



Legislation Summary:

An Act to improve the administration of justice in probate and family court

Bill#: H1491/S1138

Chief Sponsors: Senator John Velis and Representative Carole Fiola

What the bill does, why LWVMA supports or opposes it, and the League position relative to this bill.

This bill would add eight additional judges to the Family Court.

The Probate and Family Court Department has jurisdiction over family-related and probate matters, such as divorce, paternity, child support, custody, parenting time, adoption, ending parental rights, abuse prevention, wills, estates, trusts, guardianships, conservatorships, and name changes.

The civil legal system can be overwhelming and lack of resources means these cases are overwhelming the family court system. Probate and family judges — who handle divorces, custody disputes, estate and guardianship cases, and adoptions — shoulder some of the largest, and thorniest, workloads in the court system. Judges can then take months to issue decisions, leaving families, children, and others in the lurch with what court officials acknowledge are “intolerable delays.”

The vast majority of probate and family cases — as much as 90 percent, by some court estimates — also involve at least one litigant who is representing themselves, which only adds to a judge’s workload as he or she must guide these cases without trained attorneys, officials say. Further, Probate and Family judges are regularly required to put their findings in writing, amplifying the demands on their docket.

They rarely, if ever, have so-called lobby days, which are devoted to drafting decisions away from the bench, according to court officials.

League Positions: Support

Domestic Violence position:

The prevention of domestic violence. A strong statewide response to domestic violence that is integrated, interdisciplinary, and adequately funded, involving all segments of the criminal justice system, the medical community, the schools, social services, and the private sector, with a primary focus on the safety of victims. *Where We Stand*, p.38

Courts Position

A judicial system that provides equal justice for all through effective, modern administration, qualified judicial personnel, a strengthened probation service, and procedures and practices that ensure due process of law. *Where We Stand*, p.9

