STATE OF CONNECTICUT
OFFICE OF PROTECTION AND ADVOCACY FOR HANDICAPPED
AND DEVELOPMENTALLY DISABLED PERSONS

Testimony of the Office of Protection and Advocacy for Persons with Disabilities
for the Judiciary Committee

Submitted by James McGaughey
Executive Director
March 8, 2009

Good morning and thank you for considering these comments. Due to a prior commitment I am not able to attend the Committee's public hearing today. However, I want to make you aware of our Office's concerns about **Committee Bill No. 576, An Act Concerning the Connecticut Uniform Protective Proceedings Jurisdiction Act**.

As the Committee may recall, two years ago the General Assembly enacted PA 07-116, bringing significant reform to the Connecticut statutes that describe the role and mechanisms for appointment of conservators. That legislation was remarkable for several reasons, not the least of which was the extraordinarily inclusive process that led to its drafting. With able leadership from Hartford Probate Judge Robert Killian, a working group comprised of representatives from widely divergent interests – interests that have often been at loggerheads – hammered out concepts and, ultimately, arrived at draft language that resulted in what is now widely regarded as one of the best conservatorship statutes in the country.

Our concern about Bill No. 576 is that it would alter some of contours of that legislation, but without benefit of a similar consensus-building process and an opportunity for full consideration of implications. The bill does address a number of issues that do need statutory clarification, such as the types of circumstances and the various factors that courts are to consider when confronted with questions about a respondent's place of residency. However, in doing so it also seems to define both the probate court's jurisdiction and its discretion more expansively than current conservatorship statutes. Rather than jeopardizing the hard won consensus recently achieved, and the excellent results it produced, it would be wiser to proceed with caution in this area.

Thank you for considering these comments. If there are any questions, please let me know and I will try to answer them.

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