



General Assembly

January Session, 2005

Raised Bill No. 965

LCO No. 2829

02829_____AGE

Referred to Committee on Select Committee on Aging

Introduced by:
(AGE)

AN ACT CONCERNING THE DUTIES OF THE CONSERVATOR OF A PERSON.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-656 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) The conservator of the person shall have: (1) The duty and
4 responsibility for the general custody of the respondent; (2) the power
5 to establish his or her place of abode within the state; (3) the power to
6 give consent for his or her medical or other professional care, counsel,
7 treatment or service; (4) the duty to provide for the care, comfort and
8 maintenance of the ward; (5) the duty to take reasonable care of the
9 respondent's personal effects; and (6) the duty to report at least
10 annually to the probate court which appointed the conservator
11 regarding the condition of the respondent. The preceding duties,
12 responsibilities and powers shall be carried out within the limitations
13 of the resources available to the ward, either through [his] the ward's
14 own estate or through private or public assistance.

15 (b) The conservator of the person shall not have the power or

16 authority to cause the respondent to be committed to any institution
17 for the treatment of the mentally ill except under the provisions of
18 sections 17a-75 to 17a-83, inclusive, 17a-456 to 17a-484, inclusive, 17a-
19 495 to 17a-528, inclusive, 17a-540 to 17a-550, inclusive, 17a-560 to 17a-
20 576, inclusive, 17a-615 to 17a-618, inclusive, and 17a-621 to 17a-664,
21 inclusive, and chapter 359.

22 (c) If the conservator of the person determines it is necessary to
23 cause the ward to be placed in an institution for long-term care, the
24 conservator shall file a report of such action with the Probate Court
25 that appointed the conservator. Such report shall be filed with the
26 Probate Court not less than ten days prior to the date that the ward is
27 to be placed in such institution. The conservator, at the time the report
28 is filed with the Probate Court, shall certify that mail notice of such
29 action and a copy of such report have been provided to the ward and
30 any other interested parties as may have been determined by the court.
31 The report shall set forth the basis for the conservator's determination,
32 what community resources have been considered and the reasons why
33 the ward's physical, mental and psychosocial needs cannot be met in a
34 less restrictive and more integrated setting. Such community resources
35 include, but are not limited to, resources provided by the area agencies
36 on aging, the Alternate Care Unit of the Department of Social Services,
37 congregate or subsidized housing, the Office of Protection and
38 Advocacy for Persons with Disabilities, the Department of Mental
39 Health and Addiction Services, the Department of Mental Retardation
40 and any local Center for Independent Living. Upon the request of any
41 such interested party, the court shall hold a hearing on such action and
42 report not later than thirty days after the date of the request. The court
43 may also, in its discretion, hold a hearing on such action and report in
44 any case where no request is made. If the court, after such hearing,
45 determines that the ward's physical, mental and psychosocial needs
46 can be met in a less restrictive and more integrated setting within the
47 limitations of the resources available to the ward, either through the
48 ward's own estate or public assistance, the court shall order that the
49 ward be placed and maintained in such setting. For purposes of this

50 subsection, an "institution for long-term care" means a facility that has
51 been federally certified as a skilled nursing facility or intermediate care
52 facility.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2005	45a-656

Statement of Purpose:

To require the conservator of a person to provide for the person's physical, mental and psychosocial needs in the least restrictive and most integrated setting that meets the need of the person.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]