

SENATE No. 987

The Commonwealth of Massachusetts

PRESENTED BY:

Brendan P. Crighton

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:

Brendan P. Crighton

DISTRICT/ADDRESS:

Third Essex

SENATE No. 987

By Mr. Crighton, a 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 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 1. Chapter 217 of the General Laws is hereby amended by striking out section
2 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 2. Said chapter 217 of the General Laws is hereby further amended by striking
30 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 3. 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
- 59 Middlesex, 1 first assistant register
- 60 Norfolk, 1 first assistant register
- 61 Suffolk, 1 first assistant register
- 62 Worcester, 1 first assistant register.

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

66 Section 23A. In addition to the first assistant registers of probate provided for in section
67 23, the registers of the respective courts of the probate and family court department for the
68 following counties may appoint for terms of 3 years and may remove assistant registers with the
69 same powers and duties. The appointments shall be as follows:

- 70 Barnstable, 1 assistant register
- 71 Berkshire, 1 assistant register
- 72 Bristol, 1 assistant register
- 73 Franklin, 1 assistant register
- 74 Hampden, 1 assistant register
- 75 Hampshire, 1 assistant register
- 76 Middlesex, 1 assistant register

77 Plymouth, 1 assistant register

78 Suffolk, 1 assistant register.

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

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

88 Barnstable, 1 administrative deputy assistant

89 Essex, 1 administrative deputy assistant

90 Middlesex, 4 administrative deputy assistants

91 Norfolk, 1 administrative deputy assistant

92 Plymouth, 1 administrative deputy assistant

93 Suffolk, 2 administrative deputy assistants

94 Worcester, 2 administrative deputy assistants.

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

98 Barnstable, 1 judicial case manager

99 Berkshire, 1 judicial case manager

100 Bristol, 1 judicial case manager

101 Essex, 1 judicial case manager

102 Franklin, 1 judicial case manager

103 Hampden, 1 judicial case manager

104 Hampshire, 1 judicial case manager

105 Middlesex, 1 judicial case manager

106 Norfolk, 1 judicial case manager

107 Plymouth, 1 judicial case manager

108 Suffolk, 1 judicial case manager

109 Worcester, 1 judicial case manager.

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

- 113 Barnstable, 3 assistant judicial case managers
- 114 Bristol, 7 assistant judicial case managers
- 115 Essex, 5 assistant judicial case managers
- 116 Franklin, 1 assistant judicial case manager
- 117 Hampden, 3 assistant judicial case managers
- 118 Hampshire, 1 assistant judicial case manager
- 119 Middlesex, 8 assistant judicial case managers
- 120 Norfolk, 5 assistant judicial case managers
- 121 Plymouth, 5 assistant judicial case managers
- 122 Suffolk, 5 assistant judicial case managers
- 123 Worcester, 6 assistant judicial case managers.

124 SECTION 4. Said chapter 217 is hereby further amended by striking out sections 27A to
125 29L, inclusive, and inserting in place thereof the following new sections:

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

130 Section 28. The Suffolk county register of probate may designate 6 employees as deputy
131 assistant registers with the same powers as assistant registers. A deputy assistant register shall

132 receive as additional compensation an amount equal to 15 per cent of the annual salary of the
133 Suffolk county register of probate. The register may designate 6 employees as associate deputy
134 registers who shall have the powers of assistant registers and receive as additional compensation
135 an amount equal to 7.5 per cent of the salary paid to the register. The register may remove a
136 deputy assistant register.

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

141 Section 29A. The Dukes county register of probate may designate 1 employee as deputy
142 assistant

143 register and may remove a deputy assistant register. The deputy assistant register shall
144 receive additional compensation in an amount equal to 15 per cent of the annual salary of the
145 Dukes county register of probate.

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

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

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

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

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

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

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

173 Section 29I. The register of the Plymouth probate and family court may designate 5
174 employees as deputy assistant registers with the same powers as assistant registers and may

175 remove a deputy assistant register. The deputy assistant registers shall receive in addition to their
176 salaries as employees, a salary of \$6,000 per annum.

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

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

186 Section 29L. The register of the Norfolk probate and family court may designate 1
187 employee as deputy assistant register with the same powers as an assistant register and may
188 remove a deputy assistant register. The deputy assistant register shall receive additional
189 compensation in an amount equal to 15 per cent of the annual salary of the Norfolk county
190 register of probate.

191 SECTION 5. This act shall take effect upon its passage.