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Conservator of Person

Secs. 45a-651-1—45a-651-9. Reserved

Sec. 45a-651-10. Definitions

As used in sections 10 through 16, inclusive:

(a) The terms “conservator of the person,” “incapable of managing his or her affairs,” “incapable of caring for oneself,” “respondent,” and “ward” are defined in accordance with C.G.S. Section 45a-644.

(b) Available Appropriations means funds, if any, appropriated by the General Assembly to the Department of Human Resources to carry out the purposes of C.G.S. Section 45a-651.

(c) Commissioner means the Commissioner of the Department of Human Resources.

(d) Designee means any person selected by the Commissioner of Human Resources to act in his behalf as conservator of the person under C.G.S. Section 45a-651.

(e) Earned Income means any compensation payable by an employer to an employee for personal services and includes wages, salaries, tips, commissions, bonuses, and earnings from self-employment or contractual agreements based on the most recent 13 weeks, minus the usual and customary deductions.

(f) Other Income may include, but is not limited to pensions; annuities; dividends; interest; rental income; estate or trust income; royalties; social security minus any medicare deductions; supplemental security income; unemployment compensation; workmen’s compensation; alimony; child support; and cash assistance from federal, state; or municipally funded assistance programs not otherwise excluded as income by federal or state law.

(g) Liquid Assets means all traditional assets readily convertible into cash, excluding real property and a monthly maintenance allowance to be determined by the Commissioner, and including but not limited to, cash, bank accounts, stocks, certificates of deposit, credit union shares, present interests in estates, the cash value of life insurance, and the cash value of burial insurance over \$1,500. Liquid Assets also means Earned Income, and Other Income as defined in this section.

(h) Suitable Conservator means any person, municipal or state official, or private for profit or non-profit corporation, except a hospital or nursing home as defined in C.G.S. Section 19a-521, found appropriate by the probate court, upon taking into consideration the condition and needs of the respondent.

(Effective July 23, 1991)

Sec. 45a-651-11. Eligibility standards for the commissioner of human resources to serve as conservator of the person

(a) The Commissioner of Human Resources shall accept appointment, within available appropriations, as conservator of the person of any respondent, 60 years of age or older, found incapable under Chapter 802h of the C.G.S. of caring for himself or herself if the probate court finds that the health or welfare of the respondent is in jeopardy without such appointment; and that the conditions of Sections 2 (a) (1) and 2 (b), below, have been met. Such appointment shall be subject to the provisions of 2 (c) below and the Commissioner of Human Resources shall have the right to refuse any appointment in accordance with said section. The Commissioner shall not accept appointment as conservator of the person for any respondent who is receiving services from a governmental entity in another state.

(1) The Commissioner of Human Resources is the conservator of the person of last choice. The availability of family, friends, town and state officials, town social service providers, state social service providers, the Department of Administrative Services under C.G.S. Section 4a-15 and any other appropriate persons, to serve as conservator of the person shall be fully explored by the person petitioning the court for a conservator of the person before the Commissioner is authorized to serve as conservator of the person. The Commissioner shall not serve as conservator of the person if an individual has a family that is available, qualified and willing to serve.

(b) The Commissioner will serve as conservator of the person only for those elderly individuals whose liquid assets do not exceed \$1,500 at the time of such appointment.

In determining an applicant's initial eligibility liquid assets shall not have been disposed of or transferred without receiving reasonable consideration or fair value, or for the purpose of qualifying for conservator services, for a period of 2 years prior to the date of application.

(c) Service by the Commissioner of Human Resources is contingent upon the availability of funds.

(d) When the Commissioner believes that the Department has reached its maximum capacity with appropriated funds, he shall send a notice to Courts of Probate that the Department will no longer accept new appointments. Such notice shall be in effect until the Commissioner notifies the Courts of Probate that the Department will once again be able to accept new appointments.

(Effective July 23, 1991)

Sec. 45a-651-12. Application and determination of eligibility

(a) Any application for conservator which requests appointment of the Commissioner of Human Resources shall have attached thereto Form PRC-79, setting forth the efforts made to find a suitable conservator, conditions which place the health and welfare of the respondent in jeopardy and a representation that the liquid assets of the respondent do not exceed \$1,500.

(b) Upon receiving the petition, the Court(s) of Probate shall send a copy of said petition including the information in PRC-79 to the Commissioner of Human Resources or his designee, within a five day period, excluding Saturday, Sunday and Holidays. A notice of the hearing date shall be sent to the Commissioner as soon as reasonably possible. The Commissioner may request such additional information as may be necessary to determine eligibility for his appointment either through the Court of Probate or directly through the petitioner. At the hearing the Commissioner or his designee shall accept or decline the appointment in accordance with these regulations and may present any evidence or information in support of his or her decision.

(Effective July 23, 1991)

Sec. 45a-651-13. Duties

(a) When appointed under C.G.S. Section 45a-651, the Commissioner or his designee shall have all the powers and duties of a conservator as provided in the General Statutes.

(b) In his capacity as conservator of the person, the Commissioner or his designee has the authority to contract with service providers for assistance in carrying out the duties as conservator listed in C.G.S. Section 45a-656.

(c) The Commissioner or his designee, in their capacity as conservator of the person, shall maintain a visitation schedule as follows:

(1) Not less than monthly visits for persons living in the community.

(2) Not less than quarterly visits for persons in institutions.

(d) The Commissioner shall provide a written report to the Court of Probate on an annual basis.

(Effective July 23, 1991)

Sec. 45a-651-14. Replacement of commissioner with another suitable conservator of the person

During the term of appointment of the Commissioner of Human Resources as conservator of the person, if a suitable person, corporation or municipal or state official is found to replace said Commissioner as conservator of the person, such person, corporation, or official shall be appointed successor conservator of the person, subject to the approval of the court of probate.

(Effective July 23, 1991)

Sec. 45a-651-15. Payment of cost of services of conservator of the person

Subject to the approval of the probate court having jurisdiction, the estate of any person for whom the Commissioner has been appointed conservator of the person pursuant to C.G.S. Section 45a-651 shall be liable for payment for the cost of services as conservator of the person and, to the extent possible, payment to the Commissioner for such services shall be made from the assets of the estate.

(Effective July 23, 1991)

Sec. 45a-651-16. Payment for services received, other than services of conservator

In accordance with C.G.S. Section 45a-656, the preceding duties, responsibilities and powers shall be carried out within the limitations of the resources available to the conserved individual, either through his own estate or through public or private assistance.

(Effective July 23, 1991)