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TO: Senate Co-Chair Marilyn Moore
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Honorable Members of the Human Services Committee

FROM: Paul J. Knierim
Probate Court Administrator

RE: RB 5255, An Act Concerning Guardianship of Persons with
Intellectual Disability

DATE: March 3, 2016

Thank you for the opportunity to offer testimony in support of Raised Bill 5255, An Act Concerning Guardianship of Persons with Intellectual Disability. The Connecticut Probate Assembly and the Office of the Probate Court Administrator jointly support this bill.

Probate Courts have jurisdiction over cases involving guardianship for adults with intellectual disability. Guardianship cases involve the determination whether an individual has intellectual disability and, if so, whether he or she needs a guardian to assist in making decisions in some or all of the following areas: (1) medical and dental care; (2) housing; (3) educational, vocational and behavioral programs; (4) release of clinical records and photographs; and (5) services to enable the individual to live as independently as possible. After a guardian is appointed, the Probate Courts oversee the guardian's work through regular reporting and review requirements.

Section 2 of the bill refines the provisions governing the confidentiality of guardianship matters. Under the revised language, both the court's file and hearings continue to be closed to the public, but the amendment adds greater specificity to the exceptions. In particular, the bill provides that parties to the specific case and their attorneys, the Department of Developmental Services and the Office of the Probate Court Administrator may have access to the court file.

If a guardian is appointed, the name of the guardian and protected person become a matter of public record. This provision is necessary so that third parties can verify the guardian's authority with the court. Finally, the bill authorizes the judge to permit disclosure of records for good cause after a hearing with notice to the protected person, the protected person's attorney and the guardian.

All other sections of the bill are technical changes. Throughout the guardianship statutes, the bill replaces the obsolete term "ward" with "protected person" and shortens the cumbersome terminology "plenary guardian of a person with intellectual disability" to "plenary guardian."

The bill expands the categories of entity that are eligible to serve as guardian to include limited liability companies and partnerships. The statute currently refers only to corporations.

Lastly, section 19 repeals C.G.S. section 45a-684, which refers to obsolete statutes concerning payment of fees in guardianship matters. The cross reference is no longer needed in light of revisions to the probate fee statutes adopted in 2015.

We respectfully request that the committee act favorably on the bill. Thank you.