



General Assembly

**Substitute Bill No. 965**

January Session, 2005

\* SB00965AGEJUD031005 \*

**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 Section 45a-656 of the general statutes is repealed and the  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: (1) The conservator of the person determines it is necessary to  
23 cause the ward to be moved from such ward's place of residence and  
24 placed in an institution for long-term care, or (2) at the time a ward is  
25 to be discharged from a hospital, the conservator of the person  
26 determines that it is necessary for the ward to be placed in an  
27 institution for long-term care irrespective of a recommendation from  
28 the ward's physician for discharge to a home-care setting, the  
29 conservator shall file a report of such action with the Probate Court  
30 that appointed the conservator. Such report shall be filed with the  
31 Probate Court not less than ten days prior to the date that the ward is  
32 to be placed in such institution, provided, if such placement was the  
33 result of an emergency, the report shall be filed no later than ten days  
34 after the date of the placement. The conservator, at the time the report  
35 is filed with the Probate Court, shall certify that mail notice of such  
36 action and a copy of such report have been provided to the ward and  
37 any other interested parties as may have been determined by the court.  
38 The report shall set forth the basis for the conservator's determination,  
39 what community resources have been considered and the reasons why  
40 the ward's physical, mental and psychosocial needs cannot be met in a  
41 less restrictive and more integrated setting. Such community resources  
42 include, but are not limited to, resources provided by the area agencies  
43 on aging, the Alternate Care Unit of the Department of Social Services,  
44 congregate or subsidized housing, the Office of Protection and  
45 Advocacy for Persons with Disabilities, the Department of Mental  
46 Health and Addiction Services, the Department of Mental Retardation  
47 and any local Center for Independent Living. Upon the request of any  
48 such interested party, the court shall hold a hearing on such action and  
49 report not later than thirty days after the date of the request. The court  
50 may also, in its discretion, hold a hearing on such action and report in  
51 any case where no request is made. If the court, after such hearing,  
52 determines that the ward's physical, mental and psychosocial needs  
53 can be met in a less restrictive and more integrated setting within the

54 limitations of the resources available to the ward, either through the  
55 ward's own estate or public assistance, the court shall order that the  
56 ward be placed and maintained in such setting. For purposes of this  
57 subsection, an "institution for long-term care" means a nursing home  
58 facility, as defined in section 19a-521 or an intermediate care facility for  
59 persons with mental retardation.

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

**AGE**

*Joint Favorable Subst. C/R*

JUD