

Testimony Before the Connecticut General Assembly
Re: Liability Protections for Court-Appointed Conservators
Kristan Exner

March 30, 2025

Chairpersons, Ranking Members, and Members of the Committee:

Thank you for the opportunity to share today on an issue of growing concern for those serving as court-appointed conservators in the State of Connecticut.

I am writing on the critical need for legal protections and liability releases for conservators—individuals who serve a vital role in safeguarding the rights, dignity, and well-being of some of our most vulnerable citizens. Unlike public defenders, who are afforded liability protections through the state, conservators currently operate in an environment of significant personal and legal risk, without access to institutional support or insurance coverage.

Conservators are tasked with making complex decisions in deeply personal and often contentious circumstances, including healthcare, financial management, housing, and end-of-life care. They are bound by legal and ethical responsibilities, often under intense scrutiny by courts, families, and the public. Yet when disagreements or misunderstandings arise—even when acting in good faith under court order—conservators can become the targets of civil lawsuits.

These lawsuits are not only costly to defend but can be personally devastating. Unlike state-employed professionals such as public defenders or social workers, conservators are not indemnified by the state and have no access to affordable professional liability insurance. This lack of protection creates a chilling effect, discouraging qualified individuals from stepping into this essential role and ultimately reducing the pool of capable, ethical conservators available to serve the courts and the individuals who depend on them.

We urge the General Assembly to consider enacting statutory protections for conservators, including:

1. **Qualified Immunity** for actions taken in good faith and in accordance with court orders.
2. **Access to State-Funded Liability Insurance** or inclusion in existing indemnification frameworks for state-appointed professionals.

3. **Limits on Civil Liability** when conservators are fulfilling duties as defined under Connecticut law and supervised by the probate courts.

We are also at great personal safety risk since the Probate Courts, who serve many cases involving mental health, contentious families and sometimes dangerous situations. The Courts do not have security guards, metal detectors or even cameras. We fail in our mission as a Judicial system by not providing litigants with a safe environment to exercise their civil due process rights. The risk to the participants and staff of the probate court system is profound.

Without these protections, we risk creating a system where those best suited to serve as conservators are unwilling to accept appointments due to the personal and financial exposure they face. It is essential that Connecticut recognize the burden conservators bear and take meaningful steps to protect those who step forward to serve in this vital capacity.

Thank you for your attention to this matter and for your ongoing commitment to justice and public service.

Sincerely,
Kristan Exner, Esq.

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