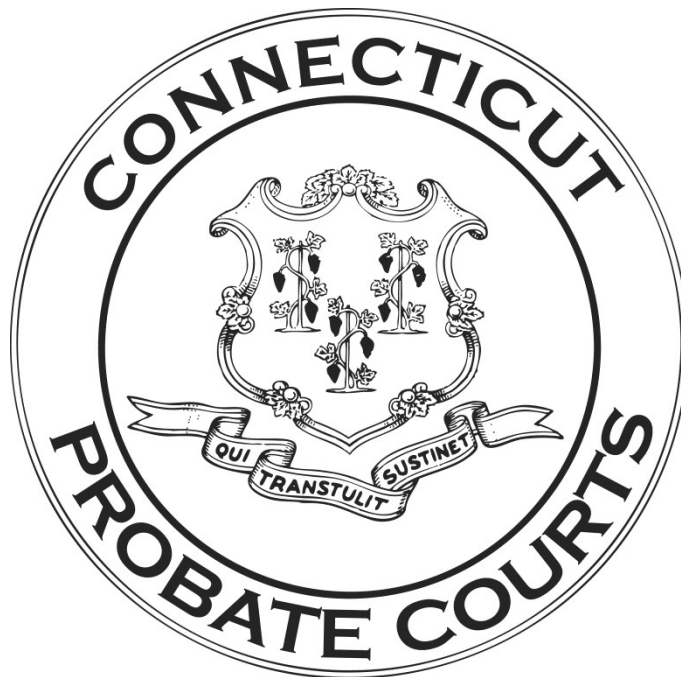


**PROBATE COURT USER GUIDE**  
**FOR CONSERVATORS**



PUBLISHED BY  
OFFICE OF THE  
PROBATE COURT ADMINISTRATOR  
STATE OF CONNECTICUT

COMPLIMENTS OF YOUR LOCAL PROBATE COURT

## Introduction

A family member or other concerned person who believes that a loved one is unable to care for himself or herself may petition the Probate Court to establish a conservatorship for the individual. The court will follow careful procedures to protect the rights of the individual while determining whether the individual is capable of making decisions regarding his or her personal and/or financial affairs. If the court concludes that the individual is not capable, and that there are no less restrictive alternatives to conservatorship, it will appoint an appropriate person to serve as conservator. The court will oversee the conservator's activities on an ongoing basis.

This user guide is intended to answer some of the questions you may have regarding the procedures, roles and responsibilities of the Probate Court and the conservator whom the court appoints. For specific information regarding the probate process and procedures, please review the relevant Connecticut General Statutes and the Probate Court Rules of Procedure. This booklet should be considered only as a guide on the conservatorship process and not as a substitute for competent professional advice.

## Additional Resources

In addition to this user guide, resources are available online at [ctprobate.gov](http://ctprobate.gov) under the "Conservatorships" tab. These resources include, but are not limited to, the following:

***Connecticut Standards of Practice for Conservators*** outlines the duties of a conservator, ethical principles and key considerations for decision-making. State law requires conservators to adhere to the Standards of Practice.

A **self-study training program** for conservators provides an in-depth overview of the responsibilities of a conservator. The self-study format enables a conservator to view the program when convenient and from any location. All new conservators should complete the training program within 30 days of appointment.

**Probate Court forms** concerning conservatorships are available in fillable PDF form online and at the Probate Courts.

## **What is a conservator?**

A conservator is a person appointed by the Probate Court to oversee the financial and/or personal affairs of an adult who is determined by the Probate Court to be incapable of managing his or her finances or unable to care for himself or herself. A conservator may also be appointed for a person who voluntarily requests such assistance.

The term “respondent” refers to a person for whom a conservatorship petition has been filed. If the Probate Court determines that the respondent is incapable and appoints a conservator, he or she is then referred to as a “conserved person.”

There are two basic types of conservatorships to accommodate the different needs of individuals. A “conservator of the person” is appointed to supervise the personal affairs of an individual who is found by the court to be unable to meet essential requirements for personal needs. These needs may include, but are not limited to, food, clothing, shelter, health care and safety. A “conservator of the estate” is appointed to supervise the finances of an individual who is found by the court to be incapable of managing his or her own finances. This may include, but is not limited to, actions to manage assets, income and public assistance benefits.

A person may need one or both types of conservators. Two separate individuals may perform these roles, or one person may serve in both capacities. A conservator of the estate or person may be an individual, a legally authorized municipal or state official, a nonprofit organization or a business. However, a hospital or nursing home cannot be appointed as conservator.

When a conservator is appointed, a successor conservator can be named as well. The successor conservator will replace the appointed conservator if the appointed conservator resigns, is removed, is deemed incapable or dies. If such an event occurs, the Probate Court must be informed immediately and will issue a decree confirming the authority of the successor conservator.

## **Where does a person petition for the appointment of a conservator?**

In Connecticut, the Probate Courts have sole jurisdiction over the appointment of conservators. A person filing a petition for a conservatorship must apply to the Probate Court for the probate district where the respondent’s permanent home is located or where the respondent currently resides or is currently located.

If the respondent moved to Connecticut within the past six months, it may be necessary to file for conservatorship in the state where the respondent previously resided.

## **Can a conservator be appointed for a minor?**

A conservator may be appointed only for a person who is legally an adult. That means that the person must have reached the age of 18. Prior to the person's 18<sup>th</sup> birthday, the minor's parents or other legal guardians have the legal authority to make decisions for the minor.

A parent or guardian who anticipates that the minor will require a conservator upon reaching age 18 may file a petition for appointment of an involuntary conservator up to 45 days prior to the date the minor will turn 18. The court may hold a hearing on the petition no sooner than 30 days before the minor's 18<sup>th</sup> birthday. If the court grants the petition, the appointment of a conservator will not take effect until the minor reaches age 18.

## **Can a conservator be appointed for an adult with intellectual disability?**

Connecticut has a special form of guardianship to assist adults with intellectual disability. Under this framework, the Probate Court may appoint a guardian, rather than a conservator, for an individual who is unable to make his or her own decisions due to intellectual disability. The court will specify the guardian's powers. The court may authorize a guardian is allowed to manage the assets of the individual if the value of the assets does not exceed \$10,000. A conservatorship of the estate may be needed for an individual whose assets exceed that maximum.

*For more information, please see the Probate Court User Guide: Persons with Intellectual Disability.*

## **May a person name a conservator in advance of incapacity?**

Yes. An adult may name a future conservator by executing a document with the same requirements necessary for executing a will. The person may also name a successor conservator in case the primary conservator resigns, is removed, is deemed incapable or dies.

## **Who is responsible for paying the costs associated with the petition for conservatorship?**

The petitioner is responsible for paying various court fees unless the court finds that the petitioner is indigent and unable to pay the fees. For example, the petitioner is responsible for paying the filing fee, for serving notice of the hearing on the respondent (and the respondent's spouse as applicable), for additional notices, for additional copies and for recording documents. The petitioner may be reimbursed for fees and expenses from the conserved person's assets if a conservator of the estate is appointed.

The respondent is responsible for payment for an attorney, unless he or she is indigent, in which case a request for waiver of fees will be required and the cost of the services may be paid from the Probate Court Administration Fund.

## **What is temporary conservatorship?**

The laws of Connecticut provide for the possibility that an individual may need a conservator on a temporary basis in an emergency. Any person considered by the court to have sufficient interest in the welfare of the respondent may petition for appointment of a temporary conservator. In addition to filing the petition, the petitioner must arrange for a physician to examine the respondent within three days of filing the petition and file a report with the court. This may be waived in certain circumstances.

The court will hold a hearing on the petition following the appointment of an attorney and notice to the respondent, the respondent's next of kin and the respondent's attorney. The respondent must be given notice at least five days before the hearing, and the hearing must be held within seven days of the filing of the petition (excluding Saturdays, Sundays and holidays), unless the court continues the hearing.

The court will appoint a temporary conservator if it finds by clear and convincing evidence that: (1) the respondent is incapable of managing his or her affairs or is incapable of caring for himself or herself, (2) immediate and irreparable harm to the mental or physical health or financial or legal affairs of the respondent will result if a temporary conservator is not appointed and (3) appointment of a temporary conservator is the least restrictive means of intervention available to prevent such harm.

In making the appointment, the court will limit the temporary conservator's duties and authority to the circumstances that gave rise to the petition. The judge must consider the respondent's wishes, his or her abilities, any prior appointment of a health care representative or other person legally acting on the respondent's behalf, available support services and any other relevant evidence.

If the petitioner believes the delay caused by giving notice and appointing an attorney would result in immediate and irreparable harm to the respondent's mental or physical health or financial and legal affairs, the petitioner may request that the court appoint a temporary conservator without a hearing (ex parte). Immediately following the emergency appointment, the court must schedule a hearing to be held within three days (excluding Saturdays, Sundays and holidays). The respondent will be given notice of the hearing not more than 48 hours after the emergency appointment. At the hearing, the court may confirm or revoke the temporary conservatorship, or the judge may modify the duties and authority assigned under the emergency appointment.

A temporary conservatorship will expire 30 days from the date of appointment. Before the expiration of the 30 days, a party may request, and the court may grant, an extension of the appointment of the temporary conservator until disposition of the petition for involuntary conservatorship or for an additional 30 days, whichever occurs first. The court may also terminate a temporary conservatorship if the conditions that led to the appointment of a temporary conservator no longer exist. In no event will the appointment of a temporary conservator be in effect for more than 60 days from the date of the initial appointment. Upon termination of the temporary conservatorship, the temporary conservator of the estate must file a final financial report or account.

## **What is a voluntary conservatorship?**

The benefits of court supervision over conservators have given rise to another type of conservatorship. A voluntary conservator may be appointed when a person requests a conservator to manage his or her own affairs, subject to oversight by the court.

The individual seeking the assistance of a conservator files a *Petition/Voluntary Representation by Conservator*, PC-301, in the Probate Court for the district in which the individual's permanent home is located or where the individual resides or is currently located. The person requesting the voluntary conservatorship must be present at the hearing. If attendance at the court is not possible, the court may schedule the hearing at another location to facilitate the person's attendance. After hearing the reasons for the individual's request for a conservator, the court may grant voluntary representation for the individual, with no finding of incapacity. A conservator, usually of the respondent's choice, is then appointed. Since this relationship is voluntary, the person under voluntary representation may terminate the conservatorship with 30 days notice to the court. A conservator appointed under the voluntary process has the same duties and authority as a conservator appointed in involuntary proceedings as described in the court decree.

## **How is a conservator appointed in involuntary proceedings?**

Any person alleging that an individual is incapable of managing his or her affairs or incapable of caring for himself or herself may file a *Petition / Appointment of Conservator*, PC-300. The petitioner must file the petition in the Probate Court for the district where the respondent's permanent home is located or where the respondent currently resides or is currently located. There is a criminal penalty for filing a fraudulent or malicious petition or for giving fraudulent testimony regarding a person's incapacity.

The Probate Court will hold a hearing within 30 days of receipt of the petition. The hearing may be continued to a later date if good cause is shown for postponing the hearing. A state marshal or other authorized person will serve the notice of hearing to the respondent in hand at least 10 days before the hearing. The respondent's spouse will also receive notice in hand unless he or she is the petitioner. The court will also send notice to the respondent's children, relatives and others at least 10 days before the hearing. The respondent must be present at the hearing. If attendance at the court is not possible, the court may schedule the hearing at another location to facilitate the person's attendance. If the respondent is unable to request or obtain an attorney, the court will appoint one. Compensation for the attorney's services may be paid by the Probate Court Administration Fund if the respondent is indigent and cannot afford to pay the attorney.

At the hearing to appoint an involuntary conservator, the court will receive evidence regarding the respondent's condition, the respondent's capacity to care for himself or herself or to manage his or her finances and the respondent's ability to meet his or her needs without the appointment of a conservator. The petitioner is required to present medical evidence about the respondent's condition from one or more Connecticut physicians. The physician(s) must have examined the respondent within 45 days of the

hearing. In certain circumstances, the court may waive the requirement of medical evidence.

In addition to the medical evidence provided by the petitioner, the court may order the examination of the respondent by another physician, psychiatrist or psychologist. If the respondent is a person with intellectual disability, the petitioner may present psychological evidence from a licensed psychologist instead of medical evidence from a physician. However, the respondent may refuse to undergo any examination.

If the court finds by clear and convincing evidence that the respondent is incapable of managing his or her finances, that his or her finances cannot be managed adequately without the appointment of a conservator and that the appointment of a conservator is the least restrictive means of intervention available, the court may appoint a conservator of the estate.

Likewise, if the court finds by clear and convincing evidence that the respondent is incapable of caring for himself or herself, that he or she cannot be cared for adequately without the appointment of a conservator and that the appointment of a conservator is the least restrictive means of intervention available, the court may appoint a conservator of the person.

When determining whether a conservator should be appointed, the court will consider the following factors:

- (1) The respondent's abilities;
- (2) The respondent's capacity to articulate preferences;
- (3) The respondent's cultural background;
- (4) The desirability of maintaining continuity in the respondent's life and environment;
- (5) Whether the respondent had previously made alternative arrangements for personal care and financial management (for example, power of attorney, health care representative, living will or trust);
- (6) Any supportive services or technologies that can assist the respondent in meeting his or her needs.

### **Who may be appointed conservator?**

The respondent may designate a person to serve as conservator. The court will appoint that person unless he or she is unable or unwilling to serve, or the court finds substantial reason to disqualify that person. The conservator will often be a relative or friend of the respondent who is willing and able to carry out the duties of a conservator. In the absence of a designation, the petitioner should suggest an appropriate person. Unless the respondent has designated a proposed conservator, the court will consider the following factors when appointing a conservator:

- (1) The proposed conservator's knowledge of the conserved person's preferences;

- (2) The proposed conservator's ability to carry out the duties of a conservator;
- (3) The costs of the proposed conservatorship;
- (4) The proposed conservator's commitment to promoting the conserved person's welfare and independence;
- (5) Any existing or potential conflicts of interest of the proposed conservator.

Under certain guidelines and circumstances, if no suitable conservator of the estate and/or conservator of the person can be found, the Probate Court may appoint an independent professional conservator or the Commissioner of Social Services to serve as conservator.

### **What is a probate bond and when is it required for a conservatorship?**

A conservator of the estate will generally be required to provide a probate bond. The bond is, in effect, an insurance policy that protects the conserved person's assets by insuring the proper performance of the conservator. Probate bonds may be obtained from an insurance agent.

The amount of the bond will be determined by the court. Typically, it will be in an amount equal to the value of the liquid assets under the conservator's control. The amount of the bond may be reduced by the amount of assets placed in restricted accounts.

The court may excuse the requirement of a probate bond if any of the following apply:

- (1) The value of the assets is less than \$20,000, or the amount of the unrestricted assets is less than \$10,000.
- (2) In a voluntary conservatorship, the petitioner waives the requirement of a probate bond.
- (3) In an involuntary conservatorship, the respondent or conserved person executed an advance designation of conservator and excused the requirement of a probate bond.

*For further information, see Rule 35 of the Probate Court Rules of Procedure.*

### **Does a power of attorney terminate when the court appoints a conservator?**

A Probate Court may limit, suspend or terminate a power of attorney when establishing a conservatorship. Termination means that the power of attorney is permanently void. Suspension means that the power of attorney may be reinstated at some future time, such as when the conservatorship is terminated. If the court grants a conservator of the estate broad authority over all of the conserved person's assets, it will generally suspend or terminate any power of attorney. The court may also limit the power of



attorney so that the agent under the power of attorney handles only specified areas of responsibility, while other duties are assigned to the conservator of the estate.

## **Where can a conservator obtain guidance on his or her duties?**

*Connecticut Standards of Practice for Conservators* is a key reference for conservators. The Standards set forth the duties of conservators, ethical principles and important considerations for decision-making. Connecticut law requires conservators to strictly adhere to the Standards. The document is available both on [ctprobate.gov](http://ctprobate.gov) under the link for conservators and at the Probate Courts.

Another valuable resource is a free online self-study training program for conservators. The interactive training covers all aspects of conservatorship, including the responsibilities of conservators and court procedures. The program is a self-study course that the conservator may take at any time of day and can complete all at once or in installments that fit the conservator's schedule. The training is available on [ctprobate.gov](http://ctprobate.gov) under the link for conservators.

## **What are the limitations on a conservator's authority?**

The court assigns the duties that are the least restrictive means of intervention necessary to meet the conserved person's needs. The "least restrictive means of intervention" is the level of intervention that is sufficient to provide for the conserved person's personal needs or financial management, within the conserved person's available resources, while affording the conserved person the greatest amount of independence and self-determination. **The conserved person retains all rights and authority not expressly assigned to the conservator.**

A conservator must also promote the conserved person's preferences and actively encourage the conserved person to participate in decisions. A conservator should make decisions based on the conserved person's preferences. The conservator should not make decisions based on the conservator's view of what is in the best interests of the conserved person unless the conservator cannot determine the preference or the preference could cause substantial harm.

## **What are the duties of the conservator of the estate?**

The conservator of the estate has those duties expressly assigned by the court. In general, the conservator of the estate is responsible for supervising the finances of the conserved person as ordered by the court. The conservator shall use the least restrictive means of intervention in the exercise of his or her authority and must maintain strict separation of his or her own assets from the conserved person's assets.

The conservator of the estate is required to file a financial report with the Probate Court periodically concerning the management of the estate. The first report is due one year following appointment. Subsequent reports are due at least once every three years and more often if the court directs. In most cases, this requirement can be satisfied by filing a *Financial Report/Conservator/Guardian, PC-442*. If the circumstances require, the court may direct the conservator to file a *Fiduciary's Periodic or Final*

*Account/Conservator/Guardian, PC-441.* The conservator must provide copies of the financial report or account to each party and attorney of record. The copies may be sent by mail, fax, email or be hand-delivered. The court will notify interested parties and hold a hearing on the report or account. Fees for accountings in Probate Court are set by statute and based on the assets of the conservator estate.

### **Can a conservator be audited?**

Yes. The Probate Court can order an audit of a conservator of the estate if the court finds that in-depth scrutiny of the conserved person's finances is necessary. In addition, the Probate Court Administrator has the authority to randomly audit conservator accounts and financial reports. Each audit is conducted by a certified public accountant, who files a written report upon completion of the audit. The purpose of the audit is to verify that the conservator's financial records support the figures on the account or report. The conservator is required to cooperate with the auditor and provide access to all of the conservator's records.

### **What records is a conservator of the estate required to maintain?**

The conservator must maintain records of all transactions. No financial records relating to a financial report or account should be destroyed until the conservator's financial report or account has been approved by the court, the appeal period has passed and any appeal is concluded. The records should also be retained for any applicable records retention period required by law.

*For further information, see Rule 36.13 of the Probate Court Rules of Procedure.*

### **What are the duties of the conservator of the person?**

The conservator of the person has only those duties expressly assigned by the court, which may include:

- (1) Making decisions about personal care, comfort and safety;
- (2) Making decisions about medical or other professional care (**not** including commitment to a hospital for treatment of psychiatric disability);
- (3) Establishing or changing the conserved person's residence, but only with prior court approval;
- (4) Safeguarding personal effects.

If the respondent has designated a health care representative, the conservator is bound by all health care decisions properly made by the health care representative, unless there is a court order to the contrary.

The conservator may also be granted the authority to apply for assistance programs for which the conserved person may be eligible. The conservator may also file a petition in the Probate Court to determine a conserved person's competency to vote. In addition,

the conserved person cannot obtain a marriage license without the written consent of the conservator.

In carrying out the duties assigned by the court, the conservator of the person shall exercise such duties in a manner that is the least restrictive means of intervention and shall:

- (1) Assist the conserved person in removing obstacles to independence;
- (2) Assist the conserved person in achieving self-reliance;
- (3) Ascertain the conserved person's views;
- (4) Make all decisions in conformance with the preferences of the conserved person unless the conservator cannot determine the preference or the preference could cause substantial harm;
- (5) Make all reasonable efforts to ascertain the health care instructions and other wishes of the conserved person;
- (6) Make decisions in conformance with any health care instructions and any health care decisions of a health care representative.

The conservator shall afford the conserved person the opportunity to participate meaningfully in decision-making in accordance with the conserved person's abilities and shall delegate to the conserved person reasonable responsibility for decisions affecting the person's well-being.

In addition to his or her responsibilities relating to the care of the conserved person, the conservator of the person must report at least annually on the conserved person's condition by filing a *Conservator's Report, PC-371*, with the Probate Court. The report should describe the condition of the conserved person, the efforts made to encourage the independence of the conserved person and the conservator's statement indicating whether the appointment of the conservator is the least restrictive means of intervention for managing the conserved person's needs.

### **When must a conservator have specific authority from the Probate Court before taking action?**

The conservator must always petition the Probate Court for permission to:

- (1) Place the conserved person in an institution for long-term care (*PC-371A*);
- (2) Change the conserved person's residence;
- (3) Terminate the conserved person's tenancy or lease;
- (4) Dispose of or sell household furnishings;
- (5) Sell, mortgage, or transfer real estate (*PC-400*);

} (*PC-303*)

- (6) Make gifts from the conserved person's income or assets;
- (7) Apply a portion of the conserved person's income or assets to a spouse;
- (8) Invest the conserved person's funds in insurance and annuity contracts;
- (9) Consent to psychiatric medication;
- (10) Execute a document to determine the manner in which the remains of a conserved person will be disposed of after death;
- (11) View, change or terminate social media accounts, electronic communications or other digital assets.

Even when prior approval is not required, a conservator may submit a petition to the court to obtain approval of a proposed action. Seeking prior approval can be helpful in making non-routine decisions or resolving issues when interested parties disagree about the best course of action.

**NOTE:** A conservator of the person **does not** have the power or authority to have the conserved person committed to a hospital for the treatment of psychiatric disability.

#### *Placement in an Institution for Long-Term Care*

If the conservator believes the conserved person needs to be placed in an institution for long-term care, the conservator must seek court approval for the placement. An institution for long-term care is a facility that has been "federally certified as a skilled nursing facility, an intermediate care facility, a residential care home, an extended care facility, a nursing home, a rest home and a rehabilitation hospital or facility." If the conserved person's placement was a part of his or her discharge from a hospital, the conservator must file a report within five days after placement. Otherwise, the conservator must file a report requesting court approval before placing the conserved person in an institution for long-term care. To report on the placement, the conservator may use the *Conservator's Report and Petition for Placement in an Institution for Long-Term Care*, PC-371A. The conservator must also give notice of the placement and a copy of the report to the conserved person, the conserved person's attorney and any other interested parties.

The Probate Court is required to hold a hearing to consider the placement. If the placement resulted from the conserved person's discharge from a hospital, the placement cannot continue unless the court orders it to continue after a hearing.

#### **What are the conservator's responsibilities if the conserved person owns firearms?**

A person whom a court determines to be incapable of managing his or her own affairs is prohibited by law from purchasing or possessing firearms, ammunition and electronic defense weapons, such as stun guns. A conservator appointed to represent an incapable person has a responsibility to determine whether the conserved person owns or has access to firearms and to take appropriate steps to prevent access by the

conserved person. While the legal requirements described below apply only to involuntary conservatorships, conservators appointed in voluntary proceedings should consider following the same procedures and are required to do so if the conserved person has ever been committed for treatment of psychiatric disability or was voluntarily admitted to a hospital for the treatment of psychiatric disabilities within the preceding six months.

Immediately upon appointment, a conservator should determine whether firearms are present at the conserved person's residence. If so, the conservator must insure that the conserved person's weapons and ammunition are not available to the conserved person or others. The installation of trigger locks or placement of the weapons and ammunition in a locked gun safe or other secure location should be undertaken as soon as possible.

If there are firearms that are owned by others on the premises, the conservator should immediately communicate with the owner and take all reasonable steps to insure that the conserved person does not have access to them. The owner could be subject to civil or criminal liability for improper storage of a firearm if he or she knows that a person residing on the premises is ineligible to possess a firearm.

The conservator should sell or transfer the conserved person's weapons to a person who is eligible to receive them or surrender the weapons to the Department of Emergency Services and Public Protection (DESPP). Unless an eligible transferee is immediately available, the conservator should promptly contact DESPP to arrange for the surrender of the weapons. The conservator may arrange for the sale or transfer of the firearms to a person legally eligible to receive them up to one year following the date of their surrender to DESPP.

Conservators should be aware that it is unlawful for an individual to carry a handgun on his or her person in this state without a permit. A conservator should not personally transport any handgun owned by the conserved person unless the conservator has a valid Connecticut permit.

If the conserved person holds a permit to carry a pistol or revolver, a pistol or revolver eligibility certificate, a long gun eligibility certificate or an ammunition certificate, the permit or certificate may be revoked by DESPP following the appointment of a conservator. Upon receipt of a notice of revocation from DESPP, the conservator should attempt to locate the permit or certificate and surrender it to DESPP within five days.

The sale or transfer of firearms is highly regulated and complex, requiring considerable caution on the part of the conservator. The requirements may differ, depending on whether hand guns or long guns are involved. Note that an assault weapon may not be sold or transferred to any person in this state, except a licensed gun dealer. Machine guns and other fully automatic weapons are governed by federal law. Before pursuing any sale or transfer, the conservator should contact DESPP's Special Licensing and Firearms Unit, which may be reached at (860) 685-8290 or (888) 335-8438.

## **Does a voluntary conservator have special responsibilities regarding firearms?**

In the case of a voluntary conservatorship, in which there is no finding of incapacity, the legal requirements and responsibilities noted in the previous section for involuntary conservatorships may not apply. However, the voluntary conservator should consider whether, under the circumstances, similar steps should be taken. It should also be noted that, notwithstanding the lack of a finding of incapacity in a voluntary conservatorship, if the individual was committed by a court for treatment of psychiatric disabilities or voluntarily admitted to a hospital for psychiatric disabilities within the prior six months, the person under voluntary representation is prohibited from purchasing or possessing firearms, and the conservator should act accordingly.

## **Can a conservatorship be transferred to another Probate Court if the person under conservatorship moves within Connecticut?**

Yes. When a person under conservatorship moves to a different part of the state, the conservator or other appropriate party may petition the court to transfer the matter to the Probate Court that has jurisdiction in the new district.

## **Can a conservatorship be transferred to another state?**

Yes. Connecticut has adopted the Uniform Adult Protective Proceedings Jurisdiction Act. The act provides mechanisms for the transfer of involuntary conservatorships between most states. Through the cooperation of the courts of the two states, a conservatorship established in Connecticut could be transferred to another state, or vice versa, to arrange for the relocation of the conserved person.

## **How is a conservatorship terminated?**

A person under voluntary representation may terminate the conservatorship at any time with 30 days notice to the court.

A person under involuntary conservatorship, referred to as a conserved person, may petition the Probate Court to terminate a conservatorship at any time. The conserved person is not required to present medical evidence at the hearing. If the court finds that the conserved person is capable of managing his or her own affairs, the court will order that the conservatorship of the estate be terminated and that control over his or her property be restored. If the court finds that the conserved person is capable of caring for himself or herself, the court will order that the conservatorship of the person be terminated.

The Probate Court may also terminate a conservatorship of the estate if it finds that the conserved person's assets do not exceed the asset limits allowed for the state supplement program. Currently, the asset limits are \$1,600 for an individual and \$2,400 for a married couple. In the event that the conservatorship is terminated, the court may direct the conservator of the estate to distribute the conserved person's remaining assets to the conservator of the person or, if there is none, to another suitable person.

The court may also terminate an involuntary conservatorship as a result of a review. The court reviews each conservatorship one year after the conservator was appointed and then every three years. After each review, the court will continue, modify or terminate the conservatorship.

When a conservatorship of the estate terminates, the conservator must file a final account or report within two months of the termination. The conservator may use a *Financial Report Conservator/Guardian*, PC-442 and a *Schedule A: Proposed Distribution/Final Financial Report Conservator/Guardian*, PC-442A or a *Fiduciary's Periodic or Final Account/Conservator/Guardian*, PC-441. The court will likely hold a hearing on the financial report or account, following notice to the conserved person and the conserved person's attorney.

### **Is a conservator eligible to receive compensation for his or her services?**

In general, a conservator may charge a fee for the services rendered to the conserved person. The fee is subject to Probate Court review and approval and is limited by statute and regulation in certain circumstances. For example, a relative of the person under conservatorship would not typically be eligible to receive compensation for services as a conservator.

### **Probate Appeals**

Any party who is aggrieved by a decision of the Probate Court may appeal to the Superior Court. The deadline for filing the appeal in a conservatorship matter is generally 45 days after the date on which the court sent the order.

### **Conclusion**

The relationship between conservator and conserved person is one characterized by trust. The conservator must work to promote the conserved person's preferences, independence and care in the least restrictive environment. A conservator of the estate must maintain strict separation between his or her own assets and the assets of the conserved person.

The seriousness of the conservator's responsibility for the conserved person and/or the conserved person's finances cannot be overstated. The conservator should always consult an attorney or file a petition with the Probate Court seeking advance approval when making significant decisions for the conserved person.