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# What You Need to Know About Conservatorships in Connecticut

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There have been a few notable instances recently in pop culture that have shined a spotlight on conservatorships. As one might expect, the laws regarding conservatorships vary from state to state. Another type of individual oversight, a guardianship, is similar in scope but different from a conservatorship.

Connecticut law recognizes both conservatorships and guardianships to deal with adults and minors with significant disabilities. It also allows for the commitment of individuals to mental health facilities and drug dependency treatment institutions.

**What are the reasons for conservatorships?**

Conservatorships in Connecticut are reserved for adults who are incapable of caring for themselves or managing their finances. Oftentimes these adults are abused, exploited or considered a danger to themselves. The jurisdiction for such matters is vested with the probate courts in Connecticut, whose decisions are appealable to the Superior Court.

Conservatorships, which can be voluntary or involuntary, help family members, friends and institutions intervene in order to assist an individual, known in this situation as a "respondent" or "conserved person."

**When are conservatorships needed?**

A common circumstance is an adult later in life suffering from dementia or Alzheimer's. The respondent may require care, oversight and management of their financial affairs and, to an extent, their personal affairs, such as prescription management, feeding and bathing.

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Less often, conservatorships may be ordered by the court over a young adult who has a mental illness or has suffered a traumatic and life-altering injury.

**What is the difference between guardianships and conservatorships?**

Guardianships are traditionally reserved for individuals with intellectual disabilities stemming from birth or a traumatic injury during childhood. They are an extension of parental rights after a minor with intellectual disabilities turns 18. But there are exceptions.

Courts will award guardianship when there is a finding of "significant limitation in intellectual functioning." Generally, the IQ of a protected person must be 69 or lower. The court will award a plenary, or limited guardianship, if it makes such a finding.

**How does the court determine whether to order a conservatorship?**

In weighing the evidence in a conservatorship proceeding, Connecticut courts will consider evidence such as:

- The abilities of the individual
- The individual's capacity to understand and articulate an informed preference regarding their care or management of their affairs
- Any relevant and material information obtained from the individual
- Evidence of the individual's past preferences and lifestyle choices
- The individual's cultural background
- The desirability of maintaining continuity in the individual's life and environment
- Whether the individual had previously made adequate alternative arrangements for their care or for the management of their affairs, such as the execution of a durable power of attorney
- Any relevant and material evidence from the individual's family and any other person regarding the individual's past practices and preferences
- Any supportive services, technologies or other means that are available to assist the individual in meeting their needs.

**What is the court's standard for a finding?**

Conservatorship law in Connecticut tells us that when evidence is presented to the court of a respondent's inability to manage their own affairs, that a finding — by a clear and convincing evidence standard — must be made that the respondent is indeed incapable of managing their own affairs, be they personal or financial in nature.

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In considering the matter, the court will often look to alternate means of aiding the respondent in order for the "least restrictive means possible" to be utilized. A clear and convincing evidentiary standard is a standard that is just shy of the criminal evidence standard of beyond a reasonable doubt, but is far greater than the preponderance of the evidence standard in civil liability cases.

**How is this standard different from others?**

If one were to put the standards of burdens of proof on a percentage spectrum, generally speaking, preponderance of the evidence is greater than 50 percent, beyond a reasonable doubt is 95-100 percent, and clear and convincing falls somewhere between 80-95 percent.

Connecticut's requirement for a clear and convincing evidence standard is a high legal burden to meet. Such a finding of incapacity by the court should be given great consideration, not only by the court but by the party bringing the petition.

This finding is only made in an involuntary conservatorship proceeding. And this burden is entirely necessary when the court considers taking away one's Constitutional rights and freedoms.

If a family member, loved one or a conserved person needs answers concerning the myriad laws, rules or procedures involving conservatorships, guardianships, involuntary commitments, or suspects abuse, help is a phone call away.

They should contact legal practitioners well-versed in these matters. Alternatively, they can contact the State of Connecticut Department of Aging and Disability Services or call the Elder Justice Hotline at 860-808-5555. In the event that the conserved person resides outside of Connecticut, many states have similar assistance and hotlines for help too.

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