

April 15, 2013

Good morning (afternoon), Co-Chairs and Members of the Judiciary Committee of the Connecticut State Legislature. I appreciate this second opportunity to testify before you on Probate Court matters, and I am re-submitting my written Testimony from March 4, which includes one copy of the Criminal Complaint I have brought on my mother's behalf. While I see a lot to welcome in **Raised Bill No. 1162** before you now, I also see cause for concern, and I hope the necessary and rich discussion continues.

Today, I would like to focus on **Section 33**, which, as I understand it, is intended to afford Conn. Citizens the opportunity to avoid the abuse and exploitation to which my mother, Dorothy Partch of Norwalk, has been subjected. Her Case-in-Point is currently being investigated by the Chief State's Attorney's Office, and will hopefully be investigated by the Attorney General's Office as well, as Assistant Attorney General Michael Cole has requested (see attached letter).

Currently, Durable Power of Attorney and even Health Care Representative Designations are too easily disregarded by self-interested nursing homes and Probate Courts, leaving our most vulnerable Citizens in dire need of additional protection, for their safety, well being, and Constitutional Rights. This is precisely what happened to my mother in July of 2010, and I present the "Transcript" of her initial Involuntary Conservatorship hearing as evidence. In three years, I have yet to have my Health Care Instructions followed by the nursing home holding her prisoner. Initially Wilton Meadows would not even allow me to visit my mother at all, until the interventions of the Ombudsman, and now the Attorney General's Office. Wilton Meadows' preferred Court-Appointed Conservator, a real estate attorney, also persistently ignores my authority and Health Care Instructions and limits my visits.

For Citizens fortunate enough to live within reading range of the Hartford Courant journalist Rick Green's regular exposés of the lack of Due Process in Conn. Probate Courts – in cases such as Daniel Gross' and Samuel Manzo's – and for those familiar with the National Association to Stop Guardian Abuse or the Facebook page 'Boomers Against Elder Abuse' – the new proposed language does at least offer the opportunity to specify the "exclusive means of revocation" of one's Advance Directives. Hopefully many more of our Citizens and their attorneys will be savvy enough by October 1 to stipulate that their express wishes can only be overturned following Due Process and Rules of Evidence in a Superior Court, where there is greater oversight and transparency.

Meanwhile, if the above means of revocation cannot be the general procedure for the entire population, I am also requesting – again – that the new Probate Rules Book be reviewed for its inherent and deliberate conflicts with Constitutional and State Rights, by the appropriate Committees: Judiciary; Regulations Review; Program Review and Investigations; and General Law. Probate Courts have made abundantly clear their intention *NOT* to follow the Rules of Law of Superior Courts. Surely the Citizens of Conn. deserve better.

Thank you,

Marjorie Partch /for/ Dorothy Partch of Norwalk, Conn.
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