CONNECTICUT PROBATE COURTS

2016-2017 BIENNIAL REPORT



PUBLISHED BY OFFICE OF THE PROBATE COURT ADMINISTRATOR STATE OF CONNECTICUT

BIENNIAL REPORT OF THE OFFICE OF THE PROBATE COURT ADMINISTRATOR 2016 - 2017

MESSAGE FROM THE PROBATE COURT ADMINISTRATOR

Fiscal years 2015-16 and 2016-17 encompassed a period of extraordinary financial challenge for the Probate Courts as state funding plummeted from 25% of our budget at the beginning of the biennium to 4% in the current fiscal year. Despite the fiscal stress, our commitment to the mission of helping Connecticut families in a compassionate and cost-effective manner is stronger than ever. What stands out most about the past two years is the success of the Probate Courts in finding ways to improve service in a time



of diminishing resources.

Cuts to state funding, exacerbated by extreme volatility, was our single most significant challenge. We lost all state funding in 2016 (down from \$11 million the prior year), then received \$6 million in 2017, only to see another round of cuts drop us to \$2 million in 2018. The result is a \$4.5 million operating deficit this year that will draw down the balance in the Probate Court Administration Fund. To compound the problem, the state swept \$3.5 million from

the Probate Court Administration Fund to the state's General Fund in 2017, bringing the total amount of transfers from the Probate Courts to the state since 2011 to \$20 million.

The Probate Courts have been subsidizing the state in another important way: We bear the financial burden of \$9 million per year in expenses associated with non-judicial state services that the state relies on us to provide. Over 10% of the Probate Court budget goes to the cost of paying for conservators for indigent seniors with dementia and individuals with mental illness. This is a vital state service, but one that in most states is the responsibility of an executive branch agency or publicly-funded nonprofit organization. Similarly, state law requires the Probate Courts to distribute \$2 million in grant funds for guardians caring for indigent children without providing the money to pay for the grants. Another \$2.2 million in annual expenditures is required to pay for attorneys for indigent parties to satisfy constitutional mandates. The cost of these three programs alone exceeds our general fund appropriation by \$7 million this year.



underway to implement an eFiling system that will similarly reduce paperwork and speed up processing times. Despite 61% growth in our mental health cases and a 15% increase in children's matters since 2011, we have held staffing levels steady.

Financial constraints have not stopped us from leading the way in strengthening protections for the 20,000 Connecticut residents who need conservators. We secured a \$30,000 grant to develop a comprehensive training program for new conservators. We are developing Standards of Practice that embody nationally recognized best practices and ethical guidelines for conservators. Our conservator accountability bill, enacted in 2017, permits random audits that will deter conservator misconduct.

As the state continues to struggle with chronic budget problems, it bears emphasis that the Probate Courts are an exceptionally cost-effective part of the state's safety net for children, the elderly and people with mental illness or intellectual disability. The key fact is that Probate Courts empower families to help loved ones who are unable to care for themselves. By helping families help themselves, the state saves hundreds of millions of dollars annually because the need for more expensive state services is vastly reduced.

Three examples illustrate the point. Probate Courts appoint relatives to serve as guardians for children whose parents cannot care for them due to incarceration, mental illness and addiction. This arrangement keeps more than 6,700 children out of the foster care system, saving the state \$66 million per year. Similarly, about 900 individuals with mental illness live in the community with the assistance of a conservator, a far less expensive alternative to the \$402 million in annual costs for inpatient treatment for that population at Connecticut Valley Hospital. And conservators who arrange in-home care for 2,660 indigent seniors save the state more than \$206 million per year in Medicaid nursing home costs.

In the pages that follow, you will learn more about the types of cases that Probate Courts handle, statistics about our growing caseload and additional information about our finances. The report includes a directory of judges and courts.

Regrettably, I must end this message with a warning: Restoration of funding for the Probate Courts in the next biennium is nothing short of critical. We have managed draconian budget cuts since 2016 through belt-tightening and innovation, but the state's practice of using Probate Court funds to subsidize state services will deplete the Probate Court Administration Fund by June 30, 2019. This means that the Probate Courts will not be able to meet operating expenses in fiscal year 2019-20 unless General Fund support is returned to the 2015 funding level.

The Probate Courts represent an excellent value for the state by promoting familycentered solutions, at the regional level, that avoid far more costly state services. We hope that state leaders will recognize that the cost-effectiveness of the Probate Courts warrants the modest state investment necessary to sustain the system.

> Paul J. Knierim Probate Court Administrator

PROBATE COURT JURISDICTION

The Probate Courts are responsible for a wide range of cases involving the support and protection of children, seniors and individuals with mental illness and intellectual disability.

Children's Matters

Probate Courts hear several different types of cases involving children, including temporary custody and guardianship, termination of parental rights, visitation, adoption, emancipation and paternity. A large proportion of the guardianship matters in Probate Courts involve parents who are unable to care for their children as a result of mental illness, addiction or incarceration. In the overwhelming majority of those cases, a family member is appointed as guardian to care for the child. Over 6,700 children are currently

cared for by relatives as a result of this framework, at far less expense to the state than would be involved if the children were instead placed in the foster care system.

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

Conservatorships

Conservatorship is a legal framework to manage the care and finances of an adult who is unable due to conditions such as dementia, mental illness, intellectual disability or severe physical illness. A Probate Court makes the determination whether a person is incapable and appoints one or more persons to serve as conservator. A conservator may also be appointed for someone who voluntarily requests assistance.

After the appointment of a conservator, the court supervises the conservator on an ongoing basis and, in the case of a conserved person who is indigent, pays

CONSERVATOR TRAINING AND OVERSIGHT

In 2017, the Probate Courts secured a \$30,000 grant from the State Justice Institute to create a webbased, self-study training program for new conservators. The threehour tutorial provides a comprehensive overview of the conservator's duties and ethical obligations.

The training program dovetails with a broader effort to provide conservators with more support and require greater accountability from those who serve in this important role. The Probate Courts partnered with the AARP, Alzheimer's Association, Connecticut Legal **Rights Project, Elder Justice** Coalition and Department on Aging on legislation to establish formal standards of practice for conservators and prevent misuse of funds through random audits. The courts also launched an automated reminder system to help conservators comply with their periodic reporting requirements.

the compensation of the conservator. The court periodically conducts hearings on financial reports that summarize how the conservator has managed the conserved person's finances and reviews the conservatorship to determine whether any modifications are warranted. The court also provides instruction to the conservator on issues such as medical care, place of residence and end-of-life treatment.

Conservators have an enormously important role in the lives of individuals they serve. A conservator can be the difference between a safe apartment and homelessness for a person just discharged from a psychiatric hospital. For a senior with dementia, a conservator who manages home care services may be the key to avoiding placement in a nursing home.

Guardianships of Adults with Intellectual Disability

Connecticut has a special form of guardianship for adults with intellectual disability. The role of the Probate Court is to determine if an individual has intellectual disability, whether a guardian is needed and, if so, who should serve as guardian. The court must also conduct periodic reviews of guardianships to determine whether the arrangement continues to be necessary.

Commitments

Probate Courts hear several different case types regarding involuntary confinement for treatment of mental illness, substance abuse and infectious disease. In mental health cases, Probate Courts determine whether a person is dangerous or gravely disabled and, in some cases, whether a conservator should have authority to consent to the involuntary administration of psychotropic medication. Probate jurisdiction also encompasses appeals from quarantine, isolation and vaccination orders issued during a public health emergency.

Decedents' Estates and Trusts

The settlement of decedents' estates is the area of jurisdiction most commonly associated with Probate Courts. The role of the court in this area includes determining the validity of wills, appointing and supervising executors and administrators, determining whether the estate is subject to estate tax and resolving disputes among fiduciaries, heirs, beneficiaries and creditors.

A related area of jurisdiction is the oversight of certain types of trusts. Probate Courts review the periodic accounts of trustees of testamentary trusts (a trust that is established under a decedent's will) and have the authority to hear cases involving the accounts of other types of trusts on request of an interested party.

Other Case Types

The General Assembly has assigned numerous additional areas of jurisdiction to Probate Courts that do not fall within the major categories outlined above. Examples include name changes, restoration of federal firearms rights, marriage of minors and issues related to powers of attorney and the uniform transfers to minors act.

Nature of Probate Court Proceedings

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

At the same time, many types of probate cases involve the fundamental constitutional rights of the parties. Children's cases implicate the right of parents to raise their children. Conservatorship and guardianship matters confront the right of an adult to make his or her own decisions. Commitment cases deal with involuntary confinement and treatment. Given the importance of the rights at stake, Probate Courts are required by the state and federal constitutions and by statute to appoint and pay the fees of attorneys appointed to represent indigent parties in probate matters. In children's cases, the court also appoints and pays for the services of a separate attorney to represent the child. The expense of providing attorneys for indigent parties represents a significant and growing component of the Probate Court system's budget.



Probate Court Matters FY 16

Probate Court Matters FY 17



CASE STATISTICS

Case Type	FY 16	FY 17
Decedents' Estates	FIIO	F1 1 <i>1</i>
4a-16 Petitions Administration Intestate Estate Admit Will Approval/Instruction re: Action by Fiduciary Affidavit Estate Allowance for Spouse or Family Allowance of Account Compromise of Claim Custody of Remains Hearing Management/Status Conferences Insolvent Estate Sale or Mortgage of Real Estate TPO Estate Will Contest	3,128 2,209 7,774 552 5,860 81 9,196 630 448 1,562 429 1,370 3,704 59	2,464 2,264 7,824 530 5,701 73 8,826 568 521 1,827 406 1,385 3,635 49
Decedent Other Trusts	5,090	5,102
Approval/Instruction re: Action by Fiduciary Trust Accounts Appointment of Testamentary Trustee Compel Account for Intervivos Trust Hearing Management/Status Conferences Termination of Charitable Trust Trust Other	165 2,837 468 13 183 7 985	148 3,052 475 17 250 5 1,196
Conservators		
Approval/Instruction re: Action by Fiduciary Allowance of Account Appointment of Conservator of Person and Estate - Involuntary Appointment of Conservator of Person and Estate - Voluntary Appointment of Conservator of the Estate - Involuntary Appointment of Conservator of the Estate - Voluntary Appointment of Conservator of the Person - Involuntary Appointment of Conservator of the Person - Voluntary Appointment of Conservator of the Person - Voluntary Appointment of Temporary Conservator Authority to Consent to Psychiatric Medication Treatment Hearing Management/Status Conferences Orders Concerning Life Support Systems Mortgage or Sale of Real Estate Conservatorship Reviews Conservatorship Other	616 3,636 1,928 637 222 440 352 123 243 331 989 10 374 1,794 8,809	553 4,185 1,867 637 212 358 282 122 244 326 936 10 334 1,838 9,367

Children's Matters	FY 16	FY 17
Approval/Instruction re: Action by Fiduciary Appointment of Co-Guardian of a Minor DCF Initial Permanency Hearing DCF Subsequent Permanency Hearing Emancipation of Minor Hearing Management/Status Conferences Immediate Temporary Custody Paternity Claim Reinstatement of Parent as Guardian Removal of Guardian of the Person Temporary Custody Temporary Guardian Transfer to Superior Court Children's Matters Other	17 90 59 15 7 103 140 65 232 892 714 826 7 3,246	9 79 28 17 13 83 118 51 175 735 599 712 16 3,372
Guardians of Estates		·
Approval/Instruction re: Action by Fiduciary Allowance of Account Appointment of Guardian of the Estate Compromise of Claim Hearing Management/Status Conferences Guardian of Estate Other	61 974 607 420 150 630	56 925 609 385 161 691
Persons with Intellectual Disability		
Approval/Instruction re: Action by Fiduciary Appointment of Guardian of Person with Intellectual Disabilities Hearing Management/Status Conferences Placement of Person with Intellectual Disabilities Sterilization Temporary Limited Guardian of a Person with Intellectual Disabilities Three-Year Reviews Guardian of Person with Intellectual Disability Other	31 648 162 29 1 0 1,985 4,728	43 602 211 16 1 2,054 5,616
Adoptions and Terminations		
Approval/Instruction re: Action by Fiduciary Approval of Adoption - Co-parent/Stepparent Approval of Adoption - Relative Approval of Adoption - Statutory Parent (DCF Identified) Approval of Adoption - Statutory Parent (DCF Non-Identified) Approval of Adoption - Statutory Parent (Private Agency	1 167 24 0 1	2 199 40 3 2
Identified) Approval of Adoption - Statutory Parent (Private Agency Non-	17	18
Identified) Approval of Adult Adoption Hearing Management Conferences Termination of Parental Rights Transfer to Superior Court	29 91 15 447 3	11 137 25 424 2
Adoption/TPR Other	255	207

Commitments - Adult	FY 16	FY 17
Annual Review	127	110
Biennial Review Hearing	2	1
Commitment - Alcohol & Drug Dependency	36	31
Commitment of Adult - Involuntary Hearing Management/Status Conferences	1,064 92	1,071 95
Permission for Shock Therapy	192	93 147
Probable Cause Hearing - Adult Commitment	705	784
Release from Confinement	7	3
Warrant for Examination by Court	4	5
Adult Commitment Other	5	4
Commitments - Children (Under 16)		
Commitment of Child - Involuntary	4	3
Child Commitment Other	0	2
Other Matters		
Change of Name Petitions	2,742	2,558
Compel Power of Attorney Accounting	20	37
Compel UTMA Accounting	0	2
Hearing Management/Status Conferences	12	8
Marriage: Request for Permission (Minors) Restore Right to Purchase, Possess, or Transport a Firearm	0 0	0 0
Other Matters - Other Petitions or Motions	128	142
Fee Waivers	9,524	
Passports	2,193	2,102
Total (Excluding Passports)	99,807	102,667

FINANCIAL DATA

Organizational Structure

There are 54 probate districts in Connecticut. The Probate Court system completed a major consolidation project in 2011 that reduced the number of districts from 117 to 54 and established the current regional structure. Court consolidation, together with changes to the financial structure of the system, produces savings of approximately \$4 million annually.

Although part of the state Judicial Branch, the Probate Courts are housed in municipal facilities. Most courts are located in town halls or other facilities owned by municipalities, while other communities lease commercial office space for their courts. In addition to office space, state law requires that municipalities provide their courts with office furnishings and equipment, supplies, telephone service, internet access and insurance. This partnership between courts and municipalities is a cost-effective shared service arrangement.

Probate Court Administration Fund

Apart from the facilities costs borne by municipalities, all other expenses of the Probate Court system are managed through a dedicated revenue fund known as the Probate Court Administration Fund ("PCAF"). The PCAF has two revenue sources: probate fee receipts and the annual appropriation from the General Fund. Both general fund support and fee revenue have been extremely volatile over the past two years due to dramatic cuts in funding and legislative changes to probate fees. State funding has fallen from 25% of revenue at the beginning of the biennium to 4% in the current fiscal year. The cuts to state funding have resulted in an annual operating deficit that will deplete the PCAF by June 30, 2019.

By statute, any balance in the PCAF in excess of 15% of the system's operating budget sweeps automatically at year-end to the general fund. Since 2011, the PCAF has returned \$20 million to the general fund.

Probate Court System Budget

The budget for the Probate Court system is administered by the Office of the Probate Court Administrator and is separate from the financial operations of the Judicial Branch. The fiscal year 2016-17 budget was \$44.5 million.

The Probate Court Budget Committee, a body established by statute, establishes a statewide compensation and benefits plan for court staff and determines staffing levels for each court. The compensation of judges, which is established by statute, is based on the population and workload of their respective districts. A pay freeze has been in place since 2016 and continues in the current biennium.

Approximately 20% of the Probate Court system budget is expended on social service programs mandated by the General Assembly. The Probate Courts expended \$9 million on the following three programs in 2017, far in excess of the amount received in General Fund support:

Kinship and Respite Grants (\$2.0 million) The Kinship Program and the Grandparents and Relatives Respite Program provide grants to guardians caring for children. Unlike foster parents, guardians appointed by Probate Courts are not eligible for monthly stipends. The Kinship and Respite programs seek to fill that gap by providing financial assistance for basic needs. Kinship grants help guardians address needs such as eyeglasses, school clothes and supplies, after-school programs, tutoring, summer camp and music lessons. Respite grants provide assistance in the areas of child care, transportation and housing.

Conservators (\$4.5 million) One of the fastest growing categories in the Probate Court system budget is the compensation of conservators for individuals who are indigent. As shown below, the annual cost of conservator payments has more than doubled since 2011.

	FY 11	FY 12	FY 13	FY 14	FY 15	FY 16	FY 17
Annual							
Cost	\$2,100,000	\$2,400,000	\$2,900,000	\$3,400,000	\$4,400,000	\$4,484,000	\$4,503,000
Conserved							
Persons	2,229	2,533	2,893	3,270	3,886	4,206	4,638

In addition, the Probate Court system provides \$100,000 in annual funding for Melissa's Project, a non-profit organization that performs case coordination for individuals with severe and persistent mental illness. Melissa's Project has proven effective in reducing arrests, incarcerations and hospitalizations for program participants. Melissa's Project also receives funding from the Department of Mental Health and Addiction Services.

Court-Appointed Attorneys (\$2.2 million) Under constitutional principles and statutory mandates, Probate Courts must arrange for attorneys to represent indigent individuals whose fundamental rights are at issue in court proceedings. Probate Courts bear this expense in children's matters, conservatorships, guardianships of adults with intellectual disability and commitments.

ONLINE SERVICES IMPROVE ACCESSIBILITY AND SAVE TIME

In our continuing efforts to provide the highest quality of service in the most cost-effective manner, the Probate Courts are implementing electronic billing and filing systems that will enable court users to file petitions, view court files and pay fees online.

The eBilling system, implemented in October 2017, streamlines the processing of more than 25,000 invoices that are submitted annually by court-appointed attorneys and conservators who provide services to indigent individuals. The new e-filing system, which will launch in 2019, will provide a paperless alternative when filing documents and will cut down on the time court clerks spend inputting data into the case management system.

Probate Court Administration Fund Activity		
	FY 16	FY 17
FUND BALANCE - Beginning of Year	\$ 7,061,417	\$ 4,579,562
REVENUE:		
Probate Court Fees	38,904,496	49,517,272
General Fund Appropriation	_	5,450,000
Pass-Through Funding	150,000	150,000
Interest	236,741	347,474
Investment Income	14,302	73,234
Probate Court Miscellaneous Funds	2,764	3,880
TOTAL REVENUE	39,308,302	55,541,860
EXPENSES:		
PCA Expenses		
Personnel Expenses: Salaries and Wages Fringe Benefits	1,645,372 1,245,149	1,617,488 1,227,812
Other Expenses: Computer Equipment and Services Building Repairs, Maintenance and Utilities Office Expenses Professional Services Training and Education - Judges, Clerks and PCA Staff Dues and Subscriptions Other	442,528 56,531 53,517 29,831 27,181 16,423 19,752	174,534 182,966 52,235 34,438 27,660 14,716 22,417
Court Expenses		
Personnel Expenses: Salaries and Wages Fringe Benefits Retirement Plan Funding Retirement Administration	21,018,516 5,783,311 1,457,186 133,441	20,055,119 5,799,360 1,468,003 196,671
Other Expenses: Computer Equipment and Services Court Office Expenses Council on Probate Judicial Conduct	553,383 173,545 63,753	633,193 477,545 92,983

	FY 16	FY 17
Outside Services Mileage, Parking and Tolls Reimbursement Rental of Records Storage Space Other	67,888 63,071 21,258 51,846	53,882 53,327 21,639 75,391
Indigency Expenses: Conservators Court-Appointed Counsel Marshals/Ads/Newspapers	4,465,620 2,395,973 98,226	4,484,207 2,241,372 115,738
Pass-Through Funding: Kinship and Respite Care Program Melissa's Project Guardianship Pilot Children in Placement	1,600,000 156,856 100,000 50,000	2,000,000 156,856 100,000 50,000
TOTAL EXPENSES	41,790,157	41,429,555
Transfer to General Fund	-	(3,400,000)
FUND BALANCE - JUNE 30	\$ 4,579,562	\$ 15,291,867

Probate Judges and Employees Retirement Fund

	FY 16	FY 17
Benefits paid to retired judges and employees	\$5,018,348	\$ 5,154,005
Professional expenses	-	14,000
Refunds (upon death or termination)	8,789	10,518
Interest paid on refunds	2,492	1,064
TOTAL EXPENSES	\$5,029,629	\$ 5,179,587

DIRECTORY OF PROBATE JUDGES AND COURTS

Probate Judge	District
Ahlberg, Kurt M.	
Anthony, Fred J.	
	Unchorn
Baram, David A. (beginning 11/14/17)	Tobacco Valley
Barrett, Peter C.	Madison-Guilford
Becker, Cynthia C.	Simsbury Regional
Berkenstock, Jennifer L.	Region #14
Blick, Diane S	Litchfield Hills
Brandt, Michael RE	ast Haven-North Haven
Brunnock, Thomas P. (through 6/2/18) Waterbury Regional Children's Probate Burt, Edward C., Jr.	Court (through 6/1/18)*
Calabrese, Domenick N Waterbury Regional Children's Probate Co Ceneviva, Ariana F. (beginning 2/11/18)	ourt (beginning 6/1/18)* Meriden
Caruso, Daniel F (through 2/25/18).	
Chadwick, Scott R.	
Clebowicz, Walter A.	Berlin
Daly, Evelyn M. Hartford Regional Children's Probat Darby, Michael M.	e Court (since 1/20/17)*
DeGennaro, Mark J.	West Haven
DePanfilis, Anthony J.	Norwalk-Wilton
Dorval, Andre D	Region #19
Eagan, Owen P. (beginning 11/16/16)	West Hartford
Egan, Joseph A., Jr. (through 10/28/16)N	orthern Fairfield County
Elkin, Sydney W. (through 10/11/16)	West Hartford
Forgione, Frank J	Branford-North Branford
Fox, Gerald M., III	Stamford
Ganim, Paul J	Bridgeport
Graves, Clifton E., Jr. (beginning 1/16/2018)	New Haven
Greene, Mathew H.	New London
Hopper, David W.	Greenwich
Hoyle, Clifford P	Derby
Jalowiec, Matthew J.	Cheshire-Southington
*Administrative Judge	

Probate Judge D	istrict
•	
Keeney, Timothy R. E North Ce	
Kepple, Nicholas F Southeastern CT	-
Keyes, John A. (through 1/15/2018) Ne New Haven Regional Children's Probate Court (through	w Haven 1/1/18)*
Landgrebe, Martin FHo	ousatonic
Lassman Fisher, Marianne Greater	Windsor
Lewis, Jeannine (beginning 7/19/2018)	Saybrook
Lomme, Terrance D. (through 7/18/2018)	Saybrook
Magistrali, Michael F Torring	ton Area
Mahon, Brian T. (through 2/10/2018)	.Meriden
Mariano, Peter E Na	augatuck
Marino, Joseph D Mie	ddletown
McGrath, John J., Jr Windham-Co	olchester
McNamara, Jeffrey ANiantic New London Regional Children's Proba	
Norris, Charles K	.Norwich
O'Grady, Daniel W. (beginning 11/16/16) Northern Fairfield	d County
Osterndorf, William P Darien-New	/ Canaan
Peoples, Sean MGlastonbury	y-Hebron
Purnell, O. James, III	Ellington
Randich, Robert ANo	ewington
Riordan, Barbara Gardner Tolland-N	Aansfield
Rowe, T. R	Trumbull
Schad, Leah PN Northeast Regional Children's Proba	
Smith, Foye A.	
Streit-Kefalas, Beverly KMilford New Haven Regional Children's Probate Court (beginning	d-Orange j 1/1/18)*
Truppa, Andrea LPlainfield-Killingly	Regional
Vaccarelli, Matthew P. (beginning 6/3/2018)	/aterbury
Wexler, Lisa K	Westport
Wright, Philip A., JrWa Central Connecticut Regional Children's Proba	
Yamin, Dianne EI	Danbury
Zelman, Steven M. (through 8/16/17)Tobaca Hartford Regional Children's Probate Court (through 12	

OFFICE OF THE PROBATE COURT ADMINISTRATOR

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