



STATE OF CONNECTICUT

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MEMORANDUM

TO: Senate Co-Chair Toni Harp
House Co-Chair Terrie Wood
Honorable Members of the Mental Health Services Working Group,
Bipartisan Task Force on Gun Violence Prevention and Children's
Safety

FROM: Paul J. Knierim
Probate Court Administrator

DATE: January 29, 2013

Connecticut's Probate Courts are an integral part of our state's mental health delivery system. Each year, probate judges hear thousands of cases involving critical mental health issues in three primary categories:

Commitment for Treatment of Psychiatric Disability

In commitment proceedings, Probate Courts determine whether an individual should be involuntarily hospitalized for treatment of mental illness.

Involuntary Medication

Probate Courts hear petitions brought by psychiatric hospitals seeking to administer medication when a patient is incapable of informed consent or refuses to consent. Involuntary medication is permitted only when an individual is hospitalized.

Conservatorship

Probate Courts determine whether a conservator is needed to arrange housing, medical care, financial management and other supports for a person with mental illness.

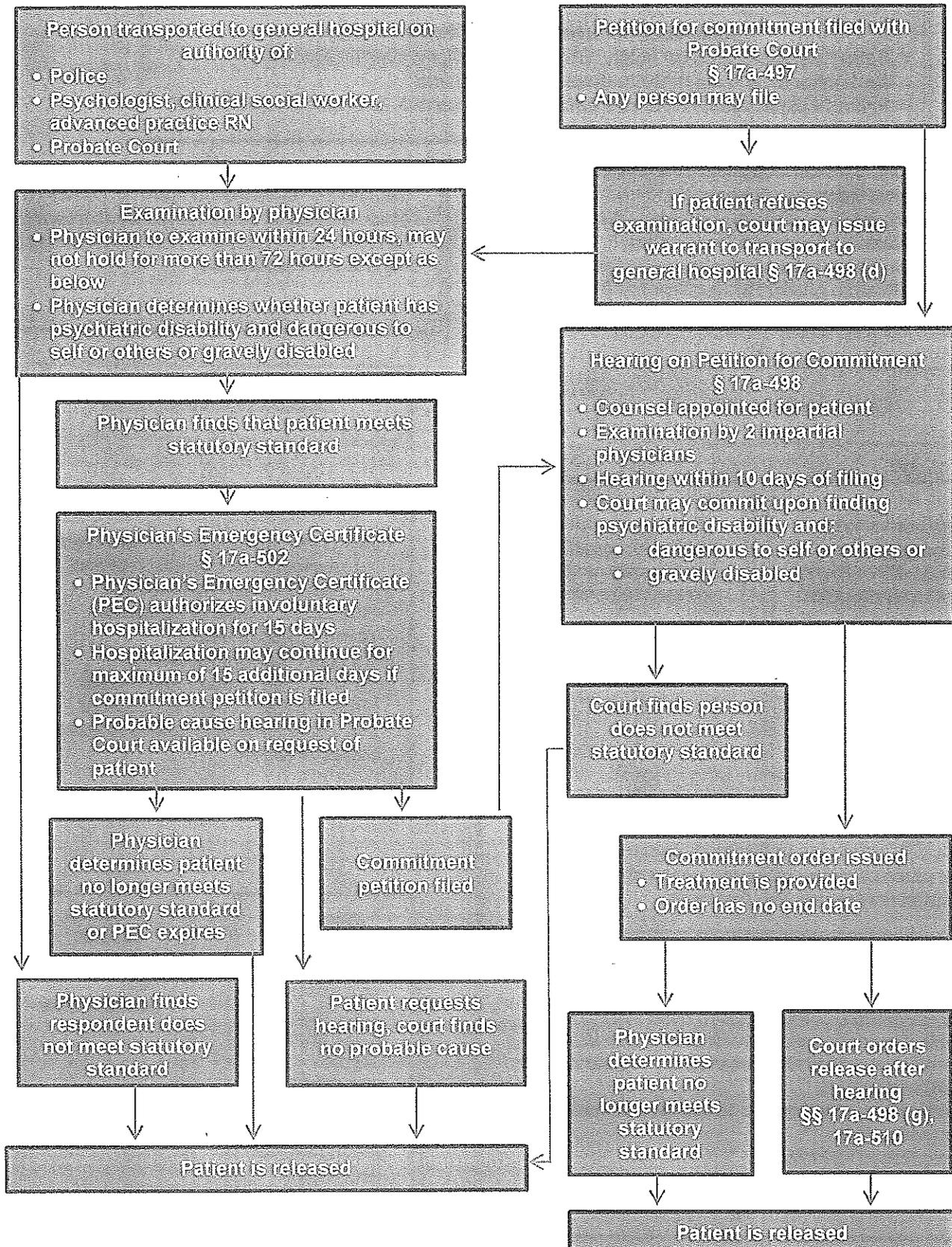
To assist the Task Force in its work, we have prepared the attached flowcharts illustrating the procedures in commitment and involuntary medication cases.

Connecticut's probate judges and court staff have extensive experience in handling sensitive mental health matters and stand ready to assist the Task Force in its work. We welcome the opportunity to answer questions about current procedures or assist in developing new approaches.

Attachment (1)

Commitment of Persons with Psychiatric Disability

C.G.S. §§ 17a-495 through 17a-528¹



¹ For persons under 16 see C.G.S. §§ 17a-75 to 17a-83.

Involuntary Administration of Medication for Treatment of Psychiatric Disability

C.G.S. § 17a-543 (e) and (f)

Applicability of Involuntary Medication Statute:

- Patient is hospitalized in facility for treatment of psychiatric disability;
- Medication is necessary for patient's treatment; and
- Patient is incapable of informed consent or is capable, but refuses medication

Incapable of Informed Consent § 17a-543 (e)

- Head of hospital and 2 physicians determine that patient is *incapable* of informed consent to medication
- Hospital may establish internal procedure to decide involuntary medication and/or file application in Probate Court

Petition to Probate Court

No existing conservator

- Petition to appoint conservator with authority to consent to medication

Court may appoint conservator in accordance with § 45a-650

Existing conservator

- Petition to grant conservator authority to consent to medication

Court may grant conservator authority to consent to medication if it finds clear and convincing evidence that:

- Patient incapable of giving informed consent; and
- The medication is required for treatment

Role of Conservator

- If authority is granted, conservator to meet with patient, review medical records, consider risks and benefits, patient's preference and religious views, prognosis with and without medication
- After consideration, conservator to consent or refuse consent to medication
- Authority expires in 120 days
- May be extended 120 more days
- Authority terminates on discharge from hospital

Conservator consents:

- Medication administered

Conservator refuses consent:

- Medication not administered

Capable of Informed Consent § 17a-543 (f)

- Head of hospital and 2 physicians determine that patient is *capable* of informed consent, but refuses medication

Petition to Probate Court

Court may authorize administration of medication if it finds clear and convincing evidence that:

- Patient is capable of informed consent, but refuses
- No less intrusive treatment
- Without medication, psychiatric disability will continue unabated and place patient or others in direct threat of harm

Petition granted:

- Medication administered
- Order expires in 120 days
- May be extended 120 more days
- Order terminates on discharge from hospital

Petition denied:

- Medication not administered