGNITION
OF THEIR HARD WORK AND COMMITMENT
TO MAKING THE RESTRUCTURED PROBATE COURT SYSTEM
A SUCCESS.

