

CONNECTICUT LEGAL RIGHTS PROJECT

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JUDICIARY COMMITTEE PUBLIC HEARING APRIL 1, 2015

**CLRP is OPPOSED to SECTIONS 2 and 3 of Raised Bill No. 7029
AN ACT CONCERNING PROBATE COURT OPERATIONS
eliminating the option of a three-judge court in commitment proceedings.**

**Senator Coleman, Representative Tong, Senator Kissel, Representative
Rebimbas** and members of the Committee:

Connecticut Legal Rights Project, Inc. (CLRP) is a legal services organization that represents low-income individuals in institutions and in the community throughout the state who live with mental health conditions. We protect our clients' rights under the Patients' Bill of Rights and provide advocacy regarding civil rights, housing and other concerns. We support initiatives that integrate individuals into the community. CLRP has a particular interest in probate matters because our clients' rights and lives often are affected by conservatorship and commitment. Because of that interest, our Legal Director Emeritus, Tom Behrendt, served on the "Killian Committee" that created P.A. 07-116 which clarified the rights of respondents and conserved individuals and requires that conservators take into account the preferences of respondents and conserved individuals, perform their duties in the least restrictive manner possible, and assist conserved individuals to become more independent.

Under the current psychiatric commitment statutes, a child or adult who is the subject of a commitment hearing, who is at risk of being involuntarily committed to a psychiatric facility, has due process protections which include the right to request a three judge court, made of three probate court judges, to decide the case. This is one of a number of due process rights that a respondent has under the statute. Commitment is an enormous deprivation of liberty. **We should not remove any of the due process protection afforded by our statutes.**

There are situations where a person might not want the probate court judge who has committed or conserved him or her in the past to decide the case on his own and yet, it might not make sense to remove it to Superior Court. (Superior Court can be very slow, and Probate Court judges are well versed in commitment law.) There might be actual or perceived prejudice.

Probate Court Administration argues that this provision is used very rarely. Our legal director emeritus, Tom Behrendt, told me he used it at least once.

The fact that a provision is used rarely is not a reason to eliminate it as a right.

On the contrary, it is a reason to just leave it alone.

The fact that the three judge court is used infrequently makes it all the more mysterious why this bill wants to eliminate it:

- The use of the three-judge panel is not costing the taxpayers any great expense.
- The three-judge panel is not causing miscarriages of justice.

There is no harm and no cost to retaining this right, and yet there would be a great loss in eliminating it. CLRP strongly urges this Committee to leave in the option of three judge panels in commitment cases for the rare but real situations when a respondent finds it necessary.

Respectfully Submitted,

Sally R. Zanger, Staff Attorney