

Testimony of Laurie Julian
Regarding S. B. No. 1439

An Act Concerning Conservators and Probate Appeals
Judiciary Committee
March 30, 2007

Senator Andrew McDonald and Representative Michael Lawlor, and members of the Committee, my name is Laurie Julian. I speak on behalf of my mother, Carolyn Crown who was involuntarily conserved. If we had in place the protections that S.B. 1439 safeguards against, my mother's right to make major life decisions would not have been violated and the family would not have gone through agonizing years of dealing with the probate court system, that benefits court appointees while depleting bank accounts that the elderly have worked hard all their lives to save. This is why we ask that not another session go by without passing this important piece of legislation.

My mother worked 17 years at the Travelers Insurance Company, retired with a pension and lives in West Hartford in the condominium she has made home for over 27 years. Despite my mother's estate planning and advanced directives in designating me her only daughter as her durable power of attorney and health care agent, the probate court in its unfettered discretion ignored her wishes, and appointed a non-family member as her conservator of the person. With the stroke of a pen, the judge stripped her of her right to make medical decisions and where to live among other liberty rights.

The system failed my mother, when it appointed Carolyn Levine as her conservator of the person. She finally resigned, but only after costly proceedings to remove her because within four months of her appointment she wanted to wrench my mother from her home and place her in a nursing facility. There were also numerous complaints to the judge of this conservator taking my mother's financial documents and prescribed medication out of the house, and other transgressions, including a volatile personality, verbally abusive behavior toward home aides, family members and even wards.

Not to say that my mother was not in need of some assistance, but the protections afforded under this bill would go along way to protect the interests of the frail and elderly that deserve heightened protection. As it stands now, conservators can file for appointments in 123 different towns and are simply put an "unregulated industry." There is no central location to collect information regarding previous complaints or qualifications. Unfortunately, there are similar stories occurring throughout the state, and therefore a central registry to report abuses is direly needed. As seen, the powers given to conservators of the person are broad and should be carefully considered since they are entrusted to protect the most vulnerable in our society. When they abuse this power, there should be some mechanism to report transgressions, apart from or in addition to a partial judge that appointed the person. Most importantly, this bill preserves the preferences of the ward and requires clear and convincing evidence to disqualify such person from serving.

Currently, probate judges have broad discretion for the selection of conservators. These are often patronage appointments, which can also lead to conflicts of interest, since many judges are part-time and appoint those who practice before them and contribute to their elections. This bill will go a long way in revising the standards for appointing conservators by requiring the least restrictive forms of intervention to assist the respondent in caring and managing his or her own affairs. Moreover, this bill provides oversight and accountability of the probate courts by requiring recorded hearings and findings by clear and convincing evidence.

In closing, I thank the Committee's introduction of this bill. I would also suggest an intermediate process other than costly appeals to the superior court. Appeals to superior court are a deterrent for estates that have gone through the probate system. Instead, an appeal mechanism to an impartial three-judge panel would provide an efficient review process. I appreciate the opportunity to provide this testimony. If you have any questions feel free to contact me at (860) 286-0144 or (860) 371-5934.