

California

Separate probate court?

Not technically. Handled by the Special Probate Department of Superior Court

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

The Probate Department handles anything under the Probate Code

2. Limits on jurisdiction?

But has all the same powers and abilities to decide and rule on lawsuits as the civil dept.

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

See above.

Yes, a superior judge must be admitted to practice in CA or have served as a judge of a court of record in Ca for at least 10 yrs immediately preceding election or appointment

4. Must the judges be licensed attorneys?

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Probate Dept of Superior Ct

2. Will interpretation

Probate Dept of Superior Ct

3. Trust construction

Probate Dept of Superior Ct

4. Trust reformation

Probate Dept of Superior Ct

5. Breach of Fiduciary Duty--probate

Probate Dept of Superior Ct

6. Breach of Fiduciary Duty--non-probate

Probate Dept of Superior Ct

7. Guardianship of Minors

Probate Dept of Superior Ct

8. Guardianship of Adults

Probate Dept of Superior Ct

Does the state specifically assign and/or train judges to handle fiduciary matters?

Experience and continuing education is required for probate judges in the areas of guardianships, conservatorships, and fiduciary accounting.

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Most probate matters are handled without a jury trial, but Probate Court does have the authority to conduct a jury trial.

DC

Separate probate court?

Not technically. Handled by the Probate Division of Superior Court of the District of Columbia

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

All fiduciary matters

2. Limits on jurisdiction?

Estates, Wills, Trusts, Guardianships, Conservatorships, Intervention proceedings, litigation, disclaimers, etc.

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

The Probate Division may hand down judgements on matters of fact and law.

4. Must the judges be licensed attorneys?

Yes, for at least five to ten years immediately prior to appointment

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Probate Division of Superior Court

2. Will interpretation

Probate Division of Superior Court

3. Trust construction

Probate Division of Superior Court

4. Trust reformation

Probate Division of Superior Court

5. Breach of Fiduciary Duty--probate

Probate Division of Superior Court

6. Breach of Fiduciary Duty--non-probate

Probate Division of Superior Court

7. Guardianship of Minors

Probate Division of Superior Court

8. Guardianship of Adults

Probate Division of Superior Court

Does the state specifically assign and/or train judges to handle fiduciary matters?

No required training for judges, but lawyers on the Probate Fiduciary Panel must complete six hours of Fid. Credits

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

No, the Probate Division handles jury trials.

Delaware

Separate probate court?

No. The Court of Chancery handles trusts, estates, and fiduciary matters (and other causes in equity)

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

Includes all fiduciary matters.

2. Limits on jurisdiction?

No jury trials.

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

Matters of law and fact are adjudicated.

4. Must the judges be licensed attorneys?

Must be a state resident, possess a law degree, be "learned in the law," and be a state bar member.

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Court of Chancery

2. Will interpretation

Court of Chancery

3. Trust construction

Court of Chancery

4. Trust reformation

Court of Chancery

5. Breach of Fiduciary Duty--probate

Court of Chancery

6. Breach of Fiduciary Duty--non-probate

Court of Chancery

7. Guardianship of Minors

Delaware Family Court

8. Guardianship of Adults

Court of Chancery

Does the state specifically assign and/or train judges to handle fiduciary matters?

No, but judges must meet the requirements of the Mandatory Continuing Legal Education Rule (which could include fid. matters).

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Yes, there are no jury trials in the Court of Chancery. Those are handled by the Superior Court.

Florida

Separate probate court?

No, handled by the Florida Circuit Courts

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

Circuit Courts have original jurisdiction over civil disputes over \$30,000.

2. Limits on jurisdiction?

Gen. trial jurisdiction over matters not assigned to the county courts but may also hear appeals if assigned by Florida statute

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

May adjudicate matters of law and fact.

4. Must the judges be licensed attorneys?

Yes, must have been admitted to the practice of law in the state for the preceding five years.

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Circuit Courts

2. Will interpretation

Circuit Courts

3. Trust construction

Circuit Courts

4. Trust reformation

Circuit Courts

5. Breach of Fiduciary Duty--probate

Circuit Courts

6. Breach of Fiduciary Duty--non-probate

Circuit Courts

7. Guardianship of Minors

Circuit Courts

8. Guardianship of Adults

Circuit Courts

Does the state specifically assign and/or train judges to handle fiduciary matters?

Fla. R. Jud. Admin. 2.320 requires continuing judicial education but does not specify fiduciary training

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Circuit Courts allow jury trials

Illinois

Separate probate court?

No, Circuit Court has jurisdiction over civil and juvenile cases.

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

All fiduciary matters within the state

2. Limits on jurisdiction?

Can deal with any cases where the Florida Supreme Court does not have original jurisdiction

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

May adjudicate matters of law and fact

4. Must the judges be licensed attorneys?

Yes.

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Circuit Court

2. Will interpretation

Circuit Court

3. Trust construction

Circuit Court

4. Trust reformation

Circuit Court

5. Breach of Fiduciary Duty--probate

Circuit Court

6. Breach of Fiduciary Duty--non-probate

Circuit Court

7. Guardianship of Minors

Circuit Court

8. Guardianship of Adults

Circuit Court

Does the state specifically assign and/or train judges to handle fiduciary matters?

Judges are assigned to all probate matters & required to have 30 hours of mandatory legal education every other year. (Not fid. sp)

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Circuit Courts can hear jury trials.

Massachusetts

Separate probate court?	Yes, Probate and Family Court
1. Does PC jurisdiction extend to all fiduciary matters or just estates?	All fiduciary matters, but can also request a reassignment of case to the Fiduciary Litigation Session* within the Probate & Family Ct. Hears all probate matters, but FLS was designed to handle complex fiduciary matters (not mandatory to file there though)
2. Limits on jurisdiction?	
3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?	Yes, may adjudicate matters of law and fact. Technically not by law, but qualifications include membership in the bar and a minimum number of years of legal experience in the court (per Gov. Exec. Orders)
4. Must the judges be licensed attorneys?	
Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?	
1. Will caveats/contest	Probate and Family Court (but could be removed to FLS)
2. Will interpretation	Probate and Family Court (but could be removed to FLS)
3. Trust construction	Probate and Family Court (but could be removed to FLS)
4. Trust reformation	Probate and Family Court (but could be removed to FLS)
5. Breach of Fiduciary Duty--probate	Probate and Family Court (but could be removed to FLS)
6. Breach of Fiduciary Duty--non-probate	Probate and Family Court (but could be removed to FLS)
7. Guardianship of Minors	Probate and Family Court
8. Guardianship of Adults	Probate and Family Court
Does the state specifically assign and/or train judges to handle fiduciary matters?	The judges assigned to the FLS have more experience that enables them to handle the complex fiduciary matters (but no formal training is given).
When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?	Jury trials are not available in any division of the Probate and Family Court (including FLS). They are moved to the Superior Court.
* The FLS was started as a pilot program in 2017, but according to court records and websites, it is still in existence.	
* A request for reassignment to the FLS may be made by a Probate and Family Court judge before whom the case is originally assigned,	

New Jersey

Separate probate court?

Yes, Surrogate Court (but Probate Part of Superior Court handles litigated/contested matters)

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

Limited to Probate matters only

2. Limits on jurisdiction?

Surrogate Court only handles uncontested matters

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

Pure estate administration-related duties only.

4. Must the judges be licensed attorneys?

A Surrogate Judge does not need to be a licensed attorney.

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Superior Court

2. Will interpretation

Superior Court

3. Trust construction

Superior Court

4. Trust reformation

Superior Court

5. Breach of Fiduciary Duty--probate

Superior Court

6. Breach of Fiduciary Duty--non-probate

Superior Court

7. Guardianship of Minors

Surrogate Court (on behalf of Superior Court)

8. Guardianship of Adults

Surrogate Court (on behalf of Superior Court)

Does the state specifically assign and/or train judges to handle fiduciary matters?

Judges attend training to learn about procedures, court technologies, and how to resolve cases fairly and efficiently.

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

No right to a jury trial, except in guardianship actions, in which it is rare.

New York

Separate probate court?

Surrogate's Court*

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

All fiduciary matters.

2. Limits on jurisdiction?

Jurisdiction over cases involving the affairs of decedents, including the probate of wills and the administration of estates and all matters relating to guardianships.

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

May adjudicate matters of law and fact

4. Must the judges be licensed attorneys?

Must be admitted to practice for at least five years

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Surrogate's Court

2. Will interpretation

Surrogate's Court

3. Trust construction

Surrogate's Court

4. Trust reformation

Surrogate's Court

5. Breach of Fiduciary Duty--probate

Surrogate's Court

6. Breach of Fiduciary Duty--non-probate

Surrogate's Court

7. Guardianship of Minors

Family, Supreme, and Surrogate's Courts have concurrent jurisdiction

8. Guardianship of Adults

Family, Supreme, and Surrogate's Courts have concurrent jurisdiction

Does the state specifically assign and/or train judges to handle fiduciary matters?

All Surrogate judges reside over fiduciary matters and are exempt for mandatory continuing legal education

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Jury trials are heard in the Surrogate's Court

*See New York Surrogate's Court Procedure Act

Pennsylvania

Separate probate court?

Orphans' Court Division of the Court of Common Pleas (separate Orphans' Courts were abolished in 1968)

1. Does PC jurisdiction extend to all fiduciary matters or just estates?

All fiduciary matters

2. Limits on jurisdiction?

All jurisdiction that the former, separate Orphans' Court had (codified in 20 Pa.C.S.A. §711).

3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?

May adjudicate matter of law and fact.

4. Must the judges be licensed attorneys?

Must be members of the bar of the Pennsylvania Supreme Court

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest

Orphans' Court Division

2. Will interpretation

Orphans' Court Division

3. Trust construction

Orphans' Court Division

4. Trust reformation

Orphans' Court Division

5. Breach of Fiduciary Duty--probate

Orphans' Court Division

6. Breach of Fiduciary Duty--non-probate

Orphans' Court Division

7. Guardianship of Minors

Orphans' Court Division

8. Guardianship of Adults

Orphans' Court Division

Does the state specifically assign and/or train judges to handle fiduciary matters?

Jurists are required to earn each year a minimum of three hours of continuing education in judicial ethics and nine hours in judicial practice and related areas

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Jury trials are held in the Orphans' Court Division of the Court of Common Pleas

Virginia

Separate probate court?

No, handled by Civil Division of Circuit Courts

1. Does PC jurisdiction extend to all fiduciary matters or just estates?
2. Limits on jurisdiction?
3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?
4. Must the judges be licensed attorneys?

All fiduciary matters.
Only trial court of general jurisdiction in VA

May adjudicate matters of law and fact.
Must be state bar member for at least five years.

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest
2. Will interpretation
3. Trust construction
4. Trust reformation
5. Breach of Fiduciary Duty--probate
6. Breach of Fiduciary Duty--non-probate
7. Guardianship of Minors
8. Guardianship of Adults

Circuit Court
Circuit Court
Circuit Court
Circuit Court
Circuit Court
Circuit Court
Circuit Court
Circuit Court

Does the state specifically assign and/or train judges to handle fiduciary matters?

Regularly scheduled educational conferences are held for judges and court personnel.

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

No, Circuit Courts hold jury trials.

West Virginia

Separate probate court?

No, handled by Circuit Courts

1. Does PC jurisdiction extend to all fiduciary matters or just estates?
2. Limits on jurisdiction?
3. May it adjudicate matters of law and fact or is it limited to pure estate administration-related duties?
4. Must the judges be licensed attorneys?

Extends to all fiduciary matters.

General jurisdiction trial courts

May adjudicate matters of fact and law.

Must be admitted to practice law for at least five years prior to election.

Which court has jurisdiction over the following fiduciary controversies (when they reach litigation)?

1. Will caveats/contest
2. Will interpretation
3. Trust construction
4. Trust reformation
5. Breach of Fiduciary Duty--probate
6. Breach of Fiduciary Duty--non-probate
7. Guardianship of Minors
8. Guardianship of Adults

Circuit Courts

Circuit Courts

Circuit Courts

Circuit Courts

Circuit Courts

Circuit Courts

Concurrent subject matter jurisdiction with Family Court

Circuit Courts

Does the state specifically assign and/or train judges to handle fiduciary matters?

Although judges do have mandatory continuing legal education requirements, there is no fiduciary matters training specifically.

When is there a right to a jury trial and if elected does it impact jurisdiction over the matter?

Circuit Courts handle jury trials