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THE JUDICIARY COMMITTEE

March 5, 2012

Testimony of Joelen J. Gates

H.B. 5150 - An Act Concerning the Connecticut Uniform Adult Protective Proceedings Act

H.B. 5287 – An Act Concerning the Appointment of a Guardian Ad Litem for a Person Who Is Subject to a Conservatorship Proceeding or a Proceeding Concerning Administration of Treatment for a Psychiatric Disability

Good afternoon, my name is Joelen Gates. I am an attorney with Connecticut Legal Services, Inc. in Willimantic where I represent and advise elderly clients 60 years of age and older. I'm here today on behalf of Legal Services to support H.B. 5150, An Act Concerning the Connecticut Uniform Adult Protective Proceedings Act and H.B. 5287 An Act Concerning the Appointment of a Guardian Ad Litem for a Person Who Is Subject to a Conservatorship Proceeding or a Proceeding Concerning Administration of Treatment for a Psychiatric Disability.

H. B. 5150 reflects the efforts of several interested parties, including the Connecticut Bar Association, the Probate Court Administration, Connecticut Legal Rights Project and Legal Services to adopt the Uniform Adult Guardianship and Protective Procedure Jurisdiction Act. This bill was passed by the Senate last year, but unfortunately did not make it to the House floor for a vote before the session ended. We hope you will support the bill again this year.

This Act maintains the protections and due process rights currently in Connecticut law for people who may be conserved. However, it improves current Connecticut law in cases where a conserved person may wish to move from one state to another by authorizing Connecticut to recognize the court orders from another state. It also provides a mechanism and criteria for Connecticut courts to determine the appropriate jurisdiction when a person has connections to different states. Overall, H. B. 5150 is an improvement over current Connecticut law and should be adopted.



Legal Services supports **H. B. 5287** which is also the result of collaboration between many stakeholders, including the Department of Mental Health and Addiction Services, The State of Connecticut Council on Developmental Disabilities, The Connecticut Legal Rights Project, the Probate Court Administrator and Legal Services.

Connecticut General Statutes, Section 45a-132 authorizes a court of probate or superior court to appoint a guardian ad litem (GAL) for “any minor or incompetent, undetermined or unborn person.” This is a discretionary appointment without prerequisites or notice. The proposed legislation sets out criteria for appointing a GAL in a limited type of case: those that involve an adult who is represented by a lawyer either is 1) a respondent in a conservatorship proceeding or 2) already has a conservator.

This legislation will limit the appointment of a GAL prior to a person being found incapable in which case such appointment is inappropriate because the person is deemed to be incompetent before the case is heard. Courts will be allowed to appoint a GAL to answer specific questions, but once the questions have been answered, the appointment of the GAL would terminate. The proposal preserves the ability to appoint a GAL in certain situations, but limits and provides guidance for what the GAL can do.

We urge you to support this bill.