

Section 28 of the Probate Court Regulations is amended as follows.
(Effective 90 days after submission to the Judiciary Committee of the General Assembly)

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

Probate Court Regulations

Approved by the Probate Assembly's Executive Committee September 11, 2013

Section 28 Probate Court Budget Committee and the Budget Process

28.1 Authority

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

28.2 Probate Court Budget Committee Established, Members

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

28.3 Term of Office

[(a) At the annual meeting of the probate assembly held in 2010, the assembly shall appoint one judge of probate to the Probate Court Budget Committee to serve for a term through June 30, 2011, and one judge of probate to serve for a term through June 30, 2012. The term of office of a judge of probate appointed to the committee at the 2010 annual meeting of the assembly shall begin on the date of appointment. A vacancy occasioned by the failure of the assembly to make an appointment at its 2010 annual meeting shall be filled in accordance with P.C.R. § 28.4(b).

(b) At the 2011 annual meeting of the probate assembly, the assembly shall appoint one judge to the Probate Court Budget Committee to serve for a term of two years.] At each [subsequent] annual meeting of the [probate](#) assembly, the assembly shall appoint a [judge of probate] [probate judge](#) to the committee for a term of two years. The term of office of a [judge of probate] [probate judge](#) appointed to the committee under this subsection shall begin July 1 of the year of appointment. A judge appointed to the committee under this section may serve more than one term.

28.4 Vacancy

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

- (1) a [judge of probate] [probate judge](#) appointed to the committee ceases to be a [judge of probate] [probate judge](#),
- (2) a judge resigns from the committee,
- (3) a judge is removed from the committee under [subsection (c) of this section] [P.C.R. section 28.4 \(c\)](#),
- (4) the probate assembly fails to elect a member at its annual meeting to fill a vacant seat on the committee, or
- (5) the assembly fails to elect a member at its annual meeting to begin a term on the committee beginning the July 1 following the annual meeting.

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

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

28.5 Meetings

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

28.6 Notice of Meetings

The administrator shall give notice of each meeting of the Probate Court Budget Committee. The notice shall include the place, date, time, and agenda for the meeting. The administrator shall post the notice of the meeting at the Office of the Probate Court Administrator and send a copy of the notice, by **[United States]** mail[, **postage paid,**] or by electronic means, to each **[court of probate]** [Probate Court](#) and to the Secretary of the State not later than seven days before the date of the meeting.

28.7 Meeting Procedures

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

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

28.8 Committee Materials on Website

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

28.9 Probate Court Budget Committee Duties and Powers

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

- (1) a compensation and employee benefits plan for employees of the [courts of probate] Probate Courts,
- (2) a staffing level for each [court of probate] Probate Court, and
- (3) [a] an annual office budget for each [court of probate] Probate Court [, which budget shall include the cost of compensation and employee benefits and the miscellaneous office budget].

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

(c) At any time, the Probate Court Budget Committee may modify the compensation and employee benefits plan, the staffing level for any **[court of probate]** [Probate Court](#), or the [office](#) budget for any **[court of probate]** [Probate Court](#).

28.10 Compensation and employee benefits plan

(a) The Probate Court Budget Committee shall establish a compensation and employee benefits plan **[not later than November 30 for the following fiscal year]**. The plan may establish:

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

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

28.11 Job Analyses

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

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

28.12 Staffing Levels for [Courts of Probate] [Probate Courts](#)

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

- (a) efficiency of operation of the [court of probate] [Probate Court](#),
- (b) population of the probate district, as established in the annual population estimate by the Department of Public Health for each city or town as of October first of the immediately preceding calendar year,
- (c) workload of the court,
- (d) types of cases heard by the court, and
- (e) other factors the committee considers appropriate [including, but not limited to, transitional costs to implement P.A. 09-114].

28.13 [Miscellaneous] Office Budgets

The Probate Court Budget Committee shall establish [a miscellaneous] [an annual](#) office budget for each [court of probate] [Probate Court](#). In establishing each office budget, the committee shall consider:

- (a) efficiency of operation of the [court of probate] [Probate Court](#),
- (b) population of the probate district, as established in the annual population estimate by the Department of Public Health for each city or town as of October first of the immediately preceding calendar year,
- (c) workload of the court,
- (d) staffing level of the court, and
- (e) other factors the committee considers appropriate [including, but not limited to, transitional costs to implement P.A. 09-114].

28.14 Budget Process

(a) The fiscal year for the [courts of probate] [Probate Courts](#) shall be July 1 through June 30.

(b) The Probate Court Budget Committee may:

- (1) establish dates, in addition to those set forth in [subsection (c) of this section] [P.C.R. section 28.14 \(c\)](#), for the budgeting process of the committee,
- (2) require submission of budget requests and other information by [courts of probate] [Probate Courts](#) in a manner established by the committee,
- (3) create forms for submitting budget requests and other information by [courts of probate] [Probate Courts](#), and
- (4) establish policies, procedures, and guidelines for exercising the powers and duties of the committee.

(c) [Except as provided in subsection (d) of this section, the following dates apply:

- (1) Not later than November 30 of each year, the Probate Court Budget Committee shall establish a compensation and employee benefits plan for the next succeeding fiscal year.
- (2)] Not later than [January] February 15 of each year, each [court of probate] Probate Court shall submit to the Probate Court Budget Committee a request for a budget [and staffing level] for the court for the next succeeding fiscal year. [
- (3)] Not later than [~~February 28~~] March 31 of each year, the Probate Court Budget Committee shall establish [a] an office budget [and staffing level] for each court for the next succeeding fiscal year.

[(d) On or before June 30, 2010, the Probate Court Budget Committee shall establish a compensation and employee benefits plan and a budget and staffing level for each court for the period beginning January 5, 2011 through June 30, 2011.]

28.15 Budget of Probate Court Administrator

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

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

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

[(d) For the fiscal year ending June 30, 2011, the administrator's proposed budget shall include the total of all probate court budgets under subsection (a) of this section for the period beginning January 5, 2011 through June 30, 2011.]

28.16 [Report to Governor and General Assembly]

Not later than June 30, 2010, and annually thereafter, the Probate Court Budget Committee shall report to the Governor and the General Assembly, after consultation with the office of the Chief Court Administrator and the Secretary of the Office of Policy and Management, on the committee's efforts to reduce costs in the courts of probate. The report shall be submitted in accordance with C.G.S. § 11-4a.

28.17] Authority of [Judge of Probate] [Probate Judge](#) to Administer Court

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

(b) Nothing in these regulations shall be construed to alter the status of probate court employees as employees of their respective [courts of probate] [Probate Courts](#) pursuant to C.G.S. section 45a-21. Each employee of a [court of

probate] Probate Court serves at the pleasure of the **[judge of probate]** probate judge of the court in which the employee is employed.

[28.18] 28.17 Funds Received from Towns

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

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

Section 28 is effective February 17, 2010

Approved by the Executive Committee November 17, 2009

Approved by the Judiciary Committee February 17, 2010

Proposed