

To: Sen. Andrew J. McDonald, Rep. Michael P. Lawlor, Co-Chairs, and Members of the Joint Committee on Judiciary.

From: Constance J. Vogell, Judge of Probate District of Westbrook

Please consider my comments with respect to the following bills you are considering today:

- (1.) **S.B. No. 1272** (Raised) An Act Concerning Administration of the Courts of Probate and the Duties of the Probate Court Administrator.

I **strongly oppose** this bill. The resulting oppression of many members of the probate system if this bill passes will result in true disservice to many people of this state. It makes more sense to utilize the wisdom of the General Assembly's Program Review Committee when they reached the conclusion last year that the Probate Court Administrator *must* work in concert with the Probate Assembly in order to maintain effective operation of the probate system. Our current Probate Administrator submitted legislation without consulting with the Probate Assembly even though he was aware that a special Ad Hoc Committee of the Probate Assembly was established to implement the recommendations made by the Program Review Committee last year. That same Ad Hoc Committee has met many times and represents probate courts of all population sizes from all areas of the state. Service to the smaller towns as well as the mid-sized and large cities is considered and treated as important. The Ad Hoc Committee responded positively to the recommendations of the Program Review Committee and has

designed a plan to address education, voluntary consolidation, staff salaries (still under study), and will be addressing the remaining issue concerning the increased enforcement authority of the Probate Court Administrator. Instead of waiting for this work to be completed, Mr. Lawler chose to bring his own legislative package to the Assembly again, with no consultation with either the Ad Hoc Committee or any other committee of the Probate Assembly. When asked by various members of the Probate Assembly about the nature of the legislation he was presenting, he gave vague responses. Although last year the Program Review Committee asked that he cap his spending, Mr. Lawler charges ahead with increases in staff, projects, and various other operations.

By removing the requirement of compliance with Chapter 54 of the Administrative Procedures Act regarding the creation of regulations (Sec. 2 (b) (2) of this bill) he removes oversight by the General Assembly, thereby eliminating one of the most important activities of government: *checks and balances*. The Probate Administrator needs to be *more accountable* to the Probate Assembly, other branches of government, and the people of this state, not less accountable.

(2.) S.B. No. 1439 (Raised)

I support this bill with the following exceptions:

1. Sec. 2. – Changing the notice time from 7 to 14 days places a huge burden on the clerks as well as the marshals who must serve papers to respondents. All involved parties need time to be sure all areas of administrative due process are observed.

2. With respect to C.G.S. Sec.17a-543 and Sec. 17a-543a which involve medication and psychiatric treatment, increasing the time between service and the hearing could have disastrous consequences. People need help quickly in these cases.

3. Sec. 4 of this bill could cause a disaster also. It is rare for a court to waive medical evidence but if a respondent needs help and refuses to see a doctor prior to the hearing, under this bill there will be no hearing and the respondent will be turned away. Further, this section adds “any interested party” to those who may request clarification of the findings of fact supporting an appointment of conservator under this section, thereby violating the respondent’s right to privacy.

(3.) S.B. No. 1453 (Raised)

Allowing for the transfer of an application for the appointment of a conservator to the superior court or other probate court encourages “court shopping” as well as favoritism by the Probate Administrator. This bill will disenfranchise the voters in the community from which the case is transferred.

(4.) S.B. No. 1454 (Raised)

I strongly support this bill as the ceiling for a short estate has not changed in many years.

(5.) H.B. 7382 (Raised)

I strongly support this bill as it will help relieve the financial stresses the probate system is experiencing.

Thank you for your consideration.