

States	Designated Probate Court or General Jurisdiction	Jurisdictional Limits	Authority
Alabama	<p>Designated Probate Court</p> <p>Alabama has 68 probate courts and 68 judges. The courts have jurisdiction over estate matters.</p>	<p>(a) The probate court shall have original and general jurisdiction as to all matters mentioned in this section and shall have original and general jurisdiction as to all other matters which may be conferred upon them by statute, unless the statute so conferring jurisdiction expressly makes the jurisdiction special or limited.</p> <p>(b) The probate court shall have original and general jurisdiction over the following matters:</p> <p>(1) The probate of wills.</p> <p>(2) The granting of letters testamentary and of administration and the repeal or revocation of the same.</p> <p>(3) All controversies in relation to the right of executorship or of administration.</p> <p>(4) The settlement of accounts of executors and administrators.</p> <p>(5) The sale and disposition of the real and personal property belonging to and the distribution of intestate's estates.</p> <p>(6) The appointment and removal of guardians for minors and persons of unsound mind.</p> <p>(7) All controversies as to the right of guardianship and the settlement of guardians' accounts.</p> <p>(8) The allotment of dower in land in the cases provided by law.</p> <p>(9) The partition of lands within their counties.</p> <p>(10) The change of the name of any person residing in their county, upon his filing a declaration in writing, signed by him, stating the name by which he is known and the name to which he wishes it to be changed.</p> <p>(11) Such other cases as jurisdiction is or may be given to such courts by law in all cases to be exercised in the manner prescribed by law.</p> <p>(c) All orders, judgments and decrees of probate courts shall be accorded the same validity and presumptions which are accorded to judgments and orders of other courts of general jurisdiction.</p>	Code of Ala. § 12-13-1
Alaska	<p>General Jurisdiction - Alaska does not have a separate probate court. The Superior Court has jurisdiction over estate matters.</p>	<p>(a) The superior court is the trial court of general jurisdiction, with original jurisdiction in all civil and criminal matters, including probate and guardianship of minors and incompetents. Except for a petition for a protective order under AS 18.66.100 -- 18.66.180, an action that falls within the concurrent jurisdiction of the superior court and the district court may not be filed in the superior court, except as provided by rules of the supreme court.</p> <p>To the full extent permitted by the constitution, the court has jurisdiction over</p>	<p>Alaska Stat. § 22.10.020</p> <p>Alaska Stat. § 13.06.065</p>

		<p>all subject matter relating to</p> <ul style="list-style-type: none"> (1) estates of decedents, including construction of wills and determination of heirs and successors of decedents, and estates of protected persons; (2) protection of minors and incapacitated persons; and (3) trusts. 	
Arizona	<p>Designated Probate Court</p> <p>Arizona does not have a separate probate court. The Superior Court has jurisdiction over estate matters.</p>	<p>A. To the full extent permitted by the constitution, the court has jurisdiction over all subject matter relating to:</p> <ul style="list-style-type: none"> 1. Estates of decedents, including construction of wills and determination of heirs and successors of decedents, and estates of protected persons. 2. Protection of minors and incapacitated persons. 3. Trusts. <p>B. The court has general jurisdiction to make orders, judgments and decrees and take all other action necessary and proper to administer justice in the matters which come before it including jurisdiction to:</p> <ul style="list-style-type: none"> 1. Enforce orders against a fiduciary by contempt proceedings. 2. Compel action by a fiduciary by body attachment. 3. Hear and determine related claims by or against fiduciaries, protected persons or incapacitated persons by or against third parties, including claims for malpractice, breach of contract, personal injury, wrongful death, quiet title and breach of fiduciary duty. 	A.R.S. § 14-1302
Arkansas	<p>General Jurisdiction</p> <p>Arkansas does not have a separate probate court. The Circuit Court has jurisdiction over estate matters.</p>	<p>The circuit court shall have jurisdiction over:</p> <ul style="list-style-type: none"> (1) The administration, settlement, and distribution of estates of decedents; (2) The probate of wills; (3) The persons and estates of minors; (4) Persons of unsound mind and their estates; (5) The determination of heirship or of adoption; (6) The restoration of lost wills and the construction of wills when incident to the administration of an estate; and (7) All such other matters as are provided by law. 	A.C.A. § 28-1-104
California	<p>General Jurisdiction</p> <p>California does not have a separate probate court. The Superior Court has jurisdiction estate , matters.</p>	<p>The superior court has jurisdiction of proceedings under this code concerning the administration of the decedent's estate.</p>	Cal Prob Code § 7050
		<p>The court in proceedings under this code is a court of general jurisdiction and the court, or a judge of the court, has the same power and authority with respect to the proceedings as otherwise provided by law for a superior court, or a judge of the superior court, including, but not limited to, the matters authorized by <u>Section 128 of the Code of Civil Procedure</u>.</p>	Cal Prob Code § 800

<p>Colorado</p>	<p>General Jurisdiction</p> <p>Colorado has a separate probate court in Denver County only; in the rest of the state, district courts handle probate proceedings.</p>	<p>(1) The county court shall have no civil jurisdiction except that specifically conferred upon it by law. In particular, it shall have no jurisdiction over the following matters:</p> <ul style="list-style-type: none"> (a) Matters of probate; (b) Matters of mental health, including commitment, restoration to competence, and the appointment of conservators; (c) Matters of dissolution of marriage, declaration of invalidity of marriage, and legal separation; (d) Matters affecting children, including the allocation of parental responsibilities, support, guardianship, adoption, dependency, or delinquency; (e) Matters affecting boundaries or title to real property; (f) Original proceedings for the issuance of injunctions, except as provided in <u>section 13-6-104 (5)</u>, except as required to enforce restrictive covenants on residential property and to enforce the provisions of <u>section 6-1-702.5, C.R.S.</u>, and except as otherwise specifically authorized in this article or, if there is no authorization, by rule of the Colorado supreme court. 	<p>C.R.S. 13-6-105</p>
	<p>(1) The probate court of the city and county of Denver has original and exclusive jurisdiction in said city and county of:</p> <ul style="list-style-type: none"> (a) The administration, settlement, and distribution of estates of decedents, wards, and absentees; (b) Property vested in any person under a legal disability but paid to or held by another for such person's use or benefit as authorized by court order or as authorized by a power contained in a will or trust instrument; (c) Property vested in any minor pursuant to the "Colorado Uniform Transfers to Minors Act", or any predecessor act thereto, or any act having a substantially similar legal effect; (d) The probate of wills; (e) The granting of letters testamentary, of administration, of guardianship, and of conservatorship; (f) The administration of guardianships of minors and of mentally competent persons and of conservatorships of persons with mental illness or mentally deficient persons and of absentees; (g) Proceedings under article 23 of title 17 and articles 10 to 15 of title 27, C.R.S.; (h) The determination of heirship in probate proceedings and the devolution of title to property in probate proceedings; (i) Actions on the official bonds of fiduciaries appointed by it; 	<p>C.R.S. 13-9-103</p>	

		<p>(j) The construction of wills;</p> <p>(k) The administration of testamentary trusts, except as provided in subsection (2) of this section; and</p> <p>(l) All other probate matters.</p> <p>(2) If a testamentary trust is established by the will of the decedent and if it appears that it was not the intention of the testator that the court should continue the administration of the estate after the payment in full of all debts and legacies except the trust property, the court shall proceed to final settlement of such estate as in other cases, order the trust fund or property to be turned over to the trustee as such, and shall not require the filing of inventories and accounts, or supervise the administration of the trust; except that any party in interest of such trust, including the trustee thereof, may invoke the jurisdiction of the probate court with respect to any matters pertaining to the administration or distribution of such trust or to construe the will under which it was established.</p> <p>(3) The court has jurisdiction to determine every legal and equitable question arising in connection with decedents', wards', and absentees' estates, so far as the question concerns any person who is before the court by reason of any asserted right in any of the property of the estate or by reason of any asserted obligation to the estate, including, without limiting the generality of the foregoing, the jurisdiction:</p> <p>(a) To give full and complete legal and equitable relief in any case in which it is alleged that the decedent breached an agreement to make or not to make a will;</p> <p>(b) In any case in which a district court could grant such relief in a separate action brought therein, to impose or raise a trust with respect to any of the property of the decedent or any property in the name of the decedent, individually or in any other capacity, in any case in which the demand for such relief arises in connection with the administration of the estate of a decedent;</p> <p>(c) To partition any of the real or personal property of any estate in connection with the settlement thereof.</p> <p>(4) Nothing in this article shall prevent any district court sitting in law or equity from construing a will which is not before the probate court or from determining questions arising in connection with trusts which are not under the jurisdiction of the probate court.</p> <p>(5) The court has jurisdiction to determine every legal and equitable question arising out of or in connection with express trusts.</p> <p>(6) The provisions of articles 10 to 20 of title 15, article 23 of title 17, and</p>	
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<p>Connecticut</p>	<p>Designated Probate Court</p> <p>Connecticut has a separate probate courts with 54 judges, 54 courts and 6 children’s probate courts</p>	<p>(a) Courts of probate in their respective districts shall have the power to (1) grant administration of intestate estates of persons who have died domiciled in their districts and of intestate estates of persons not domiciled in this state which may be granted as provided by <u>section 45a-303</u>; (2) admit wills to probate of persons who have died domiciled in their districts or of nondomiciliaries whose wills may be proved in their districts as provided in <u>section 45a-287</u>; (3) except as provided in <u>section 45a-98a</u> or as limited by an applicable statute of limitations, determine title or rights of possession and use in and to any real, tangible or intangible property that constitutes, or may constitute, all or part of any trust, any decedent's estate, or any estate under control of a guardian or conservator, which trust or estate is otherwise subject to the jurisdiction of the Probate Court, including the rights and obligations of any beneficiary of the trust or estate and including the rights and obligations of any joint tenant with respect to survivorship property; (4) except as provided in <u>section 45a-98a</u>, construe the meaning and effect of any will or trust agreement if a construction is required in connection with the administration or distribution of a trust or estate otherwise subject to the jurisdiction of the Probate Court, or, with respect to an inter vivos trust, if that trust is or could be subject to jurisdiction of the court for an accounting pursuant to <u>section 45a-175</u>, provided such an accounting need not be required; (5) except as provided in <u>section 45a-98a</u>, apply the doctrine of cy pres or approximation; (6) to the extent provided for in <u>section 45a-175</u>, call executors, administrators, trustees, guardians, conservators, persons appointed to sell the land of minors, and attorneys-in-fact acting under powers of attorney created in accordance with</p>	<p>Conn. Gen. Stat. § 45a-98</p>

		<p>section 45a-562, to account concerning the estates entrusted to their charge; and (7) make any lawful orders or decrees to carry into effect the power and jurisdiction conferred upon them by the laws of this state.</p> <p>(b) The jurisdiction of courts of probate to determine title or rights or to construe instruments or to apply the doctrine of cy pres or approximation pursuant to subsection (a) of this section is concurrent with the jurisdiction of the Superior Court and does not affect the power of the Superior Court as a court of general jurisdiction.</p>	
Delaware	General Jurisdiction	The Court of Chancery shall have jurisdiction to hear and determine all matters and causes in equity.	10 Del. C. § 341
	The Court of Chancery handles probate matters, including estate, real property rights, and mental health.	“There can be no question of the Chancery Court's jurisdiction to entertain an action for the distribution of a personal estate or an action to partition realty.”	In re Estate of McCracken, 43 Del. Ch. 132 (1966)
		“The court of equity has jurisdiction to superintend the administration of estates, and to decree a distribution of the residue after payment of all debts and charges among the parties entitled either as legatees or distributees.”	Glanding v. Industrial Trust Co., 28 Del. Ch. 499 (1945).
District of Columbia	<p>General Jurisdiction</p> <p>D.C. does not have a separate probate court. The Superior Court handles probate matters.</p>	<p>(a) Except as provided in subsection (b), the Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District of Columbia. Such jurisdiction shall vest in the court as follows:</p> <p>(5) Immediately following the expiration of the thirty-month period beginning on such effective date, the court has jurisdiction (regardless of the amount in controversy) --</p> <p>(A) of any matter (at law or in equity) --</p> <p>(i) brought under Chapter 29 of Title 16 (relating to partition of property and assignment of dower);</p> <p>(ii) which would have been within the jurisdiction of the Orphans Court of Washington County, District of Columbia before June 21, 1870;</p> <p>(iii) relating to the execution or validity of wills devising real property within the District of Columbia, and of wills and testaments properly presented for probate in the court, and the admission to probate and recording of those wills;</p> <p>(iv) relating to the proof of wills of either personal or real property and the revocation of probate of wills for cause;</p> <p>(v) involving the granting and revocation for cause of letters testamentary, letters of administration, letters ad colligendum and letters of guardianship, and the appointment of successors to persons whose letters have been revoked;</p>	D.C. Code § 11-921

		<p>(vi) involving the hearing, examination, and issuance of decrees upon accounts, claims, and demands existing between executors or administrators and legatees or persons entitled to a distributive share of an intestate estate, or between wards and their guardians;</p> <p>(vii) involving the enforcement of the rendition of inventories and accounts by executors, administrators, collectors, guardians, and trustees required to account to the court;</p> <p>(viii) involving the enforcement of distribution of estates by executors and administrators and the payment or delivery by guardians of money or property belonging to their wards; or</p> <p>(ix) otherwise within the probate jurisdiction of the United States District Court for the District of Columbia on the day before such effective date</p>	
Florida	<p>General Jurisdiction</p> <p>Florida does not have a separate probate court. The Circuit Court has jurisdiction over estate matters.</p>	<p>(1) Circuit courts shall have jurisdiction of appeals from county courts except appeals of county court orders or judgments declaring invalid a state statute or a provision of the State Constitution and except orders or judgments of a county court which are certified by the county court to the district court of appeal to be of great public importance and which are accepted by the district court of appeal for review. Circuit courts shall have jurisdiction of appeals from final administrative orders of local government code enforcement boards.</p> <p>(2) They shall have exclusive original jurisdiction:</p> <p>(a) In all actions at law not cognizable by the county courts;</p> <p>(b) Of proceedings relating to the settlement of the estates of decedents and minors, the granting of letters testamentary, guardianship, involuntary hospitalization, the determination of incompetency, and other jurisdiction usually pertaining to courts of probate;</p> <p>(c) In all cases in equity including all cases relating to juveniles except traffic offenses as provided in chapters 316 and 985;</p> <p>(d) Of all felonies and of all misdemeanors arising out of the same circumstances as a felony which is also charged;</p> <p>(e) In all cases involving legality of any tax assessment or toll or denial of refund, except as provided in <u>s. 72.011</u>;</p> <p>(f) In actions of ejectment; and</p> <p>(g) In all actions involving the title and boundaries of real property.</p> <p>(3) The circuit court may issue injunctions.</p> <p>(4) The chief judge of a circuit may authorize a county court judge to order emergency hospitalizations pursuant to part I of chapter 394 in the absence</p>	Fla. Stat. § 26.012

		<p>from the county of the circuit judge; and the county court judge shall have the power to issue all temporary orders and temporary injunctions necessary or proper to the complete exercise of such jurisdiction.</p> <p>(5) A circuit court is a trial court.</p>	
Georgia	<p>Designated Probate Court</p> <p>Georgia has 159 probate courts and 159 judges. Georgia only has probate courts in counties with a population over 96,000 and where the probate judge is an attorney who has been practicing for at least 7 years. The courts have jurisdiction over estate matters.</p>	<p>(a) Probate courts have authority, unless otherwise provided by law, to exercise original, exclusive, and general jurisdiction of the following subject matters:</p> <ol style="list-style-type: none"> (1) The probate of wills; (2) The granting of letters testamentary and of administration and the repeal or revocation of the same; (3) All controversies in relation to the right of executorship or administration; (4) The sale and disposition of the property belonging to, and the distribution of, deceased persons' estates; (5) The appointment and removal of guardians of minors, conservators of minors, guardians of incapacitated adults, and conservators of incapacitated adults and persons who are incompetent because of mental illness or mental retardation; (6) All controversies as to the right of guardianship and conservatorship, except that the probate court shall not be an appropriate court to take action under <u>Code Section 19-7-4</u>; (7) The auditing and passing of returns of all executors, administrators, guardians of property, conservators, and guardians; (8) The discharge of former sureties and the requiring of new sureties from administrators, guardians of property, conservators, and guardians; (9) All matters as may be conferred on them by Chapter 3 of Title 37; (10) All other matters and things as appertain or relate to estates of deceased persons and to persons who are incompetent because of mental illness or mental retardation; and (11) All matters as may be conferred on them by the Constitution and laws. <p>(b) In addition to the jurisdiction granted in subsection (a) of this Code section and unless otherwise provided by law, the probate courts shall have the power to carry out the following duties as assigned by specific laws:</p> <ol style="list-style-type: none"> (1) Perform county governmental administration duties; (2) Perform duties relating to elections; (3) Fill vacancies in public offices by appointment; (4) Administer oaths to public officers; (5) Accept, file, approve, and record bonds of public officers; (6) Register and permit certain enterprises; 	O.C.G.A. § 15-9-30

		<p>(7) Issue marriage licenses;</p> <p>(8) Hear traffic cases;</p> <p>(9) Receive pleas of guilty and impose sentences in cases of violations of game and fish laws;</p> <p>(10) Hold criminal commitment hearings; and</p> <p>(11) Perform such other judicial and ministerial functions as may be provided by law.</p> <p>(c) To assure proper administration of the court's duties, the judge of the probate court of each county shall be furnished a copy of the Official Code of Georgia Annotated and annual supplements to the Code to keep it current. The costs of such Code and maintenance thereof shall be paid by the governing authority of each such county from the county library fund, if sufficient, otherwise any additional amount required shall be paid from the general funds of the county.</p>	
Hawaii	<p>General Jurisdiction</p> <p>Hawaii does not have a separate probate court. The Circuit Court has jurisdiction over estate matters.</p>	<p>The several circuit courts shall have power to:</p> <p>(1) Grant probate of wills;</p> <p>(2) Appoint personal representatives;</p> <p>(3) Determine the heirs at law or devisees of deceased persons and to decree the distribution of decedents' estates;</p> <p>(4) Appoint guardians for incapacitated adults;</p> <p>(5) Appoint conservators;</p> <p>(6) Compel personal representatives and such guardians and conservators to perform their respective trusts and to account in all respects for the discharge of their official duties;</p> <p>(7) Remove any personal representative or any such guardian or conservator; and</p> <p>(8) Do all other things as provided in chapter 560.</p>	HRS § 603-21.6
Idaho	<p>General Jurisdiction</p> <p>Idaho does not have a separate probate court. The Magistrates Division has jurisdiction over estate matters.</p>	<p>Subject to rules promulgated by the supreme court, the administrative judge in each judicial district or any district judge in the district designated by him may assign to magistrates, severally, or by designation of office, or by class or category of cases, or in specific instances the following matters:</p> <p>(2) Proceedings in the probate of wills and administration of estates of decedents, minors and incompetents.</p>	Idaho Code § 1-2208
Illinois	<p>General Jurisdiction</p>	<p>Circuit Courts shall have original jurisdiction of all justiciable matters except when the Supreme Court has original and exclusive jurisdiction relating to</p>	Illinois Const., Art. VI, § 9

	Illinois does not have a separate probate court. The Circuit Court has jurisdiction over civil and juvenile cases.	redistricting of the General Assembly and to the ability of the Governor to serve or resume office. Circuit Courts shall have such power to review administrative action as provided by law.	
Indiana	General Jurisdiction Indiana has only one specialized probate court with jurisdiction over adoption, estate, and miscellaneous civil and juvenile matters. In the rest of the state, probate proceedings are handled in county superior or district courts.	(a) The circuit court has original jurisdiction in all civil cases and in all criminal cases, except where exclusive jurisdiction is conferred by law upon other courts of the same territorial jurisdiction. (b) The circuit court also has the appellate jurisdiction that may be conferred by law upon it.	Burns Ind. Code Ann. § 33-28-1-2
		“Since the abolition of the common pleas courts, the circuit courts have had exclusive probate jurisdiction except where such jurisdiction has been conferred on superior and probate courts.”	Marchant v. Olson, 184 Ind. 17 (1915)
		The probate court has jurisdiction and shall proceed in the probate and juvenile causes. All proceedings in probate and juvenile causes in the court shall be conducted as proceedings are required, by law, to be conducted in the circuit court in the counties not having a probate court.	Burns Ind. Code Ann. § 33-31-1-10
Iowa	General Jurisdiction Iowa does not have a separate probate court. The District Court has one associate probate judge and 12 associate juvenile judges.	District judges have the full jurisdiction of the district court , including the respective jurisdictions of district associate judges and magistrates. While exercising the jurisdiction of magistrates, district judges shall employ magistrates' practice and procedure.	Iowa Code § 602.6202
		In addition to the jurisdiction granted the district court under the trust code, chapter 633A, or elsewhere, the district court sitting in probate shall have jurisdiction of: 1. <i>Estates of decedents and absentees.</i> The probate and contest of wills; the appointment of personal representatives; the granting of letters testamentary and of administration; the administration, settlement and distribution of estates of decedents and absentees, whether such estates consist of real or personal property or both. 2. <i>Construction of wills.</i>	Iowa Code § 633.

		<p>The construction of wills during the administration of the estate, whether said construction be incident to such administration, or as a separate proceeding.</p> <p>3. <i>Conservatorships and guardianships.</i> The appointment of conservators and guardians; the granting of letters of conservatorship and guardianship; the administration, settlement and closing of conservatorships and guardianships.</p> <p>4. <i>Trusts and trustees.</i> a. The ongoing administration and supervision, including but not limited to the appointment of trustees, the granting of letters of trusteeship, trust administration, and trust settlement and closing, of the following trusts: (1) A trust that was in existence on July 1, 2005, and that is subject to continuous court supervision.</p> <p>(2) A trust established by court decree that is subject to continuous court supervision.</p> <p>b. A trust described in paragraph "a" shall be governed by this chapter and the provisions of chapter 633A which are not inconsistent with the provisions of this chapter.</p> <p>c. A trust not described in paragraph "a" shall be governed exclusively by chapter 633A and shall be subject to the jurisdiction of the district court sitting in probate only as provided in section 633A.6101.</p> <p>d. Upon joint application by all trustees administering a trust described in paragraph "a" and following notice to the beneficiaries pursuant to section 633.40, the court shall release the trust from further jurisdiction unless a beneficiary objects. The court whose decree created the trust may release the trust from continuous court supervision following notice to the beneficiary pursuant to section 633.40. If such judicial release occurs for a trust previously governed by this chapter, such trust shall be governed by chapter 633A and the district court sitting in probate only as provided in section 633A.6101.</p> <p>5. <i>Actions for accounting.</i> An action for an accounting against a beneficiary of a transfer on death security registration, pursuant to chapter 633D.</p>	
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<p>Kansas</p>	<p>General Jurisdiction</p> <p>Kansas does not have a separate probate court. The District Court has jurisdiction over civil and juvenile cases.</p>	<p>There shall be in each county a district court, which shall be a court of record, and shall have general original jurisdiction of all matters, both civil and criminal, unless otherwise provided by law, and also shall have such appellate jurisdiction as prescribed by law.</p>	<p>K.S.A. § 20-301</p>
<p>Kentucky</p>	<p>General Jurisdiction</p> <p>Kentucky does not have a separate probate court. The District Court has jurisdiction over estate matters.</p>	<p>District Court shall have exclusive jurisdiction in:</p> <p>(1) Civil cases in which the amount in controversy does not exceed four thousand dollars (\$4,000), exclusive of interest and costs, except matters affecting title to real estate and matters of equity; however, nothing herein shall prohibit execution levy on real estate in enforcement of judgment of District Court;</p> <p>(2) Matters involving probate, except matters contested in an adversary proceeding. Such adversary proceeding shall be filed in Circuit Court in accordance with the Kentucky Rules of Civil Procedure and shall not be considered an appeal; and</p> <p>(3) Matters not provided for by statute to be commenced in Circuit Court shall be deemed to be nonadversarial within the meaning of subsection (2) of this section and therefore are within the jurisdiction of the District Court.</p>	<p>KRS § 24A.120</p>
<p>Louisiana</p>	<p>General Jurisdiction</p> <p>Louisiana does not have a separate probate court. The District Court has jurisdiction over estate matters.</p>	<p>A. <i>Original Jurisdiction.</i> --(1) Except as otherwise authorized by this constitution or except as heretofore or hereafter provided by law for administrative agency determinations in worker's compensation matters, a district court shall have original jurisdiction of all civil and criminal matters. (2) It shall have exclusive original jurisdiction of felony cases and of cases involving title to immovable property, except as provided in (3) below; the right to office or other public position; civil or political right; probate and succession matters; except for administrative agency determination provided for in (1) above, the state, a political corporation, or political subdivisions, or a succession, as a defendant; and the appointment of receivers or liquidators for corporations or partnerships. (3) The legislature may provide by law that a family court has jurisdiction of cases involving title to movable and immovable property when those cases relate to the partition of community property and the settlement of claims arising from matrimonial regimes when such action arises as a result of divorce or annulment of marriage.</p>	<p>La. Const. Art. V, § 16</p>

		B. <i>Appellate Jurisdiction.</i> --A district court shall have appellate jurisdiction as provided by law.	
Maine	Designated Probate Court Maine has 16 probate courts under county, not state, court system jurisdiction. The courts have jurisdiction over estate, adoption, and miscellaneous domestic relations matters and do not allow jury trials.	Each judge may take the probate of wills and grant letters testamentary or of administration on the estates of all deceased persons who, at the time of their death, where inhabitants or residents of his county or who, not being residents of the State, died leaving estate to be administered in his county, or whose estate is afterwards found therein; and has jurisdiction of all matters relating to the settlement of such estates. He may grant leave to adopt children, change the names of persons, appoint guardians for minors and others according to law, and has jurisdiction as to persons under guardianship, and as to whatever else is conferred on him by law.	4 M.R.S. § 251
		The courts of probate shall have jurisdiction in equity, concurrent with the Superior Court, of all cases and matters relating to the administration of the estates of deceased persons, to wills and to trusts which are created by will or other written instrument. Such jurisdiction may be exercised upon complaint according to the usual course of proceedings in civil actions in which equitable relief is sought.	4 M.R.S. § 252
Maryland	Designated Probate Court Maryland has an Orphans' Court in 22 counties with 66 judges that handle estate matters, except in Montgomery and Harford counties, where the Circuit Court handles it.	In the estates of decedents law, the word court means the orphans' court in a county, or the court exercising the jurisdiction of the orphans' court in a county.	Md. ESTATES AND TRUSTS Code Ann. § 2-101
		(a) Powers. -- The court may conduct judicial probate, direct the conduct of a personal representative, and pass orders which may be required in the course of the administration of an estate of a decedent. It may summon witnesses. The court may not, under pretext of incidental power or constructive authority, exercise any jurisdiction not expressly conferred. (b) Rule-making authority. -- The court may not establish rules of practice and procedure inconsistent with the Maryland Rules or with any statute. (c) Rights of interested person. -- An interested person may petition the court to resolve any question concerning an estate or its administration. (d) Construction. -- This section may not be construed to limit the court's authority under § 1-301 (b) of this article.	Md. ESTATES AND TRUSTS Code Ann. § 2-102
Massachusetts	Designated Probate Court Massachusetts has 14 divisions of probate and family courts with	Probate courts shall have jurisdiction of probate of wills, of granting administration on the estates of persons who at the time of their decease were inhabitants of or residents in their respective counties and of persons who die out of the commonwealth leaving estate to be administered within their respective counties; of the appointment of guardians and conservators; of all matters relative to the estates of such deceased persons and wards; of petitions	ALM GL ch. 215, § 3

	<p>51 justices. The courts have jurisdiction over estate,</p>	<p>for the adoption of children, and for change of names; or proceedings transferred to it under the provisions of section four A of chapter two hundred and eleven; and of such other matters as have been or may be placed within their jurisdiction. Whenever service of any notice, summons, citation, order or other process in any of the foregoing proceedings is ordered to be made by publication the names of the estates or parties to such proceedings shall be printed in bold type.</p> <p>Probate courts have exclusive original jurisdiction of actions for divorce or for affirming or annulling marriage.</p> <p>Probate courts shall have exclusive original jurisdiction of all actions concerning the execution and validity of health care proxies created under chapter 201D and caregiver authorization affidavits created under chapter 201F or disputes arising thereunder.</p>	
<p>Michigan</p>	<p>Designated Probate Court Michigan has 78 probate courts and 106 judges. The courts have jurisdiction over estate matters.</p>	<p>Sec. 10. The probate court of every county of this state having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under this act, or to appoint a trustee of such estate or any part thereof, or to give ancillary letters thereon, shall have jurisdiction to hear and determine all questions arising under the provisions of this act and to do any act in relation thereto authorized by law to be done by a judge of probate in other matters or proceedings coming within his jurisdiction, and if two [2] or more probate courts shall be entitled to exercise any such jurisdiction, the judge of probate first [1st] acquiring jurisdiction hereunder shall retain the same, to the exclusion of every other judge of probate. Every petition for ancillary letters testamentary or ancillary letters of administration shall set forth a true and correct statement of all the decedent's property in this state and the value thereof.</p> <p>In no case shall the judge of probate or judges of probate issue an order of final distribution or an order discharging a fiduciary unless there shall have been issued an order of determination of inheritance tax and there is filed a receipt showing the payment in full of the tax as determined.</p>	<p>MCL § 205.210</p>

Minnesota	General Jurisdiction Minnesota does not have a separate probate court. The District Court has jurisdiction over estate matters.	The district courts shall have original jurisdiction in the following cases: (1) all civil actions within their respective districts; (2) in all cases of crime committed or triable therein; (3) in all special proceedings not exclusively cognizable by some other court or tribunal; (4) in law and equity for the administration of estates of deceased persons and all guardianship and incompetency proceedings; (5) the jurisdiction of a juvenile court as provided in chapter 260; (6) proceedings for the management of the property of persons who have disappeared, and actions relating thereto, as provided in chapter 576; and (7) in all other cases wherein such jurisdiction is especially conferred upon them by law. They shall also have appellate jurisdiction in every case in which an appeal thereto is allowed by law from any other court, officer, or body.	Minn. Stat. § 484.01
		The district court shall also be a probate court.	Minn. Stat. § 484.011
Mississippi	General Jurisdiction The Chancery Court has jurisdiction over estate matters.	The court in which a will may have been admitted to probate, letters of administration granted, or a guardian may have been appointed, shall have jurisdiction to hear and determine all questions in relation to the execution of the trust of the executor, administrator, guardian, or other officer appointed for the administration and management of the estate, and all demands against it by heirs at law, distributees, devisees, legatees, wards, creditors, or others; and shall have jurisdiction of all cases in which bonds or other obligations shall have been executed in any proceeding in relation to the estate, or other proceedings, had in said chancery court, to hear and determine upon proper proceedings and evidence, the liability of the obligors in such bond or obligation, whether as principal or surety, and by decree and process to enforce such liability.	Miss. Code Ann. § 9-5-83
Missouri	General Jurisdiction Missouri does not have a separate probate court. The Circuit Court has jurisdiction over probate matters.	The circuit courts shall have original jurisdiction over all cases and matters, civil and criminal. Such courts may issue and determine original remedial writs.	§ 478.070 R.S.Mo.
		The probate division of the circuit court may hear and determine questions and issue appropriate orders concerning the determination of the beneficiary who is entitled to receive a nonprobate transfer, the proper share of each beneficiary and any action to obtain the return of any money or property, or its value and earnings, improperly distributed to any person.	§ 461.076 R.S.Mo.

<p>Montana</p>	<p>General Jurisdiction District Court</p> <p>Montana does not have a separate probate court. The District Court has jurisdiction over estate, mental health, and juvenile matters and allows jury trials.</p>	<p>Original jurisdiction.</p> <p>(1) The district court has original jurisdiction in:</p> <ul style="list-style-type: none"> (a) all criminal cases amounting to felony; (b) all civil and probate matters; (c) all cases at law and in equity; (d) all cases of misdemeanor not otherwise provided for; and (e) all special actions and proceedings that are not otherwise provided for. <p>(2) The district court has concurrent original jurisdiction with the justice's court in the following criminal cases amounting to misdemeanor:</p> <ul style="list-style-type: none"> (a) misdemeanors arising at the same time as and out of the same transaction as a felony or misdemeanor offense charged in district court; (b) misdemeanors resulting from the reduction of a felony or misdemeanor offense charged in the district court; and (c) misdemeanors resulting from a finding of a lesser included offense in a felony or misdemeanor case tried in district court. <p>(3) The district court has exclusive original jurisdiction in all civil actions that might result in a judgment against the state for the payment of money.</p> <p>(4) The district court has the power of naturalization and of issuing papers for naturalization in all cases where it is authorized to do so by the laws of the United States.</p> <p>(5) The district court and its judges have power to issue, hear, and determine writs of mandamus, quo warranto, certiorari, prohibition, and injunction, other original remedial writs, and all writs of habeas corpus on petition by or on behalf of any person held in actual custody in their respective districts. Injunctions and writs of prohibition and habeas corpus may be issued and</p>	<p>Mont. Code Anno., § 3-5-302 (2010)</p>
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		served on legal holidays and nonjudicial days.	
		<p>Subject matter jurisdiction.</p> <p>(1) To the full extent permitted by the constitution, the court has jurisdiction over all subject matter relating to:</p> <p>(a) estates of decedents, including construction of wills and determination of heirs and successors of decedents, and estates of protected persons; and</p> <p>(b) protection of minors and incapacitated persons.</p> <p>(2) The court has full power to make orders, judgments, and decrees and take all other action necessary and proper to administer justice in the matters which come before it.</p>	Mont. Code Anno., § 72-1-202 (2010)
Nebraska	<p>General Jurisdiction County Court</p> <p>Nebraska does not have a separate probate court. Nebraska has 93 County Courts in 12 districts, which have jurisdiction over estate, adoption, and juvenile matters. These courts have 59 judges and allow jury trials, except in juvenile cases.</p>	<p>Subject matter jurisdiction</p> <p>(a) To the full extent permitted by the Constitution of Nebraska, the court has jurisdiction over all subject matter relating to (1) estates of decedents, including construction of wills and determination of heirs and successors of decedents, and estates of protected persons; and (2) protection of minors and incapacitated persons.</p> <p>(b) The court has full power to make orders, judgments, and decrees and take all other action necessary and proper to administer justice in the matters which come before it.</p>	R.R.S. Neb. § 30-2211 (2010)
		The county court has original and exclusive jurisdiction in the settlement of estates by which distribution is made of the assets, and its final orders are binding upon all persons. The proceeding is in rem and, all persons interested in the assets are considered parties in the county court.	<u>Ellis v. Nilson, 126 Neb. 541, 253 N.W. 675 (1934).</u>

Nevada	General Jurisdiction District Court	"District court" and "court" defined. "District court" or "court" means a district court of this State sitting in probate or otherwise adjudicating matters pursuant to this title.	Nev. Rev. Stat. Ann. § 132.116 (2011)
	Nevada does not have a separate probate court. The District Court has jurisdiction over mental health, estate, and juvenile matters. The court allows jury trials for most cases.	Resident decedent; nonresident decedent. 1. Wills may be proved and letters granted in the county where the decedent was a resident at the time of death, whether death occurred in that county or elsewhere, and the district court of that county has exclusive jurisdiction of the settlement of such estates, whether the estate is in one or more counties. 2. The estate of a nonresident decedent may be settled by the district court of any county in which any part of the estate is located. The district court to which application is first made has exclusive jurisdiction of the settlement of estates of nonresidents.	Nev. Rev. Stat. Ann. § 136.010 (2011)
New Hampshire	Designated Probate New Hampshire has two probate courts, which have jurisdiction over adoption, termination of parental rights, guardianships, trusts, wills, estates, involuntary commitments, and some equity matters. The courts do not allow jury trials.	Jurisdiction. I. The probate court shall have exclusive jurisdiction over the following: (a) The probate of wills. (b) The granting of administration and all matters and things of probate jurisdiction relating to the composition, administration, sale, settlement, and final distribution of estates of deceased persons, including the establishment of death of a person presumed dead and assignment of homestead and claims against the executor or administrator for those services related to the prior care and maintenance of the decedent and the administration of insolvent estates and appeals therefrom. (c) The interpretation and construction of wills and the creation by judgment or decree, interpretation, construction, modification, and termination of those trusts described in <u>RSA 564-A:1</u> , I. (d) The administration of those trusts described in <u>RSA 564-A:1</u> , I, and the appointment, removal and surcharge of trustees of such trusts. (e) The appointment and removal of conservators, and of the guardians of	RSA 547:3 (2011)

		<p>minors, mentally incompetent persons and spendthrifts, and in relation to the duties imposed by law on such conservators and guardians, and the management and disposition of the estates of their wards.</p> <p>(f) The adoption of children.</p> <p>(g) The change of names of persons who reside in the county and who apply therefor.</p> <p>(h) The termination of parental rights.</p> <p>(i) Durable powers of attorney for health care under <u>RSA 137-J</u>.</p> <p>(j) The interpretation and effect of living wills under <u>RSA 137-J</u>.</p> <p>(k) [Repealed.]</p> <p>(l) Petitions to quiet title of real estate pursuant to <u>RSA 547:11-c</u>.</p> <p>(m) Declaratory judgment actions pursuant to <u>RSA 547:11-b</u>.</p> <p>(n) Any other jurisdiction as may be granted by statute.</p> <p>II. The probate court shall have concurrent jurisdiction with the superior court over the following:</p> <p>(a) Subject to <u>RSA 498:4-a</u>, cases involving charitable uses and trusts other than those trusts described in <u>RSA 564-A:1</u>, I, over which the probate court has exclusive jurisdiction as provided in <u>RSA 547:3</u>, I(c) and (d).</p> <p>(b) Durable powers of attorney under <u>RSA 506:6</u> and <u>506:7</u>.</p> <p>(c) Waivers for marriage of minors pursuant to <u>RSA 457:6-457:7</u>.</p> <p>(d) Ancillary matters as defined in <u>RSA 547:3-l</u>.</p> <p>(e) Petitions for partition pursuant to <u>RSA 547-C</u>.</p>	
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		<p>III. The probate court shall have concurrent jurisdiction with the district court over ancillary matters as defined in <u>RSA 547:3-1</u>.</p> <p>IV. Nothing in this section shall be construed to confer upon the probate court any additional authority over inter vivos trusts beyond that authority exercised by the superior court prior to the adoption of this section.</p>	
New Jersey	<p>General Jurisdiction Superior Court</p> <p>New Jersey does not have a separate probate court. The Superior Court has jurisdiction over civil, estate, and juvenile matters. The court allows jury trials for most cases.</p>	<p>General authority of Superior Court as to probate matters</p> <p>The Superior Court shall have full authority to hear and determine all controversies respecting wills, trusts and estates, and full authority over the accounts of fiduciaries, and also authority over all other matters and things as are submitted to its determination under this title.</p>	N.J. Stat. § 3B:2-2 (2011)
		<p>Where a will of a resident is to be probated; effect of failure to probate</p> <p>The will of any individual resident within any county of this State at his death may be admitted to probate in the surrogate's court of the county or in the Superior Court. If the will of any individual resident within the State at his death is probated outside the State, it shall be without effect unless or until probate is granted within the State.</p>	N.J. Stat. § 3B:3-24 (2011)
New Mexico	<p>Designated Probate</p> <p>New Mexico has 33 probate courts and 33 judges. These courts have jurisdiction over uncontested estate cases, but contested cases go to District Court.</p>	<p>Subject matter jurisdiction of district and probate courts</p> <p>A. The district court has exclusive original jurisdiction over all subject matter relating to:</p> <p>(1) formal proceedings with respect to the estates of decedents, including determinations of testacy, appointment of personal representatives, constructions of wills, administration and expenditure of funds of estates, determination of heirs and successors of decedents and distribution and closing of estates;</p> <p>(2) estates of missing and protected persons;</p> <p>(3) protection of incapacitated persons and minors; and</p> <p>(4) trusts.</p> <p>B. The district court in formal proceedings shall have jurisdiction to determine title to and value of real or personal property as between the estate and any</p>	N.M. Stat. Ann. § 45-1-302

		<p>interested person, including strangers to the estate claiming adversely thereto. The district court has full power to make orders, judgments and decrees and to take all other action necessary and proper to administer justice in matters which come before it.</p> <p>C. The probate court and the district court have original jurisdiction over informal proceedings for probate of a will or appointment of a personal representative.</p>	
New York	<p>General Jurisdiction Surrogate Court</p> <p>In New York the Surrogates Court has jurisdiction over adoption and estate. The court allows jury trials in estate cases.</p>	<p>General jurisdiction of the surrogate's court</p> <ol style="list-style-type: none"> 1. The court has, is granted and shall continue to be vested with all the jurisdiction conferred upon it by the Constitution of the State of New York, and all other authority and jurisdiction now or hereafter conferred upon the court by any general or special statute or provision of law, including this act. 2. This and any grant of jurisdiction to the court shall be deemed an affirmative exercise of the legislative power under § 12(e) of article VI of the Constitution and shall in all instances be deemed to include and confer upon the court full equity jurisdiction as to any action, proceeding or other matter over which jurisdiction is or may be conferred. 3. The court shall continue to exercise full and complete general jurisdiction in law and in equity to administer justice in all matters relating to estates and the affairs of decedents, and upon the return of any process to try and determine all questions, legal or equitable, arising between any or all of the parties to any action or proceeding, or between any party and any other person having any claim or interest therein, over whom jurisdiction has been obtained as to any and all matters necessary to be determined in order to make a full, equitable and complete disposition of the matter by such order or decree as justice requires. 	<p>NY CLS SCPA § 201 (2011)</p>
		<p>Domiciliaries; jurisdiction and venue</p> <ol style="list-style-type: none"> 1. The surrogate's court of any county has jurisdiction over the estate of a decedent who was a domiciliary of the state at the time of his death, disappearance or internment. The proper venue for proceedings relating to such estates is the county of the decedent's domicile at the time of his death, disappearance or internment. 	<p>NY CLS SCPA § 205 (2011)</p>

		<p>2. A surrogate shall transfer any proceeding to the surrogate's court of the proper county either on his own motion or on the motion of any party.</p> <p>3. Notwithstanding the foregoing provisions of this section, the surrogate's court of any county has jurisdiction over, and is a proper venue for, the proceedings of any decedent who was a domiciliary of the state at the time of his or her death and who died as a result of wounds or injury incurred as a result of the terrorist attacks on September eleventh, two thousand one.</p>	
North Carolina	<p>General Jurisdiction General Court of Justice</p> <p>North Carolina does not have a separate probate court. The Superior Court has jurisdiction over estate cases and allows jury trials. The District Court allows jury trials in civil cases only.</p>	<p>Officials of State authorized to take probate</p> <p>The execution of all deeds of conveyance, contracts to buy, sell or convey lands, mortgages, deeds of trust, instruments modifying or extending the terms of mortgages or deeds of trust, assignments, powers of attorney, covenants to stand seized to the use of another, leases for more than three years, releases, affidavits concerning land titles or family history, any instruments pertaining to real property, and any and all instruments and writings of whatever nature and kind which are required or allowed by law to be registered in the office of the register of deeds or which may hereafter be required or allowed by law to be so registered, may be proved or acknowledged before any one of the following officials of this State: The justices, judges, magistrates, clerks, assistant clerks, and deputy clerks of the General Court of Justice, and notaries public.</p>	N.C. Gen. Stat. § 47-1 (2010)
North Dakota	<p>General Jurisdiction District Court</p> <p>North Dakota does not have a separate probate court. The District Court has jurisdiction over estate, mental health, and juvenile matters.</p>	<p>Subject matter jurisdiction.</p> <p>The district court has jurisdiction over all subject matter relating to guardianship, probate, and testamentary matters, including:</p> <ol style="list-style-type: none"> 1. Estates of decedents, including construction of wills and determination of heirs and successors of decedents. 2. Estates of protected persons. 3. Protection of minors and incapacitated persons. 4. Trusts. 	N.D. Cent. Code, § 30.1-02-02 (2011)

<p>Ohio</p>	<p>Designated Probate</p> <p>In Ohio, the Probate Division of the Court of Common Pleas has jurisdiction over probate matters and handles estate, mental health, and juvenile cases.</p>	<p>Probate division; location; equipment; employees; Lorain county provisions; entitling of documents and records</p> <p>(A) A probate division of the court of common pleas shall be held at the county seat in each county in an office furnished by the board of county commissioners, in which the books, records, and papers pertaining to the probate division shall be deposited and safely kept by the probate judge. The board shall provide suitable cases or other necessary items for the safekeeping and preservation of the books, records, and papers of the court and shall furnish any blankbooks, blanks, and stationery, and any machines, equipment, and materials for the keeping or examining of records, that the probate judge requires in the discharge of official duties. The board also shall authorize expenditures for accountants, financial consultants, and other agents required for auditing or financial consulting by the probate division whenever the probate judge considers these services and expenditures necessary for the efficient performance of the division's duties. The probate judge shall employ and supervise all clerks, deputies, magistrates, and other employees of the probate division. The probate judge shall supervise all probate court investigators and assessors in the performance of their duties as investigators and assessors and shall employ, appoint, or designate all probate court investigators and assessors in the manner described in divisions (A)(2) and (3) of <u>section 2101.11 of the Revised Code</u>.</p> <p>(B) As used in the Revised Code:</p> <p>(1) Except as provided in division (B)(2) of this section, "probate court" means the probate division of the court of common pleas, and "probate judge" means the judge of the court of common pleas who is judge of the probate division.</p> <p>(2) With respect to Lorain county:</p> <p>(a) From February 9, 2009, through September 28, 2009, "probate court" means the domestic relations division of the court of common pleas, and "probate judge" means each of the judges of the court of common pleas who are judges of the domestic relations division.</p> <p>(b) The judge of the court of common pleas, division of domestic relations, whose term begins on February 9, 2009, and successors, shall be the probate</p>	<p>ORC Ann. 2101.01 (2011)</p>
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		<p>judge beginning September 29, 2009, and shall be elected and designated as judge of the court of common pleas, probate division.</p> <p>(C) Except as otherwise provided in this division, all pleadings, forms, journals, and other records filed or used in the probate division shall be entitled "In the Court of Common Pleas, Probate Division," but are not defective if entitled "In the Probate Court." In Lorain county, from February 9, 2009, through September 28, 2009, all pleadings, forms, journals, and other records filed or used in probate matters shall be entitled "In the Court of Common Pleas, Domestic Relations Division," but are not defective if entitled "In the Probate Division" or "In the Probate Court."</p>	
Oklahoma	<p>General Jurisdiction District Court</p> <p>Oklahoma does not have a separate probate court. The District Court has jurisdiction over civil and juvenile cases. The court allows jury trials.</p>	<p>Probate jurisdiction and venue of district court</p> <p>A. The district court has probate jurisdiction, and the judge thereof power, which must be exercised in the cases and in the manner prescribed by statute:</p> <ol style="list-style-type: none"> 1. To open and receive proof of last wills and testaments, and to admit them to proof and to revoke the probate thereof, and to allow and record foreign wills; 2. To grant letters testamentary, of administration and of guardianship, and to revoke the same; 3. To appoint appraisers of estates of deceased persons and of minors and incapacitated persons; 4. To compel personal representatives and guardians to render accounts; 5. To order the sale of property of estates, or belonging to minors or to incapacitated persons; 6. To order the payments of debts from estates or guardianships; 7. To order and regulate all distribution of property or estates of deceased persons; 8. To compel the attendance of witnesses and the production of title deeds, papers, and other property of an estate, or of a minor, or incapacitated 	58 Okl. St. § 1 (2011)

		<p>persons;</p> <p>9. To exercise all the powers conferred by this chapter or by other law;</p> <p>10. To make such orders as may be necessary to the exercise of the powers conferred upon it; and</p> <p>11. To appoint and remove guardians for infants, and for persons insane or who are otherwise incapacitated persons; to compel payment and delivery by them of money or property belonging to their wards, to control their conduct and settle their accounts.</p> <p>B. The district court which has jurisdiction and venue of the administration of any estate is granted jurisdiction and venue to cause Oklahoma and federal estate taxes to be equitably apportioned and collected.</p> <p>C. The district court which has jurisdiction and venue of the administration of any estate is granted unlimited concurrent jurisdiction and venue to hear and determine:</p> <ol style="list-style-type: none"> 1. In whom the title to any property is vested, whether the property is real, personal, tangible, intangible, or any combination thereof; 2. Rights with respect to such property as to all persons and entities; 3. Whether or not such property is subject to the jurisdiction of the court in the decedent's estate; and 4. Issues relating to trusts or issues involving a guardian or ward that may arise. <p>D. For proceedings under subsection C of this section, service of notice and process shall be required as in other cases and the provisions of the Oklahoma Pleading Code, <u>Section 2001 et seq. of Title 12 of the Oklahoma Statutes</u>, shall be followed.</p>	
Oregon	General Jurisdiction County and Circuit Courts	<p>Probate jurisdiction vested.</p> <p>Jurisdiction of all probate matters, causes and proceedings is vested in the</p>	ORS § 111.075 (2009)

	<p>In Oregon, there are seven County Courts and seven judges with jurisdiction over adoption, mental health, and juvenile matters. The courts do not allow jury trials.</p>	<p>county courts of Gilliam, Grant, Harney, Malheur, Sherman and Wheeler Counties and in the circuit court for each other county and as provided in <u>ORS 111.115</u>.</p>	
		<p>Transfer of estate proceeding from county court to circuit court.</p> <p>(1) An estate proceeding, including all probate matters, causes and proceedings pertaining thereto, may be transferred at any time from a county court sitting in probate to the circuit court for the county by order of the county court.</p> <p>(2) An estate proceeding, including all probate matters, causes and proceedings pertaining thereto, commenced in a county court sitting in probate and in which the county judge is a party or directly interested shall be transferred from the county court to the circuit court for the county by order of the county court.</p> <p>(3) Upon transfer of an estate proceeding from a county court to the circuit court under this section, the county clerk shall certify and cause to be filed in the records of the circuit court all original papers and proceedings pertaining to the estate proceeding, and thereafter jurisdiction of all probate matters, causes and proceedings pertaining to the estate proceeding is vested in the circuit court as if that jurisdiction had been originally and exclusively vested in the circuit court.</p>	<p>ORS § 111.115 (2009)</p>
<p>Pennsylvania</p>	<p>General Jurisdiction Court of Common Pleas</p> <p>In Pennsylvania, the Court of Common Pleas has jurisdiction over estate, mental health, and juvenile cases. The court allows jury trials in most cases.</p>	<p>Powers of courts of common pleas</p> <p>Every court of common pleas shall have power to issue, under its judicial seal, every lawful writ and process to or to be served or enforced by system and related personnel as such courts have been heretofore authorized by law or usage to issue. Every judge of a court of common pleas shall have all the powers of a judge or magisterial district judge of the minor judiciary.</p>	<p>42 Pa.C.S. § 912 (2010)</p>
		<p>Place of probate</p> <p>The will of a decedent domiciled in the Commonwealth at the time of his death shall be probated only before the register of the county where the decedent had his last family or principal residence. If the decedent had no domicile in the Commonwealth, his will may be probated before the register of any county where any of his property is located.</p>	<p>20 Pa.C.S. § 3131 (2010)</p>

<p>Rhode Island</p>	<p>Designated Probate</p> <p>Rhode Island has 39 probate courts and 39 judges. The probate courts have jurisdiction over estate cases and do not allow jury trials.</p>	<p>General probate jurisdiction</p> <p>Every probate court shall have jurisdiction in the town or city in which it is established of the probate of wills; the granting of administration, the appointment of custodians, of administrators, of guardians of persons and estates, or of persons only or of estates only, and of conservators; the accepting and allowing of bonds, inventories, and accounts of executors, administrators, and guardians; the granting of leave to sell at public or private sale, or to mortgage property, as hereinafter provided; of the making of partition of the real estate of deceased persons; of the adoption of persons eighteen (18) years of age or older; of change of names of persons; of the removal or filling of a vacancy of a trustee of any trust established under a will, or the termination of such trust; of setting off and allowing real estate and personal property to widows and surviving husbands; and of all other matters now within the jurisdiction of probate courts. The court shall have power to accept the resignation of, or to remove, any custodian, executor, administrator, or guardian, or any other person appointed by the court, and also power to do and transact all matters and things incidental to the jurisdiction and powers vested in probate courts by law. Every probate court shall have the power to follow the course of equity insofar as necessary to fulfill the mandates of title 33 of the General Laws, specifically: the replacement, removal, or filling of any vacancy of any trustee under a trust established under a will; or tax minimization or estate planning under <u>§ 33-15-37.1</u>. The jurisdiction assumed in any case by the court, so far as it depends on the place of residence of a person, shall not be contested in any suit or proceedings except in the original case or on appeal therein or when the want of jurisdiction appears on the record.</p>	<p>R.I. Gen. Laws § 8-9-9 (2011)</p>
		<p>Power to take probate and grant administration of decedents' estates</p> <p>The probate court of any town or city shall take the probate of wills and grant administration on the estate of deceased persons who, at the time of their decease, were inhabitants of or residents in the town or city, and of other persons, not having any residence in this state, who die leaving rights, credits, or estates, real or personal, within the town or city; provided, that the first probate of the will, and the first grant of administration on the estate, of any deceased person who, at the time of his decease, was not an inhabitant of or resident within this state, shall bar any other probate or grant of administration, although the deceased person may have left rights, credits, or estates, real or personal, in any other town or city in this state.</p>	<p>R.I. Gen. Laws § 8-9-11 (2011)</p>

<p>South Carolina</p>	<p>Designated Probate</p> <p>South Carolina has 46 probate courts and 46 judges. The probate courts have jurisdiction over mental health and estate cases and do not allow jury trials.</p>	<p>Territorial application.</p> <p>Except as otherwise provided in this Code, this Code applies to (1) the affairs and estates of decedents, missing persons, and persons to be protected domiciled in this State, (2) the property of nonresidents located in this State or property coming into the control of a fiduciary who is subject to the laws of this State, (3) incapacitated persons and minors in this State, (4) survivorship and related accounts in this State, and (5) trusts subject to administration in this State.</p>	<p>S.C. Code Ann. § 62-1-301 (2010)</p>
		<p>Subject matter jurisdiction; concurrent jurisdiction with family court.</p> <p>(a) To the full extent permitted by the Constitution, and except as otherwise specifically provided, the probate court has exclusive original jurisdiction over all subject matter related to:</p> <p>(1) estates of decedents, including the contest of wills, construction of wills, and determination of heirs and successors of decedents and estates of protected persons;</p> <p>(2) protection of minors, except that jurisdiction over the care, custody, and control of the persons of minors is governed by <u>Section 62-5-201</u> and incapacitated persons, including the mortgage and sale of personal and real property owned by minors or incapacitated persons as well as gifts made pursuant to the South Carolina Uniform Gifts to Minors Act, Article 5, Chapter 5, Title 63, except that jurisdiction for approval of settlement of claims in favor of or against minors or incapacitated persons is governed by <u>Section 62-5-433</u>;</p> <p>(3) trusts, inter vivos or testamentary, including the appointment of successor trustees;</p> <p>(4) the issuance of marriage licenses, in form as provided by the Bureau of Vital Statistics of the Department of Health and Environmental Control; record, index, and dispose of copies of marriage certificates; and issue certified copies of the licenses and certificates;</p> <p>(5) the performance of the duties of the clerk of the circuit and family courts of the county in which the probate court is held when there is a vacancy in the office of clerk of court and in proceedings in eminent domain for the acquisition</p>	<p>S.C. Code Ann. § 62-1-302 (2010)</p>

		<p>of rights-of-way by railway companies, canal companies, governmental entities, or public utilities when the clerk is disqualified by reason of ownership of or interest in lands over which it is sought to obtain the rights-of-way; and</p> <p>(6) the involuntary commitment of persons suffering from mental illness, mental retardation, alcoholism, drug addiction, and active pulmonary tuberculosis.</p> <p>(b) The court's jurisdiction over matters involving wrongful death or actions under the survival statute is concurrent with that of the circuit court and extends only to the approval of settlements as provided in <u>Sections 15-51-41</u> and <u>15-51-42</u> and to the allocation of settlement proceeds among the parties involved in the estate.</p> <p>(c) The probate court has jurisdiction to hear and determine issues relating to paternity, common-law marriage, and interpretation of marital agreements in connection with estate, trust, guardianship, and conservatorship actions pending before it, concurrent with that of the family court, pursuant to <u>Section 63-3-530</u>.</p> <p>(d) Notwithstanding the exclusive jurisdiction of the probate court over the foregoing matters, any action or proceeding filed in the probate court and relating to the following subject matters, on motion of a party, or by the court on its own motion, made not later than ten days following the date on which all responsive pleadings must be filed, must be removed to the circuit court and in these cases the circuit court shall proceed upon the matter de novo:</p> <p>(1) formal proceedings for the probate of wills and for the appointment of general personal representatives;</p> <p>(2) construction of wills;</p> <p>(3) actions to try title;</p> <p>(4) trusts;</p> <p>(5) actions in which a party has a right to trial by jury and which involve an amount in controversy of at least five thousand dollars in value; and</p>	
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South Dakota	<p>General Jurisdiction Circuit Court</p> <p>South Dakota does not have a separate probate court. The Circuit Court has civil and juvenile jurisdiction.</p>	<p>Jurisdiction of circuit courts</p> <p>The circuit court possesses chancery as well as common-law jurisdiction.</p>	S.D. Codified Laws § 16-6-8 (2011)
		<p>Territorial application</p> <p>Except as otherwise provided in this code, this code applies to and the court has jurisdiction over (1) the estates of decedents and absentees domiciled in this state, (2) the property of nonresident decedents located in this state or property coming into the control of a fiduciary who is subject to the laws of this state, (3) guardianship proceedings for individuals domiciled in or located in this state, (4) conservatorship proceedings for individuals domiciled in or who have property located in this state, and (5) multiple-person bank accounts and other nonprobate transfers in this state.</p>	S.D. Codified Laws § 29A-1-301 (2011)
Tennessee	<p>General Jurisdiction Chancery Court</p> <p>In Tennessee, § 16-16-201 holds that "...all jurisdiction relating to the probate of wills and the administration of estates of every nature...is hereby vested in the chancery court of the respective counties" unless specifically given by</p>	<p>Jurisdiction.</p> <p>The chancery court of the county in which any person resided at the time of the decedent's death, or in which the decedent's estate, goods, and chattels or effects were at the time of the decedent's death, may appoint an administrator when six (6) months have elapsed from the death, and no person will apply or can be procured to administer on the decedent's estate.</p>	Tenn. Code Ann. § 30-1-301 (2011)
		<p>Place of proving and recording will and granting letters testamentary.</p> <p>Wills shall be proved and recorded and letters testamentary granted in the probate court of the county where the testator had the testator's usual residence at the time of the testator's death, or, in case the testator had fixed places of residence in more than one county, in either or any of those counties.</p>	Tenn. Code Ann. § 32-2-101 (2011)

	<p>local legislation to other courts. Shelby County, for example, has established a probate court. Tennessee has 95 counties.</p>		
Texas	<p>Designated Probate</p> <p>Texas has 16 probate courts and 16 judges with jurisdiction over estate and mental health matters. The probate courts allow jury trials. In Texas, the County Court of Law, Constitutional County Court, and District Court also have jurisdiction over estate, mental health, and juvenile matters. These courts allow jury trials.</p>	<p>[Repealed January 1, 2014] General Probate Court Jurisdiction; Appeals</p> <p>(a) All probate proceedings must be filed and heard in a court exercising original probate jurisdiction. The court exercising original probate jurisdiction also has jurisdiction of all matters related to the probate proceeding as specified in Section 4B of this code for that type of court.</p> <p>(b) A probate court may exercise pendent and ancillary jurisdiction as necessary to promote judicial efficiency and economy.</p> <p>(c) A final order issued by a probate court is appealable to the court of appeals.</p>	<p>Tex. Prob. Code § 4A (2010)</p>
Utah	<p>General Jurisdiction District Court</p> <p>Utah does not have a separate probate court. The District Court has jurisdiction over estate and mental health matters. This court allows jury trials in</p>	<p>Subject matter jurisdiction</p> <p>(1) To the full extent permitted by the Constitution of Utah, the court has jurisdiction over all subject matter relating to:</p> <p>(a) estates of decedents, including construction of wills and determination of heirs and successors of decedents, and estates of protected persons;</p> <p>(b) protection of minors and incapacitated persons; and</p> <p>(c) trusts.</p>	<p>Utah Code Ann. § 75-1-302 (2011)</p>

	most case types	<p>(2) The court has full power to make orders, judgments, and decrees and take all other action necessary and proper to administer justice in the matters which come before it.</p> <p>NOTES: CROSS-REFERENCES. --Jurisdiction of district court, <u>Utah Const. Art. VIII, Sec. 5</u>; § 78-3-4.</p>	
Vermont	<p>Designated Probate</p> <p>Vermont has 18 probate courts and 18 judges. The probate court has jurisdiction over mental health, adoption, estate, miscellaneous domestic relations, and miscellaneous civil cases. The court does not allow jury trials.</p>	<p>§ 272. Probate districts; probate judges</p> <p>(a) There shall be one probate district in each county, which shall be designated by the name of the county. Each probate district shall elect one probate judge.</p> <p>(b) To hold the position of probate judge, a person shall be admitted by the supreme court to practice law. This subsection shall not apply to any person who holds the office of probate judge on July 1, 2010.</p> <p>(c) The administrative judge may specially assign a probate judge to hear a case in a geographical district other than the district for which the probate judge was elected.</p>	4 V.S.A. § 272 (2011)
Virginia	<p>General Jurisdiction Circuit Court</p> <p>Virginia does not have a separate probate court. The Circuit Court has jurisdiction over mental health and estate matters; the District Court has jurisdiction over mental health and juvenile matters.</p>	<p>Jurisdiction of probate of wills</p> <p>The circuit courts of the Commonwealth, and the clerks of such courts, and the duly qualified deputies of such clerks, and the clerks of all other courts having jurisdiction of the probate of wills, shall have such jurisdiction according to the following rules: In the county or city wherein the decedent has a mansion house or known place of residence; if he has no such house or known place of residence, then in a county or city wherein any real estate lies that is devised or owned by the decedent; and if there be no such real estate, then in the county or city wherein he dies or a county or city wherein he has estate; provided, however, that in the City of Richmond the circuit court of such city, and the clerk of such court and his duly qualified deputies shall have such jurisdiction which shall be exercised within its respective territorial jurisdiction as defined by law and in the manner heretofore provided by law.</p>	Va. Code Ann. § 64.1-75 (2011)
Washington	General Jurisdiction Superior Court	<p>Original jurisdiction in probate and trust matters -- Powers of court</p> <p>(1) The superior court of every county has original subject matter jurisdiction</p>	Rev. Code Wash. (ARCW) § 11.96A.040 (2011)

	<p>Washington does not have a separate probate court. The Superior Court has jurisdiction over estate, mental health, and juvenile matters.</p>	<p>over the probate of wills and the administration of estates of incapacitated, missing, and deceased individuals in all instances, including without limitation:</p> <p>(a) When a resident of the state dies;</p> <p>(b) When a nonresident of the state dies in the state; or</p> <p>(c) When a nonresident of the state dies outside the state.</p> <p>(2) The superior court of every county has original subject matter jurisdiction over trusts and all matters relating to trusts.</p> <p>(3) The superior courts may: Probate or refuse to probate wills, appoint personal representatives, administer and settle the affairs and the estates of incapacitated, missing, or deceased individuals including but not limited to decedents' nonprobate assets; administer and settle matters that relate to nonprobate assets and arise under chapter 11.18 or 11.42 RCW; administer and settle all matters relating to trusts; administer and settle matters that relate to powers of attorney; award processes and cause to come before them all persons whom the courts deem it necessary to examine; order and cause to be issued all such writs and any other orders as are proper or necessary; and do all other things proper or incident to the exercise of jurisdiction under this section.</p> <p>(4) The subject matter jurisdiction of the superior court applies without regard to venue. A proceeding or action by or before a superior court is not defective or invalid because of the selected venue if the court has jurisdiction of the subject matter of the action.</p>	
<p>West Virginia</p>	<p>General Jurisdiction County Court</p> <p>West Virginia does not have a separate probate court. The Circuit Court has jurisdiction over mental health, estate, and juvenile cases. The court allows jury</p>	<p>Place of probate.</p> <p>The county court [now county commission] shall have jurisdiction of the probate of wills according to the following rules:</p> <p>(a) In the county wherein the testator, at the time of his death, had a mansion house or known place of residence; or</p> <p>(b) If he had no such house or place of residence, then in the county wherein any real estate devised thereby is situated; or</p>	<p>W. Va. Code § 41-5-4 (2011)</p>

	trials.	<p>(c) If there be no real estate devised thereby, and the testator had no such house or place of residence, then in the county wherein he died, or in any county wherein he had any property at the time of his death; or</p> <p>(d) If he died out of this State, his will or an authenticated copy thereof, may be admitted to probate in any county in this State, wherein there is property devised or bequeathed thereby.</p>	
Wisconsin	General Jurisdiction Circuit Court	<p>Jurisdiction of circuit courts.</p> <p>The circuit courts have the general jurisdiction prescribed for them by article VII of the constitution and have power to issue all writs, process and commissions provided in article VII of the constitution or by the statutes, or which may be necessary to the due execution of the powers vested in them. The circuit courts have power to hear and determine, within their respective circuits, all civil and criminal actions and proceedings unless exclusive jurisdiction is given to some other court; and they have all the powers, according to the usages of courts of law and equity, necessary to the full and complete jurisdiction of the causes and parties and the full and complete administration of justice, and to carry into effect their judgments, orders and other determinations, subject to review by the court of appeals or the supreme court as provided by law. The courts and the judges thereof have power to award all such writs, process and commissions, throughout the state, returnable in the proper county.</p>	Wis. Stat. § 753.03 (2011)
	Wisconsin does not have a separate probate court. The Circuit Court has jurisdiction over civil and juvenile matters.	<p>Jurisdiction.</p> <p>The jurisdiction of a proceeding for administration of a decedents estate is as follows:</p> <p>(1) If the decedent was domiciled in this state, in the county in this state where the decedent was domiciled at the time of the decedents death.</p> <p>(2) If the decedent had no domicile in this state, in any county in this state where property of the decedent is located, and the court which first exercises jurisdiction under this subsection has exclusive jurisdiction.</p>	Wis. Stat. § 856.01 (2011)
Wyoming	General Jurisdiction District Court	Exclusive jurisdiction conferred on district courts.	Wyo. Stat. § 2-2-101 (2011)

	<p>Wyoming does not have a separate probate court. The District Court has jurisdiction over mental health, estate, and juvenile matters.</p>	<p>The district courts of the state have exclusive original jurisdiction of all matters relating to the probate and contest of wills and testaments, the granting of letters testamentary and of administration, and the settlement and distribution of decedents' estates. The court granting the letters has exclusive jurisdiction of all matters touching the settlement and distribution of the estates for which letters have been granted. The jurisdiction over subject matter of the district court sitting in probate, sometimes referred to in this Title 2 as the "probate court", is coextensive with the jurisdiction over subject matter of the district court in any civil action. A decree of distribution entered by the district court in probate, pursuant to <u>W.S. 2-7-807</u> or <u>2-7-813</u>, shall be a final determination of title as to assets described therein, as to all distributees served with notice, or who have waived notice, of the hearing provided for in <u>W.S. 2-7-807</u> or <u>2-7-811</u>, as the case may be. As to all other parties, an action may be brought and maintained at any time prior to the entry of final decree of distribution under <u>W.S. 2-7-813</u>, by or against the personal representative in the district court, sitting in probate, seeking any legal or equitable remedy as to any interest in property, real or personal, in which the estate asserts or claims any interest. In addition, all causes cognizable in the district court in any civil action may be brought and maintained, at any time prior to the entry of final decree of distribution under <u>W.S. 2-7-813</u>, by or against a personal representative in the district court sitting in probate which granted the letters to the personal representative.</p>	
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