

**TO:** Senate Co-Chair Catherine A. Osten  
House Co-Chair Toni E. Walker  
Senate Ranking Member Craig Miner  
House Ranking Member Mike France  
Honorable Members of the Appropriations Committee

**FROM:** Lisa K. Wexler  
Probate Judge – Westport Probate Court (Dist. #50)

**RE:** H.B. No. 6439 An Act Concerning the State Budget for the Biennium Ending 06/30/2023, and Making Appropriations Therefor

**DATE:** Oral Testimony given February 26, 2021

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Members of the Committee, my name is Lisa Wexler, I have served as the Westport/Weston Probate Judge for over 7 years.

My testimony today is a little different than that which I usually give before you. On Wednesday March 10, 2020, I was working at my desk in Town Hall in Westport when I learned that the First Selectman and other powers that be would be gathering in the front of Town Hall for an afternoon news conference. It appeared that 40 people had contracted this new Covid 19 virus from attending a party together on March 5. Town Hall would be closed to the public for the rest of the week. I knew right then that we were in the middle of something very large and scary. Westport became ground zero for the State of Connecticut during those first two weeks of the outbreak.

Here is what I want you to know. Our small but mighty probate court never closed for one day. Not that Thursday or Friday, not ever. I, myself, came into work five days a week every single day as usual. When we were advised to cohort shortly after, I divided my four clerks into teams of two to cover the office. We took care of ourselves well. Thankfully, nobody got sick.

We were able to appoint executors for estates. We held commitment hearings for people with mental illness. We appointed conservators for the people in nursing homes. We allowed funeral directors to deal with remains. I am very proud of the way all of us worked together to continue the people's business.

In July, I went back into the hospital to conduct in-person hearings until November, when the hospital again asked us to go virtual. I am hoping to resume in-person again soon, because in my view justice is better served when I am able to read people's body language in person.

One particular hearing I remember vividly. The case that broke my heart involved a middle-aged woman with a history of schizophrenia since the age of 12. She was also described as intellectually disabled or, according to her father, having the emotional maturity of a six-year-old. Although she had been stable in a group home, she was now in a mental hospital because she had developed COVID-19. Fearing a cross-reaction, doctors reduced her daily medicines, which caused her auditory hallucinations to reappear. So here she was, appearing by telephone during a commitment proceeding, wailing into the phone, pitifully crying "I'm scared. I'm scared. I'm scared." She was being isolated with COVID, with a one-on-one aide in the hospital. Her

symptoms were back, and she believed the devil was going to get her. I did my best to reassure her that there was nothing to be frightened of, but I wish she could have seen me, not merely heard me through a telephone.

While I know many of you have a deep understanding of what we do, perhaps some of you do not have familiarity with our system. When most people hear “probate court” they assume that the only thing we handle are matters involving estates. In fact, less than 50 percent of our matters involve estates. The majority of our cases concern the lives of children, persons with intellectual disabilities, and those with dementia, schizophrenia and other mental illnesses. My most difficult, contentious cases involve arguments over who is best suited to care for someone in the family who cannot care for him or herself.

Yesterday was a typical day in my docket. My first hearing was a request for a name change for a minor to reflect a change of gender. The parents were very supportive and the minor was of age to express her own opinion on the matter.

The second hearing was another request for a name change of a minor. Normally these are uncontested matters. However, in this case the mother wished to remove the father’s name and the father objected. The standard of decision is whether the change is in “the best welfare of the minor”. I continued the case to receive opinions from the child’s therapist and teacher.

After that I heard a dispute over money between the second wife and the child from the first marriage. We see that all the time. However, in this particular case, the child was an adult who was severely disabled with advanced Parkinsons’ disease. Requests were made for support of the child because the decedent had supported him during his lifetime. The wife objected to the support, based on the argument that the son was not really family. Welcome to my world. I resolved the case in favor of supporting the son.

The following hearing was a commitment proceeding at St. Vincent’s Behavioral Health hospital, now Hartford Health. We have one of the few psychiatric hospitals in the state in our jurisdiction, so I am there quite often. In this case, a man still in his 50’s is a chronic schizophrenic who cycles in and out of our hospitals several times each year. He has no family, no friends. A court appointed conservator, one of our best in the state, has been trying to manage his housing for years. But in addition to schizophrenia, he has a severe drug habit, so that anytime he manages to get any spending money, it goes straight to drugs. Anyway, what happens here is that the man eventually takes medicines which clear up his thoughts. Then he seems well enough not to have to be committed to long term care. But as soon as he is discharged into any other setting-like a group home, or supervised housing, or a rooming house, he goes off his meds and acts out. He runs naked through the hallways. He yells a lot and accuses people of stealing from him. Once again, he gets admitted to the hospital, and the cycle continues. At the end of the hearing, the patient took off his mask and asked me, in a very accusing voice, if I read the Bible every day. When I told him I meditated daily as a form of prayer, he said it wasn’t good enough.

That was my day yesterday.

I love my job and I love my work. I try every day to be kind, to look at life with a sense of humor, and to see the big picture.

I know that this has been a very trying year. I am worried that some people are trying to fix things that aren’t broken, instead of fixing the things that really are broken and need repair. I would never come to you and say our probate court system is perfect, because perfection is an

illusory state of being anyway. But what I will say to you is that our probate court system is very, very good. It works because it is small and decentralized, as this year has proven. It works because it is full of people who are genuinely committed to their jobs, as this year has proven. It works because we are flexible and resilient, because we easily adapt to changing situations and provide services to our state- even in a pandemic.

Right now, we have a number of clerks who believe they are underpaid. My real concern for the system is that our current rate of pay will not continue to attract such highly-qualified staff. I urge you to appropriate the full ask of our probate court administrator so that she has the ability within our overall budget to keep our probate court system working for you.

If there is any year in which we have proven our worth to the State of Connecticut, surely it is this one.

Thank you very much, Judge Lisa K. Wexler