

SENATE No. 1083

The Commonwealth of Massachusetts

PRESENTED BY:

Susan L. Moran

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:	
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	
<i>Paul W. Mark</i>	<i>Berkshire, Hampden, Franklin and Hampshire</i>	<i>1/26/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/2/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/15/2023</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>	<i>2/15/2023</i>

SENATE No. 1083

By Ms. Moran, a 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. The Judiciary.

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 2020
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 2020 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 2020 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, 3 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 2020 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 2020
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 2020 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 2020
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 2020 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 29. 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 9. 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 2020 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. Notwithstanding the above, any person designated as a deputy
143 assistant register of probate pursuant to this section as of the effective date of this act shall
144 continue to be serve in that capacity, as previously provided by this section prior to its
145 amendment and shall continue to receive 15 per cent of the annual salary of the Dukes county
146 register of probate until they are no longer so designated, as previously provided by this section
147 prior to its amendment.

148 SECTION 11. Chapter 217 of the General Laws, as appearing in the 2020 Official
149 Edition, is hereby amended by striking out section 29B in its entirety and inserting in place
150 thereof the following:-

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

161 register shall receive additional compensation in an amount equal to 5 per cent of the annual
162 salary of the Nantucket county register of probate.

163 SECTION 12. Chapter 217 of the General Laws, as appearing in the 2020 Official
164 Edition, is hereby amended by striking out section 29C in its entirety and inserting in place
165 thereof the following:-

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

173 SECTION 13. Chapter 217 of the General Laws, as appearing in the 2020 Official
174 Edition, is hereby amended by striking out section 29D in its entirety and inserting in place
175 thereof the following:-

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

183 SECTION 14. Chapter 217 of the General Laws, as appearing in the 2020 Official
184 Edition, is hereby amended by striking out section 29E in its entirety and inserting in place
185 thereof the following:-

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

197 SECTION 15. Chapter 217 of the General Laws, as appearing in the 2020 Official
198 Edition, is hereby amended by striking out section 29F in its entirety and inserting in place
199 thereof the following:-

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

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

211 SECTION 16. Chapter 217 of the General Laws, as appearing in the 2020 Official
212 Edition, is hereby amended by striking out section 29G in its entirety and inserting in place
213 thereof the following:-

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

222 SECTION 17. Chapter 217 of the General Laws, as appearing in the 2020 Official
223 Edition, is hereby amended by striking out section 29H in its entirety and inserting in place
224 thereof the following:-

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

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

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

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

247 SECTION 19. Chapter 217 of the General Laws, as appearing in the 2020 Official
248 Edition, is hereby amended by striking out section 29J in its entirety and inserting in place
249 thereof the following:-

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

257 SECTION 20. Chapter 217 of the General Laws, as appearing in the 2020 Official
258 Edition, is hereby amended by striking out section 29K in its entirety and inserting in place
259 thereof the following:-

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

268 SECTION 21. Chapter 217 of the General Laws, as appearing in the 2020 Official
269 Edition, is hereby amended by striking out section 29L in its entirety and inserting in place
270 thereof the following:-

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