

# Conservator Compensation 2025

September 15, 2025  
PA 25-48, § 7 Conservator  
Working Group

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## Statutory Overview: Court Fees

- Filing fees. C.G.S. § 45a-106a
- Accounting fees. C.G.S. § 45a-108a
- Other Court fees. C.G.S. § 45a-109; such as recording fees, copy fees, notice fees (including newspaper publication), marshal fees
- C.G.S. §§ 45a-110 and 45a-111 identify who is responsible to pay Probate Court fees, such as:
  - Fiduciaries, Attorneys, Physicians, Psychologists, etc.

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## Fees Generally: Access to Justice C.G.S. §§ 45a-110 and 45a-111

⚖️ Presumption that all parties or estates can afford and pay all Probate Court related fees, expenses and costs

⚖️ May be overcome by providing evidence of inability to pay, i.e. - Waiver of Fees

⚖️ Fees and expenses may be waived if filer would be deprived of right to bring a petition or otherwise unable to pay necessary expenses of the action because of their indigency

⚖️ A current and approved fee waiver may waive all fees for which individual would have been responsible

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## Conservator Compensation Private Funds

- *Hayward v. Plant*, 98 Conn. 374 (1923)
- Probate Court Rules of Procedure, Rule 39
  - Conservator fees are reviewable by Probate Court
  - Factors to consider:
 

<ul style="list-style-type: none"> <li>(1) size of the estate</li> <li>(2) responsibilities involved</li> <li>(3) character of the work required</li> <li>(4) special problems and difficulties met in doing the work</li> <li>(5) results achieved</li> </ul>	<ul style="list-style-type: none"> <li>(6) knowledge, skill and judgment required</li> <li>(7) manner and promptness in which matter was handled</li> <li>(8) time and labor required</li> <li>(9) Other relevant material circumstances</li> </ul>
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- C.G.S. § 45a-594(a): if person under conservatorship receives state public assistance, conservator compensation from estate shall not exceed 5% of gross income to estate during accounting period
  - Exception: after petition, notice and hearing, Probate Court may approve additional compensation for extraordinary services rendered

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## PCA Policy 507: Indigency 3 Rebuttable Presumptions

### Receives Public Assistance

- State-administered general assistance (SAGA);
- Temporary family assistance (TFA);
- Aid to aged, blind, and disabled;
- Supplemental Nutrition Assistance (SNAP); and
- Supplemental Security Income (SSI)

### Income Poverty

Annual income of 125% or less of federal poverty level after taxes, other mandatory payroll deductions, and childcare expenses

- Updated Federal Poverty Level Chart

### Probate Court Regulation § 16

“unable to pay” when otherwise eligible for “Medicaid” (Title XIX), including asset limits and other DSS considerations

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## Conservator Compensation Fee Waiver: Public Funds

- Submitted through eBilling system (tybera.net)
  - Probate Court certifies invoice, appointment, activities and hours
  - Must adjust invoice as necessary to comply with Regulation 16
- Regulation 16:
  - “Unable to pay” if Probate Court granted fee waiver and meets eligibility requirements for Title XIX (“Medicaid”)
  - Reg 16 does not apply if:
    - DSS is conservator
    - Conservator is relative of person under conservatorship
    - Conservator of Estate, when person under conservatorship resides in skilled nursing facility AND Title XIX granted UNLESS financial management cannot reasonably be met by other arrangements
  - Two options for compensation:
    - Regulation 16, hourly rate
    - Contract Conservator

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## Regulation 16: Hourly Rate

- For compensable activities:
  - ✓ within 6 months;
  - ✓ within scope of appointment;
    - Including travel time, but not travel expenses
  - ✓ in increments of 1/10 of an hour;
    - For conservator, currently \$52 per hour
    - For employees of conservator, currently \$26 per hour
  - ✓ during the life of the conserved person
    - except for limited post-death expenses and preparation of final accounting/report and attending hearing. See C.G.S. § 45a-597
  - ✓ within maximum amount allowed, see Regulation 16.8(b)
    - except for motion to exceed granted by Probate Court

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## Regulation 16: Hourly Rate Activities

### Compensable Activities

- Within scope of appointment
- Using most efficient method available
- 1) Making medical/personal care decisions
- 2) Arranging and supervising services
- 3) Arranging procurement of necessities
- 4) Meeting and communicating
- 5) Obtaining public assistance and benefits
- 6) Managing mail
- 7) Preparing for probate hearings; including petitions, motions, reports, etc.
- 8) Managing records
- 9) Handling emergencies
- 10) Estate functions: managing estate, preparing account, bookkeeping, etc.

### Non-Compensable Activities

- Outside scope appointment
- Providing legal services
- 1) Shopping
- 2) Delivering goods
- 3) Delivering cash, unless no other alternative
- 4) Traveling to bank to make deposits
- 5) Providing transportation
- 6) Providing companionship
- 7) Performing home maintenance/improvement
- 8) Moving personal property, except to safeguard items of significant value
- 9) Caring for pets, except on temporary basis
- 10) Timekeeping and billing activities
- 11) Activities of purely secretarial nature; typing, photocopying, mailing, faxing and filing

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## Regulation 16: Hourly Rate Maximum Compensation

### In skilled nursing facility:

- \$600 for first 6 months
- \$300 per year

### In community:

- \$1,200 for first 6 months
- \$600 per year

### Psychiatric disability:

- \$1,200 for first 6 months
- \$1,200 per year

### Motion to Exceed

- Necessary and used "most efficient" method to perform duties

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## Policy 507: Fee Schedule

### COURT-APPOINTED CONSERVATOR (REGULATION 16) FEE SCHEDULE Effective 01/01/2020

Conservators who are related to the conserved person by blood or marriage or who are the domestic partner of the conserved person are not eligible for compensation from the Probate Court Administration Fund.

**FEE:** \$52.00 per hour for Conservator

\$26.00 per hour for Conservator's Employees

Minimum billable amount is \$25, unless the invoice is the FINAL invoice or date of service is more than 5 months prior.

#### CASE MAXIMUMS

Fees shall not exceed the following maximums without written approval of the appointing judge.

#### Conserved person does not reside in a nursing home, hospital or other similar facility

- \$1,200.00 maximum for the first six (6) month period of service
- \$600.00 annually after the six (6) month date

#### Conserved person is residing in a nursing home, hospital or other similar facility

- \$600.00 maximum for the first six (6) month period of service
- \$300.00 annually after the six (6) month date

#### Conserved person has diagnosis of Psychiatric Disability

- \$1,200.00 maximum for the first six (6) month period of service
- \$1,200.00 annually after the six (6) month date

(Example: Appointed January 15th, 6 month billing period through July 14, then annual billing period beginning on July 15)

#### COMPENSABLE ACTIVITIES

Time incurred on the following activities is compensable if within the duties assigned by the court.

- Making decisions about medical and personal care
- Arranging and supervising services
- Arranging procurement of necessities such as food and medication
- Meeting and communicating with the person under conservatorship and third parties in connection with making decisions and arranging and supervising services
- Obtaining public assistance and benefits
- Managing mail

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## Regulation 16.9: Contract Alternative

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- Contract Conservator Program:
  - Flat monthly rate, currently \$90 per month per client, invoiced quarterly
    - One-time Title XIX application flat fee, currently \$1,300
  - Contractor specifies Probate Courts and maximum number of appointments (must be willing to accept at least ten)
    - Contractor must accept appointments within those parameters
  - Criminal background check
  - Must complete online training program for professional conservators
  - Requires 3 hours continuing education annually
  - General and professional liability insurance and third-party surety bond (not rule 35 bond)
- Probate Courts have list of contractors serving their courts
- Submitted through eBilling system (tybera.net)

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## eBilling Overview

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- Conservator submits invoice via eBilling
  - Process for Regulation 16: Hourly Rate Conservators
  - Simplified Process for Contract Conservators
- Probate Court double review of invoices in eBilling
  - Reviewer 1: reviews invoices, adjusts, rejects and/or approves invoice for certification
  - Reviewer 2: certifies, adjusts and/or rejects invoices for payment
- Probate Court's review invoices for:
  - accuracy of information listed, including inability to pay, timeliness
  - appropriateness of fees listed, including compliance with Regulation 16
- Once approved, PCA reviews invoice for general compliance, payment complete within 45 days

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