



Companions & Homemakers™

Judiciary Committee

Testimony to the Judiciary Committee regarding House Bill No. 6828 (COMM), "*An Act Concerning the Recording of Probate Court Proceedings*"

Friday, February 16, 2007:

My name is Linda Johnson and I am here in my capacity as a citizen of the State of Connecticut and as founder of Companions & Homemakers, Inc., a provider of homecare for the elderly since 1990. I am here to speak in *support of House Bill No. ~~388~~ entitled "An Act Concerning the Recording of Probate Court Proceedings."*

Presently, and with very few exceptions, Probate proceedings generally are not recorded or conducted "on the record." Under current law, hearings can be conducted on the record only if all parties "agree" and, even then, the judge is not obligated to call in a stenographer to record the hearing.

The intent underlying this proposal is twofold. **First**, that **all** probate hearings, including those involving voluntary or involuntary conservatorship proceedings be held on the "record" and that the matter be recorded via court reporter or stenographer. And **Second**, that the present requirement that all parties must be in agreement for the matter to be recorded **be eliminated**, removing any discretion on the part of the probate judge to deny such recording.

Probate courts are vested with enormous powers to, amongst other things, strip our elderly and infirm citizens of their civil rights. Judges, therefore, should be held accountable for exercising those powers carefully, rationally, and with full transparency.

As this Committee is acutely aware, our Probate system must be severely overhauled. This belief is not only my own, but one overwhelmingly shared by scholars and the public at large. [*Copies of a recent January 19, 2007 Hartford Courant editorial by journalist Rick Green and an article by Yale Law School professor John H. Langbein are attached to illustrate the point*]. This Bill does not expect to resolve every single fault plaguing the system but, instead, we believe the bill constitutes a humble small step in the right direction towards achieving much needed reform in our Probate system of justice, and an even greater step towards safeguarding the civil rights of our elderly population.