

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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:

Joanne M. Comerford

DISTRICT/ADDRESS:

Hampshire, Franklin and Worcester

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4364 OF 2023-2024.]

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 2022
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. Said chapter 217 is hereby further amended by striking out section 23, as so
5 appearing, and inserting in place thereof the following section:-

6 Section 23. The register of the respective courts of the probate and family court
7 department may, with the approval of the chief justice of the probate and family court, appoint
8 for a term of 3 years and may, with the approval of the chief justice, remove a first assistant
9 register of probate. Before entering upon the performance of their duties, a first assistant register
10 shall take the oath prescribed by the constitution. The appointments shall be as follows:

- 11 Barnstable, 1 first assistant register
- 12 Berkshire, 1 first assistant register
- 13 Bristol, 1 first assistant register
- 14 Essex, 1 first assistant register
- 15 Franklin, 1 first assistant register
- 16 Hampden, 1 first assistant register
- 17 Hampshire, 1 first assistant register
- 18 Middlesex, 1 first assistant register
- 19 Norfolk, 1 first assistant register
- 20 Plymouth, 1 first assistant register
- 21 Suffolk, 1 first assistant register
- 22 Worcester, 1 first assistant register.

23 SECTION 3. Said chapter 217 is hereby further amended by striking out section 23A, as
24 so appearing, and inserting in place thereof the following section:-

25 Section 23A. In addition to the first assistant registers of probate provided for in section
26 23, the registers of the respective courts of the probate and family court department for the
27 following counties may, with the approval of the chief justice of the probate and family court,
28 appoint for terms of 3 years and may, with the approval of the chief justice, remove assistant
29 registers with the same powers and duties. The appointments shall be as follows:

- 30 Barnstable, 2 assistant registers
- 31 Berkshire, 1 assistant register
- 32 Bristol, 2 assistant registers
- 33 Essex, 3 assistant registers
- 34 Franklin, 1 assistant register
- 35 Hampden, 2 assistant registers
- 36 Hampshire, 1 assistant register
- 37 Middlesex, 4 assistant registers
- 38 Norfolk, 2 assistant registers
- 39 Plymouth, 2 assistant registers
- 40 Suffolk, 2 assistant registers
- 41 Worcester, 2 assistant registers.

42 SECTION 4. Said chapter 217 is hereby further amended by striking out section 23B, as
43 so appearing, and inserting in place thereof the following section:-

44 Section 23B. The positions of administrative deputy assistant registers are hereby
45 eliminated. Notwithstanding the elimination of these positions or any other general or special law
46 to the contrary, a person employed as an administrative deputy assistant register of probate
47 pursuant to this section as of the effective date of this act shall continue to be employed as an
48 administrative deputy assistant register of probate and shall continue to serve in that capacity at

49 the pleasure of the register of probate for that county. The position of administrative deputy
50 assistant shall continue to meet the definitions of both confidential and managerial employees as
51 those terms appear in chapter 150E and any individuals continuing to be employed in that
52 capacity shall perform no official judicial duties.

53 SECTION 5. Said chapter 217 is hereby amended by striking out section 23D, as so
54 appearing, and inserting in place thereof the following section:-

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

61 Barnstable, 2 assistant judicial case managers

62 Berkshire, 1 assistant judicial case manager

63 Bristol, 5 assistant judicial case managers

64 Essex, 6 assistant judicial case managers

65 Franklin, 1 assistant judicial case manager

66 Hampden, 5 assistant judicial case managers

67 Hampshire, 1 assistant judicial case manager

68 Middlesex, 8 assistant judicial case managers

69 Norfolk, 5 assistant judicial case managers

70 Plymouth, 5 assistant judicial case managers

71 Suffolk, 5 assistant judicial case managers

72 Worcester, 6 assistant judicial case managers.

73 SECTION 6. Section 27A of said chapter 217, as so appearing, is hereby amended by
74 striking out, in line 4, the words “as such assistant”.

75 SECTION 7. Said chapter 217 is hereby amended by striking out section 28, as so
76 appearing, and inserting in place thereof the following section:-

77 Section 28. The first justice of the Suffolk county court may, subject to the approval of
78 the chief justice of the probate and family court, appoint a clerk who may administer the oaths
79 required in probate proceedings that are not prescribed by law to be administered by the judge or
80 register and shall perform such clerical and other duties as may be required by the first justice.
81 The clerk may be removed by the first justice, with the approval of the chief justice. The Suffolk
82 county register of probate may, with the approval of the chief justice, designate 6 employees as
83 deputy assistant registers with the same powers as assistant registers and may revoke such
84 designation with the approval of the chief justice. Four of the deputy assistant registers shall
85 receive as additional compensation an amount equal to 10 per cent of the annual salary of the
86 Suffolk county register of probate. Two of the deputy assistant registers shall receive as
87 additional compensation an amount equal to 5 per cent of the annual salary of the Suffolk county
88 register of probate. Notwithstanding the above, any person designated as a deputy assistant
89 register of probate pursuant to this section as of the effective date of this act shall continue to

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

100 SECTION 8. Said chapter 217 is hereby further amended by striking out section 29, as so
101 appearing, and inserting in place thereof the following section:-

102 Section 29. The first justice of the Middlesex county court may, with the approval of the
103 chief justice of the probate and family court, appoint a clerk who may administer the oaths
104 required in probate proceedings that are not prescribed by law to be administered by the judge or
105 register and shall perform such clerical and other duties as may be required by the first justice.
106 The clerk may be removed by the first justice with the approval of the chief justice. The
107 Middlesex county register of probate may, with the approval of the chief justice, designate 9
108 employees as deputy assistant registers with the same powers as assistant registers and with the
109 approval of the chief justice remove a deputy assistant register. Six of the deputy assistant
110 registers shall receive additional compensation in an amount equal to 10 per cent of the annual
111 salary of the Middlesex county register of probate. Three of the deputy assistant registers shall
112 receive as additional compensation an amount equal to 5 per cent of the annual salary of the

113 Middlesex county register of probate. Notwithstanding the above, any person designated as a
114 deputy assistant register of probate pursuant to this section as of the effective date of this act
115 shall continue to be serve in that capacity, as previously provided by this section prior to its
116 amendment and shall continue to receive 15 per cent of the annual salary of the Middlesex
117 county register of probate until they are no longer so designated, as previously provided by this
118 section prior to its amendment.

119 SECTION 9. Said chapter 217 is hereby further amended by striking out section 29A, as
120 so appearing, and inserting in place thereof the following section:-

121 Section 29A. The first justice of the Dukes county court may, with the approval of the
122 chief justice of the probate and family court, appoint a clerk who may administer the oaths
123 required in probate proceedings that are not prescribed by law to be administered by the judge or
124 register and shall perform such clerical and other duties as may be required by the first justice,
125 with the approval of the chief justice. The clerk may be removed by the first justice with the
126 approval of the chief justice. The Dukes county register of probate may, with the approval of the
127 chief justice, designate 2 employees as deputy assistant registers with the same powers as
128 assistant registers and with the approval of the chief justice remove a deputy assistant register.
129 One deputy assistant register shall receive additional compensation in an amount equal to 10 per
130 cent of the annual salary of the Dukes county register of probate. One deputy assistant register
131 shall receive additional compensation in an amount equal to 5 per cent of the annual salary of the
132 Dukes county register of probate. Notwithstanding the above, any person designated as a deputy
133 assistant register of probate pursuant to this section as of the effective date of this act shall
134 continue to be serve in that capacity, as previously provided by this section prior to its
135 amendment and shall continue to receive 15 per cent of the annual salary of the Dukes county

136 register of probate until they are no longer so designated, as previously provided by this section
137 prior to its amendment.

138 SECTION 10. Said chapter 217 is hereby further amended by striking out section 29B, as
139 so appearing, and inserting in place thereof the following section:-

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

152 SECTION 11. Said chapter 217 is hereby further amended by striking out section 29C, as
153 so appearing, and inserting in place thereof the following section:-

154 Section 29C. The register of the Barnstable probate court may, with the approval of the
155 chief justice of the probate and family court, designate 5 employees as deputy assistant registers
156 with the same powers as assistant registers and with the approval of the chief justice remove a
157 deputy assistant register. Three deputy assistant registers shall receive additional compensation

158 in an amount equal to 10 per cent of the annual salary of the Barnstable county register of
159 probate. Two deputy assistant registers shall receive additional compensation in an amount equal
160 to 5 per cent of the annual salary of the Barnstable county register of probate.

161 SECTION 12. Said chapter 217 is hereby further amended by striking out section 29D, as
162 so appearing, and inserting in place thereof the following section:-

163 Section 29D. The register of the Berkshire probate court may, with the approval of the
164 chief justice of the probate and family court, designate 3 employees as deputy assistant registers
165 with the same powers as assistant register and with the approval of the chief justice remove a
166 deputy assistant register. Two deputy assistant registers shall receive additional compensation in
167 an amount equal to 10 per cent of the annual salary of the Berkshire county register of probate.
168 One deputy assistant register shall receive additional compensation in an amount equal to 5 per
169 cent of the annual salary of the Berkshire county register of probate.

170 SECTION 13. Said chapter 217 is hereby further amended by striking out section 29E, as
171 so appearing, and inserting in place thereof the following section:-

172 Section 29E. The register of the Hampden probate court may, with the approval of the
173 chief justice of the probate and family court, designate 6 employees as deputy assistant registers
174 with the same powers as assistant registers and with the approval of the chief justice remove a
175 deputy assistant register. Four deputy assistant registers shall receive additional compensation in
176 an amount equal to 10 per cent of the annual salary of the Hampden county register of probate.
177 Two deputy assistant registers shall receive additional compensation in an amount equal to 5 per
178 cent of the annual salary of the Hampden county register of probate. Notwithstanding the above,
179 any person designated as a deputy assistant register of probate pursuant to this section as of the

180 effective date of this act shall continue to serve in that capacity and shall receive additional
181 compensation in an amount equal to 10 per cent of the annual salary of the Hampden county
182 register of probate.

183 SECTION 14. Said chapter 217 is hereby further amended by striking out section 29F, as
184 so appearing, and inserting in place thereof the following section:-

185 Section 29F. The register of the Worcester probate and family court may, with the
186 approval of the chief justice of the probate and family court, designate 6 employees as deputy
187 assistant registers with the same powers as assistant registers and with the approval of the chief
188 justice remove a deputy assistant register. Four deputy assistant registers shall receive additional
189 compensation in an amount equal to 10 per cent of the annual salary of the Worcester county
190 register of probate. Two deputy assistant registers shall receive additional compensation in an
191 amount equal to 5 per cent of the annual salary of the Worcester county register of probate.
192 Notwithstanding the above, any person designated as a deputy assistant register of probate
193 pursuant to this section as of the effective date of this act shall continue to serve in that capacity,
194 as previously provided by this section prior to its amendment and shall continue to receive 15 per
195 cent of the annual salary of the Worcester county register of probate.

196 SECTION 15. Said chapter 217 is hereby further amended by striking out section 29G, as
197 so appearing, and inserting in place thereof the following section:-

198 Section 29G. The register of the Bristol probate and family court may, with the approval
199 of the chief justice of the probate and family court, designate 6 employees as deputy assistant
200 registers with the same powers as assistant registers and with the approval of the chief justice
201 remove a deputy assistant register. Four deputy assistant registers shall receive in addition to

202 their salaries as employees, additional compensation in an amount equal to 10 per cent of the
203 annual salary of the Bristol county register of probate. Two deputy assistant registers shall
204 receive additional compensation in an amount equal to 5 per cent of the annual salary of the
205 Bristol county register of probate.

206 SECTION 16. Said chapter 217 is hereby further amended by striking out section 29H, as
207 so appearing, and inserting in place thereof the following section:-

208 Section 29H. The register of the Hampshire probate and family court may, with the
209 approval of the chief justice of the probate and family court, designate 3 employees as deputy
210 assistant registers with the same powers as assistant registers and with the approval of the chief
211 justice remove a deputy assistant register. Two deputy assistant registers shall receive additional
212 compensation in an amount equal to 10 per cent of the annual salary of the Hampshire county
213 register of probate. One deputy assistant register shall receive additional compensation in an
214 amount equal to 5 per cent of the annual salary of the Hampshire county register of probate.
215 Notwithstanding the above, any person designated as a deputy assistant register of probate
216 pursuant to this section as of the effective date of this act shall continue to serve in that capacity,
217 as previously provided by this section prior to its amendment and shall continue to receive 15 per
218 cent of the annual salary of the Hampshire county register of probate.

219 SECTION 17. Said chapter 217 is hereby further amended by striking out section 29I, as
220 so appearing, and inserting in place thereof the following section:-

221 Section 29I. The register of the Plymouth probate and family court may, with the
222 approval of the chief justice of the probate and family court, designate 6 employees as deputy
223 assistant registers with the same powers as assistant registers and with the approval of the chief

224 justice remove a deputy assistant register. Four deputy assistant registers shall receive in addition
225 to their salaries as employees, additional compensation in an amount equal to 10 per cent of the
226 annual salary of the Plymouth county register of probate. Two deputy assistant registers shall
227 receive additional compensation in an amount equal to 5 per cent of the annual salary of the
228 Plymouth county register of probate.

229 SECTION 18. Said chapter 217 is hereby further amended by striking out section 29J, as
230 so appearing, and inserting in place thereof the following section:-

231 Section 29J. The register of the Essex probate and family court may, with the approval of
232 the chief justice of the probate and family court, designate 6 employees as deputy assistant
233 registers with the same powers as an assistant register and with the approval of the chief justice
234 remove a deputy assistant register. Four deputy assistant registers shall receive additional
235 compensation in an amount equal to 10 per cent of the annual salary of the Essex county register
236 of probate. Two deputy assistant register shall receive additional compensation in an amount
237 equal to 5 per cent of the annual salary of the Essex county register of probate.

238 SECTION 19. Said chapter 217 is hereby further amended by striking out section 29K, as
239 so appearing, and inserting in place thereof the following section:-

240 Section 29K. The register of the Franklin probate and family court may, with the
241 approval of the chief justice of the probate and family court, designate 3 employees as deputy
242 assistant registers with the same powers as an assistant register and with the approval of the chief
243 justice remove a deputy assistant register. Two deputy assistant registers shall receive in addition
244 to their salary as an employee, additional compensation in an amount equal to 10 per cent of the
245 annual salary of the Franklin county register of probate. One deputy assistant register shall

246 receive additional compensation in an amount equal to 5 per cent of the annual salary of the
247 Franklin county register of probate.

248 SECTION 20. Said chapter 217 is hereby further amended by striking out section 29L, as
249 so appearing, and inserting in place thereof the following section:-

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

257 Notwithstanding the above, any person designated as a deputy assistant register of probate
258 pursuant to this section as of the effective date of this act shall continue to serve in that capacity,
259 as previously provided by this section prior to its amendment and shall continue to receive 15 per
260 cent of the annual salary of the Norfolk county register of probate until they are no longer so
261 designated, as previously provided by this section prior to its amendment.