

JUDICIARY COMMITTEE - MARCH 30, 2007

TESTIMONY IN SUPPORT OF: S.B. 1272

S.B. 1439 (SUBSTITUTE IS ATTACHED)

S.B. 1453

See  
SB01439  
Robert  
Kellum Jr.

Members of the Judiciary Committee: My name is Marilyn Denny, I am a staff attorney at Greater Hartford Legal Aid in Hartford, Connecticut. I have worked with the elderly citizens of Connecticut for almost 20 years and have participated in drafting legislation which moved Connecticut into compliance with federal law concerning nursing home residents rights.

Today, I support legislation which will provide essential protections for the elderly citizens of Connecticut and which will bring Connecticut into compliance with standards recommended by the American Bar Association, by the National Conference of Commissioners on Uniform State Laws for a Uniform Guardianship and Protective Proceedings Act (passed in 1997), and other organizations. The protections include:

**Facilitate Appeal to Superior Court:** The changes recommended would expedite the processing of probate appeals, reduce cost, require a record, eliminate de novo review and secure judicial review of probate decisions which should have a remedial effect on improper practices. Issues of standing and aggrievement will be subsumed into the hearing on the merits. Appellants and probate judges alike will be relieved of the motion for permission to appeal requirements.

**Adapt Definitions from the Uniform Guardianship and Protective Proceedings Act, which comply with the requirements of the Americans with Disabilities Act:** Amendments define the least restrictive form of intervention and redefine incapacity to focus on the individual's functioning instead of reacting to a generic designation of disability.

**Notice of Hearing:** Mandate hearing notice to potential wards which describes the implications of conservatorship proceedings, and use language adapted from other states which better inform the person of the potential consequences of the hearing.

**Imposition of the Least Restrictive Conservatorship Necessary:** Require the court to honor previously executed advanced directives, to consider the person's express preferences in deciding whether to appoint and in selecting a conservator, and require that conservators try to restore the person to capacity, if possible and to consider the conserved person's preferences- past and present, when possible.

**Right to An Attorney of One's Choice and to Due Process:** Require that conservatorship proceedings be conducted on the record and adhere to the rules of evidence, enable the potential ward to retain counsel of his or her choice.

**Duties of the Conservator of the Person:** Limit the duties of the conservator of those expressly assigned by the Probate judge.