



Greater Hartford Legal Aid, Inc.

JUDICIARY COMMITTEE

March 30, 2007

Testimony of Attorney Veronica Halpine in Support of Raised Bills:

- No. 1272: AN ACT CONCERNING ADMINISTRATION OF THE COURTS OF PROBATE AND THE DUTIES OF THE PROBATE COURT ADMINISTRATOR.**
- No. 1439: AN ACT CONCERNING CONSERVATORS AND PROBATE APPEALS.**
- No. 1453: AN ACT CONCERNING THE TRANSFER OR AN APPLICATION FOR THE APPOINTMENT OF A CONSERVATOR TO THE SUPERIOR COURT OR OTHER PROBATE COURT.**

Senator McDonald, Representative Lawlor and members of the Committee:

I am an elder law attorney at Greater Hartford Legal Aid. GHLA has a federal grant to represent people over 60 years of age on fundamental issues. As a rule, GHLA does not accept cases where there is court appointed counsel. We created an exception to this rule about six years ago because of the growing awareness of the institutional failure of the probate process. When fundamental rights are at stake, there should be heightened procedural protections. People are losing their liberty, property and right to familial integrity without the procedural protections afforded in small claims court. Reform is long overdue and the Chief Probate administrator must be given authority to hold the individual courts accountable.

Go to SB 01439 Judge Robert K. Keenan Jr
I have attached a bill drafted by the Conservator Revision Committee chaired by Judge Killian and respectfully request that it replace the language in raised bill 1439. The new language reflects a compromise between a broad spectrum of people regularly involved in probate matters. It seeks to bring Connecticut into compliance with the recommendations made by the American Bar Association over ten years ago. West Virginia and Texas have more enlightened probate laws than Connecticut. One of the drafters of the West Virginia law told me their law was drafted as part of that state's concerted effort to attract retirees. Retirees bring income and don't tax the school system. Connecticut has an obligation to protect its aging population from the ravages of the probate system. It is personally and financially devastating. If the individual has prepared advanced directives, those documents should be respected. Courts should tailor the appointment to the need presented. Conservators should heed the reasonable wishes of the conserved individual. There should be a record of the proceedings and the rules of evidence should apply. The heightened evidentiary standard is meaningless without the rules of evidence. A person subject to conservatorship proceedings should be allowed to remove the matter to superior court for a more formal determination of his or her rights. And there should be a meaningful right of appeal.

I entreat you to vote favorably on all of these bills.