

Tuesday, February 3, 2009

In Our Opinion: Probate Court reform
By THE DAILY HAMPSHIRE GAZETTE
Staff Writer

Probate reform may not be the most popular political topic, but it's an issue that sooner or later affects a lot of people – whether it involves the estate of a deceased relative, the performance of guardians, or the management of trusts.

Like many other legal institutions, Probate Court can prove imposing and vexing for those who are unfamiliar with the process. It can be particularly hard on those who are still dealing with the loss of a loved one or might need to complete an estate soon to pay for the decedent's funeral and remaining bills.

However, thanks to reforms approved by the Massachusetts Legislature and signed into law by Gov. Deval Patrick, it should become much easier to get things done in Probate Court.

In the words of David E. Sullivan, the Hampshire registrar of probate, the changes will make the process "user-friendly" and are designed "to meet the needs of attorneys, litigants and the public." To some degree, this is accomplished with a greater reliance on informal procedures.

Sullivan helped draft some of the new regulations as a member of a joint committee of the Massachusetts Bar Association and the Boston Bar Association.

Among the changes:

- The amount of time it takes to appoint an estate administrator will be reduced to seven days. By comparison, it can take two

months to appoint an administrator in Hampshire County Probate and Family Court, and up to five months elsewhere in the state.

- There will be a greater emphasis on informal procedures, which will help reduce expenses and delays. Magistrates will be able to grant informal probate immediately without the need for a hearing.

- The law calls for greater supervision of guardianships. Courts will be required to monitor the guardianships of those determined to be incapacitated; guardians will be required to provide annual reports.

These changes are long overdue. For over 20 years, members of the state's legal community have been pressing for an update of the probate procedures. A year ago, when she became chief justice of the Massachusetts Probate and Family Court, Paula Carey placed a high priority on overhauling the guardianship process.

Even with the new reforms, going through Probate Court still may not be the most pleasant task in the world. The reforms, however, could make things a lot easier for people at a time when they could really use a break.