

## JUDICIARY COMMITTEE

March 30, 2007

Testimony of Janet D. Heussner In Support of:

S.B. No. 1272 (RAISED) AN ACT CONCERNING ADMINISTRATION OF THE COURTS OF PROBATE AND THE DUTIES OF THE PROBATE COURT ADMINISTRATOR

S.B. No. 1439 (RAISED) AN ACT CONCERNING CONSERVATORS AND PROBATE APPEALS and

S.B. No. 1453 (RAISED) AN ACT CONCERNING THE TRANSFER OF AN APPLICATION FOR THE APPOINTMENT OF A CONSERVATOR TO THE SUPERIOR COURT OR OTHER PROBATE COURT.

Senator McDonald, Representative Lawlor and members of the committee:

I am pleading with you to support Raised Bill Nos. 1272, 1439 and 1453 to create procedural protections for a court system that has the power to deprive individuals of all of their civil rights. The Connecticut Probate Courts are courts of no record, no evidentiary standards, no constitutional or procedural safeguards, and, in my experience, no oversight.

As a journalist for Time and Granada Television, I have navigated uncharted territory near the Somalia border, escaped bullets in the West Bank, survived filming in shark infested waters in the Tuamotos Islands, but I have never been in a situation so frightening and seemingly inescapable as the Connecticut probate system.

My mother, an 85-year-old widow with Alzheimer's, and I are victims of this process. My mother's former attorney filed an application to have her conserved. The probate court charged the \$296 filing fee to my mother. The probate court then appointed a Guardian Ad Litem who promptly recommended himself for the job of conservator of her estate. The one-year of legal fees (\$55,713) and three-year conservator fees (\$58,500) presented to the Fairfield Probate Court amount to 64% of my mother's liquid assets (\$177,000) at the time of the conservatorship application. The conservator paid himself \$40,000 without court approval for "conserving" my mother's estate. The money that my parents had scrimped and saved has been depleted. Funds that could have been used to keep my mother at home longer have been exhausted.

My mother has no conservator of the person and, yet, the probate court issued an order ex parte prohibiting me from seeing my mother. The conservator of the estate has hired my mother's cleaning lady to care for her and allowed the cleaning lady to take my mother off to the cleaning lady's home in Florida, against medical advice. I am a New York

resident. The probate court has no authority to issue restraining orders against me and yet it does. These courts do what they please.

I appealed the probate court's decision to mortgage my mother's house and to auction off her personal property to pay for these exorbitant fiduciary fees. These orders were entered before the conservator had filed an inventory or accounting as required by law. The appeals were dismissed because the probate court put the wrong return date on the decree. They are now on appeal before the Connecticut Appellate Court, challenging the constitutionality of the probate appeal process. I am represented by Attorney Royal Stark of Quinnipiac Law School on these appeals.

I have written many letters to James Lawlor of the Office of the Probate Court Administrator but was told that they are powerless to do anything because they are only an administrative court. Powerless to address my motion to recuse Judge Daniel F. Caruso for good cause. Powerless to appoint a substitute judge. And powerless to intervene in an order that has prevented me from seeing my mother for more than 2 years.

Reform is long overdue. Please support raised bills 1272, 1439 and 1453.

Thank you very much.

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