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Honorable Members of the Judiciary Committee

FROM: Beverly K. Streit, Probate Court Administrator

CC: Kirstin L Breiner, Committee Administrator
Austin Hyatt, Committee Clerk

DATE: 01-15-2026

SUBJECT: Public Act 25-48 § 7 Conservator Working Group Report

Public Act 25-48 § 7 charged the Probate Court Administrator to convene a Working Group “consisting of Probate Court judges, the Commissioner of Social Services, or the commissioner's designee, representatives of nursing homes, as defined in section 19a-563 of the general statutes, and attorneys having expertise serving as conservators, to study and provide recommendations on the issues facing conservators in the Probate Court system, including, but not limited to, delay of payments, fee waiver requirements and compensation levels.” Pursuant to that charge, the Probate Court Administrator submits the following report on the results of the Working Group review, discussions, and accompanying recommendations.

PA 25-48 § 7 Conservator Working Group Formation and Meetings

Pursuant to Public Act 25-48, Hon. Beverly K. Streit appointed the following members:

- *Probate Court Judges*: Hon. David C. Shepard, Judge of Probate for the Simsbury Regional Probate District; Hon. David K. Labriola, Judge of Probate for the Region #22 Probate District; and Hon. Americo Carchia, Judge of Probate for the New Haven Probate District. It should be noted that prior to taking office as Probate Judge in January of 2023, both Judge Shepard and Judge Carchia have had decades of experience as attorneys serving as conservators.
- *On behalf of the Commissioner of Social Services*, Hon. Andrea Barton Reeves, Attorney Rebecca L. Rigdon, Staff Attorney for the Department of Social Services.
- *On behalf of nursing homes*, as defined in section 19a-563 of the general statutes, both Mag Morelli, President of Leading Age Connecticut, and Attorney Matthew V. Barrett, President / Chief Executive Officer for the Connecticut Association of Health Care Facilities / Connecticut Center for Assisted Living.

- *An attorney having expertise serving as conservator, Attorney Vincenzo Gallo, Gallo & Associates LLC.*

The first meeting of the PA 25-48 § 7 Conservator Working Group took place on September 15, 2025. Successive meetings were held on October 20, 2025, November 17, 2025, and December 15, 2025. During these meetings, stakeholders and system experts provided presentations regarding conservatorships and the fiduciary role of conservators in Connecticut. Moreover, during these meetings there were robust discussions on the issues faced by Connecticut conservators. All materials and minutes of the meetings can be found on the Connecticut Probate Courts website, www.ctprobate.gov. Live/video coverage of the meetings was also provided by the Connecticut Network (“CT-N”) and recordings may be found by visiting www.ct-n.com. During these meetings, the Working Group identified some of the barriers to recruitment and retention of third-party conservators.

By way of background, the Connecticut Probate Courts consist of fifty-four (54) Probate Districts, with one elected judge per district for a term of four years. There are also six (6) Regional Children’s Probate Courts that serve multiple probate districts and specialize in probate children’s matters with specially trained staff. The Office of the Probate Court Administrator (“PCA”) is responsible for supporting the operations of the Probate Courts, including financial, information technology, court procedural operations and legislative policy initiatives as required by C.G.S. § 45a-77. The Connecticut Probate Courts have jurisdiction to hear cases in over 70 different areas, most of which include some of the most vulnerable people in this state, such as those managing mental health issues or substance use disorder; the aging/elderly or disabled; and children. Every day, the Probate Courts seek to ensure the constitutional rights of these vulnerable people are protected and their needs are being met.

In Connecticut, most court appointed conservators are family members. On occasion, the conservator is specifically selected or designated by the conserved person. Absent such selection or an available family member, the petitioner or parties may seek the Probate Court to appoint an independent, third-party to serve as the conservator. In limited circumstances, and within available state resources, the Probate Court may also appoint the Commissioner of Social Services to serve as the conservator. See C.G.S. § 45a-651. In the independent third-party circumstances, the issue of compensation often arises. Built into the statutory framework, there is a presumption that parties to Probate Court cases can afford the court costs and services of a conservator and make payment from their own funds/estate. However, statute also provides that if a person would be denied access and/or is otherwise unable to pay fees and necessary expenses, the Probate Court will waive payment of such fees and necessary expenses. If the Probate Court approves this fee waiver, then compensation of the third-party is paid from the Probate Court Administration Fund (PCAF) in accordance with Regulation 16 of the Probate Court Regulations. Probate Court Regulation 16 provides two methods of compensation from state funds: 1) an hourly rate with defined terms and conditions for qualification, invoicing, and compensable activities; and 2) an alternative fixed/flat rate fee compensation arrangement through the Contract Conservator Program. The

regulation and further information on PCAF-paid compensation is available at www.ctprobate.gov.

Another important structure surrounding conservator compensation is the online eBilling system. Since 2018, all conservators compensated through PCAF must use the online eBilling system developed by the Office of the Probate Court Administrator. Prior to the eBilling system, PCA would process, on average, over 25,000 paper invoices per year, and the processing time could exceed several months. Now with the electronic billing system, PCA still processes over 20,000 electronic invoices but with an average response time of less than 30 days. There was a notable reduction in the overall number of invoices with the launch of the Contract Conservator program between 2016 and 2018. That program consolidated contract conservator invoices to one per court rather than one per protected person in an effort to streamline the billing process for the conservators.

Furthermore, it is important to note that the number of indigent cases or indigent individuals served by the Probate Courts eBilling system has been steadily increasing year over year. For example, in 2018 there were approximately 5,000 indigent conservator cases served and in 2024 there were nearly 9,000 indigent conservator cases served. Putting these Regulation 16 conservator cases in context, in 2024 they comprised approximately one-third of all open conservatorships pending before the Connecticut Probate Courts. Thus, two-thirds of all conservators are either providing *pro bono* services (family or otherwise) or are receiving private compensation. This steady increase in demand in Probate Court Administration funded Regulation 16 conservators can be further seen in the annual cost of indigent conservator fees, which rose from approximately \$4.6 million in 2018 to nearly \$7 million in 2024. Modern trends in demographics, population, and regulatory schemes combined with the forecasted increase in demand for conservators predict that these state expenses will only increase.¹

PA 25-48 § 7 Conservator Working Group Findings and Identification of Issues Facing Conservators

In addition to the present statutory and regulatory framework through which Connecticut court-appointed conservators operate, the PA 25-48 § 7 Conservator Working Group hereby reports on various findings and observations regarding the practice of conservators in this state. First and foremost, private rates for compensation of fiduciaries have increased significantly due to market changes. However, state rates or compensation of conservators for indigent individuals from state funds have not changed. Second, there is a general perception by Connecticut attorneys, both newly

¹ Two recently released studies show there will be an increase in demand to address the needs of the aging population. State of Connecticut Medicaid Long-Term Care Demand Projections: https://portal.ct.gov/dss/-/media/departments-and-agencies/dss/medicaid-nursing-home-reimbursement/ct_ltc_demand_report_2025-04-07.pdf; 2025 Alzheimer's Disease Facts and Figures: <https://www.alz.org/getmedia/ef8f48f9-ad36-48ea-87f9-b74034635c1e/alzheimers-facts-and-figures.pdf>

licensed and long-term licensed attorneys, that the expected work of conservators across the state is becoming more challenging and with fewer incentives to pursue or continue acting as a conservator.² Thus, there exist, whether perceived or actualized by statistical evidence, real barriers to recruitment and retention of the pool of available third-party conservators. Moreover, it is worth noting that the Department of Social Services has limited fiscal and staffing resources in accepting indigent conservatorship appointments as outlined in C.G.S. § 45a-651. The Department has notified the Probate Court Administrator that it is presently unable to accept any such appointments at this time due to its resource limitations.

Compensation

Specifically reviewing compensation rates for conservators for indigent conserved persons, the Working Group discussed the current rates of pay. Today, Regulation 16 permits an hourly rate for compensable activities; occurring within the last six (6) months; within the scope of the court appointment; including travel time, but not travel expenses; in increments of 1/10 of an hour; during the life of the conserved person, except for limited post-death expenses and preparation of and attending the hearing on final accounting/report; and within maximum amounts allowed by regulation, except for a motion to exceed granted by Probate Court.

Fee schedules and compensable activities are available in greater detail by visiting www.ctprobate.gov and reviewing Regulation 16. The present hourly rate under Regulation 16 is \$52.00 per hour for the court-appointed conservator and \$26.00 per hour for services performed by the conservator's employees. In comparison, Regulation 16 also outlines the availability of alternate fee arrangements as contracted by the Office of the Probate Court Administrator in the Contract Conservator Program. Under that program, the rates since 2020 were fixed monthly at \$90.00 per client, and an additional one-time flat fee of \$1,300.00 for handling a Title XIX application. In contrast, note that the Regulation 13 compensation for court appointed attorneys, which has also been stagnant, is set at \$58.00 per hour for legal representation.

The Working Group reviewed these rates of compensation in comparison to the increase in the minimum wage, as seen in the same time period since 2020. More specifically, the conservator rates of compensation by state funds from 2017 to 2020 changed approximately 4% for hourly rate conservators and their employees and a 4.7% for Contract Conservators. There has been no change since 2020. For comparison purposes, the state minimum hourly wage from 2017 to the present has increased approximately 67.7% from \$10.10 in 2017 to \$16.94 in 2026. Extrapolating that percentage of increase for minimum wage, in an attempt to keep in pace with minimum wage, conservator compensation for the hourly rate under Regulation 16, at

² Historically, attorneys have been the professionals most likely sought by Probate Courts as well as the professionals willing to serve as conservators though there are a number of non-attorney professional conservators with different professional experience such as social workers or medical providers.

67.7% would be \$84.00 per hour for the court appointed conservator and \$42.00 per hour for employees of that court appointed conservator. Similarly, the Contract Conservator fixed rate would be \$144.00 per client per month, with a one-time flat fee of \$2,096.00 for handling a Title XIX application. The overall projected impact fiscally to the state if such comparable adjustments were made would be an estimated increase of \$4.7 million, or a total of \$11.7 million for conservator compensation for indigent conserved persons. In detailed discussions, members reached a consensus that these projected rates, extrapolated for keeping in pace with the increases in minimum wage, would likely improve retention and recruitment of third-party conservators.

Barriers and Challenges

One facet explored by the Working Group was the challenges in providing around-the-clock coverage for the demands and the needs of the indigent conserved person. For example, in many cases, indigent conserved persons need assistance with medical emergencies and other exigent situations, such as hospitalizations and skilled nursing care, and these circumstances occur at all hours of the day or night. Third-party conservators are experiencing heightened stress and other challenges in meeting the needs of those individuals without additional support from the state. In this sense, many of the third-party fiduciaries are suffering from burnout and are otherwise disincentivized from work and service as a conservator due to these 24-7 burdens. Additional support to these conservators in these situations may improve the retention and recruitment of third-party conservators.

Another facet the group explored was the perception that there are limited alternative community resources, such as available family, friends, or neighbors to support these vulnerable adults. Thus, the burdens are compounded upon the third-party conservator to arrange for the needs of the conserved person to be met. In this sense, the needs of the conservatorship cases are growing, but the resources are becoming more limited to meet those needs. We note this perception is contextualized in large part by the fact that the need for Probate Courts to appoint third-party conservators springs from situations where there are no alternative conservator appointments available. In other words, the challenges facing third-party conservators is they are often appointed on an unforgiving percentage or portion of the more challenging indigent conservator cases for those individuals with no involved family or personal supports. This can be seen in the interaction with conservatorships and the need for financial support in the form of state/federal financial assistance programs such as social security/disability, veterans benefits, HUSKY, or Medicaid/Title XIX. It can also be seen in the interaction between conservatorships and the need for medical/personal support in the form of routine medical, at-home, hospital, or skilled nursing care. Third-party conservators commonly are called upon by circumstances to try to meet the financial or personal support for a vulnerable adult who is initially a complete stranger, and who, at times, is unable to provide basic information needed to apply for those medical/social and financial services.

After meeting the conserved person, many third-party conservators begin seeking financial support and assistance by first collecting financial history, inventorying assets, and even securing accounts, personal property, homes, or apartments. Once the third-party conservator investigates the financial situation of the conserved person, they then assess and apply for various forms of service or assistance programs to meet the individual's needs. This process can become very complicated when fewer and fewer resources are available and applications for support are growing in number and complexity. For example, the Medicaid or Title XIX application process not only has federal components but also extensive and complex state policies and protocols for implementation. Third-party conservators devote many hours coordinating with the Department of Social Services (DSS) throughout this application process, and these benefits are crucial for the support of conserved persons.

There was clear consensus that additional support for third-party conservators in applying for service or assistance programs would improve the retention and recruitment of third-party conservators. For example, as discussed during the Working Group meetings, DSS could establish a dedicated point of contact for conservators who need assistance with Medicaid applications. DSS has indicated it could establish a dedicated line of communication for third party conservators in this regard.

After meeting the conserved person, many third-party conservators begin seeking medical and personal support and assistance by first collecting medical or personal history and getting to know the conserved person's preferences. Absent traditional supports (such as family or friends), conservators are building networks from scratch, coordinating with social workers and various providers to establish systems of care that can support the conserved person. This can take forms like housing assistance, supplemental food assistance, and even coordinating medical care with community providers or skilled nursing facilities. There was clear consensus that additional support for third-party conservators in coordinating the personal care of the conserved person would improve the retention and recruitment of third-party conservators as well as facilitating obtaining historical documents or waiving such requirements under certain circumstances.

Another facet that the Working Group explored was various methods for incentivizing work and service as a third-party conservator in an effort to enhance satisfaction in the work and service. For example, there was consensus that access to free annual education relevant to work and service as conservators would encourage both new and experienced third-party conservators to engage in this work. Similarly, various professional mentoring, networking or collaboration opportunities may incentivize this type of work.

PA 25-48 § 7 Conservator Working Group Recommendations

After multiple meetings and in-depth discussions surrounding the call of the PA 25-48 § 7, the Working Group has the following recommendations:

First, after overwhelming consensus, the Working Group recommends evaluation of available state and/or federal funds to increase the rate of pay relevant to Regulation 16 third-party conservators for indigent conserved persons. The goal in mind being to bring these stagnant rates into closer terms with modern realities. The group fully acknowledges the challenges involved with state budgeting and planning for such increases. Moreover, the group acknowledges the aggregate fiscal impact that these changes will have, even if minimal increases are executed in incremental ways. To this we believe it is important to highlight that these services are being performed, evaluated, and reviewed through a comprehensive submission and approval process, and are rendered in service of the most vulnerable citizens in the state. In essence, the role of the third-party conservator is the safety net to the state's own safety net. They are essential services. These Regulation 16 conservators serve in probate cases where no alternatives exist in a practical sense, and these Connecticut individuals and families often have no one else to turn to. A review of DSS resources to restore and support the acceptance of the role as conservator of the person in those statutorily limited situations may also ease the demand on third-party conservators.

Second, the Working Group recommends review of C.G.S. § 45a-645d for possible modification to develop a more robust 'standby' or back-up conservator appointment system to provide 'successor' conservators for temporary or unforeseen periods of unavailability. By way of background, C.G.S. § 45a-645d currently provides for the appointment of a "successor conservator," or in other words a *standby* conservator, to act when the conservator resigns, is removed, or if the conservator is adjudicated incapable or dies. This current process involves a petition followed by hearing and Probate Court orders setting the parameters of the 'successor' appointment. The Working Group recommends evaluation of a possible enhancement of that current 'successor' system to include a new support system for third-party conservators to have a more accessible back-up.

Third, the Working Group recommends the Office of the Probate Court Administrator evaluate Regulation 16 of the Probate Court Regulations and eBilling and probate policies surrounding fee waivers and the submission of invoices. Specifically, evaluating the best method to preserve or retain the original date of submission of invoices while they are being reviewed, corrected and/or adjusted to avoid the necessity of rejection of the invoice based on timely submission requirements.

Fourth, the Working Group recommends evaluation of whether, within available resources, the Department of Social Services may allocate specific dedicated and trained staff to review assistance applications submitted by conservators or applications concerning persons with specific Probate Court involvement (open conservators of the estate appointments). In other words, the potential for a designated point of contact for conservators with complex cases or applications. Similarly, evaluation of whether the Department of Social Services may be able to provide additional education and educational resources regarding program policies and procedures with the target audience of conservators in mind. And finally, consideration of allocating resources (or

funding appropriation) for expanded appointments of DSS as conservator under section 45a-651.

Fifth, the Working Group recommends evaluation of available state and other resources to develop targeted mentoring and education of third-party conservators. Currently, the Connecticut Probate Courts do offer online video training for new conservators. The system does not have available resources to expand any further training modalities. Note that the development of the current online training was accomplished through grant programs.