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Connecticut Increases Probate Court Fees for Certain Estates

Connecticut recently enacted legislation that substantially increases probate court fees for certain estates of Connecticut residents dying on or after January 1, 2015. Given that several of you have asked how these changes will impact your estates, we thought a summary of the new probate court fees would be helpful.

The good news is that estates totaling less than \$2 million will not be affected, and even estates of \$5 million will have a relatively small increase in the probate court fee. The legislation will, however, substantially increase the fees for larger estates.

As was the case with the previous probate court fee structure, the fees are computed based on a percentage of assets as reported on the estate's Connecticut Estate Tax Return. Accordingly, the fees continue to be imposed regardless of whether any assets are actually probated. For example, even if probate is avoided by funding a revocable trust, the probate fees still apply.

Prior to the recent legislation, probate court fees for decedent estates were capped at \$12,500 for all estates regardless of the value of the estate. Estates reached the cap at \$4,754,000. The new legislation eliminates that cap and increases the percentage applied to estate assets in excess of \$2 million from .25% to .50% (lower rates apply to the first \$2 million of assets), thereby resulting in an increase in fees for estates in excess of \$2 million and a substantial increase in fees for larger estates that previously benefited from the cap. For example, prior to this legislation, a decedent's estate with a value of \$5 million would have paid a probate court fee of \$12,500. As a result of the recent fee increase, that estate will now pay a probate court fee of \$20,615. The impact of the fee increase on larger estates is even more significant. For example, an estate valued at \$20 million, which would have previously resulted in a probate court fee of \$12,500, will now be assessed a fee of \$95,615.



The increase in Connecticut's probate court fees has garnered substantial attention in Connecticut and beyond. It is possible that the fees will be addressed in next year's legislative session. However, at the present time the fee increases are applicable with respect to all estates of Connecticut residents and to the estates of non-residents with real or tangible property located in Connecticut.

Please contact your attorney in the Trusts & Estates practice group with any questions regarding probate court fees or any other matter concerning your estate plan.

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