

Testimony of Mr. Rich Stein  
In SUPPORT of HB 6440

February 28, 2011

Chairman Coleman, Chairman Fox and members of the committee. My name is Rich Stein from Sandy Hook, CT. I'm here to speak in favor of passing HB 6440 "AN ACT CONCERNING APPLICATIONS FOR GUARDIANSHIP OF AN ADULT WITH INTELLECTUAL DISABILITIES AND STATUTORY CHANGES RELATED TO INTELLECTUAL DISABILITIES" as written. The purpose of the bill is to: (1) Provide that an application for guardianship of an adult person with mental retardation be permitted one hundred eighty days prior to the date such person attains the age of eighteen, and that such application be effective no earlier than the date such person attains the age of eighteen; and (2) change statutory references from "mental retardation" to "intellectual disability".

Our son Andrew has a diagnosis of moderate autism. For those of you whose lives have not been touched by autism, there is nothing moderate about Andrew's disability. He has very little concept of danger, money, nor does he understand the need for almost any healthcare procedures. In other words, he is a poster child for plenary guardianship which was granted after a very short hearing two months and four days after Andrew turned eighteen.

The reason for my appearance in front of your committee concerns the two month and four day gap between Andrew turning eighteen and when guardianship was granted during which time Andrew was not afforded the legal protections that he needed to keep him as safe as possible. It was only by pushing a lot of people very, very hard and having the hearing on Christmas Eve Day, that we were able to accomplish this so quickly.

Approximately six months prior to Andrew's eighteenth birthday, I visited our local Probate Court to begin the process of applying for guardianship. I was told that I could "take the form to fill out but that they wouldn't accept our application for guardianship until Andrew turned eighteen". I asked how long it typically took to get guardianship if all parties were in agreement and was told "three or four months, depending on how long Department of Mental Retardation (Now the Department of Developmental Services) took to compile their report". I asked what would happen if Andrew ended up in an Emergency Room during that time. I was concerned that we would not be able to direct Andrew's care. I was told "oh, we try not worry about things like that." Really, that was the response of the Probate Court's secretary. As a parent that was not re-assuring in the least.

I recognize that it would be relatively long odds that a situation would have come up during the relatively brief period that Andrew was not afforded legal protections, however given Andrew's diagnosis; we are, unfortunately, believers in long odds. For us all turned out well and the gap

period was just one more event in a long line of events that we've had to worry about during Andrew's life but I ask the committee, what if one of your constituents wasn't so fortunate and had to seek emergency guardianship during a healthcare or other type of crisis?

This bill won't add any additional on-going costs to the state budget. Other than briefly shifting some of DDS and the Probate Court's work load forward in time, no new work is created other than notifying DDS, DDS clients, and the Probate Court of the new law's impact on the guardianship application process. I urge you pass this bill out of committee in its present form.