

## **Probate Courts Protect Vulnerable Citizens From Harm**

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A recent series of articles underscores that conservatorships are among the most important and sensitive cases that Connecticut's Probate Courts handle. The purpose of conservatorship is to protect vulnerable citizens from harm, but it is a powerful measure that involves a person's most basic civil rights – the control over one's own personal and financial affairs. To protect those rights, Probate Courts adhere to strict procedural safeguards when deciding conservatorship cases.

A conservator is a person appointed by a Probate Court to help someone who is incapable of caring for himself or herself. Most conservatorship cases begin when a family member files a petition seeking the legal authority necessary to assist a loved one. An individual may also voluntarily ask a judge to appoint a conservator. Sometimes conservatorship is sought because a senior citizen or person with a disability cannot arrange for basic necessities. In many cases, it is needed because a person is being physically abused or exploited financially.

### **Procedures safeguard civil rights**

A Probate Court is required to follow specific procedures to protect the rights of the individual involved in a conservatorship case. The court will ensure that the individual has an attorney and the state will pay for the representation if the individual cannot. State law prohibits the appointment of a conservator if an alternate arrangement, such as a power of attorney or health care representative, can address the person's needs.

If a conservator is appointed, the court will limit the conservator's powers to the specific needs of the individual. The court will conduct periodic reviews to supervise the activities of the conservator. A conserved person and members of his or her family have the right to a hearing at any time to address concerns about the conservatorship.

Our state has a strong tradition of continually improving the way we handle conservatorship cases. In 2007, we adopted a major overhaul our conservatorship law, and the new statute is regarded as among the strongest in the nation. This year, the Probate Court system completed an intensive process of rewriting our rules of procedure. The new rules, which have been submitted to the Supreme Court for approval, embody strong new safeguards for conservatorship cases and will ensure that all courts adhere to uniform procedures. The Supreme Court will conduct a public hearing on the proposed changes on Nov. 7 at 9:30 a.m. at the Supreme Court, 231 Capitol Ave., Hartford. To read or download a copy of the rules, visit [www.ctprobate.gov](http://www.ctprobate.gov).

### **Strict rules govern ethical conduct**

Along with explicit procedures that protect civil rights are strict ethics rules, known as the Code of Probate Judicial Conduct, that govern probate judges. We also have a system to discipline a judge who violates the ethics code. Complaints about the conduct of a judge may be filed with the Council on Probate Judicial Conduct. Chaired by a Superior Court judge, this five-member body investigates every complaint it receives. It can publicly admonish or censure a judge and even recommend that the General Assembly impeach the judge.

### **Disputed cases can be difficult to decide**

In the vast majority of cases, family members agree that a conservator is needed. Cases become more difficult when the parties disagree about who should serve as conservator. Intensely emotional disputes involving sibling rivalry, second marriages and allegations of exploitation are all the stuff of the contested cases in Probate Courts.

In a contested case, the probate judge has the difficult job of sorting out conflicting versions of the facts and making a fair and impartial decision based upon the law. When the parties are unable to resolve a dispute on their own, it stands to reason that at least one of them will be disappointed with the court's decision. A party who believes that the Probate Court reached the wrong conclusion has the right to appeal the decision to the Superior Court.

The mission of Connecticut's Probate Courts is to provide an accessible and approachable forum in which highly personal matters can be resolved quickly, economically and equitably. While no system is perfect, the Probate Courts handle thousands of conservatorship cases each year with professionalism and compassion.