

HOUSE No. 4364

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 12, 2024.

The committee on The Judiciary to whom were referred the petition (accompanied by bill, Senate, No. 1083) of Susan L. Moran, Paul W. Mark, Michael D. Brady, Joanne M. Comerford and others for legislation relative to the efficient management and operation of the registries of probate, and the petition (accompanied by bill, House, No. 1813) of Susannah M. Whipps, Josh S. Cutler and others relative to the operation of the registries of probate, reports recommending that the accompanying bill (House, No. 4364) ought to pass.

For the committee,

MICHAEL S. DAY.

HOUSE No. 4364

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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 2022
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. Said chapter 217 is hereby further amended by striking out section 23, as
5 so appearing, and inserting in place thereof the following section:-

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

11 Barnstable, 1 first assistant register

12 Berkshire, 1 first assistant register

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

23 SECTION 3. Said chapter 217 is hereby further amended by striking out section 23A, as
24 so appearing, and inserting in place thereof the following section:-

25 Section 23A. In addition to the first assistant registers of probate provided for in section
26 23, the registers of the respective courts of the probate and family court department for the
27 following counties may, with the approval of the chief justice of the probate and family court,
28 appoint for terms of 3 years and may, with the approval of the chief justice, remove assistant
29 registers with the same powers and duties. The appointments shall be as follows:

- 30 Barnstable, 2 assistant registers
- 31 Berkshire, 1 assistant register

- 32 Bristol, 2 assistant registers
- 33 Essex, 3 assistant registers
- 34 Franklin, 1 assistant register
- 35 Hampden, 2 assistant registers
- 36 Hampshire, 1 assistant register
- 37 Middlesex, 4 assistant registers
- 38 Norfolk, 2 assistant registers
- 39 Plymouth, 2 assistant registers
- 40 Suffolk, 2 assistant registers
- 41 Worcester, 2 assistant registers.

42 SECTION 4. Said chapter 217 is hereby further amended by striking out section 23B, as
43 so appearing, and inserting in place thereof the following section:-

44 Section 23B. The positions of administrative deputy assistant registers are hereby
45 eliminated. Notwithstanding the elimination of these positions or any other general or special law
46 to the contrary, a person employed as an administrative deputy assistant register of probate
47 pursuant to this section as of the effective date of this act shall continue to be employed as an
48 administrative deputy assistant register of probate and shall continue to serve in that capacity at
49 the pleasure of the register of probate for that county. The position of administrative deputy
50 assistant shall continue to meet the definitions of both confidential and managerial employees as

51 those terms appear in chapter 150E and any individuals continuing to be employed in that
52 capacity shall perform no official judicial duties.

53 SECTION 5. Section 23C of said chapter 217, as so appearing, is hereby amended by
54 striking out, in line 15, the number “1” and inserting in place thereof the following number:- 2.

55 SECTION 6. Said chapter 217 is hereby amended by striking out section 23D, as so
56 appearing, and inserting in place thereof the following section:-

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

63 Barnstable, 2 assistant judicial case managers

64 Berkshire, 1 assistant judicial case manager

65 Bristol, 5 assistant judicial case managers

66 Essex, 6 assistant judicial case managers

67 Franklin, 1 assistant judicial case manager

68 Hampden, 5 assistant judicial case managers

69 Hampshire, 1 assistant judicial case manager

70 Middlesex, 8 assistant judicial case managers

71 Norfolk, 5 assistant judicial case managers

72 Plymouth, 5 assistant judicial case managers

73 Suffolk, 5 assistant judicial case managers

74 Worcester, 6 assistant judicial case managers.

75 SECTION 7. Section 27A of said chapter 217, as so appearing, is hereby amended by
76 striking out, in line 4, the words “as such assistant”.

77 SECTION 8. Said chapter 217 is hereby amended by striking out section 28, as so
78 appearing, and inserting in place thereof the following section:-

79 Section 28. The first justice of the Suffolk county court may, subject to the approval of
80 the chief justice of the probate and family court, appoint a clerk who may administer the oaths
81 required in probate proceedings that are not prescribed by law to be administered by the judge or
82 register and shall perform such clerical and other duties as may be required by the first justice.
83 The clerk may be removed by the first justice, with the approval of the chief justice. The Suffolk
84 county register of probate may, with the approval of the chief justice, designate 6 employees as
85 deputy assistant registers with the same powers as assistant registers and may revoke such
86 designation with the approval of the chief justice. Four of the deputy assistant registers shall
87 receive as additional compensation an amount equal to 10 per cent of the annual salary of the
88 Suffolk county register of probate. Two of the deputy assistant registers shall receive as
89 additional compensation an amount equal to 5 per cent of the annual salary of the Suffolk county
90 register of probate. Notwithstanding the above, any person designated as a deputy assistant

91 register of probate pursuant to this section as of the effective date of this act shall continue to
92 serve in that capacity, as previously provided by this section prior to its amendment and shall
93 continue to receive 15 per cent of the annual salary of the Suffolk county register of probate until
94 they are no longer so designated, as previously provided by this section prior to its amendment.
95 The positions of associate deputy registers, previously provided for, are hereby eliminated.
96 Notwithstanding the elimination of these positions or any other general or special law to the
97 contrary, a person designated as an associate deputy register of probate pursuant to this section as
98 of the effective date of this act shall continue to serve in that capacity and receive the additional
99 compensation of 7.5 per cent of the annual salary of the Suffolk county register of probate, as
100 previously provided by this section prior to its amendment, until they are no longer so
101 designated.

102 SECTION 9. Said chapter 217 is hereby further amended by striking out section 29, as
103 so appearing, and inserting in place thereof the following section:-

104 Section 29. The first justice of the Middlesex county court may, with the approval of the
105 chief justice of the probate and family court, appoint a clerk who may administer the oaths
106 required in probate proceedings that are not prescribed by law to be administered by the judge or
107 register and shall perform such clerical and other duties as may be required by the first justice.
108 The clerk may be removed by the first justice with the approval of the chief justice. The
109 Middlesex county register of probate may, with the approval of the chief justice, designate 9
110 employees as deputy assistant registers with the same powers as assistant registers and with the
111 approval of the chief justice remove a deputy assistant register. Six of the deputy assistant
112 registers shall receive additional compensation in an amount equal to 10 per cent of the annual
113 salary of the Middlesex county register of probate. Three of the deputy assistant registers shall

114 receive as additional compensation an amount equal to 5 per cent of the annual salary of the
115 Middlesex county register of probate. Notwithstanding the above, any person designated as a
116 deputy assistant register of probate pursuant to this section as of the effective date of this act
117 shall continue to be serve in that capacity, as previously provided by this section prior to its
118 amendment and shall continue to receive 15 per cent of the annual salary of the Middlesex
119 county register of probate until they are no longer so designated, as previously provided by this
120 section prior to its amendment.

121 SECTION 10. Said chapter 217 is hereby further amended by striking out section 29A,
122 as so appearing, and inserting in place thereof the following section:-

123 Section 29A. The first justice of the Dukes county court may, with the approval of the
124 chief justice of the probate and family court, appoint a clerk who may administer the oaths
125 required in probate proceedings that are not prescribed by law to be administered by the judge or
126 register and shall perform such clerical and other duties as may be required by the first justice,
127 with the approval of the chief justice. The clerk may be removed by the first justice with the
128 approval of the chief justice. The Dukes county register of probate may, with the approval of the
129 chief justice, designate 2 employees as deputy assistant registers with the same powers as
130 assistant registers and with the approval of the chief justice remove a deputy assistant register.
131 One deputy assistant register shall receive additional compensation in an amount equal to 10 per
132 cent of the annual salary of the Dukes county register of probate. One deputy assistant register
133 shall receive additional compensation in an amount equal to 5 per cent of the annual salary of the
134 Dukes county register of probate. Notwithstanding the above, any person designated as a deputy
135 assistant register of probate pursuant to this section as of the effective date of this act shall
136 continue to be serve in that capacity, as previously provided by this section prior to its

137 amendment and shall continue to receive 15 per cent of the annual salary of the Dukes county
138 register of probate until they are no longer so designated, as previously provided by this section
139 prior to its amendment.

140 SECTION 11. Said chapter 217 is hereby further amended by striking out section 29B,
141 as so appearing, and inserting in place thereof the following section:-

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

154 SECTION 12. Said chapter 217 is hereby further amended by striking out section 29C,
155 as so appearing, and inserting in place thereof the following section:-

156 Section 29C. The register of the Barnstable probate court may, with the approval of the
157 chief justice of the probate and family court, designate 5 employees as deputy assistant registers
158 with the same powers as assistant registers and with the approval of the chief justice remove a

159 deputy assistant register. Three deputy assistant registers shall receive additional compensation
160 in an amount equal to 10 per cent of the annual salary of the Barnstable county register of
161 probate. Two deputy assistant registers shall receive additional compensation in an amount
162 equal to 5 per cent of the annual salary of the Barnstable county register of probate.

163 SECTION 13. Said chapter 217 is hereby further amended by striking out section 29D,
164 as so appearing, and inserting in place thereof the following section:-

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

172 SECTION 14. Said chapter 217 is hereby further amended by striking out section 29E,
173 as so appearing, and inserting in place thereof the following section:-

174 Section 29E. The register of the Hampden probate court may, with the approval of the
175 chief justice of the probate and family court, designate 6 employees as deputy assistant registers
176 with the same powers as assistant registers and with the approval of the chief justice remove a
177 deputy assistant register. Four deputy assistant registers shall receive additional compensation in
178 an amount equal to 10 per cent of the annual salary of the Hampden county register of probate.
179 Two deputy assistant registers shall receive additional compensation in an amount equal to 5 per
180 cent of the annual salary of the Hampden county register of probate. Notwithstanding the above,

181 any person designated as a deputy assistant register of probate pursuant to this section as of the
182 effective date of this act shall continue to serve in that capacity and shall receive additional
183 compensation in an amount equal to 10 per cent of the annual salary of the Hampden county
184 register of probate.

185 SECTION 15. Said chapter 217 is hereby further amended by striking out section 29F, as
186 so appearing, and inserting in place thereof the following section:-

187 Section 29F. The register of the Worcester probate and family court may, with the
188 approval of the chief justice of the probate and family court, designate 6 employees as deputy
189 assistant registers with the same powers as assistant registers and with the approval of the chief
190 justice remove a deputy assistant register. Four deputy assistant registers shall receive additional
191 compensation in an amount equal to 10 per cent of the annual salary of the Worcester county
192 register of probate. Two deputy assistant registers shall receive additional compensation in an
193 amount equal to 5 per cent of the annual salary of the Worcester county register of probate.
194 Notwithstanding the above, any person designated as a deputy assistant register of probate
195 pursuant to this section as of the effective date of this act shall continue to serve in that capacity,
196 as previously provided by this section prior to its amendment and shall continue to receive 15 per
197 cent of the annual salary of the Worcester county register of probate.

198 SECTION 16. Said chapter 217 is hereby further amended by striking out section 29G,
199 as so appearing, and inserting in place thereof the following section:-

200 Section 29G. The register of the Bristol probate and family court may, with the approval
201 of the chief justice of the probate and family court, designate 6 employees as deputy assistant
202 registers with the same powers as assistant registers and with the approval of the chief justice

203 remove a deputy assistant register. Four deputy assistant registers shall receive in addition to
204 their salaries as employees, additional compensation in an amount equal to 10 per cent of the
205 annual salary of the Bristol county register of probate. Two deputy assistant registers shall
206 receive additional compensation in an amount equal to 5 per cent of the annual salary of the
207 Bristol county register of probate.

208 SECTION 17. Said chapter 217 is hereby further amended by striking out section 29H,
209 as so appearing, and inserting in place thereof the following section:-

210 Section 29H. The register of the Hampshire probate and family court may, with the
211 approval of the chief justice of the probate and family court, designate 3 employees as deputy
212 assistant registers with the same powers as assistant registers and with the approval of the chief
213 justice remove a deputy assistant register. Two deputy assistant registers shall receive additional
214 compensation in an amount equal to 10 per cent of the annual salary of the Hampshire county
215 register of probate. One deputy assistant register shall receive additional compensation in an
216 amount equal to 5 per cent of the annual salary of the Hampshire county register of probate.
217 Notwithstanding the above, any person designated as a deputy assistant register of probate
218 pursuant to this section as of the effective date of this act shall continue to serve in that capacity,
219 as previously provided by this section prior to its amendment and shall continue to receive 15 per
220 cent of the annual salary of the Hampshire county register of probate.

221 SECTION 18. Said chapter 217 is hereby further amended by striking out section 29I, as
222 so appearing, and inserting in place thereof the following section:-

223 Section 29I. The register of the Plymouth probate and family court may, with the
224 approval of the chief justice of the probate and family court, designate 6 employees as deputy

225 assistant registers with the same powers as assistant registers and with the approval of the chief
226 justice remove a deputy assistant register. Four deputy assistant registers shall receive in addition
227 to their salaries as employees, additional compensation in an amount equal to 10 per cent of the
228 annual salary of the Plymouth county register of probate. Two deputy assistant registers shall
229 receive additional compensation in an amount equal to 5 per cent of the annual salary of the
230 Plymouth county register of probate.

231 SECTION 19. Said chapter 217 is hereby further amended by striking out section 29J, as
232 so appearing, and inserting in place thereof the following section:-

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

240 SECTION 20. Said chapter 217 is hereby further amended by striking out section 29K,
241 as so appearing, and inserting in place thereof the following section:-

242 Section 29K. The register of the Franklin probate and family court may, with the
243 approval of the chief justice of the probate and family court, designate 3 employees as deputy
244 assistant registers with the same powers as an assistant register and with the approval of the chief
245 justice remove a deputy assistant register. Two deputy assistant registers shall receive in addition
246 to his salary as an employee, additional compensation in an amount equal to 10 per cent of the

247 annual salary of the Franklin county register of probate. One deputy assistant register shall
248 receive additional compensation in an amount equal to 5 per cent of the annual salary of the
249 Franklin county register of probate.

250 SECTION 21. Said chapter 217 is hereby further amended by striking out section 29L,
251 as so appearing, and inserting in place thereof the following section:-

252 Section 29L. The register of the Norfolk probate and family court may, with the approval
253 of the chief justice of the probate and family court, designate 6 employees as deputy assistant
254 registers with the same powers as an assistant register and with the approval of the chief justice
255 remove a deputy assistant register. Four deputy assistant registers shall receive additional
256 compensation in an amount equal to 10 per cent of the annual salary of the Norfolk county
257 register of probate. Two deputy assistant register shall receive additional compensation in an
258 amount equal to 5 per cent of the annual salary of the Norfolk county register of probate.
259 Notwithstanding the above, any person designated as a deputy assistant register of probate
260 pursuant to this section as of the effective date of this act shall continue to serve in that capacity,
261 as previously provided by this section prior to its amendment and shall continue to receive 15 per
262 cent of the annual salary of the Norfolk county register of probate until they are no longer so
263 designated, as previously provided by this section prior to its amendment.