



STATE OF CONNECTICUT

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To: Senate Co-Chair Eric D. Coleman
House Co-Chair Gerald M. Fox, III
Senate Ranking Member John A. Kissel
House Ranking Member John W. Hetherington
Honorable Members of the Judiciary Committee

From: Paul J. Knierim
Probate Court Administrator

Re: HB 6440, An Act Concerning Applications for Guardianship of an
Adult with Intellectual Disabilities and Statutory Changes Related to
Intellectual Disabilities

Date: February 28, 2011

The Office of the Probate Court Administrator supports adoption of this bill.

Section 1 amends the timelines under which probate courts hear applications to appoint guardians for adults with intellectual disabilities. The purpose of the bill is to facilitate a seamless transition when an individual who needs the assistance of a guardian reaches the age of majority.

This special form of guardianship, which is established under C.G.S §§ 45a-670 to 45a-684, is designed to meet the particular needs of adults with intellectual disabilities. Because parents are the natural guardians of their children, formal guardianship is not needed until an individual turns 18. Parents of a child with an intellectual disability typically petition for guardianship at the time of or shortly before the child reaches the age of majority.

While probate courts try to accommodate families by accepting applications to appoint guardians before the child's 18th birthday, the statute does not authorize courts to conduct the hearing or issue orders before the individual actually turns 18. This bill would enable probate courts to hear and decide such petitions up to 180 days before a child reaches the age of majority and to issue orders that

become effective immediately on the 18th birthday. We fully support this concept, but suggest that the period be reduced to 120 days, which is more than sufficient time to complete the entire process.

The remaining sections of the bill update the statutes by replacing the term "mental retardation" with "intellectually disabled." The proposed amendments include several provisions of Title 45a that govern probate courts, and both Probate Court Administration and the Connecticut Probate Assembly are in favor of the changes.