

Aging Committee JOINT FAVORABLE REPORT

Bill No.: HB-6168

AN ACT ESTABLISHING A TASK FORCE TO STUDY A CONSERVED

Title: PERSON'S RIGHT TO INTERACT WITH OTHERS.

Vote Date: 2/20/2019

Vote Action: Joint Favorable

PH Date: 2/14/2019

File No.: 10

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SPONSORS OF BILL:

Aging Committee

REASONS FOR BILL:

This legislation establishes a task force to study how best to protect the rights of a person under conservatorship to interact with others. It includes an examination of the least restrictive means to ensure that the person may maintain contact with family members and others while taking into consideration their safety.

RESPONSE FROM ADMINISTRATION/AGENCY:

Ms. Mairead Painter, Ombudsman, Dept. of Rehabilitation Services: She spoke in support of this legislation. They receive complaints regarding nursing home residents who are conserved and the limitations that are placed on visits with people of the resident's choosing. They understand the issue of the resident's safety but want to be sure that the person's right to private and unrestricted access with persons of their choice is honored.

NATURE AND SOURCES OF SUPPORT:

No testimony was submitted

NATURE AND SOURCES OF OPPOSITION:

Ms. Kathy Flaherty, Executive Director, CT Legal Rights Project, Inc. She offered testimony in opposition to this proposal saying that the task force is unnecessary. She points out that the conservatorship statutes and clear that the conserved person "shall retain all rights and authority that are not expressly assigned to the conservator" in Connecticut

General Statutes. Additionally the statute outlines that the probate court shall assign the duties and authority that are the least restrictive means of intervention. She also explains the language of Standard 4 in the Standards of Practice for Conservators that was issued by the Office of Probate Court Administration in 2018 in detail. Finally she points out, again in detail, Standard 7 and Standard 9 of the conservator's responsibilities.

Ms. Jean Mills, Attorney, Connecticut Legal Services: She advises that Legal Services offers testimony in opposition to this bill. During the last legislative session (2018) interested parties met concerning this important issue. Their meetings ended in November 2018 and they all agreed that there does not seem to be an easy solution and that remaining with our current statute would be the best course of action at this time. The participants in these meetings were the Probate Court Administration, CT Bar Association, Dept. of Social Services, DSS Protective Services, CT Legal Rights Project and the Legal Services Programs. She feels that a task force would most likely consist of a majority of the work group that was mentioned who had already previously participated.

**Reported by: Gaia McDermott, Clerk
Richard Ferrari, Assistant Clerk**

Date: 3/13/19