

WRITTEN TESTIMONY IN SUPPORT OF HB 5388-
AN ACT CONCERNING COURT FEES AND
THE DELIVERY OF LEGAL SERVICES TO THE POOR
MARCH 9, 2012 – JUDICIARY COMMITTEE

My name is Tina St. Pierre and I am here to support funding for legal aid and to share my story of how legal services has helped me help my uncle in the past year.

Growing up, Floyd Hull was a wonderful uncle. He was always so funny and did every thing he could for my siblings and me. During his adult life, he worked at Stone Container where he acquired a small pension and then, years later, got a job at Walmart. Floyd had undiagnosed “uncontrolled diabetes” and on December 29th of 2009 my sister found him unresponsive in his apartment. He was rushed to the hospital where doctors had no choice but to amputate his leg due to gangrene. Unfortunately due to his age and other conditions, my uncle was never able to learn how to walk and became confined to a wheelchair for the rest of his life.

Since he didn’t have the money to pay out-of-pocket for home health care, we had to tell him that he wouldn’t be able to leave the nursing home. He was devastated and so were we. He didn’t belong there; but we knew he wasn’t able to care for himself. I stepped up to take care of him and became his Power of Attorney. I thought that, as someone who works for an insurance company, I knew I would have the best chance of helping him navigate the complicated rules surrounding his care.

In September of 2010, I heard about a way for Uncle Floyd to get out of the nursing home: a program called Money Follows the Person. I thought our prayers had been answered. It wasn’t until much later that we realized that because of a small disability payment from his time at Walmart, he was \$26 dollars over the eligibility level; and in order to remain qualified for the MFP program I was told that we would need to get a trust established to handle the \$26.00 overage.

By this time, I basically had a part time job trying to navigate all of the in and outs of the legal systems. Between Medicaid, Social Security Disability, liquidating all of his assets, spending down, trying to keep up with all the medical bills, copays, deductibles, fighting the insurance company to pay for services, I started to breakdown. I didn’t think I could do this anymore. Everything felt like everything was collapsing and, after a lifetime of work, my uncle didn’t deserve this.

I started calling people and someone mentioned that there were services at legal aid that I might be able to use to help me navigate the rules of the special needs trust at little or no cost to my uncle. I left a message with Connecticut Legal Services and received a call back the very next day from a wonderful woman by the name of Esther Rada. I couldn’t believe it. It was the fastest anyone had gotten back to me when it came to dealing with my uncle’s stuff.

After many months of setbacks and new obstacles, Attorney Rada helped me negotiate a settlement with the disability insurance carrier that would keep Uncle Floyd eligible for Money Follows the Person without setting up a costly and nonsensical special needs trust. She also found out that we could use the disability settlement to get him the basic household necessities that he would need to start his life away from the nursing home. She obtained all of the needed

approvals in writing and informed the DSS social worker of my uncle's rights when it came to 'spending down' this income.

As of this week, and two years and three months after he entered the nursing home, my uncle is finally two weeks away from leaving the nursing home. He will have his small apartment, but more importantly, his dignity and the care and quality of life he deserves.

I can not begin to tell how grateful I am for the help we got from our legal services attorney. Esther was an indispensable resource for us. She was extremely knowledgeable, professional and compassionate. She always understood where I was coming from. If I had a concern, she got us the answers we needed, whether it was about Medicaid, spend-downs, or my role as Power of Attorney. Without her clear guidance and commitment to our case, my uncle's hopes of regaining some level of independence would have been lost and he would have been confined to a life of misery.

When I think of other elderly people in situations like my uncle's not having legal aid, I am heartbroken. The hurdles and complications of the systems surrounding elder care are too great for even the smartest people to manage without a lawyer's help. This is why I am asking you to make a commitment to legal aid funding going forward. Our elder population needs more Legal Aid Attorneys like Esther Rada, not less.

Thank you.

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