

Public Health Committee JOINT FAVORABLE REPORT

Bill No.: HB-5153

AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES' RECOMMENDATIONS REGARDING GUARDIANSHIP

Title: ASSESSMENTS.

Vote Date: 3/9/2018

Vote Action: Joint Favorable Substitute

PH Date: 2/28/2018

File No.:

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SPONSORS OF BILL:

Public Health Committee

REASONS FOR BILL:

Under current law, at a DDS guardianship hearing, a department-appointed assessment team provides the Probate Court with a written report or testimony regarding the respondent's condition. This legislation removes the requirement for an assessment team's report or testimony if the Commissioner of DDS or his designee has determined that the respondent is ineligible for DDS services because he or she does not have an intellectual disability.

RESPONSE FROM ADMINISTRATION/AGENCY:

Jordan A. Scheff, Commissioner, Connecticut Department Of Developmental Services:

The Department supports this legislation. Guardianship for individuals over the age of 18 with intellectual disability is a legal option. However, if DDS has determined that the individual does not have a diagnosis of intellectual disability, guardianship is not a legal option and the assessment process is essentially moot. Allowing DDS to submit a written copy of ineligibility will suffice as evidence that guardianship is not a legal option. Conservatorship would still be an option for individuals who do not have a diagnosis of intellectual disability.

DDS requests revisions to the new language in the proposed bill to reflect what was originally intended to be submitted to the Committee. Referring to line 40 of the proposed new language, would change the word "of" to "by" the team. DDS also believes that the one year post assessment caveat is unnecessary since there are other options available. Individuals have 60 days in which to appeal a denial of DDS eligibility. Also, if an individual or their legal

representative has new information that they believe will change a non-eligible determination, they may reapply to DDS at any time.

NATURE AND SOURCES OF SUPPORT:

None submitted.

NATURE AND SOURCES OF OPPOSITION:

None submitted.

Reported by: Kathleen A. Panazza

Date: 3/12/18