

TO: Senate Co-Chair Catherine A. Osten
Senate Ranking Member Paul M. Formica
House Co-Chair Toni E. Walker
House Ranking Member Gail Lavielle
Honorable Members of the Appropriations Committee

FROM: Chuck Norris
Probate Judge – Norwich

RE: H.B. 5005, An Act Adjusting the State Budget for the Biennium Ending June 30, 2021

DATE: February 11, 2020

Members of the committee: My name is Chuck Norris and I have served as the Norwich region probate judge for the last 10 years. I have also worked as a civil trial attorney for over 25 years, primarily in the Superior Court. I want to first thank you for this opportunity to speak on behalf the Probate Court system.

Prior to my election as a Probate Judge, I was under the same impression as most other lawyers and non-lawyers regarding what transpires in the Probate Court. To me, the Probate Court was a place that dealt with people's wills, trusts and in general, addressed issues with respect to estates.

Following my election, I discovered very quickly that, my opinion (and those of everyone else) was far different from the reality. I cannot stress enough that the Probate Courts are often much closer to a social service agency rather than the courts I have been involved with for the prior 15 years. An overwhelming majority of my time in hearings is spent on family relationship issues and cases in which people are in need of help and assistance. I can assure anyone who has not spent time in the Probate Court, that the assumptions about what transpires at the court are wrong.

As you may know, the Probate Court hearings are typically held in a very informal setting. The people involved are often not represented by attorneys, are in the court due to some type of family crisis, and not wealthy. Norwich is not a wealthy city, and as a result there are many needs for the people in my district. I cannot stress enough, that the Probate Court system has evolved to become a place where certain family issues are addressed, and not the place where people's estates are resolved. I often say that where I work should be appropriately named a family court, or social service agency.

I conduct hearings on nearly a daily basis regarding issues ranging from simply changing a person's name, performing adoptions, appointing guardians and conservators, to dealing with any number of family matters. My typical week involves very few hearings for what most people describe as a typical will or estate.

In a typical day, I may start the morning at our local hospital presiding over psychiatric commitments for people at the hospital being treated for mental illness. Following that hearing, I will typically return to the Probate Court, or travel to a nursing home, or at times, to a person's residence, for a conservatorship matter. Prior to assuming this job, I was not aware of the amount of time spent, and the important role that the Probate Court held with respect to the help provided for the people in our community struggling with mental health conditions.

Both before and during law school, I worked as a police officer in Norwich, which at the time was also the home to a state hospital. As a Norwich police officer, we would often be called upon to interact with citizens suffering from mental health issues. Following the closure of the state hospital, the people who once lived there are now living in the community. Many of those same people are in need of help in order to survive in the community. The needs of those individuals, as well as many other people who come through our court system, can be as simple as needing assistance in obtaining medications, to requiring help with nearly every aspect of their lives. It appears to me that the Probate Court has become the place where these needs are being coordinated. It is not unusual for the Court to be asked to become involved in a request to have a conservator appointed for a person being discharged from the hospital who has no housing, and does not understand the process for finding a place to live, and in the same day, the court is being asked to have a conservator appointed so that a person presently living in a nursing home can be transitioned to a home or apartment.

In any of these situations, if the Probate Courts were not there to arrange, oversee, and ensure that these goals were carried out, I do not see where any other agency, department, or other organization would be there to do the job.

One example of how critical the Probate Court is to this process, was recently the subject of a hearing in my Court.

Approximately two years ago, a gentleman suffering from a number of issues, including dementia and depression was in a local nursing home, hoping to leave, but there were no services in place that would allow him to live at home. He did not speak English, and his family, which included his wife and child, also did not speak English. As a result, they were having trouble figuring out what steps needed to be taken in order to safely have him transition from the nursing home to his home.

The Court initially appointed just his wife as conservator so that she could take the steps necessary to get him out of the nursing home. In order to ensure that the gentleman and his wife were not simply forgotten, the court continued to hold a periodic "status conferences" to monitor the situation. As the months progressed, it became clear that the man's wife could not get everything done, but still wanted to be involved, so I appointed a co-conservator to work with the wife, and get her husband back home, safely, with services in place.

The steps taken by the Court not only got this family reunited at home, but also significantly saved us money. The cost of the nursing home was much more than the expense associated with the in-home services. In this case, the outcome was a win for everyone involved. Frankly, if not for the Probate Court, I do not see how this situation would have resulted in the same outcome. Instead, I am afraid this gentleman may have remained in a nursing home for the remainder of his life.

The Court is also involved in children's matters on a daily basis. The involvement of the Probate Court not only helps the families of my district, but also avoids the need to involve other State agencies and the Juvenile Court. The Court is often called on to address guardianship in the case of children who have been caught up in the issues of their parents.

These applications can be prompted by grandparents, aunts, uncles, or other relatives looking to establish guardianship over a minor child. Those applications to the Court are typically prompted by some problem with the parents or other legal guardian. By addressing those matters in the Probate Court, we are often able to avoid more serious and costly intervention with DCF or the juvenile court. The outside agency intervention is not only costly, but can also have significant negative implications for the family members involved.

It costs real money to provide services to the people who need us. We are dealing with the poor and the needy and the vulnerable and they all need our help. Many times they need lawyers and conservators they can't pay for. We provide them and pay for them. Cutting funding to the Probate Courts will just make it harder for me and the dedicated staff who work with me to help our community.

While I have to admit that I was surprised at the work that I was requested to do after becoming Probate Judge, I have enjoyed the opportunity to help those people who appear before me.

I want to thank you for the opportunity to present you with just a brief insight as to what the Probate Court does and the financial impact that it has on our communities.

If I can answer any other questions or provide further information please let me know.