

# CAPC

## Connecticut Association of Probate Clerks

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February 11, 2020

State of Connecticut General Assembly  
ATTN: Appropriations Committee  
State Capitol  
Legislative Office Building, Room 2700  
Hartford, CT 06106-1562

**RE: AN ACT ADJUSTING THE STATE BUDGET FOR THE BIENNIUM ENDING JUNE 30, 2021 TO IMPLEMENT THE GOVERNOR'S BUDGET RECOMMENDATIONS**

Dear Committee Members,

On behalf of the Connecticut Association of Probate Clerks, we write to you today in connection with the Governor's proposed amendments to the State Budget for the Biennium ending June 30, 2021. More specifically, we write to respectfully request that the budget signed into law by the Governor on June 26, 2019, fully funding the Probate Courts after years of underfunding, be upheld.

The funding to the Connecticut Probate Courts is crucial because the Courts provide an essential core government function that is vital for promoting the protection of the most vulnerable amongst us and is critical to the State's safety net. The Probate Courts don't just provide a judicial function; they provide a social safety net for the State's most vulnerable residents, ensuring that the basic needs of those residents are met independently of any state, local or non-profit agencies, that may not be able to provide services to all those in need of care and/or assistance, and therefore reduces the likelihood of these vulnerable individuals falling victim to abuse, neglect, or abandonment.

Who are these vulnerable residents whom depend on the services of the Probate Courts?

- The children of substance-addicted parents who are susceptible to physical neglect, educational neglect, physical abuse and other types of abuses. The Probate Courts handle a large number of children's matters in which the Court appoints legal guardians for neglected, abused, or abandoned children (usually a family member) so that these children have a caregiver who acts in their best interest thereby giving these at-risk children a chance to succeed in life instead of being relegated to a life of neglect and abuse. The Courts work closely with the families as well as the Department of Children and Families and assigns a family specialist in order to bring families together to act in the best interests of these children. The Probate Courts have seen an influx of children's matters as the State deals with local crises, such as the opioid epidemic, as well as international crises, such as the influx of migrant children to the U.S. More and more family members are being called upon to seek guardianship through the Probate Courts which has resulted in an increase in the number of people utilizing the Court's services and an increase in the child-related petitions being processed by the Courts.
- Intellectually and developmentally disabled young adults who are vulnerable to financial and physical exploitation and abuse. The Court appoints plenary or limited guardians to

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help them make decisions and promote their full independence despite any limits imposed on them by virtue of their disability. Usually family members fill this role; however, there often comes a time when unfortunately, the person under guardianship outlives all of his or her family members and there is no one left to care for them at which point the Court relies on Court-appointed attorneys to be the guardians of these vulnerable and often times marginalized individuals.

- The elderly members of our society, who due to dementia or other degenerative mental disorders are not able to manage their personal or financial affairs and can fall prey to financial exploitation or physical neglect or abuse, simply because they cannot physically care for themselves. The Court appoints conservators to manage their personal and/or financial affairs, again relying on family members for these appointments; however, when there is no family available to fill the role, the Court relies on Court-appointed attorneys to be conservators for these at-risk-individuals. Termination of financial management programs previously provided by the regional mental health agencies has increased demand for conservatorships.
- Adults suffering from a variety of mental illnesses, who due to these mental illnesses can become violent toward themselves or others. Often the Probate Court has to intervene in these very difficult cases in which families are fearful and desperate for help. Social service cases involving children, seniors and individuals with mental illness and intellectual disability represent more than half of the workload of the Probate Courts and consume nearly two-thirds of the budget.

The Probate Courts not only provide these essential services to these extremely vulnerable individuals amongst us, but they also provide judicial oversight. Performing reviews of these matters for the duration of the appointments made by the Courts.

In providing these essential services, the Probate Courts save the State of Connecticut hundreds of millions every year by helping families help themselves and thereby reducing other costlier, state expenditures. Some examples of these higher costs and savings to the State are as follows:

- Over 6,700 children are cared for by a court-appointed guardian. If those children were in foster care, the state's foster care costs would increase by \$66 million per year (\$9,855/child/year).
- Conservators/guardians arrange all necessary services for persons with mental illness living in the community: housing, food, psychiatric medication and medical care, greatly reducing the rate of re-hospitalization, arrest and incarceration. The state saves over \$38,000 annually for each person who stays out of the criminal justice system with the help of a conservator.
- The cost of in-patient psychiatric care at CVH is \$1,200 per day. For the 902 individuals with mental illness who are able to live in the community due to the assistance of a conservator, the state's savings is nearly \$1.1 million per day. (The Probate Courts spend less than \$3,100 per day for conservators serving this population.)
- Elderly remain in their homes rather than being placed in skilled nursing facilities. The average annual state cost for nursing home care for individuals receiving Title 19 is \$77,470. The state would incur more than \$206 million in additional expense each year if the 2,660 indigent individuals with conservators paid by the Probate Courts had to move

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from community settings to nursing homes. (The Probate Courts spend \$2.7 million per year for conservators serving this population.)

The probate courts provide protection and services to individuals who would otherwise find themselves in institutionalized care or in prison at a far greater cost to the state. For example, persons with mental health issues being incarcerated instead of receiving carefully coordinated community care; or children being placed in an expensive foster care system, instead of the court overseen guardianship placement with relatives; or seniors receiving assistance from a conservator so they can remain in their homes instead of a nursing facility which, in most cases, would be paid through Title 19 at an exorbitant cost to the State. The Probate appropriation is needed to continue to cover the rising costs of indigency, to continue to reduce other State spending, and to protect the most vulnerable among us.

In this manner, the Probate Court budget pays for many social service functions including, but not limited to; a) conservators for indigent individuals (approximately \$4.6 million); b) specialized service through Regional Children's Probate Courts (6,700 children/\$3.3 million); c) administering Kinship and Respite grants for court-appointed guardians of children (\$2.0 million); d) legal counsel/attorneys for indigent parties (\$2.5 million) as constitutionally and statutorily mandated; and e) waiver of probate fees and court costs for indigent parties.

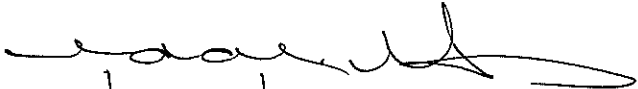
The number and proportion of cases involving mental health (up 46%), children (up 18%), and the intellectually disability have increased significantly. In previous fiscal years, state-mandated (constitutional and statutory) expenditures exceeded the \$6 million general fund appropriation by over \$3 million:

- \$4.6 million - Conservators for indigent conserved persons
- \$2.5 million - Attorneys for indigent parties
- \$2.0 million - Kinship and Respite Funds

A cut to the Probate Courts' Budget would be detrimental to those who rely on the Courts' services and would be economically damaging to the State in the long-run as more costly alternatives would have to be employed to resolve the very problems the Probate Courts help to resolve on a daily basis by providing protective services at a lesser cost than it would cost for alternative options. As such, we respectfully request that the Probate Court budget approved by the Governor in June of 2019 for the Fiscal Year 2020-2021 be upheld.

Thank you for your time and consideration concerning this matter. If you have any questions, please do not hesitate to contact us.

Sincerely,



Nanci Howard

Idaliz Gomez & Nanci Howard  
Co-Presidents of the Connecticut Association of Probate Clerks