

# Administration and Structure of Probate Courts - Selected States

State	UPC, UGCOPAA*?	Structure; Administration; Rules and Forms	Court(s) with Jurisdiction** over probate matters	Judges	Clerks or Registers of Probate	Funding
<b>Maine</b>	UPC (1979; rev. 2018) & UGCOPAA (2018)	<p>16 county-based Probate Courts.</p> <ul style="list-style-type: none"> <li>• Generally separate from the state judicial branch—except:</li> <li>• The Maine Supreme Judicial Court has authority to prescribe rules of procedure.</li> <li>• The Maine Advisory Committee on Probate Rules promulgates all official probate court forms after review by the Maine Probate Judges Assembly and the Maine Association of Registers of Probate.</li> </ul>	<p>Probate Courts have jurisdiction over:</p> <ul style="list-style-type: none"> <li>• Wills, trusts &amp; estates—except the Superior Court has concurrent jurisdiction over equitable matters and all matters involving trusts;</li> <li>• Adult guardianships, and conservatorships; adult adoptions and adult name changes;</li> <li>• Minor guardianships and conservatorships; minor adoptions and name changes—except District Court has exclusive jurisdiction if other proceedings involving custody, parental rights (including TPR), grandparents' rights, protective custody, name change, guardianship, paternity, or protection orders for the same minor child are pending in that District Court; and</li> <li>• Other: consent to marriage of a minor or to a minor's abortion.</li> </ul>	<p>16 Probate Judges, one per county probate court.</p> <ul style="list-style-type: none"> <li>• Part-time.</li> <li>• Elected by the county's voters to 4-year terms.</li> <li>• In case of a vacancy, the governor may appoint someone to serve as probate judge until the first day of January after a November election to fill the vacancy.</li> <li>• Must be Maine residents and licensed to practice law in Maine.</li> <li>• Authorized to engage in the practice of law during their term of office.</li> <li>• May not act as lawyers in any proceeding in which they have served as a judge or in any related proceeding.</li> </ul>	<p>16 county Registers of Probate.</p> <ul style="list-style-type: none"> <li>• Elected to 4-year term by voters in the county.</li> <li>• If a vacancy occurs, the governor may appoint someone serve as register until the first day of January after a November election to fill the vacancy.</li> <li>• County officers.</li> <li>• May not act as an attorney in a matter pending in the register's probate court or as an administrator, guardian, appraiser or similar in a case within the jurisdiction of the register's probate court.</li> <li>• May, with county commissioner approval, hire deputy registers.</li> <li>• Provide substantial assistance to individuals who use the services of the probate court, especially in informal proceedings.</li> </ul>	<p>Funded by the county.</p> <ul style="list-style-type: none"> <li>• Probate court fees are retained by the county.</li> </ul>
<b>Connecticut</b>	Neither	<p>One probate court is located in each of the state's 54 probate districts; there are also 6 regional children's courts where certain probate cases are heard on a separate docket.</p> <ul style="list-style-type: none"> <li>• Centrally administered by the Probate Court Administrator, a probate judge selected by the Chief Justice of the Connecticut Supreme Court. Probate Court Administrator and executive committee of Probate Assembly regulate court accounting, case assignment, training, staffing levels and budget matters.</li> <li>• Probate Court Administrator, in consultation with the Probate</li> </ul>	<p>Probate Courts have jurisdiction over:</p> <ul style="list-style-type: none"> <li>• Wills, trusts &amp; estates—except the Superior Court has concurrent jurisdiction over actions involving title to property in a trust or estate; determining the validity of or the meaning of a trust or will; and the doctrine of <i>cy pres</i>;</li> <li>• Guardianships and conservatorships for minors and adults;</li> <li>• Adoptions—except all cases may be transferred to Superior Court and must be transferred if the child is involved in dependency proceedings;</li> <li>• Name changes—concurrent with Superior Court; and</li> </ul>	<p>54 probate judges, one per probate district.</p> <ul style="list-style-type: none"> <li>• Appear to be part-time (may be full time in busier districts).</li> <li>• Elected by the probate district's voters to 4-year terms.</li> <li>• Must be members of the bar and may engage in the practice of law, but may not appear as an attorney in any probate court.</li> <li>• Receive a salary according to a formula established by statute based on the district population and annual caseload.</li> </ul>	<p>One Probate Court Clerk per district.</p> <ul style="list-style-type: none"> <li>• Appointed by the probate district's Probate Judge.</li> <li>• Probate Court Clerks are deemed not to be state employees and serve at the pleasure of the relevant probate court judge.</li> <li>• No special qualifications for office or restrictions found.</li> <li>• No special authority beyond a typical court clerk noted.</li> </ul>	<p>Dual funding.</p> <ul style="list-style-type: none"> <li>• Facility, equipment and supply costs are borne by municipalities.</li> <li>• All other expenses are funded through the state—primarily using revenue from probate court fees with supplemental General Fund appropriations. The Probate Court Administrator submits the budget for the Probate Courts approval to the state's Chief Court Administrator.</li> </ul>

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		<p>Assembly and others, recommends adoption and amendment rules to the Supreme Court.</p> <ul style="list-style-type: none"> <li>• Probate Court Administrator publishes forms for use in probate matters.</li> </ul>	<ul style="list-style-type: none"> <li>• Other: Paternity; consent to marriage of a minor, emancipation—concurrent with the Superior Court; and mental health and alcohol and drug dependency commitment proceedings.</li> </ul>			
<b>Massachusetts</b>	UPC (2009)	<p>One “Probate and Family Court Department,” of the statewide trial court is located in each of the state’s 14 counties.</p> <ul style="list-style-type: none"> <li>• Centrally administered by the chief justice of the Probate and Family Court Department, subject to oversight by the Chief Justice of the Trial Court the Massachusetts Supreme Judicial Court.</li> <li>• The Supreme Judicial Court has general rulemaking authority, but a majority of probate judges may make supplemental procedural rules and forms, with the approval of the Supreme Judicial Court.</li> </ul>	<p>The Probate and Family Court Department has jurisdiction over:</p> <ul style="list-style-type: none"> <li>• Wills, trusts &amp; estates—except jurisdiction over equitable relief is concurrent with the Superior Courts and Supreme Judicial Court;</li> <li>• Guardianships and conservatorships for minors and adults—except the juvenile and district courts have concurrent jurisdiction to appoint guardians for minor children when matters involving those children are being heard in those courts and the Superior Courts and Supreme Judicial Court have concurrent jurisdiction over equitable relief;</li> <li>• Adoptions;</li> <li>• Name changes;</li> <li>• Divorce; annulment; paternity; child support and custody—except district court and Boston municipal court have concurrent jurisdiction over certain actions for paternity and child support not involving custody or visitation; and</li> <li>• Other: Caregiver authorizations to exercise parental rights; child protection and grandparents’ visitation; consent to marriage of a minor and waiver of 3-day notice for any marriage; validity of health care proxies.</li> </ul>	<p>51 justices are appointed to the Probate and Family Court Department.</p> <ul style="list-style-type: none"> <li>• Full time.</li> <li>• Massachusetts judges, including justices in the trial court Probate and Family Court Department, are appointed by the Governor with the advice and consent of the 8-member Executive Council.</li> <li>• May not engage in the practice of law and may not act as executor, administrator, guardian, conservator, trustee under a will, commissioner or appraiser of an estate within the jurisdiction of any probate and family court.</li> </ul>	<p>14 Registers of Probate serve as the clerks of each of the state’s 14 county Probate and Family Courts.</p> <ul style="list-style-type: none"> <li>• Elected to 6-year term by voters in the county.</li> <li>• Employed by state judicial branch;</li> <li>• Must serve full time, may not engage in the practice of law and may not act as executor, administrator, guardian, conservator, trustee under a will, commissioner or appraiser of an estate within the jurisdiction of the register’s own probate and family court.</li> <li>• Have special authority to issue orders of notice and citations, issue process of attachment and execution, issue warrants “necessary to carry into effect any order, judgment or decree of the courts” and appoint appraisers to make inventories for the court.</li> </ul>	<p>The Probate and Family Court Department of the trial court is funded as part of the state judicial branch.</p>

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<b>New Hampshire</b>	Neither	<p>The Probate Division of the state Circuit Court has locations in each of the state’s 10 counties.</p> <ul style="list-style-type: none"> <li>Centrally administered by the Chief Justice of the New Hampshire Supreme Court.</li> <li>The Chief Justice adopts procedural rules for all courts in the state, including the Probate Division.</li> <li>The judicial branch’s Administrative Council establishes forms for all courts, including the probate division.</li> </ul>	<p>The Probate Division has jurisdiction over:</p> <ul style="list-style-type: none"> <li>Wills, trusts &amp; estates—except the Superior Court has concurrent jurisdiction over cases involving the <i>cy pres</i> doctrine and trust-related partition actions and the Superior Court and District Division have concurrent jurisdiction over ancillary matters involving claims for damages or the recovery of money or property by or against a third party;</li> <li>Guardianships and conservatorships for minors and adults;</li> <li>Adoptions;</li> <li>Name changes—except the Family Division has concurrent jurisdiction to change the name of a spouse during a divorce; and</li> <li>Other: consent to marriages of minors—concurrent with Superior Court; interpretations of living wills; and powers of attorney—exclusive jurisdiction over powers of attorney for health care but concurrent jurisdiction with Superior Court for other powers of attorney.</li> </ul> <p>But, if a jury trial right exists and is requested by a party, the Superior Court has exclusive jurisdiction. §547:11-d.</p>	<p>Any of the state’s 38 Circuit Judges may be assigned to the probate division by the Administrative Judge of the Circuit Court.</p> <ul style="list-style-type: none"> <li>Full time.</li> <li>Judges are nominated by the Governor and confirmed by a majority vote of the 5-member Executive Council.</li> <li>May not engage in the practice of law.</li> </ul>	<p>10 county Registers of Probate—but most of their historic duties, other than the preservation of files—have been transferred to circuit court clerks.</p> <ul style="list-style-type: none"> <li>Registers elected to 2-year terms by their county’s voters while Circuit court clerks are hired by the Administrative Judge of the Circuit Court.</li> <li>Registers are county officers while Circuit court clerks are employees of the state judicial branch.</li> <li>Registers must reside in the county of their election and may not act as counsel or be appointed as an appraiser in that county. Circuit court clerk restrictions not noted.</li> <li>No special authority beyond a typical court clerk noted.</li> </ul>	<p>The Probate Division of the Circuit Court is funded as part of the state Judicial Branch.</p>
<b>Rhode Island</b>	Neither	<p>Each of Rhode Island’s 39 cities and towns establishes its own Probate Court.</p> <ul style="list-style-type: none"> <li>Not part of the state judicial branch.</li> <li>Each Probate court promulgates local administrative rules to</li> </ul>	<p><b>Probate Courts</b> have jurisdiction over:</p> <ul style="list-style-type: none"> <li>Wills, trusts &amp; estates—except the Superior Court exclusive jurisdiction over most equitable proceedings with the Probate Court having concurrent jurisdiction over testamentary trust trustee replacement and removal;</li> </ul>	<p>39 municipal Probate judges.</p> <ul style="list-style-type: none"> <li>Unclear if full or part time (may depend on the city or town).</li> <li>Each town or city council may act as the probate court, elect a probate judge or establish the process to select a probate judge.</li> </ul>	<p>One clerk of the probate court in each of the 39 cities and towns.</p> <ul style="list-style-type: none"> <li>The clerk of each town and city, who is an elected official, acts as the clerk of the probate court unless the town or city provides otherwise by ordinance or charter.</li> <li>Municipal official.</li> </ul>	<p>Probate Courts receive funding through court fees and other appropriations from the city or town where the court is located.</p>

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		<p>supplement statutory procedures.</p> <ul style="list-style-type: none"> <li>A 21-member Legislative Commission to Study the Feasibility of Modernizing Probate Law and Procedure prescribes the forms to be used in probate courts.</li> </ul> <p><i>Note:</i> The Family Court, which also hears certain probate matters, is an 11-member statewide trial court.</p>	<ul style="list-style-type: none"> <li>Guardianships and conservatorships for minors and adults—except the Family Court has the exclusive jurisdiction specified below;</li> <li>Adoption of adults; and</li> <li>Name changes for adults—except the Superior Court has concurrent jurisdiction if the adult seeking a name change has been convicted of a crime.</li> </ul> <p>The <b>Family Court</b> has exclusive jurisdiction over family matters—divorce, child and spousal support, paternity, etc.—and:</p> <ul style="list-style-type: none"> <li>Guardianships for minors placed in the care of the department for children, youth and families;</li> <li>Name changes for minors; and</li> <li>TPRs and minor adoptions.</li> </ul>	<ul style="list-style-type: none"> <li>Must be licensed attorneys who have been engaged in the active practice of law in the state and may continue to practice law but may not appear or act in any capacity as an attorney in a case in the judge’s own city or town.</li> <li>Each city or town may establish additional standards or qualifications for its probate judge.</li> </ul>	<ul style="list-style-type: none"> <li>No special qualifications for office or restrictions found.</li> <li>No special authority beyond a typical court clerk noted.</li> </ul>	
<b>Vermont</b>	Neither	<p>Probate matters are handled by the Probate Division of the Superior Court, with one probate district in each of the 14 counties.</p> <ul style="list-style-type: none"> <li>The Probate Division of the Superior Court is part of the state judicial branch, subject to the administration of the Vermont Supreme Court.</li> <li>The Vermont Rules of Probate Procedure are promulgated by the Supreme Court.</li> <li>Statewide probate court forms are created and revised by the Court Administrator and posted on the Vermont Judiciary’s website.</li> </ul>	<p>The Probate Division has jurisdiction over:</p> <ul style="list-style-type: none"> <li>Wills, trusts &amp; estates;</li> <li>Guardianships of adults;</li> <li>Guardianships of minors—except any such case <i>may</i> be transferred to the Family Division of the Superior Court and <i>must</i> be so transferred if the Family Division has a pending proceeding involving the same child;</li> <li>Conservatorships of adults and minors;</li> <li>Adoptions of adults and minors—except a minor’s case must be transferred to the Family Division if the issues, parties and evidence are so similar to a pending proceeding that transfer would expedite</li> </ul>	<p>14 Probate Judges, one per county.</p> <ul style="list-style-type: none"> <li>Some full time and some part time (varies).</li> <li>Elected to 4-year terms by the county’s voters.</li> <li>Must be licensed to practice law in the state but may not act as an attorney or a guardian, executor, administrator, trustee or in any other fiduciary capacity in a probate matter pending in any court in the state.</li> </ul>	<p>14 county Registers of Probate</p> <ul style="list-style-type: none"> <li>Hired by the Superior Court clerk or court operations manager, after consultation with the probate judge and approval of the state court administrator.</li> <li>Employed by state judicial branch.</li> <li>May not act as an attorney or a guardian, executor, administrator, trustee or in any other fiduciary capacity in a probate matter pending in any court in the state.</li> </ul>	<p>The Probate Division is funded as part of the Superior Court in the state judicial branch.</p>

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			resolution of the cases or serve the interests of justice; <ul style="list-style-type: none"> <li>• Name changes and issuance of new or amended birth, marriage and death certificates; and</li> <li>• Other: emancipations; consents to marriages of minors; grandparents’ visitation proceedings—concurrent with the Family Division; and other proceedings involving health care directives, cemeteries, etc.</li> </ul>			
<b>Hawaii</b>	UPC (1996)	Probate matters are handled by the Circuit Court, the state’s general jurisdiction trial court. <ul style="list-style-type: none"> <li>• Centrally administered by the Chief Justice of the Hawaii Supreme Court.</li> <li>• The Supreme Court has authority to promulgate procedural rules for all matters, including probate matters; the Hawaii Probate Rules and Hawaii Family Rules govern different types of matters.</li> <li>• A few forms related to wills, conservatorships, intestacy, elective shares, etc. are included as “flag sheets” in Appendix A to the Hawaii Probate Rules. By contrast, each of the 4 Circuit Courts has its own forms for cases within the jurisdiction of the Family Court.</li> </ul>	Circuit Courts sometimes handle probate matters when sitting as a Family Court. Circuit Family Court cases may be assigned by the senior family judge to be heard by a District Court family judge. <p>The Circuit Court has exclusive jurisdiction over the following:</p> <ul style="list-style-type: none"> <li>• Wills, trusts &amp; estates; and</li> <li>• Conservatorships for adults and minors.</li> </ul> <p>The Circuit Court &amp; Family Court have concurrent jurisdiction over several types of matters, including:</p> <ul style="list-style-type: none"> <li>• Guardianships for incapacitated adults.</li> </ul> <p>The Family Court has jurisdiction over family matters—<i>e.g.</i>, divorce, parentage, child support, child welfare, juvenile, consent to minor’s marriage, protection from abuse, mental health commitment, etc.—and:</p> <ul style="list-style-type: none"> <li>• TPRs and minor adoptions;</li> <li>• Guardianships for minors; and</li> <li>• Name changes due to marriage, divorce, adoption, parentage</li> </ul>	No distinct probate judges; judges of the Circuit Court and the District Court preside over probate matters. <ul style="list-style-type: none"> <li>• Full time.</li> <li>• Circuit Court judges are appointed for 10-year terms by the governor with the consent of the senate and District Court judges are appointed for 6-year terms by the Chief Justice of the Supreme Court with the consent of the senate from list of circuit court and district court nominees chosen by the judicial selection commission. The judicial selection commission decides whether to renew the judge’s term of office.</li> <li>• Circuit Court judges must have been licensed to practice law in Hawaii for at least 10 years, while District Court judges must have been so licensed for at least 5 years. Judges may not engage in the practice of law and must retire at age 70.</li> </ul>	No specific probate clerks or registers. <ul style="list-style-type: none"> <li>• The Circuit Court and District Court judges, or the administrative judge of the Circuit Court or District Court, selects clerks for their respective courts.</li> <li>• Employed by state judicial branch.</li> <li>• No special qualifications for office or restrictions found.</li> <li>• No special authority beyond a typical court clerk noted.</li> </ul>	Trial courts are funded as part of the state judicial branch.

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			proceedings—other name changes require an order from the lieutenant governor.			
<b>Minnesota</b>	UPC (1974; rev. 1985)	<p>Probate matters are handled by the District Court, the state’s general jurisdiction trial court. District courts may establish separate divisions, including a probate division, family court division and a juvenile division:</p> <ul style="list-style-type: none"> <li>Centrally administered by the Minnesota Supreme Court and its Chief Justice.</li> <li>The Supreme Court has the authority, with the advice of an advisory committee, to promulgate rules governing practice in all state courts. The District Courts may also recommend rules.</li> <li>The Supreme Court has authority to establish court forms for all state courts.</li> </ul>	<p>The District Court has jurisdiction over all civil and criminal actions, including:</p> <ul style="list-style-type: none"> <li>Wills, trusts &amp; estates;</li> <li>Guardianships and conservatorships of adults and minors; and</li> <li>Name changes.</li> </ul> <p>When sitting as a Juvenile Court, the District Court also has jurisdiction over certain proceedings involving minors—<i>e.g.</i>, child protection, delinquency, judicial consent for minors to marry, etc.—as well as:</p> <ul style="list-style-type: none"> <li>TPR and adoption.</li> </ul>	<p>No distinct probate judges. The 10 judges of the District Court preside over probate matters.</p> <ul style="list-style-type: none"> <li>Full time.</li> <li>Elected to 6-year terms by the voters in their districts. In case of a vacancy, the governor may appoint a person to fill the vacancy from a list of nominees prepared by the Commission on Judicial Selection to serve until the election of a successor at the next general election more than one-year after appointment.</li> <li>Must “be learned in the law,” by are prohibited from engaging in the practice of law except when the judge “is a party in interest”; also may not be a partner of any practicing attorney.</li> </ul>	<p>No specific probate clerks or registers.</p> <ul style="list-style-type: none"> <li>Each District Court has one administrator who serves as the clerk and who is appointed by the chief judge of the district, with the advice of the other district judges and the approval of the Supreme Court.</li> <li>Employed by state judicial branch</li> <li>No special qualifications for office or restrictions found.</li> <li>No special authority beyond a typical court clerk noted.</li> </ul>	<p>Primarily state funding:</p> <ul style="list-style-type: none"> <li>The District Court is funded as part of the state judicial branch, except counties must provide office facilities for the district administrator.</li> </ul>
<b>North Dakota</b>	UPC (1999)	<p>Probate matters are handled by the District Court, the state’s general jurisdiction trial court:</p> <ul style="list-style-type: none"> <li>Centrally administered by the North Dakota Supreme Court, which specifies the number of districts and number of judges.</li> <li>The Supreme Court has authority to prescribe rules of pleading, practice and procedure for all courts. Each District Court has also adopted a few local procedural and/or administrative rules.</li> <li>The Supreme Court has established uniform court</li> </ul>	<p>The District Court has jurisdiction over:</p> <ul style="list-style-type: none"> <li>Wills, trusts &amp; estates;</li> <li>Guardianships and conservatorships of adults;</li> <li>Conservatorships of minors; and</li> <li>Testamentary appointment of guardians for minors when there is no objection;</li> <li>TPRs and adoptions of minors and of adults; and</li> <li>Name changes for adults and minors.</li> </ul> <p>When sitting as a Juvenile Court, the District Court also has jurisdiction over certain proceedings involving minors—</p>	<p>No distinct probate judges. The 52 District Court Judges preside over probate matters.</p> <ul style="list-style-type: none"> <li>Full time.</li> <li>Elected to 6-year terms by the voters in their districts. In case of a vacancy, the Supreme Court first determines whether the judgeship remains necessary. If so, the governor may either call a special election to fill the remainder of the term or may appoint a person to fill the vacancy for at least a 2-year term until the next general election from a list of nominees prepared</li> </ul>	<p>No specific probate clerks or registers.</p> <ul style="list-style-type: none"> <li>The Supreme Court provides clerk of district court services in each county of the state, unless either the county elects to provide clerk services at its own expense or the Supreme Court agrees to provide funding for clerks hired by the county.</li> <li>If clerk services are provided by the Supreme Court, the clerks are state employees.</li> <li>No special qualifications for office or restrictions found.</li> <li>No special authority beyond a typical court clerk noted.</li> </ul>	<p>The District Court is funded with legislative appropriations as part of the state judicial branch.</p>

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		forms—including for informal probate, for minor and for adult guardianships, for minor and adult conservatorships and for name changes—but has not established forms for formal probate or adoption proceedings.	<i>e.g.</i> , child protection, delinquency, judicial consent for minors to marry, placement of certain children in out-of-home treatment programs—and: <ul style="list-style-type: none"> <li>• Non-testamentary guardianships of minors; and</li> <li>• Resolving objections to testamentary appointments of guardians for minors.</li> </ul>	by the judicial nominating committee. <ul style="list-style-type: none"> <li>• Must be state residents “learned in the law” but may not engage in the practice of law except to act <i>pro se</i> or to give legal advice to a member of the judge’s family. The judge may not serve as the family member’s lawyer in any forum, however.</li> </ul>		
South Carolina	UPC (1986)	There is one Probate Court in each of the state’s 46 counties. <ul style="list-style-type: none"> <li>• Although the probate courts are county-based and county-funded, the probate courts are “part of the unified judicial system of” the state, centrally administered by the South Carolina Supreme Court.</li> <li>• The Supreme Court has authority to adopt rules of procedure for Probate Courts.</li> <li>• The state judicial branch website provides uniform forms for use in probate court proceedings across the state.</li> </ul> <p><i>Note:</i> The Family Court, which also hears some probate matters, is a statewide trial court of limited jurisdiction.</p>	The <b>Probate Court</b> has jurisdiction over: <ul style="list-style-type: none"> <li>• Wills, trusts &amp; estates—except the Circuit Court has concurrent jurisdiction over the determination of heirs and successors when necessary to resolve partition, quiet title and other real estate matters;</li> <li>• Guardianships and conservatorships for adults and minors as well as special needs trusts;</li> <li>• Approval and allocation of settlements of wrongful death or survival actions—concurrent with the circuit court, which may also hear the underlying actions;</li> <li>• Issues relating to paternity, common-law marriage and interpretation of marital agreements but only in connection with pending estate, trust, guardianship and conservatorship actions—concurrent with the family court.</li> </ul> The <b>Family Court</b> has jurisdiction over most family matters— <i>e.g.</i> , protective custody, delinquency, divorce, annulment, child and spousal support, paternity and child custody proceedings	46 county Probate Judges: <ul style="list-style-type: none"> <li>• Full time.</li> <li>• Elected to 4-year terms by the voters in their counties. In the case of a vacancy, the governor may appoint a person for the remainder of the unexpired term or until the next general election, whichever is sooner.</li> <li>• Must be at least 21 years of age, a state resident and a registered voter in the county in which elected. May not act as attorneys in any matter pending or originating the Probate Court in their county.</li> </ul>	46 Probate Clerks, one per county Probate Court. <ul style="list-style-type: none"> <li>• Appointed by the county’s elected Probate Judge.</li> <li>• Employee of the Probate Judge rather than the county.</li> <li>• May not appear as attorneys in the court in which the clerk works.</li> <li>• Special authority to (1) “examine, vouch, and approve uncontested accountings”; (2) “subject to the control of the judge, . . . issue notices and make all necessary orders for the hearing of any matter,” and (3) hear and “make all orders, judgments and decrees . . . which the judge could make” for uncontested matters, “subject to the same being set aside or modified by the judge” within 30 days of the order.</li> </ul>	Funded by the County. <ul style="list-style-type: none"> <li>• The county retains all probate court fees.</li> <li>• The county also receives fee paid out of the State Treasury for the settlement of each estate, which is calculated on the basis of the value of the estate tax collected.</li> </ul>

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State	UPC, UGCOPAA*?	Structure; Administration; Rules and Forms	Court(s) with Jurisdiction** over probate matters	Judges	Clerks or Registers of Probate	Funding
			(subject to concurrent Probate Court jurisdiction noted above)—and: <ul style="list-style-type: none"> <li>• Adoptions (children and adults); and</li> <li>• Name changes of children and adults.</li> </ul>			
<b>Washington</b>	UGCOPAA (2019; currently effective for minors, will be effective for adults in 2022)	Most probate matters handled by the District Court, the state’s general jurisdiction trial court located within each of the state’s 39 counties. <ul style="list-style-type: none"> <li>• Centrally administered by the Chief Justice of the Washington Supreme Court and the state court administrator.</li> <li>• The Supreme Court has the authority to adopt rules governing the forms for and the pleading, practice and procedure to be used in the Superior Courts. Superior Court judges also have the power to establish rules supplementary to and not in conflict with the Supreme rules adopted by the Supreme Court. To that end, each county Superior Court has also adopted its own local rules, some of which govern probate matters.</li> <li>• The Supreme Court has authority to adopt uniform forms for use in the Superior Courts.</li> </ul>	The Superior Court has jurisdiction over: <ul style="list-style-type: none"> <li>• Wills, trusts &amp; estates;</li> <li>• Guardianships and conservatorships of minors and adults; and</li> <li>• Name changes for victims of domestic violence—when sitting as a Family Court, the superior court may order a name change for a spouse as part of a marital dissolution or for a child as part of an adoption proceeding;</li> <li>• Otherwise, jurisdiction over name changes lies in the District Court.</li> </ul> When sitting as a Family Court, the Superior Court has exclusive jurisdiction over family proceedings— <i>e.g.</i> , marital dissolution, child custody, child and spousal support, parentage, relative visitation—and: <ul style="list-style-type: none"> <li>• Adoptions.</li> </ul>	No distinct probate judges. The judges of the Superior Court preside over probate matters. (Some counties share a judge(s) while other counties have or share multiple judges). <ul style="list-style-type: none"> <li>• Full time.</li> <li>• Elected to 4-year terms by the voters in their county or counties of jurisdiction. In the case of a vacancy, the Governor appoints a person to fill the vacancy for the remainder of the unexpired term.</li> <li>• Must be licensed to practice law in the state but may not practice law during the judge’s term of office.</li> </ul>	No specific probate clerks or registers. <ul style="list-style-type: none"> <li>• County clerks are elected by the voters in the county to 4-year terms of office. The county clerk for each county is the clerk of the superior court.</li> <li>• County officers.</li> <li>• Must be a citizen of the United States and a resident of the county</li> <li>• No special authority beyond a typical court clerk noted.</li> </ul>	Dual funding; mostly by county. <ul style="list-style-type: none"> <li>• One-half of each Superior Court judge’s salary is paid by the state and one-half is paid by the county or counties in which the judge serves. If the judge serves more than one county, the county portion of the salary must be apportioned between those counties on the basis of the assessed value of each county’s taxable property.</li> <li>• The counties must provide courtroom facilities and pay all other expenses of the Superior Courts including the salaries of other court personnel.</li> </ul>

\*UGCOPAA = Uniform Guardianship Conservatorship & Other Protective Arrangements Act

\*\* Jurisdiction is exclusive to the court listed unless otherwise noted.