

**Section 16 of the Probate Court Regulations is amended as follows:**  
(Effective 90 days after submission to the Judiciary Committee of the General Assembly)

**State of Connecticut  
Office of the Probate Court Administrator  
Probate Court Regulations**

Approved by the Probate Assembly's Executive Committee September 11, 2013

**Section 16**

**[Payment] Compensation of [Conservators' Fees]  
Conservator if Person Under Conservatorship is Unable  
to Pay**

**16.1 Authority**

These regulations are issued [by the Probate Court Administrator] in accordance with C.G.S. section 45a-663 [and are effective for appointments made on or after October 1, 1992].

**16.2 [Appointments shall be made in accordance with Canon 1 and Canon 3.2.04 of the Code of Probate Judicial Conduct**

16.2.1 Each court shall keep a list of those persons who are willing to serve as conservator under C.G.S. Chapter 802h (pursuant to C.G.S. § 45a-663).

A conservator shall be appointed from this list only if no other suitable conservator can be found after due diligence and only if the ward does not qualify for appointment by the Commissioner of Social Services as Conservator under C.G.S. § 45a-651, or if intake under said section is closed.

Judges shall maintain records of each appointment which will be available for public inspection and inspection by the Office of the Probate Court

Administrator.

### **16.3.] Definitions**

For purposes of P.C.R. section 16:

(a) “Person under conservatorship” means a person under conservatorship as defined under C.G.S. section 45a-644 (h) or a person under voluntary representation under C.G.S. section 45a-646.

(b) A person under conservatorship shall be considered “unable to pay” if the court has granted a request for a fee waiver.

### **16.3 Compensation of [**Conservators**] conservator if person under conservatorship is unable to pay**

(a) Except as provided in P.C.R. sections 16.3 (c), 16.3 (d) and 16.4, [If] if a [ward] person under conservatorship is unable to pay for the services of a conservator, the court shall determine the reasonable compensation of [a] the conservator [receiving payment hereunder shall be established by the Probate Court Administrator and] in accordance with P.C.R. section 16.3 (b) and procedures established by the administrator. The compensation of the conservator shall be paid from the [Probate Court Administration Fund] administration fund.

(b) [Persons will be advised that the] The maximum rate of compensation [that will be considered reasonable compensation for conservators shall be as follows] for a conservator of a person under conservatorship who is unable to pay shall be \$50 per hour. The maximum amount of compensation per case shall not exceed the applicable amount set forth below unless the court determines that the conservator should be compensated for time expended in excess of the maximum amount due to extraordinary circumstances:

(1) For a conservator of the person of [**each ward**] a person who is

not residing in a convalescent facility, hospital or other similar institution, ~~— \$50.00 per hour, subject to~~ a maximum of \$1,000~~.00~~ during the first six (6) ~~months~~ month period of service and a maximum of \$500~~.00~~ per year thereafter.

(2) For a conservator of the person of ~~each ward~~ a person who is residing in a convalescent facility, hospital, or other similar institution, ~~— \$50.00 per hour, subject to~~ a maximum of \$500~~.00~~ for the first six (6) month period of service and a maximum of \$250~~.00~~ per year thereafter.

(3) For a conservator of the person of ~~each ward~~ a person ~~[determined to be suffering from]~~ who has a psychiatric disability, ~~— \$50.00 per hour, subject to~~ a maximum of \$1,000~~.00~~ during the first six (6) month period ~~[after appointment]~~ of service and \$1,000~~.00~~ per year thereafter.

(4) ~~[In cases in which]~~ For a conservator of the estate ~~[is required to supervise]~~ who prepares an application for benefits under Title XIX and supervises the liquidation of the person's assets, ~~[of a ward and to file an application for benefits under Title XIX assistance —]~~ \$500~~.00~~, in addition to ~~[the foregoing charges]~~ any compensation for services as conservator of the person. While ~~[said]~~ the application is pending or after the application has been granted and subject to approval of the Department of Social Services, the ~~[Judge of Probate]~~ court may order payment of ~~[said sum]~~ the compensation from the person's assets ~~[of the ward]~~ rather than from the ~~[Probate Court Administration Fund]~~ administration fund. A conservator of the estate of a person currently receiving Title XIX assistance is not

eligible for compensation from the administration fund without the prior approval of the appointing court and the administrator.

[In either event, maximum fees hereunder shall not exceed \$500.00 for each ward without the prior approval of the appointing Judge. No payments will be made to conservators of the estate of wards for services rendered to the ward following their approval for Title XIX assistance, without the prior approval of the appointing Judge and the Probate Court Administrator.]

(c) [Closely related family members (defined as spouse, parent, child, grandchild or sibling of the ward)] A spouse, parent, child, grandchild or sibling of the person under conservatorship shall not be [compensated] eligible for compensation under P.C.R. section 16.

(d) P.C.R. section 16 does not apply if the court has appointed the Commissioner of Social Services as conservator under C.G.S. section 45a-651.

(e) [All invoices shall be filed with the court no later than six (6) months from the date the service was rendered.] A conservator shall submit invoices for compensation under this section no later than six (6) months after the date the service was rendered. The administrator shall not pay the portion of any invoice that covers services rendered more than six (6) months before submission of the invoice to the court.

(f) Payment is subject to availability of funds as budgeted and approved by the [Probate Court Administrator] administrator each fiscal year.

#### **16.4 Alternative funding arrangement for conservatorship program for persons with serious and persistent psychiatric disorders**

The administrator may contract with one or more organizations to develop and maintain a program to serve as conservator for persons with serious and

persistent psychiatric disorders who are unable to pay for the services of a conservator. The contract shall establish the annual amount of funding for the program.

Proposed