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Written Testimony of William R. "Randy" Molloy

Connecticut Funeral Directors Association

Judiciary Committee

Monday, April 1, 2013

Senate Bill 1140, An Act Concerning the Duties of a Conservator and Other Persons Authorized to Make Decisions Relating to the Care and Disposition of a Deceased Person's Body

Good day Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas and the distinguished members of the Judiciary Committee, my name is Randy Molloy and I am a funeral director at the Molloy Funeral Home in West Hartford. I am here today representing the Connecticut Funeral Directors Association (CFDA), which represents over 220 funeral homes in the Connecticut. I serve as a member of CFDA's Legislative Committee, and as a Past-President of our Association. I am grateful for this opportunity to provide you testimony in support of Senate Bill 1140, An Act Concerning the Duties of a Conservator and Other Persons Authorized to Make Decisions Relating to the Care and Disposition of a Deceased Person's Body.

Senate Bill 1140 would permit a conservator, with the permission of the probate court, to make funeral disposition arrangements on behalf of their ward in advance of their death. This power is particularly important where the ward has little or no family and would help avoid the situation where the ward dies at a nursing home, and there are no direction as to who should be in charge of disposition or how disposition should take place. This legislation would similarly allow an agent with power of attorney to make funeral disposition arrangements in advance on behalf of their principal.

In addition, CFDA supports the provision in the legislation which would permit "majority rule" to make disposition arrangements when there are multiple people with equal disposition rights (for example, two out of three children could direct the disposition of a parent). Also, CFDA supports the section of the legislation, which disqualifies a person charged in the death of a decedent from having disposition rights for the decedent.

In conclusion, the Connecticut Funeral Directors Association believes this legislation closes gaps in the law regarding disposition especially regarding conserved persons who may have no surviving relatives or relatives who wish not to participate in the disposition of the person's remains. This legislation establishes a clear methodology in regards to disposition where families are spread out over the country or cannot be located, are criminally involved, or have no interest in being part of disposition.

I thank the committee for attention and allowing me this time to speak on this important legislation.

I would be happy to answer any questions.

Madam Chair/ Mr. Chairman and members of the committee:

My name is Rio Comaduran, I live in West Hartford Connecticut, I am a graduate level student getting my Master's degree in Social Work at the University of Connecticut with a focus in Community Organizing, and I will be speaking today in favor of the Raised House Bill No. 6676. I am here as a student in Dr. Catherine Medina's Political Advocacy course at the University of Connecticut's School of Social Work.

Unlike many people testifying today, I do not have much personal experience with violence, especially gang-related violence. I was born in Oakland, California and I have heard my parents tell me how much they loved the Bay area and could have stayed there their entire lives, however, due to the increasing gang violence at that time, they decided to move their new, young family to safer grounds and this forever changed the course of our lives. This is my only personal experience with gang violence, however today, I proudly represent the social worker's voice in regards to this initiative, the potential that it holds, and the impact that it can make.

I mention potential, because like all initiatives, there is a certain delicate and naïve idealistic quality that exists before it is put forth into the 'real' world. One advantage that this initiative holds is that it has already been rather successful in various communities around the state and the country and this is why I am for the bill being passed - in order to implement Project Longevity on a state-wide basis. According to an Office of Legislative Research report put out recently, Hartford leads the way in juvenile convictions for weapons-related charges – we cannot afford NOT to implement this initiative. As a future social worker, I feel proud to be included as one among the key players to the success of this initiative and I want to commend Gov. Dannel P. Malloy and his administration for making this a real priority. How very bold of him to say outright that, "we are working to regain the trust of the African American and Latino communities. We need their help. The lives of these young people are too valuable not to act."

That being said, this point about communities should not be taken lightly. Anti-crime stances are to be commended, however, we should stay very sensitive to the fact that in so initiating this program and others like it, you will be inadvertently targeting certain neighborhoods and thus certain ethnic minorities – this will surely cause some discomfort and skepticism, even resentment and pushback. It is all about how you approach the communities and neighborhoods and how you market this effort –who will benefit from it, who is vital to its success, what are the goals and objectives, and so on.

The NAACP most recently has made an excellent point, that in implementing this initiative, "the program could unfairly target and disrupt minority communities." Let us heed this warning, as extreme as it might be, let us reflect on the idea that it could be true – how could it be mitigated, how could this impact be lessened if it indeed holds even a kernel of truth? Know that there is a great potential to have a very real "impact on those who are not directly associated with these gangs, but because of familial or neighborhood association may also become targets."

This initiative is an innovative approach to gang related violence, is a multiprofessional, interdisciplinary strategy which will surely make it a richer, more holistic solution to our collective social problems, especially related to gun violence – it might even serve as a model to other communities around the nation if done properly. I've seen the advantages and benefits of working in an interdisciplinary environment in order to provide holistic care to our asylum seeking clients at the Law School's Asylum and Human Rights legal clinic. This approach provided thoughtful and comprehensive care of which our clients benefited much and were