

Legislative Committee

December 14, 2016 Meeting Minutes

Judge Fox convened the meeting at 11:10 a.m.

In attendance: Judges Fox, Ahlberg, Daly, DeGennaro, Ganim, Greene, Landgrebe, Mahon, McGrath, Wright, Knierim and Vincent Russo

Unable to attend: Judges Rowe, Dorval, Forgione, Streit-Kefalas and Wexler

The committee reviewed three bills to be submitted to the legislature for the 2017 session.

AAC Probate Court Operations

The bill is the annual agency bill submitted by the Probate Assembly and Probate Court Administration. Many of the provisions are technical in nature and strive to correct or clarify existing probate laws. The following is a summary of the bill.

Section 1: Establish whistleblower protection for court staff

Section 2: Amend 4a-17 to allow regular mail notice (rather than certified) to a hospital that is the petitioner (e.g., commitment, involuntary medication and shock therapy).

Section 3: Clarify the authority of PCA and the Budget Committee regarding budgets and staffing for children's courts

Section 4: Replace the job title "Probate Court Officer" with "Family Specialist" and authorize the use of specialists in a Probate Court that is not served by a children's court

Section 5: Require payment of \$225 filing fee for a court to:

- Review conduct of agent under power of attorney
- Construe power of attorney
- Mandate acceptance of power of attorney
- Authorize a guardian to manage the finances of a protected person
- Approve the transfer of structured settlement payment rights
- Require \$150 fee to register a conservatorship from another state

Section 6: Amend 45a-609 (b) to permit notice in removals by publication in a newspaper that circulates in the district where the petition is being heard if the name or address of a respondent is unknown. Section 45a-716 (c) currently permits this form of notice in terminations.

Section 7: Reconcile 45a-649 (a) (2), which refers to next of kin, and (a) (3) (F), which does not.

Sections 8-11: Amend transfer statutes (45a-599, 45a-661, 45a-677 (h), PA 16-7 section 1(b)) to permit transfer of court files electronically rather than without making paper copies.

Section 12: Amend 52-225k to require a conservator or guardian of the estate who seeks authority to liquidate a structured settlement to file in Probate Court rather than Superior Court.

Section 13: Amend 45a-317a to eliminate the term fiduciary from the estate examiner statute.

Sections 14 - 16: Authorize GID guardians to handle finances if the protected person's assets do not exceed \$10,000.

Section 17: Amend 45a-175 (f) to require an auditor on the list of auditors maintained by PCA to be a CPA, public accountant or individual who is employed by a registered accounting firm. Also permits PCA may establish hourly rates and expenses for auditor compensation. This codifies existing practice and obviates a regulation on the topic.

Section 18: Repeal 45a-753 (f) (obsolete statute dealing with release of identifying adoption records).

Judge Landgrebe made the motion to approve the bill. Judge Mahon seconded the motion. Judge Fox called for a vote and it passed unanimously.

An Act Concerning Audits of Conservators

The bill would permit Probate Court Administration to contract with private accountants to conduct random audits of conservator accountings. An audit report would be submitted to the court and entered into evidence at the hearing on the accounting.

Judge Wright made the motion to approve the bill. Judge Landgrebe seconded the motion. Judge Fox called for a vote. The motion passed.

Judges Fox, Ahlberg, Daly, DeGennaro, Ganim, Landgrebe, Mahon, McGrath and Wright voted yes. Judge Greene voted no.

An Act Reducing State Conservatorship Expenses

The purpose of the bill is to control conservator costs by doing the following:

Section 1: Subject to federal approval, permits the income of a conserved person who resides in a nursing home and receives Title 19 to be used to pay the compensation of the conservator, Probate Court fees and probate bond premiums before calculating the amount of income that must be applied to nursing home care. The objective is to enable the state to recover 50% federal Medicaid reimbursement for these expenses.

Sections 2 - 4: Authorize the state to recover conservator and attorney compensation paid on behalf of a conserved person against windfall amounts, in the same manner as other public assistance programs.

Section 5: Permits a conservator, with prior Probate Court approval, to record a lien on the conserved person's real property for unpaid compensation for past services and for 12 months of anticipated future compensation.

Another section of the proposed bill would have repealed the existing cap on conservator compensation (5% of income) for conserved persons who are on public assistance. Judge DeGennaro made a motion to delete the section from the proposed bill and maintain the current cap. Judge Landgrebe seconded the motion. Judge Fox called for a vote and it passed unanimously.

Judge Mahon made a motion to approve the proposed bill as amended. Judge DeGennaro seconded the motion. Judge Fox called for a vote and it passed unanimously.

The meeting adjourned at 12:45 p.m.