

January 7, 2026

LD .1776, AN ACT TO INCORPORATE THE PROBATE JUDGES INTO THE JUDICIAL BRANCH

Chairs Senator Anne Carney and Senator Amy Kuhn
Distinguished Members of the Judiciary Committee

I am the current Probate Judge of Kennebec County and a former member of the Commission that wrote the report that is the basis of the substance of this proposal.. I am also a former member of this legislative body with years of policy making experience. The chairs have requested that we limit our testimony to the proposed amendment.

I do not speak for the other Probate Judges but rather offer insights from my 9 years experience on the bench and will respect the will of the legislature to make whatever plan emerges a success. My term is up in three years and I have no intention of serving as judge beyond that time. I have no self interest in the outcome, just a desire to see the excellent and nimble work of Probate continue in whatever structure you choose.

Let me focus on separating the Probate staff from the Probate Judge. The Probate staff is part of the team that includes the Judge. This enables the Probate Court to do its work. To leave them behind and create new court clerk positions is redundant and does not accurately reflect how the staff and judge work together on every issue from hearings, to research, to scheduling, to answering every question that comes across the desk. I offer you an invitation to come over to the Kennebec Court and see for yourselves.

This separation might work if the 9 new judges hold court where the former judges held court.. Some counties may no longer accommodate space for a traveling judge and that would be more difficult.

The most frequent criticism from those practicing Probate Law is lack of consistency from court to court. This amendment will exacerbate that problem with 16 independent registrars and staff who are currently not consistent. There will be no one to supervise them just as the existing Probate Judges are independent.

The Registrar and staff need to be part of the state Probate Court if the judges are going to be. There is no reason a Registrar should be elected. It is a management position with certain statutory responsibilities that could and should be reviewed to meet the new structure. The Registrar could be appointed by the Chief Judge and accountable to that position. Otherwise, no one is in charge and uniformity will be even more difficult.

The report quotes the highly successful community support given in Probate offices as a reason to leave the Registrar's office behind. Frankly, that is a terrible excuse. Why shouldn't we

demand the same helpful attitude to clerks in family matters, for example. It would also be a boon to the county tax payers to be relieved of that responsibility

My remarks reflect nothing but respect for Registrars and their staff. I simply cannot fathom doing my job efficiently and thoroughly without their help. These people are simply NOT stand alone entities but an integral part of a success court.. I encourage the sponsor and the committee to reconsider this unnecessary separation which will only make the work of probate more cumbersome and less efficient. It will certainly continue the pattern that lacks uniformity.

This issue continues to be debated each legislative session. No matter what you decide to do with structure, I hope that those of you sitting on this distinguished committee next year will also address the grievous problems facing both children and adults who need guardians. The frail elderly are falling through the cracks. They often languish in the hospital because there is no suitable placement. Many of the facilities that house them are so substandard that none of you would allow your loved one to be placed there. Consider an ombudsman for Adult Protective Services and ensure stronger licensing standards for the facilities our elders live out their lives.

Thank you for the opportunity to offer testimony. I am available to be a resource if needed.

Elizabeth H. Mitchell
Kennebec County Judge of Probate