

HOUSE No. 1927

The Commonwealth of Massachusetts

PRESENTED BY:

Susannah M. Whipps

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the efficient management and operation of the registries of probate.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/18/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>2/24/2021</i>

HOUSE No. 1927

By Ms. Whipps of Athol, a petition (accompanied by bill, House, No. 1927) of Susannah M. Whipps and Natalie M. Blais relative to management and operation of registries of probate. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the efficient management and operation of the registries of probate.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION ____ Chapter 217 of the General Laws is hereby amended by striking out
2 section 2 and inserting in place thereof the following new section:

3 Section 2. There shall be six judges of probate in the county of Middlesex, four judges of
4 probate in the counties of Norfolk, Bristol, Suffolk, Worcester and Plymouth, three judges of
5 probate in each of the counties of Essex and Hampden, and two judges of probate in the county
6 of Barnstable. The chief justice of the probate and family court department shall designate one
7 justice to be the first justice of a particular court; provided, that appropriate consideration shall
8 be given to seniority, length of service in that particular court and managerial ability. Said first
9 justice shall have the powers enumerated in section ten A of chapter two hundred and eleven B
10 and shall be the administrative head of that particular court; provided, however, that the register
11 shall have responsibility for the internal administration of his office, including the selection,
12 appointment, and management of personnel, staff services and recordkeeping.

13 Each first justice so appointed shall serve as first justice of that court for a five-year term
14 and shall be eligible to serve additional five-year terms in that particular court. Any first justice
15 may be removed from his position as first justice by the chief justice of the probate and family
16 court department; provided, however, that any such removal is not for arbitrary or capricious
17 reasons. Any first justice who is removed from his position as first justice by the chief justice of
18 the probate and family court department may appeal the removal to the chief justice of the trial
19 court. The probate court and the court of insolvency for said counties may be held by one or both
20 of the judges, and, when so held, shall have and exercise all the powers and jurisdiction
21 committed to the respective courts. The judges shall so arrange the performance of their duties as
22 to insure a prompt and punctual discharge thereof. The judges may perform each other's duties
23 when necessary or convenient. Simultaneous sessions of the courts in said counties may be held
24 if public convenience requires. Citations, orders of notice and all other processes issued by the
25 register of probate and insolvency, in this chapter called the register, for any of said counties,
26 shall bear teste of the first judge of said court. Deposits or investments made in the name of the
27 judge of probate shall be in the name of the first judge of the court, and shall be subject to the
28 order of the court.

29 SECTION _____. Said chapter 217 of the General Laws is hereby further amended by
30 striking out section 15 and inserting in place thereof the following new sections:

31 Section 15. The register shall be the administrative head of their office and shall have
32 responsibility for the internal administration of their office, including the selection, appointment,
33 and management of personnel, staff services and recordkeeping. The register shall have the care
34 and custody of all books, documents and papers pertaining to their court, or deposited with the
35 records of insolvency or filed in the registry of probate, and shall carefully preserve them and

36 deliver them to his successor. He or she may, at the expense of the commonwealth cause copies
37 of the indexes, or new indexes, to the records which are in his custody, to be printed and sold at a
38 price not less than the cost of paper, printing and binding. He or she shall perform all other
39 duties, pertaining to his office, required by law. He or she may attest the records by the volume,
40 and the attestation shall be sufficient when the volume containing the same bears the attest, with
41 the written signature of the register or other person lawfully authorized.

42 Section 15 ½ . In order to ensure the efficient administration and operation of each
43 registry, the register shall have responsibility for the selection, appointment, and management of
44 personnel, including, but not limited to, first assistant registers appointed pursuant to section 23,
45 assistant registers appointed pursuant to section 23A, administrative deputy assistants appointed
46 pursuant to section 23B, judicial case managers appointed pursuant to section 23C, assistant
47 judicial case managers appointed pursuant to section 23D, deputy assistant registers appointed
48 pursuant to sections 28 – 29L, and any other position title allocated to the register’s office. In
49 administering their office, the register shall comply with personnel standards promulgated
50 pursuant to section 8 of chapter 211B. Nothing in this section shall be interpreted to impair the
51 collective bargaining rights of any employee over whom the register has authority.

52 SECTION ____ . Said chapter 217 is hereby further amended by striking out sections 23,
53 23A, 23B, and 23C and inserting in place thereof the following new sections:

54 Section 23. The register of the respective courts of the probate and family court
55 department may appoint for a term of 3 years and may remove a first assistant register of
56 probate. Before entering upon the performance of his duties, a first assistant register shall take
57 the oath prescribed by the constitution. The appointments shall be as follows:

58 Essex, 1 first assistant register Middlesex, 1 first assistant register Norfolk, 1 first
59 assistant register Suffolk, 1 first assistant register Worcester, 1 first assistant register.

60 Those persons serving as first assistant registers may, subject to the designation of the
61 register, become judicial case managers for a term of 3 years pursuant to section 23C in their
62 respective courts.

63 Section 23A. In addition to the first assistant registers of probate provided for in section
64 23, the registers of the respective courts of the probate and family court department for the
65 following counties may appoint for terms of 3 years and may remove assistant registers with the
66 same powers and duties. The appointments shall be as follows:

67 Barnstable, 1 assistant register Berkshire, 1 assistant register Bristol, 1 assistant register
68 Franklin, 1 assistant register Hampden, 1 assistant register Hampshire, 1 assistant register
69 Middlesex, 1 assistant register Plymouth, 1 assistant register Suffolk, 1 assistant register.

70 Those persons serving as assistant registers may, subject to the designation of the
71 register, become assistant judicial case managers pursuant to section 23D in their respective
72 court.

73 Section 23B. The registers of probate of the respective courts of the probate and family
74 court department for the following counties may appoint 1 or more administrative deputy
75 assistants; provided, however, that administrative deputy assistants may be removed at the
76 pleasure of the registers of probate. The administrative deputy assistants shall meet the definition
77 of both confidential and managerial employees as those terms appear in chapter 150E and shall
78 perform no official judicial duties. The appointments shall be as follows:

79 Barnstable, 1 administrative deputy assistant Essex, 1 administrative deputy assistant
80 Middlesex, 4 administrative deputy assistants Norfolk, 1 administrative deputy assistant
81 Plymouth, 1 administrative deputy assistant Suffolk, 2 administrative deputy assistants
82 Worcester, 2 administrative deputy assistants.

83 SECTION 23C. The register appoint for terms of 3 years and may remove a judicial case
84 manager. Before entering upon the performance of his duties, a judicial case manager shall take
85 the oath prescribed by the constitution. The appointments shall be as follows:

86 Barnstable, 1 judicial case manager Berkshire, 1 judicial case manager Bristol, 1 judicial
87 case manager Essex, 1 judicial case manager Franklin, 1 judicial case manager Hampden, 1
88 judicial case manager Hampshire, 1 judicial case manager Middlesex, 1 judicial case manager
89 Norfolk, 1 judicial case manager Plymouth, 1 judicial case manager Suffolk, 1 judicial case
90 manager Worcester, 1 judicial case manager.

91 Section 23D. In addition to the judicial case managers of the probate and family court
92 provided for in section 23C, the register may appoint and may remove assistant judicial case
93 managers with the same powers and duties. The appointments shall be as follows:

94 Barnstable, 3 assistant judicial case managers Bristol, 7 assistant judicial case managers
95 Essex, 5 assistant judicial case managers Franklin, 1 assistant judicial case manager Hampden, 3
96 assistant judicial case managers Hampshire, 1 assistant judicial case manager Middlesex, 8
97 assistant judicial case managers Norfolk, 5 assistant judicial case managers Plymouth, 5 assistant
98 judicial case managers Suffolk, 5 assistant judicial case managers Worcester, 6 assistant judicial
99 case managers.

100 SECTION _____. Said chapter 217 is hereby further amended by striking out sections 27A
101 to 29L, inclusive, and inserting in place thereof the following new sections:

102 Section 27A. A judicial case manager and an assistant judicial case manager shall
103 perform his duties under the direction the register and shall pay over to the register all fees and
104 amounts received as such assistant. He may authenticate papers and perform such other duties as
105 are not performed by the register, at the direction of the register.

106 Section 28. The Suffolk county register of probate may designate 6 employees as deputy
107 assistant registers with the same powers as assistant registers. A deputy assistant register shall
108 receive as additional compensation an amount equal to 15 per cent of the annual salary of the
109 Suffolk county register of probate. The register may designate 6 employees as associate deputy
110 registers who shall have the powers of assistant registers and receive as additional compensation
111 an amount equal to 7.5 per cent of the salary paid to the register. The register may remove a
112 deputy assistant register.

113 Section 29. The Middlesex county register of probate may designate 6 employees as
114 deputy assistant registers with the same powers as assistant registers and may remove a deputy
115 assistant register. The deputy assistant registers shall receive additional compensation in an
116 amount equal to 15 per cent of the annual salary of the Middlesex county register of probate.

117 Section 29A. The Dukes county register of probate may designate 1 employee as deputy
118 assistant register and may remove a deputy assistant register. The deputy assistant register shall
119 receive additional compensation in an amount equal to 15 per cent of the annual salary of the
120 Dukes county register of probate.

121 Section 29B. The Nantucket county register of probate may designate 1 employee as
122 deputy assistant register and may remove a deputy assistant register. The deputy assistant register
123 shall receive additional compensation in an amount equal to 15 per cent of the annual salary of
124 the Nantucket county register of probate.

125 Section 29C. The register of the Barnstable probate court may designate 3 employees as
126 deputy assistant registers with the same powers as assistant registers and may remove a deputy
127 assistant register. A deputy assistant register shall receive additional compensation of \$6,000.

128 Section 29D. The register of the Berkshire probate court may designate 1 employee as
129 deputy assistant register with the same powers as assistant register and may remove a deputy
130 assistant register. The deputy assistant register shall receive additional compensation of \$6,000.

131 Section 29E. The register of the Hampden probate court may designate 6 employees as
132 deputy assistant registers with the same powers as assistant registers and may remove a deputy
133 assistant register. The deputy assistant registers shall receive additional compensation of \$6,000.

134 Section 29F. The register of the Worcester probate and family court may designate 6
135 employees as deputy assistant registers with the same powers as assistant registers and may
136 remove a deputy assistant register. The deputy assistant register shall receive additional
137 compensation in an amount equal to 15 per cent of the annual salary of the Worcester county
138 register of probate.

139 Section 29G. The register of the Bristol probate and family court may designate 3
140 employees as deputy assistant registers with the same powers as assistant registers and may
141 remove a deputy assistant register. The deputy assistant registers shall receive in addition to their
142 salaries as employees, a salary of \$6,000 per annum.

143 Section 29H. The register of the Hampshire probate and family court may designate 3
144 employees as deputy assistant registers with the same powers as assistant registers and may
145 remove a deputy assistant register. The deputy assistant registers shall receive additional
146 compensation in an amount equal to 15 per cent of the annual salary of the Hampshire county
147 register of probate.

148 Section 29I. The register of the Plymouth probate and family court may designate 5
149 employees as deputy assistant registers with the same powers as assistant registers and may
150 remove a deputy assistant register. The deputy assistant registers shall receive in addition to their
151 salaries as employees, a salary of \$6,000 per annum.

152 Section 29J. The register of the Essex probate and family court may designate 1
153 employee as deputy assistant register with the same powers as an assistant register and may
154 remove a deputy assistant register. The deputy assistant register shall receive additional
155 compensation in an amount equal to 15 per cent of the annual salary of the Essex county register
156 of probate.

157 Section 29K. The register of the Franklin probate and family court may designate 1
158 employee as deputy assistant register with the same powers as an assistant register and may
159 remove a deputy assistant register. The deputy assistant register shall receive in addition to his
160 salary as an employee, a salary of \$6,000 per annum.

161 Section 29L. The register of the Norfolk probate and family court may designate 1
162 employee as deputy assistant register with the same powers as an assistant register and may
163 remove a deputy assistant register. The deputy assistant register shall receive additional

164 compensation in an amount equal to 15 per cent of the annual salary of the Norfolk county
165 register of probate.

166 SECTION __. This act shall take effect upon its passage.