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**To: The Judiciary Committee**

**From: Judge James J. Lawlor, Probate Court Administrator**

**Re: RB 5840 An Act Concerning Conservators**

**Date: March 24, 2006**

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Chairman McDonald, Chairman Lawlor, and distinguished members of the Judiciary Committee, thank you for the opportunity to testify in opposition to RB 5840.

The bill as drafted would allow conservatorships to be transferred from the Probate Court to the Superior Court upon the request of a party. The argument in favor of this proposed change is that the Probate Courts are not properly equipped for dealing with these matters. We must respectfully disagree.

The Probate Courts have had exclusive jurisdiction over conservatorship proceedings for more than one-hundred sixty years. Our courts handle some 2500 such matters per year. These cases involve some of our most vulnerable citizens. Many are elderly or disabled, often with significant physical or mental disabilities, and in need of prompt attention. Probate judges and clerks have the experience and the expertise to effectively and expeditiously deal with these sensitive matters.

It is argued that the Probate Courts have, in certain cases, failed to provide adequate due process protections for respondents. The suggestion is that these respondents would be better served in the Superior Court. However, we believe that the most significant effect of transfer to the Superior Court would be delay. The Superior Courts are effective in handling complex, sophisticated issues that require careful measured attention. The conservator cases are not suited to the strengths of that court. Probate Courts are able to provide the level of attention necessary for these matters, and to act with the speed demanded by the immediate needs of many respondents.

The training and experience of probate judges and clerks, as well as the nature of the courts themselves, make them well suited to handling conservator proceedings. The members of this committee are well aware of the ongoing debate concerning the future of the Probate Courts. Adjustments to the system are necessary and appropriate. However, we do believe that the interests of respondents are not well served by transferring jurisdiction to the Superior Court. Please decline to act favorably on this bill and address any such issues in a comprehensive probate reform package.