

TESTIMONY BEFORE THE JUDICIARY COMMITTEE IN SUPPORT OF RAISE BILL NO. 1439; AN ACT CONCERNING CONSERVATORS AND PROBATE APPEALS

By Judith Desautell

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I am survivor of the probate system. I am here to testify in support of reforming the probate system so that others are spared the experience I endured.

I am a former school teacher, mother of two, grandmother of three. I have hereditary spastic paraplegia. I used to own my own home. I had my front yard completely converted to a butterfly garden. I worked with the owner and manager of Colonial Gardens in Tolland for hours planning it. It really was beautiful.

In 2000, Manchester Probate Judge John Cooney held a hearing at my home. He said that someone with my degree of physical disability did not have a brain that functioned. He ruled that I was incapable of managing all of my affairs and appointed a conservator of the estate and person.

I did not need a conservator of the estate. My finances were in perfect order. My mortgage had been paid off early. I had taken out a home equity loan to finance a new roof and upgrade my kitchens. Judge Cooney ordered that I be placed at Westside, a nursing home that had received considerable notoriety for violent assaults by inappropriately placed psychiatric patients. My home was sold to pay full freight for the nursing home care. The proceeds should have been deposited in the disability trust that had been set up by my mother. My personal belongings were thrown out. There was never any thought to place my furniture in storage. I was to be permanently institutionalized. My cat was caught in a net and taken to the dog pound. A stranger made random decisions to put clothes in bags. 10 garbage bags were delivered to the nursing home. One bag contained a dead plant. Several antiques and valuable collectibles were just thrown out. Photos of my family, deceased relatives, were thrown out.

I acknowledge that I needed help. I needed more help to meet my needs in my home. I had been reluctant to get on Title XIX to pay for home care services because I feared I would lose my house. I did not need to be in a nursing home. The proceeds from the sale of the house went to pay for the nursing home bill. I was not allowed to see my medical records. I was not allowed to meet with the press. My mail was opened when I got it. They canceled my medical insurance and credit cards.

The bill before you would have prevented this from happening to me. First, the bill requires probate judges to listen to people like me. I have a brain. I have reasonable wishes and can make reasonable choices. My voice should have figured somewhere in the discussion. Second, the court could have imposed a limited conservator to simply arrange for more comprehensive services. Third, I could have had the case removed to superior court where I am sure I would have gotten a fair hearing before all of my rights were removed. For example, there was no evidence, much less clear and convincing evidence that I could not manage my finances. A conservator of the estate should never have been appointed.

Legal Aid helped me get out of the nursing home and into an apartment. They advised me to get out of Manchester and to have the probate court file transferred to a new judge. I moved to East Hartford. I was restored to capacity by Probate Judge Allan Driscoll who told me that I should never have been conserved and removed from my house. My Vet gave me a cat that someone had brought in to be euthanized. He is welcome in my home. We have suffered a similar experienced.

I ask you to please pass raised bill 1439 to prevent this from happening to others.