

HOUSE No. 4500

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 1, 2022.

The committee on The Judiciary to whom was referred the petition (accompanied by bill, Senate, No. 987) of Brendan P. Crighton for legislation relative to the efficient management and operation of the registries of probate, the petition (accompanied by bill, House, No. 1631) of Sheila C. Harrington and Michael J. Soter relative to judicial case managers and assistant judicial case managers for the Middlesex Probate and Family Court, the petition (accompanied by bill, House, No. 1632) of Sheila C. Harrington and David Allen Robertson relative to assistant registers and administrative deputy assistants for the Middlesex Probate and Family Court and the petition (accompanied by bill, House, No. 1927) of Susannah M. Whipps and Natalie M. Blais relative to management and operation of registries of probate, reports recommending that the accompanying bill (House, No. 4500) ought to pass.

For the committee,

MICHAEL S. DAY.

HOUSE No. 4500

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 1. Section 2 of chapter 217 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting, in line 14, after the word “including” the
3 following words:- the selection, appointment, and management of.

4 SECTION 2. Chapter 217 of the General Laws, as appearing in the 2018 Official
5 Edition, is hereby amended by striking out section 23 in its entirety and inserting in place thereof
6 the following:-

7 Section 23. The register of the respective courts of the probate and family court
8 department may, with the approval of the chief justice of the probate and family court, appoint
9 for a term of 3 years and may, with the approval of the chief justice, remove a first assistant
10 register of probate. Before entering upon the performance of his duties, a first assistant register
11 shall take the oath prescribed by the constitution. The appointments shall be as follows:

12 Barnstable, 1 first assistant register

- 13 Berkshire, 1 first assistant register
- 14 Bristol, 1 first assistant register
- 15 Essex, 1 first assistant register
- 16 Franklin, 1 first assistant register
- 17 Hampden, 1 first assistant register
- 18 Hampshire, 1 first assistant register
- 19 Middlesex, 1 first assistant register
- 20 Norfolk, 1 first assistant register
- 21 Plymouth, 1 first assistant register
- 22 Suffolk, 1 first assistant register
- 23 Worcester, 1 first assistant register.

24 SECTION 3. Chapter 217 of the General Laws, as appearing in the 2018 Official
25 Edition, is hereby amended by striking out section 23A in its entirety and inserting in place
26 thereof the following:-

27 Section 23A. In addition to the first assistant registers of probate provided for in section
28 23, the registers of the respective courts of the probate and family court department for the
29 following counties may, with the approval of the chief justice of the probate and family court,
30 appoint for terms of 3 years and may, with the approval of the chief justice, remove assistant
31 registers with the same powers and duties. The appointments shall be as follows:

- 32 Barnstable, 2 assistant registers
- 33 Berkshire, 1 assistant register
- 34 Bristol, 2 assistant registers
- 35 Essex, 2 assistant registers
- 36 Franklin, 1 assistant register
- 37 Hampden, 2 assistant registers
- 38 Hampshire, 1 assistant register
- 39 Middlesex, 4 assistant registers
- 40 Norfolk, 2 assistant registers
- 41 Plymouth, 2 assistant registers
- 42 Suffolk, 2 assistant registers
- 43 Worcester, 2 assistant registers.

44 SECTION 4. Chapter 217 of the General Laws, as appearing in the 2018 Official
45 Edition, is hereby amended by striking out section 23B in its entirety and inserting in place
46 thereof the following:-

47 Section 23B. The positions of administrative deputy assistant registers are hereby
48 eliminated. Notwithstanding the elimination of these positions or any other general or special law
49 to the contrary, a person employed as an administrative deputy assistant register of probate
50 pursuant to this section as of the effective date of this act shall continue to be employed as an

51 administrative deputy assistant register of probate and shall continue to serve in that capacity at
52 the pleasure of the register of probate for that county. The position of administrative deputy
53 assistant shall continue to meet the definitions of both confidential and managerial employees as
54 those terms appear in chapter 150E and any individuals continuing to be employed in that
55 capacity shall perform no official judicial duties.

56 SECTION 5. Section 23C of chapter 217 of the General Laws, as appearing in the 2018
57 Official Edition, is hereby amended by striking out, in line 15, the number “1” and inserting in
58 place thereof the following number:- 2.

59 SECTION 6. Chapter 217 of the General Laws, as appearing in the 2018 Official
60 Edition, is hereby amended by striking out section 23D in its entirety and inserting in place
61 thereof the following:-

62 Section 23D. In addition to the judicial case managers of the probate and family court
63 provided for in section 23C, the first justices of the respective courts of the probate and family
64 court department for the following counties may, with the approval of the chief justice of the
65 probate and family court, appoint and may, with the approval of the chief justice, remove
66 assistant judicial case managers with the same powers and duties. The appointments shall be as
67 follows:

68 Barnstable, 2 assistant judicial case managers

69 Berkshire, 1 assistant judicial case manager

70 Bristol, 5 assistant judicial case managers

71 Essex, 6 assistant judicial case managers

72 Franklin, 1 assistant judicial case manager
73 Hampden, 5 assistant judicial case managers
74 Hampshire, 1 assistant judicial case manager
75 Middlesex, 8 assistant judicial case managers
76 Norfolk, 5 assistant judicial case managers
77 Plymouth, 5 assistant judicial case managers
78 Suffolk, 5 assistant judicial case managers
79 Worcester, 6 assistant judicial case managers.

80 SECTION 7. Section 27A of chapter 217 of the General Laws, as appearing in the 2018
81 Official Edition, is hereby amended by striking out, in line 4, the words “as such assistant”.

82 SECTION 8. Chapter 217 of the General Laws, as appearing in the 2018 Official
83 Edition, is hereby amended by striking out section 28 in its entirety and inserting in place thereof
84 the following:-

85 Section 28. The first justice of the Suffolk county court may, subject to the approval of
86 the chief justice of the probate and family court, appoint a clerk who may administer the oaths
87 required in probate proceedings that are not prescribed by law to be administered by the judge or
88 register and shall perform such clerical and other duties as may be required by the first justice.
89 The clerk may be removed by the first justice, with the approval of the chief justice. The Suffolk
90 county register of probate may, with the approval of the chief justice, designate 6 employees as
91 deputy assistant registers with the same powers as assistant registers and may revoke such

92 designation with the approval of the chief justice. Four of the deputy assistant registers shall
93 receive as additional compensation an amount equal to 10 per cent of the annual salary of the
94 Suffolk county register of probate. Two of the deputy assistant registers shall receive as
95 additional compensation an amount equal to 5 per cent of the annual salary of the Suffolk county
96 register of probate. Notwithstanding the above, any person designated as a deputy assistant
97 register of probate pursuant to this section as of the effective date of this act shall continue to
98 serve in that capacity, as previously provided by this section prior to its amendment and shall
99 continue to receive 15 per cent of the annual salary of the Suffolk county register of probate until
100 they are no longer so designated, as previously provided by this section prior to its amendment.
101 The positions of associate deputy registers, previously provided for, are hereby eliminated.
102 Notwithstanding the elimination of these positions or any other general or special law to the
103 contrary, a person designated as an associate deputy register of probate pursuant to this section as
104 of the effective date of this act shall continue to serve in that capacity and receive the additional
105 compensation of 7.5 per cent of the annual salary of the Suffolk county register of probate, as
106 previously provided by this section prior to its amendment, until they are no longer so
107 designated.

108 SECTION 9. Chapter 217 of the General Laws, as appearing in the 2018 Official
109 Edition, is hereby amended by striking out section 29 in its entirety and inserting in place thereof
110 the following:-

111 Section 29. The first justice of the Middlesex county court may, with the approval of the
112 chief justice of the probate and family court, appoint a clerk who may administer the oaths
113 required in probate proceedings that are not prescribed by law to be administered by the judge or
114 register and shall perform such clerical and other duties as may be required by the first justice.

115 The clerk may be removed by the first justice with the approval of the chief justice. The
116 Middlesex county register of probate may, with the approval of the chief justice, designate 9
117 employees as deputy assistant registers with the same powers as assistant registers and with the
118 approval of the chief justice remove a deputy assistant register. Six of the deputy assistant
119 registers shall receive additional compensation in an amount equal to 10 per cent of the annual
120 salary of the Middlesex county register of probate. Three of the deputy assistant registers shall
121 receive as additional compensation an amount equal to 5 per cent of the annual salary of the
122 Middlesex county register of probate. Notwithstanding the above, any person designated as a
123 deputy assistant register of probate pursuant to this section as of the effective date of this act
124 shall continue to be serve in that capacity, as previously provided by this section prior to its
125 amendment and shall continue to receive 15 per cent of the annual salary of the Middlesex
126 county register of probate until they are no longer so designated, as previously provided by this
127 section prior to its amendment.

128 SECTION 10. Chapter 217 of the General Laws, as appearing in the 2018 Official
129 Edition, is hereby amended by striking out section 29A in its entirety and inserting in place
130 thereof the following:-

131 Section 29A. The first justice of the Dukes county court may, with the approval of the
132 chief justice of the probate and family court, appoint a clerk who may administer the oaths
133 required in probate proceedings that are not prescribed by law to be administered by the judge or
134 register and shall perform such clerical and other duties as may be required by the first justice,
135 with the approval of the chief justice. The clerk may be removed by the first justice with the
136 approval of the chief justice. The Dukes county register of probate may, with the approval of the
137 chief justice, designate 2 employees as deputy assistant registers with the same powers as

138 assistant registers and with the approval of the chief justice remove a deputy assistant register.
139 One deputy assistant register shall receive additional compensation in an amount equal to 10 per
140 cent of the annual salary of the Dukes county register of probate. One deputy assistant register
141 shall receive additional compensation in an amount equal to 5 per cent of the annual salary of the
142 Dukes county register of probate.

143 SECTION 11. Chapter 217 of the General Laws, as appearing in the 2018 Official
144 Edition, is hereby amended by striking out section 29B in its entirety and inserting in place
145 thereof the following:-

146 Section 29B. The first justice for the Nantucket county court may, with the approval of
147 the chief justice of the probate and family court, appoint a clerk who may administer the oaths
148 required in probate proceedings that are not prescribed by law to be administered by the judge or
149 register, and shall perform such clerical and other duties as may be required by the first justice,
150 with the approval of the chief justice. The clerk may be removed by the first justice with the
151 approval of the chief justice. The Nantucket county register of probate may, with the approval of
152 the chief justice, designate 2 employees as deputy assistant registers with the same powers as
153 assistant registers and with the approval of the chief justice remove a deputy assistant register.
154 One deputy assistant register shall receive additional compensation in an amount equal to 10 per
155 cent of the annual salary of the Nantucket county register of probate. One deputy assistant
156 register shall receive additional compensation in an amount equal to 5 per cent of the annual
157 salary of the Nantucket county register of probate.

158 SECTION 12. Chapter 217 of the General Laws, as appearing in the 2018 Official
159 Edition, is hereby amended by striking out section 29C in its entirety and inserting in place
160 thereof the following:-

161 Section 29C. The register of the Barnstable probate court may, with the approval of the
162 chief justice of the probate and family court, designate 5 employees as deputy assistant registers
163 with the same powers as assistant registers and with the approval of the chief justice remove a
164 deputy assistant register. Three deputy assistant registers shall receive additional compensation
165 in an amount equal to 10 per cent of the annual salary of the Barnstable county register of
166 probate. Two deputy assistant registers shall receive additional compensation in an amount
167 equal to 5 per cent of the annual salary of the Barnstable county register of probate.

168 SECTION 13. Chapter 217 of the General Laws, as appearing in the 2018 Official
169 Edition, is hereby amended by striking out section 29D in its entirety and inserting in place
170 thereof the following:-

171 Section 29D. The register of the Berkshire probate court may, with the approval of the
172 chief justice of the probate and family court, designate 3 employees as deputy assistant registers
173 with the same powers as assistant register and with the approval of the chief justice remove a
174 deputy assistant register. Two deputy assistant registers shall receive additional compensation in
175 an amount equal to 10 per cent of the annual salary of the Berkshire county register of probate.
176 One deputy assistant register shall receive additional compensation in an amount equal to 5 per
177 cent of the annual salary of the Berkshire county register of probate.

178 SECTION 14. Chapter 217 of the General Laws, as appearing in the 2018 Official
179 Edition, is hereby amended by striking out section 29E in its entirety and inserting in place
180 thereof the following:-

181 Section 29E. The register of the Hampden probate court may, with the approval of the
182 chief justice of the probate and family court, designate 6 employees as deputy assistant registers
183 with the same powers as assistant registers and with the approval of the chief justice remove a
184 deputy assistant register. Four deputy assistant registers shall receive additional compensation in
185 an amount equal to 10 per cent of the annual salary of the Hampden county register of probate.
186 Two deputy assistant registers shall receive additional compensation in an amount equal to 5 per
187 cent of the annual salary of the Hampden county register of probate. Notwithstanding the above,
188 any person designated as a deputy assistant register of probate pursuant to this section as of the
189 effective date of this act shall continue to serve in that capacity and shall receive additional
190 compensation in an amount equal to 10 per cent of the annual salary of the Hampden county
191 register of probate.

192 SECTION 15. Chapter 217 of the General Laws, as appearing in the 2018 Official
193 Edition, is hereby amended by striking out section 29F in its entirety and inserting in place
194 thereof the following:-

195 Section 29F. The register of the Worcester probate and family court may, with the
196 approval of the chief justice of the probate and family court, designate 6 employees as deputy
197 assistant registers with the same powers as assistant registers and with the approval of the chief
198 justice remove a deputy assistant register. Four deputy assistant registers shall receive additional
199 compensation in an amount equal to 10 per cent of the annual salary of the Worcester county

200 register of probate. Two deputy assistant registers shall receive additional compensation in an
201 amount equal to 5 per cent of the annual salary of the Worcester county register of probate.
202 Notwithstanding the above, any person designated as a deputy assistant register of probate
203 pursuant to this section as of the effective date of this act shall continue to serve in that capacity,
204 as previously provided by this section prior to its amendment and shall continue to receive 15 per
205 cent of the annual salary of the Worcester county register of probate.

206 SECTION 16. Chapter 217 of the General Laws, as appearing in the 2018 Official
207 Edition, is hereby amended by striking out section 29G in its entirety and inserting in place
208 thereof the following:-

209 Section 29G. The register of the Bristol probate and family court may, with the approval
210 of the chief justice of the probate and family court, designate 6 employees as deputy assistant
211 registers with the same powers as assistant registers and with the approval of the chief justice
212 remove a deputy assistant register. Four deputy assistant registers shall receive in addition to
213 their salaries as employees, additional compensation in an amount equal to 10 per cent of the
214 annual salary of the Bristol county register of probate. Two deputy assistant registers shall
215 receive additional compensation in an amount equal to 5 per cent of the annual salary of the
216 Bristol county register of probate.

217 SECTION 17. Chapter 217 of the General Laws, as appearing in the 2018 Official
218 Edition, is hereby amended by striking out section 29H in its entirety and inserting in place
219 thereof the following:-

220 Section 29H. The register of the Hampshire probate and family court may, with the
221 approval of the chief justice of the probate and family court, designate 3 employees as deputy

222 assistant registers with the same powers as assistant registers and with the approval of the chief
223 justice remove a deputy assistant register. Two deputy assistant registers shall receive additional
224 compensation in an amount equal to 10 per cent of the annual salary of the Hampshire county
225 register of probate. One deputy assistant register shall receive additional compensation in an
226 amount equal to 5 per cent of the annual salary of the Hampshire county register of probate.
227 Notwithstanding the above, any person designated as a deputy assistant register of probate
228 pursuant to this section as of the effective date of this act shall continue to serve in that capacity,
229 as previously provided by this section prior to its amendment and shall continue to receive 15 per
230 cent of the annual salary of the Hampshire county register of probate.

231 SECTION 18. Chapter 217 of the General Laws, as appearing in the 2018 Official
232 Edition, is hereby amended by striking out section 29I in its entirety and inserting in place
233 thereof the following:-

234 Section 29I. The register of the Plymouth probate and family court may, with the
235 approval of the chief justice of the probate and family court, designate 6 employees as deputy
236 assistant registers with the same powers as assistant registers and with the approval of the chief
237 justice remove a deputy assistant register. Four deputy assistant registers shall receive in addition
238 to their salaries as employees, additional compensation in an amount equal to 10 per cent of the
239 annual salary of the Plymouth county register of probate. Two deputy assistant registers shall
240 receive additional compensation in an amount equal to 5 per cent of the annual salary of the
241 Plymouth county register of probate.

242 SECTION 19. Chapter 217 of the General Laws, as appearing in the 2018 Official
243 Edition, is hereby amended by striking out section 29J in its entirety and inserting in place
244 thereof the following:-

245 Section 29J. The register of the Essex probate and family court may, with the approval of
246 the chief justice of the probate and family court, designate 6 employees as deputy assistant
247 registers with the same powers as an assistant register and with the approval of the chief justice
248 remove a deputy assistant register. Four deputy assistant registers shall receive additional
249 compensation in an amount equal to 10 per cent of the annual salary of the Essex county register
250 of probate. Two deputy assistant register shall receive additional compensation in an amount
251 equal to 5 per cent of the annual salary of the Essex county register of probate.

252 SECTION 20. Chapter 217 of the General Laws, as appearing in the 2018 Official
253 Edition, is hereby amended by striking out section 29K in its entirety and inserting in place
254 thereof the following:-

255 Section 29K. The register of the Franklin probate and family court may, with the
256 approval of the chief justice of the probate and family court, designate 3 employees as deputy
257 assistant registers with the same powers as an assistant register and with the approval of the chief
258 justice remove a deputy assistant register. Two deputy assistant registers shall receive in addition
259 to his salary as an employee, additional compensation in an amount equal to 10 per cent of the
260 annual salary of the Franklin county register of probate. One deputy assistant register shall
261 receive additional compensation in an amount equal to 5 per cent of the annual salary of the
262 Franklin county register of probate.

263 SECTION 21. Chapter 217 of the General Laws, as appearing in the 2018 Official
264 Edition, is hereby amended by striking out section 29L in its entirety and inserting in place
265 thereof the following:-

266 Section 29L. The register of the Norfolk probate and family court may, with the approval
267 of the chief justice of the probate and family court, designate 6 employees as deputy assistant
268 registers with the same powers as an assistant register and with the approval of the chief justice
269 remove a deputy assistant register. Four deputy assistant registers shall receive additional
270 compensation in an amount equal to 10 per cent of the annual salary of the Norfolk county
271 register of probate. Two deputy assistant register shall receive additional compensation in an
272 amount equal to 5 per cent of the annual salary of the Norfolk county register of probate.
273 Notwithstanding the above, any person designated as a deputy assistant register of probate
274 pursuant to this section as of the effective date of this act shall continue to serve in that capacity,
275 as previously provided by this section prior to its amendment and shall continue to receive 15 per
276 cent of the annual salary of the Norfolk county register of probate until they are no longer so
277 designated, as previously provided by this section prior to its amendment.