



STATE OF CONNECTICUT

OFFICE OF PROTECTION AND ADVOCACY FOR
PERSONS WITH DISABILITIES
60B WESTON STREET, HARTFORD, CT 06120-1551

Testimony of the Office of Protection and Advocacy for Persons with Disabilities
before the Judiciary Committee

Presented by Nancy Alisberg
Managing Attorney
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Good afternoon Senator McDonald, Representative Lawlor and members of the Committee. My name is Nancy Alisberg, and I am the Managing attorney at the Office of Protection and Advocacy for Persons with Disabilities. Thank you for this opportunity to comment on Raised Bill No. 5598, AN ACT CONCERNING ADMINISTRATION OF THE COURTS OF PROBATE. This bill would strengthen the oversight role of the Probate Court Administrator, and establish a Probate Court Review Panel to hear and decide matters referred by the Probate Court Administrator that relate to the problems in the conduct of individual Probate Courts. Based on our Office's experience representing people with psychiatric, cognitive and intellectual disabilities, these changes are very much needed.

Connecticut Probate Courts have jurisdiction over matters relating to conservatorship, guardianship, sterilization, and involuntary placements of people with disabilities into mental retardation and psychiatric institutions. The statutory standards governing decisions in these matters are generally balanced and comprehensive. However, because probate proceedings are conducted informally; because legal training is not required in order to be elected as a judge; and because much of the business of the courts of probate is conducted without making a record or being subject to any type of external scrutiny, disability advocates have long been concerned that the intent of those carefully drafted statutory standards is not being consistently fulfilled.

Our Office is aware of situations where conservators appointed by probate courts have arranged for people with psychiatric or cognitive disabilities to be admitted to long term care facilities and have then quickly terminated apartment leases and sold off the individual's possessions. While ostensibly aimed at preserving assets, these actions effectively take away the person's home and greatly limit prospects for recovering his or her place in the community. While many conservators attempt to faithfully fulfill their responsibilities, it is not unusual to find that in some jurisdictions the same individual has been appointed to be conservator for a number of people who have been placed into residential care or nursing homes, and to learn that that conservator has collected court approved fees for their "services" from their wards. By the time the wards learn enough about their rights to contact our Office or other advocacy groups, it is too late - they have no place to go home to, few resources with which to acquire a new one, and it is far too late to file any appeals.

Authorizing the Probate Court Administrator to investigate complaints about matters such as ineffective oversight of conservators' actions, and to then bring findings and recommendations before a Review Panel will give people with disabilities and their advocates somewhere to turn with complaints. However, given the life-defining consequences of decisions concerning conservatorship and the other sensitive matters handled through probate courts, our Office would also urge that the Committee consider amending this proposal to provide adult respondents the same opportunity afforded to minors who find themselves the subject of petitions before probate courts - to remove the matter to superior court where a record is made and rules of evidence apply.

Thank you for your attention. If there are any questions, I will try to answer them.