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To: Senate Co-Chair Andrew McDonald
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Senate Ranking Member John Kissel
House Ranking Member Arthur O'Neill
Honorable Members of the Judiciary Committee

From: Judge James J. Lawlor
Probate Court Administrator

Re: RB 1453 An Act Concerning the Transfer of an Application for the
Appointment of a Conservator to the Superior Court or Other Probate
Court

Date: March 30, 2007

We submit this testimony is opposition to this bill and urge the committee not to act on it.

The Probate Court system has faced much scrutiny of late regarding conservatorship proceedings. There has been criticism regarding the professionalism and training of probate judges. Some feel that transferring these cases to the Superior Court would better serve respondents. We disagree.

The Probate Courts have had exclusive jurisdiction over conservatorship matters for more than one hundred sixty years. Simply stated, our courts are better equipped for cases of this type. The courts handle similar types of matters, such as guardians for mentally retarded individuals and guardians for the person and estate of minors. Our judges have the experience to deal with these matters best, as well as the flexibility to conduct hearings at nursing homes, hospitals or private homes if necessary to ease the respondent's participation.

These matters require prompt attention to ensure that an incapable person receives the care needed. In the course of a year, the Probate Courts handle in excess of four thousand applications seeking appointment of conservators. These applications are universally conducted within the stringent time frames required in the statutes. We fear that the transfer of such matters to an already overburdened Superior Court that is not

well equipped to handle them would only result in delays. That would not serve the interests of the respondents.

This is not to suggest that the Probate Courts handling of conservatorships cannot be improved. We are constantly increasing the level of service provided to the public. Judge Robert Killian of the Hartford Probate Court has recently chaired a committee of individuals from the legal, medical and social service fields, to conduct a comprehensive review of practices and procedures in this area. Their report has been offered as substitute language to R.B. 1439. I support the recommendations contained therein and urge their adoption.

In addition, we have increased our efforts to provide high-level training for probate judges. The conservatorship area has received early attention in this regard. Just a few weeks ago, we offered our judges a two full days of training devoted entirely to conservatorship issues. Speakers included attorneys, judges, physicians, social workers, and representatives from relevant state agencies. We believe that such educational programs are essential to ensure that judges are equipped with the knowledge, legal and otherwise, to make informed and just decisions.

I believe that these matters properly belong in the Probate Courts, where they have long resided. The Probate Courts are uniquely equipped to handle these very personal and sensitive matters, to devote the individual attention that they require and to do so promptly. I believe that to permit transfer of such matters to the Superior Court would be a disservice to the interests of the individuals that our conservator statutes are intended to protect.