

JUDICIARY COMMITTEE: RAISED BILL NO. 5598

AN ACT CONCERNING ADMINISTRATION OF THE COURTS OF PROBATE

My name is Marilyn Denny. I am an elder law attorney at Greater Hartford Legal Aid. I am writing to support Raised Bill No. 5598, which allows the Probate Court Administrator to enforce statutes and regulations to ensure the performance of the duties of judges and clerks of the probate court and which establishes a Probate Court Review Panel, among other things, to help insure that the business of the probate court is being conducted in accordance with the law, with regulations, and expeditiously. This Bill provides the Probate Administration with more authority over probate matters.

During the past few years, our office has represented numerous clients in conservatorship matters. As a result of this representation we are convinced that providing the Probate Administration with additional oversight of how the Probate Courts operate **could** help to correct some of the problems we have encountered. Recently, several public interest attorneys met with Judge Lawlor to call to his attention problems we have had with conservatorship proceedings. Even when Judge Lawlor agreed that our position had merit, he was powerless to provide relief. For example, one of our complaints was that a Probate Judge had allowed a conservator to charge attorney fees for non attorney work. At the same time a guardian ad litem was being paid attorney fees, even though the ward was protected by a conservator and represented by an attorney. The ward had a modest estate, which was being depleted quickly by these charges. Judge Lawlor agreed that allowance of such costs was inappropriate, but he could not address this concern.

In addition to requiring more centralization of the Probate Court system, and more formality, such as requiring training for judges, we are suggesting that the Probate Statutes be changed to

allow for removal to the Superior Court by a person who is being conserved, when they contest the matter. A conservatorship proceeding which is contested, involves deprivation of liberty. It must be heard by trained judges and with adequate due process. This does not always happen in the current probate system. We hope that a bill will be raised shortly which will incorporate this type of change.