

PA12-066

SB0309

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

**VOL.55
PART 20
6485 – 6811**

meb/rgd/tmj/gdm/gbr
HOUSE OF REPRESENTATIVES

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May 7, 2012

back next year and give them a chance to be Speaker on a bill.

So with that I'd like to call on State Representative T. R. Rowe to come up and be Speaker.

(Speaker Rowe in the Chair.)

SPEAKER ROWE:

Good afternoon and thank you. Will the Clerk please call Calendar Number 502.

THE CLERK:

On page 31, Calendar 502, Substitute for Senate Bill Number 309, AN ACT CONCERNING PROBATE COURT OPERATIONS, favorable report by the Committee on the Judiciary.

SPEAKER ROWE:

Representative Fox, you have the floor.

Representative Fox, you have the floor.

REP. G. FOX (146th):

Thank you. Thank you, Mr. Speaker. I move for acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER ROWE:

The question is acceptance of the joint committee's favorable report and passage of the bill.

Representative Fox, you still have the floor.

REP. G. FOX (146th):

Thank you. Thank you, Mr. Speaker.

As said in the title, this bill involves the probate court operations. It's something that the Speaker may be interested in knowing how some of this would be applied. It is an administration bill brought to us by the probate court administrator.

Mr. Speaker, what the bill says is it deals with certain things regarding regionals children's probate courts, special assignment probate judges, the eligibility for pension benefits of a surviving spouse. It's -- a lot of technical changes are part of this bill. It does allow for a probate court officer's report to be admissible into evidence in children matters -- children's matters. It also renames the term of "temporary administrator" and it will now be called an "estate examiner."

In addition, Mr. Speaker, it eliminates certain reporting requirements regarding individuals with intellectual disabilities and it also addresses certain situations when fiduciaries reside outside of the state. Mr. Speaker, this is the bill as you are aware on an annual basis. The probate court administrator will bring to the

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General Assembly to address certain issues that they have -- had to deal with over the course of the previous year. It's one that I believe passed the Judiciary Committee unanimously, and it's one that is an important bill and I would urge my colleagues to approve this bill.

I also like to say, Mr. Speaker, that it is a real honor for me to be able to bring this bill out while you're on the dais. You have been a tremendous colleague, someone that I've worked with on issues many times on the same side, sometimes on opposite sides, but you're somebody that has always been straight with me and with others.

You've been able to -- you've been a great friend and your sense of humor, your ability to grasp issues is one that will be sorely missed here. So I really -- I've enjoyed serving with you and I know that I'll see you in the future. We're both from Fairfield County, but it's been a real pleasure.

So thank you, and I urgent adoption -- passage of this bill.

SPEAKER ROWE:

Thank you, Chairman Fox. And the feeling is certainly mutual as you know. I appreciate it.

Will you remark further?

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Representative Hetherington, you have the floor,
sir.

REP. HETHERINGTON (125th):

Thank you. A pleasure to see you there, Speaker
Rowe.

Would you permit me a question or two to the
proponent?

SPEAKER ROWE:

I suppose so. Please frame your question.

REP. HETHERINGTON (125th):

Very gracious. Through you, Mr. Speaker.

As best as I can determine, this has no fiscal note.
And even though it makes certain changes in the pension
of certain judicial personnel, there is -- is that -- can
I confirm that that's right? There is no fiscal impact
as a result of this, these changes?

Through you, Mr. Speaker.

SPEAKER ROWE:

Representative Fox.

REP. G. FOX (146th):

Thank you, Mr. Speaker.

That is correct. There's no fiscal impact.

SPEAKER ROWE:

Representative Hetherington.

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REP. HETHERINGTON (125th):

Thank the proponent. And thank you, Mr. Speaker.

SPEAKER ROWE:

Thank you.

Representative Rovero.

REP. ROVERO (51st):

Thank you, Mr. Speaker.

Through you, I have a question for the proponent of the bill.

SPEAKER ROWE:

Please frame your question.

REP. ROVERO (51st):

I heard you say, "elimination." Is this bill going to be the elimination of the probate courts?

SPEAKER ROWE:

That's through the Chair, I imagine.

No. No. That's to the proponent of the bill, please.

Could I trouble you to ask it to the Chair, just to indulge me? Okay.

REP. ROVERO (51st):

Thank you very much.

Through you, Mr. Speaker.

SPEAKER ROWE:

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Thank you, Representative.

Representative Fox.

REP. G. FOX (146th):

Thank you, Mr. Speaker.

I think the Chamber and the Speaker will be happy to know that no, this is not proposed elimination of the probate courts.

SPEAKER ROWE:

Thank you for that answer, Representative Fox.

Will you remark further? Will you remark further?

Representative Carter, from Connecticut's 2nd District, you have the floor.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

One question, through you, to the proponent of the bill.

SPEAKER ROWE:

Please frame your question.

REP. CARTER (2nd):

Thank you very much, Mr. Speaker.

As I notice here the judge of probate is allowed from the town to have a safe. Will the town also provide the nameplate for the door?

Through you, Mr. Speaker.

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SPEAKER ROWE:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

Actually, I'm not sure if the state pays for that or if it's a local option as to whether or not they choose to do so.

SPEAKER ROWE:

Representative Carter.

REP. CARTER (2nd):

Well, thank you very much, Mr. Speaker. And thank you for the answer to the question. I hope it's a really big nameplate, because you deserve it and you've been a great leader for us.

Thank you.

SPEAKER ROWE:

Thank you, sir very much.

The Representative from Derby, Connecticut,
Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

Mr. Speaker, through you, a few questions to the proponent of the bill.

SPEAKER ROWE:

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Please frame your questions.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

If the chairman can answer this, is this -- what we're putting in this bill, is this some of the conclusions that we drew from last year's restructuring of the probate court -- the probate courts overall? Through you.

SPEAKER ROWE:

Representative Fox.

REP. G. FOX (146th):

Through you, Mr. Speaker.

Partially, yes. There are some things that developed as they -- as the Chamber is aware and certainly the Representative who asked the question is aware, as she was a big participant in this. We could consolidate the courts last year or two years ago. And as we did that certain questions may have come up and part of this may involve some of the probate court administrators' responses as to how to deal with those questions.

SPEAKER ROWE:

Representative Klarides.

REP. KLARIDES (114th):

Thank you, Mr. Speaker.

And through you, do we really need probate judges?

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SPEAKER ROWE:

(Gavel.)

REP. G. FOX (146th):

Mr. Speaker, would you like me to respond?

SPEAKER ROWE:

No. I believe the Chamber requires that questions be factually based and that may not fall into that purview. So I would probably ask you to continue your line of questioning in another area, if you have any.

REP. KLARIDES (114th):

Well, thank you, Mr. Speaker. I think I'm done for the day.

SPEAKER ROWE:

Will you remark further? The Majority Leader, Representative Brendan Sharkey.

REP. SHARKEY (88th):

You know, I'm not sure I can follow that. I was trying to think of something I could do to follow that, but I'm not sure I can, particularly when you're wielding the gavel, Mr. Speaker, as heavily as you are. I don't want to be ruled out of order.

In seriousness, though, Mr. Speaker, Representative Rowe, on behalf of this side of the aisle, you, in my years that I've been here, you have been an absolute joy to work

THE CLERK:

The House of Representatives is voting by roll call.
Members to the Chamber. The House is taking a roll call
vote. Members to the Chamber, please.

SPEAKER ROWE:

Have all members voted? Have all members voted? If
all members have voted, the machine will be locked and the
Clerk will take a tally. the Clerk will please announce
the tally.

THE CLERK:

Senate Bill 309 in concurrence with the Senate.

Total number voting	147
Necessary for adoption	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

SPEAKER ROWE:

The bill passes.

Thank you. Thank you. Please, thank you. Thank
you, kindly. It's a big a challenge to be up here. You
know, being a member of the minority, you
don't -- sometimes you get to speak to the Speaker, but
that's the only reason you're out there then you've got
to go back down.

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STANDING
COMMITTEE
HEARINGS**

**JUDICIARY
PART 3
657 - 950**

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ak/mb/gbr JUDICIARY COMMITTEE

March 5, 2012
1:00 P.M.

REP. FOX: Next we have The Honorable Paul Knierim,
Probate Court Administrator.

Good afternoon.

THE HON. PAUL KNIERIM: Good afternoon,
Representative Fox, Senator Coleman, members
of the committee. I'm Paul Knierim. I serve
as probate court administrator.

There are two bills principally that my
office, together with the Probate Assembly,
the Statewide Association of Judges submitted
for your consideration, and I very much
appreciate that they raised those items. They
are Bills Number 309 and 348. I will say that
in both cases these are largely technical,
operational, administrative proposals, and
they're rather in the nature of a laundry list
this year of -- of things combined in these
proposals, and I won't go through that laundry
list because I don't think it's interesting
enough to take your time to do that. I'll
just point out a couple of items that may be
of particular interest.

(SB248)

In the Probate Court Operations Bill, that's,
that's Raised Bill 309, Sections 1 through 4,
the main thing that I wanted to point out is
intended to be clarifying language with
respect to the calculation of pension benefits
for Probate judges who serve as special
assignment Probate judges or as administrative
judges in children's courts in addition to
their duties in their local courts. The
proposal would -- is intended to have
retroactive effect because of its clarifying
nature. It represents what the practice has
been since the General Assembly first
authorized those positions, and again, it's
just intended to be clarified, not to make a

change in existing law.

Sections 8 and 9 of the bill, I think, are noteworthy both addressed in children's cases, a proposal that would enable the judge of a local court to on a court's own motion transfer a case involving either removal of parent as guardian or termination of parental rights to a regional children's court. The idea there is that we are working to try to have the services of the regional children's courts available throughout the state. They are not yet. You have authorized us to have a total of seven. We have five in place, and the Hartford Regional Court is, as we speak, in the works about to be open, and then, and then a Bridgeport court would follow, hopefully next year, funding willing, but the idea here is even in the interim to enable any court that has a case appropriate for a children's court to be able to transfer that case over to it.

The -- the final section I would note in Raised Bill 309 is Section 14. It pertains to proceedings for guardianship of adults with intellectual disability, and this is a change that would conform that statute to the way the conservatorship statute, since amended in 2007, operates with respect to the attorneys -- the role of the attorney representing a respondent in those cases. And the idea here is to make it crystal clear that the attorney's role is as advocate, not as guardian-ad-litem, an advocate who presents to the court the position that the respondent individual wishes to have advanced.

Raised Bill 238 concerning fees, just a very brief summary of that. It is principally aimed at cleaning up our fee statutes which use a whole host of different terms, fees,

(SB248)

your testimony on the 5150, the uniform act, but are you -- is the court system in favor of that, your office and Probate Assembly supports the legislation?

THE HON. PAUL KNIERIM. Yes, we are. It will be a very useful rule to have specific guidelines for addressing situations where a person may be a respondent in a Connecticut court concerning conservatorship but may have involvement in the court of another state also. And so we think it would be very useful to have those rules. My understanding is that the count is something like 30 other states have adopted this provision.

REP. O'NEILL: Thank you, Mr. Chairman.

REP. FOX: Chairman Coleman.

SENATOR COLEMAN: Simple question: I -- I -- you mentioned two entities at the beginning of your testimony. One was the Probate Assembly and I don't recall what the other was that was in support of the bills that you spoke about.

THE HON. PAUL KNIERIM: I was referring to my office, the Probate Court Administrator. We -- although we are separate entities, we work jointly when it comes to legislative matters and have developed these proposals together.

SENATOR COLEMAN: Thank you.

REP. FOX: Thank you.

Are there any other questions? I see none.

Thank you very much, Judge Knierim.

THE HON. PAUL KNIERIM: Thank you.

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PART 4
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2012



Testimony to the Human Services Committee

March 5, 2012

By Nora Duncan, Executive Director

Testimony in support of:

Raised Senate Bill 248: AN ACT CONCERNING PROBATE FEES

Raised Senate Bill 309: AN ACT CONCERNING PROBATE COURT OPERATIONS

Raised House Bill 5367: AN ACT CONCERNING COMPETENCY TO STAND TRIAL

The Arc Connecticut is a 60-year old advocacy organization committed to protecting the rights of people with intellectual and developmental disabilities and to promoting opportunities for their full inclusion in the life of their communities.

The following are brief comments on three bills before the committee.

S.B. No. 248: AN ACT CONCERNING PROBATE FEES: The Arc Connecticut supports this bill and thinks that the revisions, elimination of additional fees, clarifying and conforming of language will be in the best interest Connecticut citizens, including individuals with intellectual and developmental disabilities and their families.

S.B. No. 309: AN ACT CONCERNING PROBATE COURT OPERATIONS: The Arc Connecticut supports this bill, most specifically the language additions around guardianship for persons with intellectual disabilities.

H.B. No. 5367: AN ACT CONCERNING COMPETENCY TO STAND TRIAL: The Arc Connecticut supports this bill; anything that promotes communication while protecting people's rights and liberties is a good thing.

Please do not hesitate to contact me with questions, for clarification or to arrange a visit with a private provider of community based services for individuals with intellectual and developmental disabilities in you area. Thank you for your time and consideration.

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STATE OF CONNECTICUT

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To: Senate Co-Chair Eric Coleman
House Co-Chair Gerald Fox
Senate Ranking Member John Kissel
House Ranking Member John Hetherington
Honorable Members of the Judiciary Committee

From: Paul J. Knierim
Probate Court Administrator

Re: RB 309 An Act Concerning Probate Court Operations

Date: March 5, 2012

Thank you for the opportunity to testify in support of Raised Bill 309, which the Office of the Probate Court Administrator and the Probate Assembly jointly support. The bill before you deals with a number of operational and technical matters concerning the probate courts and probate law.

Sections 1 through 4 make clarifying changes concerning probate judges' retirement benefits. The General Assembly has previously authorized the appointment of administrative judges for the regional children's probate courts and special assignment probate judges. Judges serving in those capacities are entitled to additional compensation under existing law. While the Comptroller's office has included the additional compensation in the pension contribution and benefit calculations, there is some ambiguity in the statutes. Sections 1 through 4 will clarify that the calculations of judges' retirement benefits, and their contributions to the retirement system, properly include any additional compensation received as administrative judge or special assignment probate judge. The intent is that this change would have retroactive effect, since it memorializes current practice.

To improve the clarity of the proposed changes, we recommend that subsection (2) of section 1 of the bill be edited slightly in accordance with the attached proposed substitute language.

A second revision related to the probate pension system, which would amend § 45a-43(b), is also attached. This proposal, which is also intended to clarify the existing statute, establishes that the surviving spouse of a judge who dies while in office but who is eligible to retire at the time of death is entitled to the pre-retirement death benefit established under that statute.

Section 5 is a technical provision that would conform the state's procedure for ~~resolving disputes related to health insurance benefits for retirees to the new~~ requirements of federal law. In response to federal legislation, the Insurance Department has developed a process for resolution of health care disputes. The proposed change will enable retired probate judges and employees to use this new state process rather than appealing to the State Retirement Commission.

Section 6 would authorize the Office of the Probate Court Administrator to publish biennial, rather than an annual, reports. It will also shift the reporting period to the fiscal year rather than a calendar year. The change will reduce expense by reducing the frequency of our reporting.

Section 7 is technical correction to clarify the method of determining probate fees in connection with the estates of non-residents.

Sections 8 and 9 will enable probate courts to transfer certain children's matters to a regional children's probate court or to Superior Court Juvenile Matters on the court's own motion. The change will move the system towards the eventual goal of having all 54 probate districts benefit from the specialized services of the children's courts.

Section 10 deals with the activities of probate court officers (PCO's) in the children's courts. PCO's, who have specialized training in social work and family therapy, serve a vital role in the operation of the children's courts. Working together with families, they assess the needs of children and their families, assist in developing family plans for the care of children, and connect families with available services. The bill would define the role of PCOs at the children's courts and make their written reports admissible in evidence.

Sections 11 through 13 make minor changes to legislation passed last session establishing the role of temporary administrator for the limited purpose of investigating a potential cause of action. A temporary administrator appointed under the new provision has no authority over assets of the estate but is able to obtain medical and financial records. Unfortunately, the use of the term temporary administrator has caused some confusion because temporary administrators acting under pre-existing law typically have authority over estate

assets. To eliminate this confusion, we suggest renaming the role to "estate examiner" and moving the governing provisions to a new and separate statute. All other provisions relating to the role would be unchanged.

Section 14 will ensure that persons with intellectual disability have the benefit of strong advocacy by their attorneys in probate court proceedings. The bill would eliminate the requirement that an attorney file a report in connection with triennial guardianship reviews. These reports essentially require the attorney to adopt a guardian ad litem role, which is inconsistent with a lawyer's obligation to ~~advocate for the client's position whether or not the attorney believes the position~~ to be in the client's best interests. The report would be replaced with a statement ~~by which the attorney would confirm that he or she met with the client and~~ indicate whether a hearing is requested. This approach parallels the recent changes in the conservatorship statute.

Sections 15 and 16 seek to streamline service of process on an out-of-state fiduciary. Under existing law, a non-resident fiduciary is served by leaving a copy ~~of the process with the judge of probate. This amendment would allow service to~~ be made by leaving a copy of the process at the court, thus enabling service to be effected even when the judge is conducting a hearing or not present at the court.

Lastly, we request the opportunity to submit additional language that would clarify the respective roles of the State Library and the Probate Court Administrator in the management of probate records. We are presently finalizing language with the State Librarian and the Public Records Administrator that would embody the longstanding partnership between the agencies in the preservation of probate records while establishing that the responsibility for promulgating specific policies rests with probate administration.

On behalf of the probate court system, we urge the committee to favorably act on the bill. Thank you for your consideration.

Substitute language for RB 309 AAC Probate Court Operations

Amend section 1 of RB 309, lines 19 through 31, as follows:

19 (2) "Credited service" means (A) all periods during which a person
 20 held the office of judge of probate and any period of service elected
 21 by a judge pursuant to section 45a-36a, and (B) any period of service as
 22 an administrative judge for a regional children's probate court after
 23 such judge ceases to serve as a probate judge, provided such
 24 administrative judge works as an administrative judge at least one
 25 thousand hours per year, or [(B) any period] (C) all periods during which
 26 a person served as an employee of any probate court, or [(C)] (D) subject to
 27 the requirements of subsections (a) and (b) of section 45a-54, a period
 28 of not more than three years for service as a member of the General
 29 Assembly and military service, or [(D)] (E) the aggregate of any periods of
 30 service provided for in subparagraphs (A), (B), [and] (C) and (D) of
 31 this subsection;

Add new section as follows:

(NEW) Subsection (b) of section 45a-43 of the general statutes is repealed and the following substituted in lieu thereof (*Effective upon passage*):

(b) Except as provided in subsection (c) of this section, if any member who is survived by a spouse has not exercised his option under subsection (a) of this section dies after January 1, 1968, and before having elected retirement or before his retirement income payments begin, but after [completion of the age and service] satisfying the requirements of sections 45a-36 through 45a-39, inclusive, that would permit him to retire on his own application, [and he is survived by a spouse,] a retirement income shall be paid monthly to his spouse, commencing at his death and ending upon the death of the spouse. The amount payable shall be the average of (1) fifty per cent of the retirement allowance payable to the member for his lifetime if no payments were to continue after the member's death and (2) fifty per cent of the reduced retirement allowance that such member would have received if he had retired on the date of his death with the provision that after his death his spouse would receive one-half of the amount payable to the member.

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Thank you, Madam President.

THE CHAIR:

Thank you, Senator Looney.

Mr. Clerk, will you start with the Calendar, please.

THE CLERK:

On Page 7, Calendar 313, substitute for Senate Bill Number 309, AN ACT CONCERNING PROBATE COURT OPERATIONS, favorable report of the committee on Judiciary.

THE CHAIR:

Mr. Coleman -- thank you. And Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

Move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Motion on acceptance and passage.

Will you remark, sir?

SENATOR COLEMAN:

Madam President, this bill seeks to make some technical changes and clarifications as well as some conforming changes to the probate court statutes, among other things.

It seeks to clarify that the compensation that a judge receives in service as an administrative judge to the regional children's probate court as well as any special assignment as probate judge would be included in the calculation of that judge's pension benefits.

It seeks also to clarify the eligibility for pension benefits for a surviving spouse of a deceased probate judge.

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It amends the statute, Section 45A-55, subsection 2, by deleting the words "or any other benefit" in order to make clear that any appeals concerning benefits such as health benefits should be made to the Insurance Department and strictly pension benefits would be repealed -- or appealed to the Retirement Commission.

It also changes the annual report of the probate court administrator to a biennial report.

It permits the transfer of removal of guardianship of a minor cases from probate court to Superior court, as well as the removal of termination of parental rights matters and removal of guardianship of a minor cases from probate court to the regional children's probate court.

And among other things, it makes clear that when a fiduciary resides out of state, that service of process upon the court constitutes service upon the judge, which in turn, constitutes service upon the out-of-state fiduciary.

Most of these changes, Madam President, are technical, as I indicated, and for clarification purposes. And I would urge passage of the bill.

Thank you, Madam President.

THE CHAIR:

Will you remark?

Senator Kissel.

SENATOR KISSEL:

Thank you very much, Madam President.

Just some questions through you to the proponent of the bill?

THE CHAIR:

Please proceed, sir.

SENATOR KISSEL:

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The first part -- and I know that there was some discussion in the Judiciary committee when this bill came out regarding the whole clarifying the judge's pension situation.

And I'm just wondering was this something brought to our attention? And I -- I think one of the speakers was a young lady from the Office of Policy and Management, but I don't recall exactly what the motivation was to try to address this pension issue. And if you could just explain that, Senator, that would be terrific.

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

I think the -- as I indicated -- the whole intention was to clarify.

And I guess the confusion may have arisen because the service of a probate court judge is usually at the specific court where the judge is elected to serve. And because every now and then special assignments come about and the probate judge may be directed to perform some service in some jurisdiction other than where he or she was elected. And that includes service as an administrative judge of the regional children's probate court.

And maybe it didn't need to be said, but I think for caution's sake, the bill says specifically that service in any one of those two capacities and the compensation received for that would be included in the calculation of that judge's retirement benefit.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

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Thank you very much and through you, Madam President.

How many regional children's courts are there in Connecticut? I don't recall.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

A very good question.

I know of one, I believe, located in Middletown.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you.

And I believe there might be --

THE CHAIR:

Two.

SENATOR KISSEL:

Six. Apparently there are six. Would that be correct -- a correct possibility?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

I don't know, Madam President. Is six correct?

Through you, to Senator Kissel.

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THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

I am hearing from my colleagues here in the Circle that, yes, six is the correct number.

Regarding estate evaluation, or estate valuation when a person is not domiciled in Connecticut, how does this particular bill actually address that?

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Another very good question.

And I think what we're talking about is -- if I may have just a second, Madam President.

THE CHAIR:

Why doesn't the Senate stand at ease for a moment, please?

(Chamber at ease.)

SENATOR COLEMAN:

Through you, Madam President.

Could the good Senator repeat the question?

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Sure.

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Through you, Madam President.

Again, my notes regarding this particular bill says that one of the things that it does is it -- it addresses estate valuations when a person is not domiciled in Connecticut.

And I'm just wondering what exactly this -- what's the mechanism? What takes place?

THE CHAIR:

Senator Coleman.

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President.

Apparently, for a person is domiciled outside of the state, the option is available to that person to have the estate valued in the State of Connecticut rather than the place of domicile for that if they have property in the State of Connecticut.

The estate can be valued of -- in Connecticut rather than in the place where the deceased person is domiciled.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

Thank you very much.

And another note that I have says that this bill eases the transfer of child matters to the regional probate or superior courts. And I'm just wondering, how, exactly, it eases the transfers?

THE CHAIR:

Senator Coleman.

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SENATOR COLEMAN:

It permits the probate judge on his own or her own motion, in order to transfer the cases either to the Superior court or the regional children's probate court.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

And my last question is my notes indicate that this particular bill -- my notes say "cleans up." But I'm just wondering, it addresses record keeping in the probate court system. And I'm just wondering how it addresses record keeping in the probate court system?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

Senator Coleman?

SENATOR COLEMAN:

Thank you, Madam President.

Apparently that section of the bill is an agreement or a working agreement between the probate courts and the state library. And the probate courts would retain responsibility for storage of administrative records of -- and share the responsibility with the public library for the storage of any public records pertaining to probate matters.

Through you, Madam President.

THE CHAIR:

Senator Kissel.

SENATOR KISSEL:

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Thank you very much.

At this point in time I have no further questions regarding this particular bill. It went through the Judiciary committee unanimously. And clearly, these minor modifications will help streamline some things and they seem abundantly reasonable.

Nonetheless, so that we get off on the right foot this evening as much as it may end up being a unanimous vote, I would as for a roll call vote when the bill is actually voted on.

Thank you, Madam President.

THE CHAIR:

There will -- that will occur, sir.

Will you remark further?

Senator Suzio.

SENATOR SUZIO:

Good evening, Madam President.

THE CHAIR:

Good night, sir.

Good evening, sir.

SENATOR SUZIO:

If I may, I have a question for the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR SUZIO:

Thank you.

I was reading the -- the OLR bill analysis and in the

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Section 1.6 that pertains to retirement, the OLR analysis says that the law requires probate judges to contribute to the retirement fund three and three quarters percent of their annual salary that's not subject to Social Security deductions and one percent of the portion that is subject to these deductions.

So to the best of my recollection, my understanding is that the Social Security income limit is about \$108,000 right now or something close to that. I wondered if -- if the Senator could illustrate the typical judge, how this -- what the actual contribution might be using this formula?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

No, I don't know.

Through you, Madam President, to Senator Suzio.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

So -- well, let me just say then if a probate judge was making \$110,000 a year and 107 or 8 thousand was subject to Social Security, that means that -- if I understand this correctly, that only one percent of the \$107,000 would be subject to the contribution. And three and three-quarters percent on the remaining two or three thousand dollars. Would that be a correct understanding?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

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Madam President, I repeat. I don't know.

Through you, to Senator Suzio.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

All right then.

One other question pertains to this. Does the proposed bill in any way change or -- with respect to this the contributions to the retirement fund. Does it affect those retirement contributions?

Through you, Madam President.

THE CHAIR:

Senator Coleman.

SENATOR COLEMAN:

Through you, Madam President.

No, it doesn't.

THE CHAIR:

Senator Suzio.

SENATOR SUZIO:

Thank you.

Then those are the only questions I had, Madam President.

Thank you very much.

THE CHAIR:

Thank you. Thank you so much.

Will you remark? Will you remark?

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If not -- Senator Coleman?

SENATOR COLEMAN:

Dare I ask, Madam President, that this bill be placed on our consent calendar?

THE CHAIR:

I'm only -- seeing -- no. Here we go. We -- a roll call has been requested.

And so at this time, Mr. Clerk, will you call the roll call and the machine will be opened.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators, please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all members voted? All members have voted, the machine will be locked.

And we'll ask the Clerk to call the roll call vote.

THE CLERK:

Senate Bill Number 309.

Total Number voting	36
Necessary for adoption	19
Those voting yea	36
Those voting nay	0
Those absent and not voting	0

THE CHAIR:

The bill has passed.

Mr. Clerk.

THE CLERK: