

STATE OF CONNECTICUT
PROBATE COURT
DISTRICT OF SOUTHLINGTON
75 MAIN STREET
P.O. BOX 165
SOUTHLINGTON, CONNECTICUT 06489

Bryan F. Meccariello, Judge
Cynthia A. Houle, Clerk

Tel. No. (860) 276-6253
Fax No. (860) 276-6255

March 24, 2006

Dear Committee Co-Chairs Senator McDonald and Representative Lawlor and
Honorable Committee Members:

My name is Bryan F. Meccariello. For the past eight years, I have been the Judge of Probate for the Town of Southington, the "City of Progress" and home of the "Apple Harvest Festival." Southington is also the home of two assisted living facilities ("The Orchards" and "Mulberry Gardens"), two skilled nursing facilities ("The Summit" and "Southington Care Center"), one specialized care facility (the "Alzheimer Resource Center") and one community hospital ("Bradley Memorial Hospital").

Southington has a population of more than 42,000. The assisted living facilities have close to 200 residents, the skilled nursing and specialized facilities more than 400 and those in both the senior housing and age-restricted communities is rapidly approaching 3,000. These numbers do not include individuals who reside either independently or with family members within the general community.

As a Probate Judge who has presided over hundreds of conservatorship matters and currently presides over more than two hundred "open" conservator estates, I can confirm that the circumstances surrounding the conservatorship application of the Windsor Locks woman identified in a recent newspaper editorial is not that uncommon. For example, the majority of conservatorship estate applications are filed by either one or more children of a parent who is unable to live alone for a variety of reasons. However, despite the varying circumstances cited on each application, the reasons for the filings are overwhelmingly genuine and mostly made in the "best interest" of the parent. Of course, there have been applicants with "ulterior motives." In fact, I have denied a number of applications where it was transparent that a parent was being used as a "pawn" in the commonly played game of "sibling rivalry." I have also denied an application filed by a social services worker when it became apparent that "business" was being referred to a lawyer who subsequently surrendered her law license and, consequently, was sentenced to prison. Those conservatorship matters, as well as the one about the woman in Windsor Locks, are not at all representative of the numerous ones filed in the probate courts.

I have always been a firm believer in the "circle of life." What I mean is that parents are responsible for the care and guidance of their children, at least until they have reached the age of majority. And, when its time for parents to seek the care and guidance of their children, those children become responsible to provide them with the "quality of life" they deserve, for as long as possible. However, once the financial resources of the parents have been expended, the children must look to the community for other resources. This is exactly the reason why the local probate court must remain a community resource for those in need.

The statutory procedure governing conservatorship matters in the probate court system works. The procedure ensures that the legal rights of anyone who is the subject of a conservatorship application are protected. That is why an attorney is automatically appointed to represent the legal interest of any proposed "respondent". Also, the "conservator" is personally responsible to the probate court for any and all decisions made during the term of the conservatorship estate. Furthermore, the probate court, at any time, can schedule a "status conference" so that the circumstances surrounding the "respondent" can be reviewed or even terminated.

The probate court is the "front line" of all conservatorship matters. The probate court is in the community. Those who are truly in need of community services can immediately contact the probate court and apply for help. Without the ability to seek such services, the needs of the public will not be met.

I wish to thank you for your time and ask that you strongly consider not approving H.B. No. 5840.

Respectfully submitted,

Bryan F. Meccariello
Probate Judge for the Town of Southington