

Proposed deletions are **shown in red and surrounded by brackets**. Proposed additions are **shown in blue and underlined**. (Effective May 16, 2024)

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

**Probate Court Regulations**

**Section 1  
General Provisions**

**1.1 Definitions and Abbreviations**

For the purposes of the Probate Court Regulations:

- (a) “Administration fund” means the Probate Court Administration Fund established under C.G.S. section 45a-82.
- (b) “Administrator” means the Probate Court Administrator.
- (c) “C.G.S.” means the general statutes of the State of Connecticut, Revision of 1958, as amended from time to time.
- (d) “Probate Court” means a court exercising the powers enumerated in C.G.S. section 45a-98.
- (e) “Fee revenue” means the total of all monies received during the fiscal year for fees, costs, and charges under C.G.S. sections 45a-105 to [45a-110] 45a-113a, inclusive; **[C.G.S. section 45a-111; C.G.S. section 45a-112; sections 447 through 458 of Public Act 15-5 (June 2015 Special Session);]** and passport fees.
- (f) “P.C.R.” or “regulations” means the Probate Court Regulations.
- (g) “Probate assembly” means the Connecticut Probate Assembly established under C.G.S. section 45a-90.
- (h) “Probate judge” means a person elected to the office of judge of a Probate Court in the State of Connecticut.

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

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

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

# **Probate Court Regulations**

## **Section 10 Probate Court Records**

### **10.1 Authority**

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

### **10.2 Definitions**

As used in regulation sections 10 and 11:

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

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

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

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

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

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

(f) “Permanent official record” for a matter means the images of all documents listed in regulation section 10.3, created in accordance with regulation section ~~[10.7]~~[10.6](#), and stored on electronic media.

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

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

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

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

### **10.3 Documents required to be in the permanent official record**

The permanent official record for a matter shall include each:

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

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

#### **10.4 Confidential records**

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

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

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

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

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

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

## **10.5 Creation of Court File and Electronic Court File**

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

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

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

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

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

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

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

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

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

#### **10.6 Creation of Permanent Official Record[Microfilm of Documents]**

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

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

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

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

(a) The Office of the Probate Court Administrator shall establish procedures for electronic transmission, preservation, and storage of permanent official records in compliance with the policies and standards for Historical Records, Disposition of Public Records, Electronic Records, and Electronic Records Management as established and amended by the Public Records Administrator.

(b) The court shall convert, transmit and set to permanent record an image of each document listed in regulation section 10.3 of the electronic court file created in regulation section 10.5 in accordance with the procedures established by the Office of the Probate Court Administrator.

(c) The court shall designate one or more staff members to ensure that all of the documents listed in regulation section 10.3 are periodically transmitted and electronically stored in accordance this section and the procedures established by the Office of the Probate Court Administrator.

#### **[10.7 Creation of Permanent Official Record**

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

(a) confirming that the electronic court file contains an image of each document listed in regulation section 10.3;

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

**[10.8]10.7 Storage of files and records**

(a) Except as otherwise provided in this regulation, records in paper form that have not been scanned under regulation section 10.5 and converted to permanent official record under regulation section 10.6[microfilmed], including court files, microfilm and record books, shall be kept in a secure and ~~[fire-resistive]~~fire-resistant vault, safe or cabinet meeting the requirements of C.G.S. section 45a-10 and regulations adopted by the Public Records Administrator.

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

(c) ~~[The microfilm]~~ and record books~~[shall]~~ may be stored off ~~[the premises of the]~~ court premises in a secure, ~~[fire-resistive]~~fire-resistant facility that meets the standards set forth in the ~~[microfilming]~~ policy established by the Public Records Administrator. Courts shall maintain a complete index of the records on microfilm and record books in storage.

**[10.9]10.8 Public access to records**

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

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



## **10.9 Disposition of documents in electronic court file**

At the conclusion of all proceedings in a matter, including any appeal, the court shall:

- (a) confirm the electronic court file contains an image of each document listed in regulation section 10.3;
- (b) verify each document listed in regulation section 10.3 has been transmitted to permanent official record as required under regulation section 10.6; and
- (c) delete the images of collateral documents contained in the electronic court file.

## **10.10 Disposition of documents in the court file**

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

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

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

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

(c) Notwithstanding regulation section 10.10(a) and (b), the court may not destroy any non-confidential document in a file that was closed before July 1, 1976. Disposition of documents in a file that was closed before July 1, 1976 is governed by regulation section 11.

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

#### **10.11 Probate records center**

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

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

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

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

#### **10.12 Record [book]books**

(a) Unless a record book has been scanned and microfilmed [or converted to permanent official record under regulation section 10.6](#), the court shall keep the record book in a secure and [\[fire-resistive\]fire-resistant](#) vault, safe or cabinet meeting the requirements of C.G.S. section 45a-10 and regulations adopted by the Public Records Administrator [or stored in accordance with regulation section 10.7\(c\)](#).

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

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

- (1) the record book has been scanned;
- (2) the record book has been microfilmed [or converted to permanent official record under regulation section 10.6](#); and
- (3) the Probate Court Administrator, the Public Records Administrator, and the State Archivist have authorized destruction or transfer of the record book.

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

- (1) the record book has been scanned;
- (2) the record book has been microfilmed [or converted to permanent official record under regulation section 10.6](#); and

- (3) the Probate Court Administrator, the Public Records Administrator, and the State Archivist have authorized destruction of the record book.

### **10.13 Microfilm records**

(a) Unless the microfilm has been converted to permanent record, the court shall keep the microfilm in a secure and fire-resistant vault, safe or cabinet meeting the requirements of C.G.S. section 45a-10 and regulations adopted by the Public Records Administrator or stored in accordance with regulation section 10.7(c).

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

(c) A court may destroy or transfer title and custody of any non-confidential microfilm to a municipality, historical society or other appropriate organization if:

- (1) the microfilm has been scanned;
- (2) the microfilm has been converted to permanent official record under regulation section 10.6; and
- (3) the Probate Court Administrator, the Public Records Administrator, and the State Archivist have authorized destruction or transfer of the microfilm.

(d) A court may destroy any confidential microfilm if:

- (1) the microfilm has been scanned;
- (2) the microfilm has been converted to permanent official record under regulation section 10.6; and
- (3) the Probate Court Administrator, the Public Records Administrator, and the State Archivist have authorized destruction of the microfilm.

**Section 10 became effective August 8, 2010, except that subsection 10.5 is effective January 5, 2011** (Approved by the Executive Committee April 21, 2010; Approved by the Judiciary Committee August 8, 2010)  
**Amended January 25, 2016** (Approved by the Executive Committee October 14, 2015; Approved by the Judiciary Committee January 25, 2016)  
**Amended January 2, 2020** (Approved by the Executive Committee July 10, 2019; Approved by the Judiciary Committee November 1, 2019)

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

**Section 12**  
**Panels of Attorneys**

**12.1 Authority**

This regulation is issued in accordance with C.G.S. sections 17a-76, 17a-274, 17a-498, 17a-503, 17a-543a, 17a-685, 19a-131b, 19a-221, 19a-265, 45a-77, 45a-132, 45a-620, 45a-621, 45a-649a, 45a-694, 45a-708, 45a-753, 46b-150a and ~~46b-172a~~[46b-571](#).

**12.2 Panels of attorneys**

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

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

**12.3 Application for membership on panel**

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

- (1) name, office address, telephone and fax numbers, [individual](#) ~~[Juris]~~[juris](#) number, and email address;

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

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

#### **12.4 Non-attorney guardians ad litem**

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

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

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

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

**13.1 Authority**

This regulation is issued in accordance with C.G.S. sections 17a-76, 17a-274, 17a-498, 17a-502, 17a-510, 17a-543a, 17a-685, 19a-131b, 19a-221, 19a-265, 45a-77, 45a-620, 45a-621, 45a-649a, 45a-673, 45a-694, 45a-708, 45a-717, 46b-150a and ~~46b-172a~~[46b-571](#).

**13.2 Definitions**

For purposes of regulation section 13:

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

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

(2) for whom the court has appointed a guardian ad litem under C.G.S. section 45a-620, 45a-621, 45a-708 or ~~46b-172a~~[46b-571](#).

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

**13.3 Applicability**

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



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

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

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

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

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

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

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

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

### **13.5 Invoicing**

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

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

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

### **13.6 Review and approval of invoices**

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

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

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

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

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

**Section 16A**  
**Payment of Fees for Special Limited Conservators**

**16A.1 Authority**

These regulations are issued by the Probate Court Administrator in accordance with [C.G.S. section 17a-543a](#) [P.A. 04-160] and are effective for appointments made on or after October 1, 2004.

**16A.2 Purpose of a Special Limited Conservator**

A special limited conservator is defined in [C.G.S. section 17a-540\(13\)](#) [P.A. 04-160] as

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

**16A.3 Compensation of Special Limited Conservators**

The reasonable compensation of a special limited conservator receiving payment hereunder shall be established by the Probate Court Administrator and shall be paid from the Probate Court Administration Fund. Special limited conservators will be appointed for defendants in the custody of the Department of

Mental Health and Addiction Services whom the Superior Court has found not competent to stand trial under C.G.S. ~~[\$]section~~ 54-56d.

The maximum rate of compensation that will be considered reasonable compensation for special limited conservators shall be ~~[\$50.00]~~\$52.00 per hour, up to a maximum of ~~[\$1,000.00]~~\$1,200.00 per case. Subject to the prior approval of the appointing judge, this maximum may be exceeded if the circumstances of the case require it.

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

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

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

**Section 18**  
**Health Insurance Plan for Judges and Court Employees**

**18.1 Authority**

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

**18.2 Health insurance plan**

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

**18.3 Premiums**

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

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

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

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

**Probate Court Regulations**

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

**18A.1 Authority**

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

**18A.2 Duties that qualify for hours of work**

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

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

probate courts;

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

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

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

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

(1) eighty hours for vacation;

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

(3) four hours for each sick day.

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

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

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



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

#### **18A.4 Family leave**

(a) For purposes of this section:

(1) “[**Immediate family**]Family member” [**means the**]includes a spouse, sibling, [child]son or daughter, grandparent, grandchild or parent, or an individual related to [of a]the judge of probate by blood or affinity whose close association to the judge shows to be the equivalent of those family relationships.

(2) “Care for [**an immediate**]a family member” includes birth or adoption of a [**child**]son or daughter; care of a newborn [**child**]son or daughter; placement of a [**child**]son or daughter for adoption or foster care; care of a newly placed [**child**]son or daughter in adoption or foster care; and care of [**an immediate**] family member with a serious health condition.

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

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

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

application of credit for care for [an immediate]a family member, military caregiver leave, or qualifying exigency leave.

#### **18A.5 Report and certification of hours of work**

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

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

#### **18A.6 When probate judge eligible for health insurance**

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

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

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

(a) Under C.G.S. sections 45a-34 and 45a-36, a judge of probate first elected to a term beginning on or after January 5, 2011, who works as a probate judge at least one thousand hours in a calendar year and certifies to the hours worked on a quarterly basis in accordance with P.C.R. section 18A.5, is eligible to participate in the retirement plan for probate judges and employees. A judge subject to P.C.R. section 18A.7 who does not work one thousand hours in a calendar year or does not file the report certifying the hours of work required under P.C.R. section 18A.5 on or before February 15 of the next calendar year shall not receive credited service in the retirement plan for the preceding year.

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

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

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

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

## **[Mediation Panel Members**

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

### Retired and Former Judges:

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

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

**Section 22**  
**Compensation of Mediators**

**22.1 Panel**

Within available funds, the administrator shall establish a panel of probate judges and retired probate judges who are qualified to mediate contested probate cases under the provisions of rule 21 of the Probate Court Rules of Procedure. [The administrator shall maintain a list of mediation panel members.](#)

**22.2 Compensation of Mediator**

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

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

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

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

### **22.3 Continuing Education**

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

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

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

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

# **Probate Court Regulations**

## **Section 26**

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

#### **26.1 Authority**

These regulations are issued pursuant to C.G.S. section ~~45a-77 (b)~~  
(1)][45a-77\(b\)\(1\)](#).

#### **26.2 New Judges**

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

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

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

(d) Each newly elected judge shall complete, within six months after taking office, courses in (1) civil procedure, including constitutional issues, due process

and evidentiary considerations; (2) property law, including conveyancing and title considerations; (3) the law of wills and trusts; (4) family law in the context of the probate courts; (5) probate court jurisdiction; (6) probate court procedure; (7) the conduct of hearings and other judicial duties; (8) legal research and drafting of decrees; (9) the substantive law of conservatorship, guardianship, termination of parental rights, adoption and other areas of probate jurisdiction; and (10) such other relevant matters as may be determined by the administrator. To the extent reasonably possible, the administrator shall attempt to present the educational program required hereunder prior to the time the new judges take office.

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

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

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

(h) The failure of any newly elected judge to meet the requirements of this section shall be referred to the Ethics Committee of the Probate Assembly for



such action as it deems appropriate, including but not limited to reference to the Council on Probate Judicial Conduct, and /or for appropriate enforcement action by the administrator.

### **26.3 Continuing Judicial Education**

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

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

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

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

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

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

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

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

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

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

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

#### **26.4 Court Staff**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **26.6 Attendance at Programs of Training or Education**

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

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

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

# **Probate Court Regulations**

## **Section 27 Recording of Conservator Proceedings**

### **27.1 Authority**

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

### **27.2 Proceedings to be Recorded**

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

### **27.3 Transcription**

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

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

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

#### **27.4 Retention and Destruction of Recordings**

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

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

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

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

#### **27.5 Recording Equipment**

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