

Connecticut Laws on Probate Court Judges

By: Michelle Kirby, Senior Legislative Attorney
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Issue

What are Connecticut's laws on probate court judges' election, term of office, compensation, powers, and jurisdiction?

Summary

Connecticut's probate court judges are elected by the eligible voters (electors) in the respective probate court district. A probate judge serves a four-year term, and each probate court must have one judge. The judges are paid directly from the Probate Court Administration Fund and their salary is based on the district's population and workload. Under the law, there are four classes or "bands" of probate courts based on the district's population and its annual weighted-workload. The law sets a probate judge's salary for courts in each band ranging from a low of 45% of a Superior Court judge's salary to a high of 75% (a Superior Court judge's salary is \$201,023).

Probate courts have jurisdiction over the administration of trusts and estates, including determining the validity of wills, appointing and supervising executors and administrators, determining title to real and personal property, and construing the meaning of wills and trusts. The court may also appoint a (1) conservator to manage someone's personal care and finances and (2) guardian for an adult with disabilities. In the regional children's probate courts, the court has jurisdiction over certain children's matters, such as adoptions, parentage, termination of parental rights, custody, guardianship, visitation, and emancipation. Additionally, the probate court has concurrent jurisdiction with the Superior Court regarding name changes. A probate court may also serve as a passport acceptance agency.

More information about Connecticut’s probate courts is available on their [website](#). Additionally, the probate court’s 2022-2023 Biennial Report is available [here](#).

Election and Term of Office

Election of Probate Court Judges

There are 54 probate districts in Connecticut. By law, each probate district must have a probate court which must have one probate court judge. Probate court judges are elected every four years by the electors who live in the district. The judges must be sworn and must record their certificate of election in the court records before starting their duties as probate court judges ([CGS § 45a-18](#)).

Under the law, a probate court judge is an elector of a town within the probate district in which he or she is elected to serve. If the judge ceases to be an elector of a town within the district, he or she can no longer hold office in the district, and that position is deemed vacant ([CGS § 45a-19](#)).

Probate Court Judges’ Term of Office

Each probate judge holds office for four years beginning on the Wednesday after the first Monday in January following his or her election. Under the law, each judge must appoint a clerk and may appoint one or more assistant clerks.

Additionally, Connecticut probate court judges elected for a term that starts on or after January 5, 2011, must be attorneys licensed to practice law in Connecticut. This requirement does not apply to a judge who was in office on January 4, 2011, and has continued to serve as a probate court judge without a break in service to date ([CGS § 45a-18](#)).

Compensation

Effective January 5, 2011, the legislature generally (1) eliminated the method of compensating probate court judges that was based on the fees the court collected and (2) replaced it with a method in which a probate court judge’s compensation is paid directly from the Probate Court Administration Fund based on the district’s population and workload. Under the law, there are four classes or “bands” of probate courts based on either the district’s population or its population combined with its annual weighted-workload. The law sets a probate judge’s salary for courts in each band ranging from a low of 45% of a Superior Court judge’s salary to a high of 75%. The current salary of a Superior Court judge is \$201,023 ([CGS § 51-47\(a\)\(3\)](#)). Tables 1 and 2 below summarize how probate district bands are determined and the corresponding index of probate court judges’ salaries to Superior Court judges’ salaries ([CGS §§ 45a-95 & -95a](#)). (For probate court

judges in office on January 4, 2011, the law generally sets a different percentage for certain terms of office ([CGS § 45a-95a\(b\)](#)).)

Table 1: Probate District Band Based on District Population

<i>Probate District</i>	<i>District Population</i>	<i>Percentage of Superior Court Judge Compensation</i>
Band 1	Less than 40,000	45%
Band 2	40,000 to 50,000	55%
Band 3	50,000 to 60,000	65%
Band 4	60,000 or more	75%

Table 2: Probate District Band Based on District Population and Workload

<i>Probate District</i>	<i>District Population</i>	<i>Annual Weighted-Workload</i>	<i>Percentage of Superior Court Judge Compensation</i>
Band 1	Less than 40,000	Under 3,000	45% (same as above)
Band 2	Less than 40,000	3,000 to 4,100	55%
Band 3	Less than 50,000	4,100 to 4,900	65%
Band 4	Less than 60,000	At least 4,900	75%

Partial Year Compensation

For any probate court judge who assumes office or ceases to hold office during a calendar year, compensation of any judge for that calendar year is determined by multiplying the judge's annual compensation by a factor that is determined by dividing the number of days served during the calendar year by 365 ([CGS § 45a-95a\(c\)](#)).

Powers and Jurisdiction

Probate Judges' Powers

Intestate Estates and Wills. Under the law, probate court judges have the power in their respective districts to:

1. grant administration of intestate estates of persons who died having a legal permanent address (i.e. domiciled) in their districts;
2. grant administration of intestate estates of persons not domiciled in Connecticut and if certain jurisdictional prerequisites are met (e.g., if the person's real or tangible personal property is located in the district); and
3. admit wills to probate of persons who died domiciled in their districts or of nondomiciliaries whose wills may be proved in their districts.

Determine Title or Rights or Construe Instruments. Except as provided below regarding the probate court's jurisdiction to determine title or rights or to construe instruments, probate court judges may:

1. determine title or rights of possession and use in and to any real, tangible, or intangible property that constitutes, or may constitute, all or part of any trust, any decedent's estate, or any estate controlled by a guardian or conservator, unless limited by an applicable statute of limitations;
2. determine validity or construe the meaning and effect of (a) any will or trust agreement if a construction is required in connection with the administration or distribution of a trust or estate or (b) a power of attorney; and
3. apply the common-law doctrine that allows the court to choose the closest option when an issue arises regarding the decedent's or trustee's intent in wills, trusts, or inter vivos trusts (i.e. the doctrine of cy pres or approximation).

Fiduciaries. Probate court judges generally may call executors, administrators, trustees, guardians, conservators, and agents acting under powers of attorney to account concerning the estates entrusted to their charge or for other relief.

Additionally, probate court judges may make lawful orders or decrees to carry out the court's powers and jurisdiction ([CGS § 45a-98](#)).

Jurisdiction to Determine Title or Rights or to Construe Instruments

The probate court has jurisdiction to determine title or rights or to construe instruments (see above) only if the (1) matter in dispute is not pending in another court of competent jurisdiction and (2) probate court does not decline jurisdiction.

Probate Court May Decline Jurisdiction. Before the initial hearing on the merits of a matter in dispute in which the court's jurisdiction is based on the above, the Probate Court may, on its own motion, decline to take jurisdiction of the matter in dispute.

Interested Person's Claim for Trial by Jury. Before the initial hearing on the merits of such a matter, any interested person may file an affidavit that he or she is entitled and intends to claim a trial of the matter by jury. In that case, the probate court must allow the person filing the affidavit 60 days to bring an appropriate civil action in the Superior Court to resolve the matter in dispute.

Return of Matter to Probate Court. If an action is brought in the Superior Court, the matter, after Superior Court's determination, must be returned to the probate court for completion of the probate court proceedings ([CGS § 45a-98a](#)).

Regional Children's Probate Courts

The law allows the probate court administrator to establish regional children's probate courts which may accept transfers and referrals of children's matters from probate courts within their regions.

For purpose of the courts' jurisdiction, "children's matters" are matters pertaining to: (1) guardianship, (2) termination of parental rights, (3) adoption, (4) claims for parentage and parentage orders, (5) emancipation of minors, (6) voluntary admission under the care of the Department of Children and Families, and (7) validation of surrogacy agreements ([CGS § 45a-8a](#)).

Concurrent Jurisdiction to Grant Name Change

By law, the probate court has concurrent jurisdiction with the Superior Court to grant a name change, except for the restoration of birth name or former name in divorce orders. Probate courts are generally not allowed to order or allow name changes for persons who are required to register as a sexual offender or as an offender convicted of committing a crime with a deadly weapon, unless specified conditions are met ([CGS § 45a-99](#)).

Passport Acceptance Agency

Each probate court judge may elect to have the court serve as a passport acceptance agency in accordance with federal law ([CGS § 45a-98c](#)).

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