

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Paul J. Donato

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:	DATE ADDED:
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>1/14/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

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 2018
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 2018 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 2018 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 2018 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. Chapter 217 of the General Laws, as appearing in the 2018 Official
57 Edition, is hereby amended by striking out section 23D in its entirety and inserting in place
58 thereof the following:-

59 Section 23D. In addition to the judicial case managers of the probate and family court
60 provided for in section 23C, the first justices of the respective courts of the probate and family
61 court department for the following counties may, with the approval of the chief justice of the
62 probate and family court, appoint and may, with the approval of the chief justice, remove
63 assistant judicial case managers with the same powers and duties. The appointments shall be as
64 follows:

65 Barnstable, 2 assistant judicial case managers

66 Berkshire, 1 assistant judicial case manager

67 Bristol, 5 assistant judicial case managers

68 Essex, 6 assistant judicial case managers

69 Franklin, 1 assistant judicial case manager

70 Hampden, 5 assistant judicial case managers

71 Hampshire, 1 assistant judicial case manager
72 Middlesex, 8 assistant judicial case managers
73 Norfolk, 5 assistant judicial case managers
74 Plymouth, 5 assistant judicial case managers
75 Suffolk, 5 assistant judicial case managers
76 Worcester, 6 assistant judicial case managers.

77 SECTION 6. Section 27A of chapter 217 of the General Laws, as appearing in the 2018
78 Official Edition, is hereby amended by striking out, in line 4, the words “as such assistant”.

79 SECTION 7. Chapter 217 of the General Laws, as appearing in the 2018 Official
80 Edition, is hereby amended by striking out section 28 in its entirety and inserting in place thereof
81 the following:-

82 Section 28. The first justice of the Suffolk county court may, subject to the approval of
83 the chief justice of the probate and family court, appoint a clerk who may administer the oaths
84 required in probate proceedings that are not prescribed by law to be administered by the judge or
85 register and shall perform such clerical and other duties as may be required by the first justice.
86 The clerk may be removed by the first justice, with the approval of the chief justice. The Suffolk
87 county register of probate may, with the approval of the chief justice, designate 6 employees as
88 deputy assistant registers with the same powers as assistant registers and may revoke such
89 designation with the approval of the chief justice. Four of the deputy assistant registers shall
90 receive as additional compensation an amount equal to 10 per cent of the annual salary of the
91 Suffolk county register of probate. Two of the deputy assistant registers shall receive as

92 additional compensation an amount equal to 5 per cent of the annual salary of the Suffolk county
93 register of probate. Notwithstanding the above, any person designated as a deputy assistant
94 register of probate pursuant to this section as of the effective date of this act shall continue to
95 serve in that capacity, as previously provided by this section prior to its amendment and shall
96 continue to receive 15 per cent of the annual salary of the Suffolk county register of probate until
97 they are no longer so designated, as previously provided by this section prior to its amendment.
98 The positions of associate deputy registers, previously provided for, are hereby eliminated.
99 Notwithstanding the elimination of these positions or any other general or special law to the
100 contrary, a person designated as an associate deputy register of probate pursuant to this section as
101 of the effective date of this act shall continue to serve in that capacity and receive the additional
102 compensation of 7.5 per cent of the annual salary of the Suffolk county register of probate, as
103 previously provided by this section prior to its amendment, until they are no longer so
104 designated.

105 SECTION 8. Chapter 217 of the General Laws, as appearing in the 2018 Official
106 Edition, is hereby amended by striking out section 29 in its entirety and inserting in place thereof
107 the following:-

108 Section 29. The first justice of the Middlesex county court may, with the approval of the
109 chief justice of the probate and family court, appoint a clerk who may administer the oaths
110 required in probate proceedings that are not prescribed by law to be administered by the judge or
111 register and shall perform such clerical and other duties as may be required by the first justice.
112 The clerk may be removed by the first justice with the approval of the chief justice. The
113 Middlesex county register of probate may, with the approval of the chief justice, designate 9
114 employees as deputy assistant registers with the same powers as assistant registers and with the

115 approval of the chief justice remove a deputy assistant register. Six of the deputy assistant
116 registers shall receive additional compensation in an amount equal to 10 per cent of the annual
117 salary of the Middlesex county register of probate. Three of the deputy assistant registers shall
118 receive as additional compensation an amount equal to 5 per cent of the annual salary of the
119 Middlesex county register of probate. Notwithstanding the above, any person designated as a
120 deputy assistant register of probate pursuant to this section as of the effective date of this act
121 shall continue to be serve in that capacity, as previously provided by this section prior to its
122 amendment and shall continue to receive 15 per cent of the annual salary of the Middlesex
123 county register of probate until they are no longer so designated, as previously provided by this
124 section prior to its amendment.

125 SECTION 9. Chapter 217 of the General Laws, as appearing in the 2018 Official
126 Edition, is hereby amended by striking out section 29A in its entirety and inserting in place
127 thereof the following:-

128 Section 29A. The first justice of the Dukes county court may, with the approval of the
129 chief justice of the probate and family court, appoint a clerk who may administer the oaths
130 required in probate proceedings that are not prescribed by law to be administered by the judge or
131 register and shall perform such clerical and other duties as may be required by the first justice,
132 with the approval of the chief justice. The clerk may be removed by the first justice with the
133 approval of the chief justice. The Dukes county register of probate may, with the approval of the
134 chief justice, designate 2 employees as deputy assistant registers with the same powers as
135 assistant registers and with the approval of the chief justice remove a deputy assistant register.
136 One deputy assistant register shall receive additional compensation in an amount equal to 10 per
137 cent of the annual salary of the Dukes county register of probate. One deputy assistant register

138 shall receive additional compensation in an amount equal to 5 per cent of the annual salary of the
139 Dukes county register of probate. Notwithstanding the above, any person designated as a deputy
140 assistant register of probate pursuant to this section as of the effective date of this act shall
141 continue to be serve in that capacity, as previously provided by this section prior to its
142 amendment and shall continue to receive 15 per cent of the annual salary of the Dukes county
143 register of probate until they are no longer so designated, as previously provided by this section
144 prior to its amendment.

145 SECTION 10. Chapter 217 of the General Laws, as appearing in the 2018 Official
146 Edition, is hereby amended by striking out section 29B in its entirety and inserting in place
147 thereof the following:-

148 Section 29B. The first justice for the Nantucket county court may, with the approval of
149 the chief justice of the probate and family court, appoint a clerk who may administer the oaths
150 required in probate proceedings that are not prescribed by law to be administered by the judge or
151 register, and shall perform such clerical and other duties as may be required by the first justice,
152 with the approval of the chief justice. The clerk may be removed by the first justice with the
153 approval of the chief justice. The Nantucket county register of probate may, with the approval of
154 the chief justice, designate 2 employees as deputy assistant registers with the same powers as
155 assistant registers and with the approval of the chief justice remove a deputy assistant register.
156 One deputy assistant register shall receive additional compensation in an amount equal to 10 per
157 cent of the annual salary of the Nantucket county register of probate. One deputy assistant
158 register shall receive additional compensation in an amount equal to 5 per cent of the annual
159 salary of the Nantucket county register of probate.

160 SECTION 11. Chapter 217 of the General Laws, as appearing in the 2018 Official
161 Edition, is hereby amended by striking out section 29C in its entirety and inserting in place
162 thereof the following:-

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

170 SECTION 12. Chapter 217 of the General Laws, as appearing in the 2018 Official
171 Edition, is hereby amended by striking out section 29D in its entirety and inserting in place
172 thereof the following:-

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

180 SECTION 13. Chapter 217 of the General Laws, as appearing in the 2018 Official
181 Edition, is hereby amended by striking out section 29E in its entirety and inserting in place
182 thereof the following:-

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

194 SECTION 14. Chapter 217 of the General Laws, as appearing in the 2018 Official
195 Edition, is hereby amended by striking out section 29F in its entirety and inserting in place
196 thereof the following:-

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

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

208 SECTION 15. Chapter 217 of the General Laws, as appearing in the 2018 Official
209 Edition, is hereby amended by striking out section 29G in its entirety and inserting in place
210 thereof the following:-

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

219 SECTION 16. Chapter 217 of the General Laws, as appearing in the 2018 Official
220 Edition, is hereby amended by striking out section 29H in its entirety and inserting in place
221 thereof the following:-

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

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

233 SECTION 17. Chapter 217 of the General Laws, as appearing in the 2018 Official
234 Edition, is hereby amended by striking out section 29I in its entirety and inserting in place
235 thereof the following:-

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

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

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

254 SECTION 19. Chapter 217 of the General Laws, as appearing in the 2018 Official
255 Edition, is hereby amended by striking out section 29K in its entirety and inserting in place
256 thereof the following:-

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

265 SECTION 20. Chapter 217 of the General Laws, as appearing in the 2018 Official
266 Edition, is hereby amended by striking out section 29L in its entirety and inserting in place
267 thereof the following:-

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