



Westport-Weston Probate Court Newsletter

Westport-Weston Probate Court Newsletter- April, 2018

Join Me!

5/2: 10:45 AM
Women's
Networking
New Canaan Library

5/8: 11:00 AM
Westport Senior Ctr
Imperial Ave
Westport

5/17: 12:00 Noon
Weston Library
Weston, CT

6/19: 11:00 AM
Westport Senior Ctr
Imperial Ave
Westport

7/25: 12:00 Noon
Weston Senior Ctr
Norfield Church
Weston, CT

Hi and Hello,

I'm Lisa Wexler, the Probate Judge for the Westport-Weston District in Connecticut. Welcome to our Probate Court newsletter. Our news:

IF YOU SUSPECT THAT SOMEONE IS ABUSING A POSITION OF TRUST, WHAT CAN YOU DO?

When a person is appointed in a position of power over someone's person or property, that person is called a "fiduciary". Common examples of fiduciaries are executors, trustees, guardians, conservators and agents under a power of attorney. Unfortunately, sometimes people abuse their position of authority. When that happens, often the probate court is the forum to hear the matter.

If you suspect that someone has abused a power of attorney authority, then you can probably petition for an accounting in probate court. The category of people who can now petition has been greatly expanded under recent law. (See C.G.S. Sec 45a-175) The probate court will set a hearing date and demand that the agent appear. Upon hearing all the evidence, if a judge finds evidence of abuse, the judge can order significant remedies. If the principal is elderly and vulnerable to exploitation, you may consider filing a report with the Office of Protective Services for the Elderly, which will investigate the complaint.

CHANGE IN LAW MAKES IT EASIER FOR GUARDIANS

Under the old law, plenary guardians for persons with special needs could not manage money. To manage someone's money, they needed to be appointed a

Join Me!

**PROBATE COURT
FREE SEMINARS
TAUGHT BY MOI**

**Town Hall, Westport
110 Myrtle Avenue
Room 100 or 101
Time: 7:30 PM**

**4/24: Trusts v. Wills,
What's the
Difference?**

**5/15: New Power of
Attorney Law;
Estate Basics**

**5/22: Mental Illness
& Substance Abuse
Proceedings;
Intellectually
Disabled-
Guardianships**

**5/29: Your Duties as
a Fiduciary-
Executor, Admin or
Trustee; Rights as
Beneficiary**

**6/12: Conservators:
Person & Estate**

**Always check
w/court at
203-341-1100
for last minute
changes.**

conservator of the estate as well. This was a cumbersome method since in most cases such persons' only income is from SSI. Our new rule provides that for persons who own less than \$10,000 in assets, a plenary guardian may become a guardian of the estate for those funds as well, eliminating the requirement to apply for conservatorship of the estate for persons with special needs who have low income. If you are already in both positions, you have the option of leaving the status quo or terminating the conservatorship and amending your guardianship papers.

CALLING ALL DOCTORS

Our district is in real need of physicians, usually internists, general practitioners or psychiatrists, who are willing to evaluate patients at St. Vincent's Behavioral Health Center in Westport for the purpose of determining their mental status in commitment proceedings. The fee is private pay, paid by the hospital, and averages approximately \$750.00 per case. Please contact me or our clerk Jackie Troxell at 203-341-1113, if interested.

MEDIATION:

Having completed a 40 hour mediation training at the Quinnipiac School of Law, I'm officially a convert to alternative dispute resolution. I am available to mediate probate disputes within the Probate Court system [HERE](#). Mediation is not the practice of law. It is rather the skilled resolution of disputes using a neutral party. I have personally seen the benefits in terms of emotional stress, money and time. I strongly encourage you to consider mediation if you are involved in a dispute of any kind, whether it be a family matter or a commercial dispute.

Would You Like Me
to Speak to Your
Group? Need more
info?

Pls send email to
lisa@lisawexler.com

Sugar and I Take a Stroll

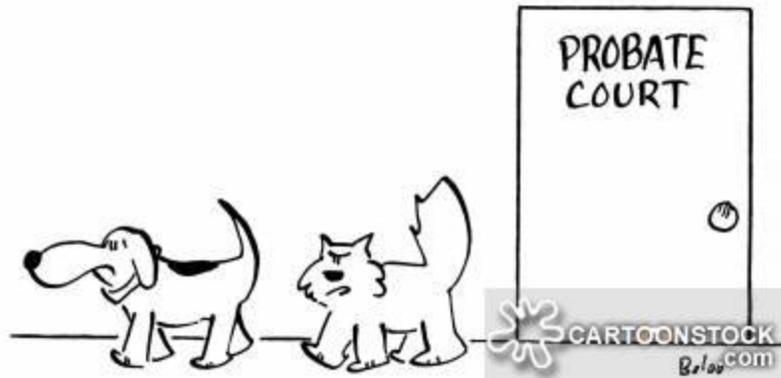


Sugar is now over 13. Occasionally she needs a ride.

Types of Matters On Our Docket:

Note: These fact patterns do not represent specific cases in the court; rather, they are representative samples of the types of matters presented to the Probate Court.

- 1. A conserved person believes she is well enough not to need a conservator any longer. She petitions the court to be "restored"; the court will hear the matter and take evidence regarding her ability to care for herself.**
- 2. A husband died. The wife believed they owned their house together jointly, so that when one died, the other one would inherit the whole house. Then the wife died. The wife's estate submits the deed to the house as proof that the wife owned the entire house. However, the deed does not say the word "joint" anywhere. Connecticut law interprets that deed as having given half the house to the husband and the other half to the wife. Estate issues ensue.**
- 3. A beneficiary believes a trustee of a living trust has been spending too much money on himself. He petitions the probate court to take jurisdiction over the living trust.**
- 4. A person has stopped eating and stares at the wall all day long. The family has arranged to have the person admitted to the hospital for psychiatric reasons. While at the hospital, the person refuses to take medications, believing he is perfectly fine. The hospital petitions the court to appoint a conservator with authority to compel medications over the person's objections. The probate court hears the matter in the hospital.**



Search ID: rman2572

"I can't believe she left everything
to that stupid *parakeet!*"

**Come say Hi, Rm 102, Westport Town Hall. Enjoy
spring- they say it's just around the corner.**

Judge Lisa Wexler

Westport-Weston Probate Court,
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