



Greater Hartford Legal Aid

**Written Testimony of Marilyn Denny, Staff Attorney
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Regarding SB 365, An Act Concerning Investigations by Protective Services for the Elderly

Good morning Chairs and members of the Committee on Aging. My name is Marilyn Denny and I am a staff attorney at Greater Hartford Legal Aid. As such, I specialize in elder law.

I am here today to testify regarding SB 365. This proposal arose out of a case where I was representing an elderly woman living with and being cared for by one of her sons and his family. Some members of my client's family attempted to have her conserved and institutionalized when she lived in New York State. She had modest savings, and she had to use a considerable portion of these to hire an attorney to help her retain her ability to make decisions for herself. She prevailed. As a result of this family dispute, her son invited her to come and live with his family in Connecticut. She accepted this invitation and has now been in Connecticut for about a year.

Her family in New York, however, did not accept the decision of the Probate Court in New York and, in her words, continues to try to control her life. One strategy they use is to call Connecticut's Adult Protective Services to report that she was being neglected. Adult Protective Services responded to the first call and sent a worker to interview her and to examine her living conditions. After a long interview, the worker concluded that there was no cause for concern. However, the family continued to lodge complaints. When a second worker appeared at the door and my client was alone, she refused to let the worker in. When her New York relatives appeared at the door, she also refused to let them in. Two doctors have now stated that she is well and well cared for, but the threat to her health comes from the repeated accusations made by her New York relatives to Adult Protective Services.

Clearly the potential for misusing the protective services system by filing false reports is real. The difficulty comes in weighing the benefits of limiting situations that merit a full-fledged investigation and giving too much discretion to DSS to make this decision without the benefit of objective criterion. SB 365 attempts to create penalties for someone engaged in making fraudulent or malicious reports and allows DSS to use its discretion in determining when an investigation need not be pursued. CGS 17b-452 already gives DSS some discretion to not pursue an investigation but standards and conditions need to be promulgated in order to objectively guide their decision making.

SB 365 needs to be further tweaked in order to honor the intent behind this bill. Questions such as whether a hearing would be required to determine proof by a preponderance of the evidence, how a change in health or living conditions would be proven and how to link those changes to the prior visits from protective services, still need to be answered. The proposed language must also be drafted in a way that doesn't result in a "chilling" effect on those considering filing legitimate reports. Legal Services is happy to be involved in any further discussion in pursuit of developing this language.