



# Westport-Weston Probate Court Newsletter

Westport-Weston Probate Court Newsletter- September, 2019

## Join Me!

**Sept. 12, 7:00 PM**  
**The Saugatuck**  
**35 Bridge Street**  
**Westport, CT 06880**

**Sept. 26, 1:00-2:00 PM**  
**Weston Library**  
**Norfield Road**  
**Weston, CT 06883**

**October 15, 1:00-2:00 PM**  
**Westport Senior Center**  
**Imperial Avenue**  
**Westport, CT 06880**

## Join Me!

**PROBATE COURT FREE  
SEMINARS**  
**TAUGHT BY MOI**

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

**9/24, 7:30 PM: Trusts v.  
Wills, What's the  
Difference?**

Hi and Hello,

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

## WELCOME TO OUR NEW PROBATE ADMINISTRATOR

We extend a warm welcome to Beverly Streit-Kefalas, our new probate court administrator. Judge Streit-Kefalas currently serves as the Milford-Orange Probate Judge as well as a Children's Court judge in New Haven. Being PCA is a challenging and demanding job. We know Judge Streit-Kefalas is more than able. Our entire court looks forward to learning from her and assisting her in maintaining and improving our probate court system.



## WESTPORT REHAB CLOSURE IN DOUBT

Westport Rehab is the only nursing home in our Westport/Weston District. Approximately 87 residents live there who require round-the-clock care. The owner, a for-profit entity, applied to the State for permission to close, and notified the Town of Westport zoning authorities that it wished to build a luxury hotel on the site.

10/15, 7:30 PM:

Estate Admin Basics &  
CT 706-NT

10/22, 7:30 PM:

Mental Illness &  
Substance Abuse  
Proceedings

10/29, 7:30 PM:

Your Duties as a  
Fiduciary- Executor,  
Admin or Trustee; Rights  
as Beneficiary

11/12, 7:30 PM:

Conservators:  
Person & Estate

11/19, 7:30 PM:

Guardianships:  
Persons and Estates

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

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

Pls send email to  
[lisawexlerlaw@gmail.com](mailto:lisawexlerlaw@gmail.com)

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At a public hearing on Friday, June 21, 2019, members of the public told the State ombudsman that there has been a noticeable decline in the maintenance of the building. Closing a nursing home requires state approval. The state ombudsman informed the court that it was informally notified that Westport Rehab would *not close* after all. However, she has not received a formal notice of withdrawal. At this time, the fate of Westport Rehab is uncertain.

The probate court is involved insofar as conservators of conserved residents need to apply to probate court for permission to transfer to another home.



Judge Wexler addressing parents at Staples HS in May

### **DID YOU KNOW?**

### **FUN FACTS RE: POWERS OF ATTORNEY**

- Powers of Attorney end when the principal dies. The only exception is for burial authority. An agent can enforce a principal's wishes for burial after the principal has died.

- A principal who signs a power of attorney still retains complete authority to manage his or her own affairs. Think of the power of attorney as shared authority- not a delegation of exclusive authority.
- Almost any person can petition the probate court to require an accounting by the agent if there is suspicion of wrongdoing. So if a person suspects that her friend is being taken advantage of by an unscrupulous person holding a POA, that person can ask the probate court to hold a hearing and compel the agent to account for his actions. ( See CGS 1-350)
- CT has 2 forms of POA, long and short. The long form contains special powers that have to be specifically initialed by the principal to be in effect. For example, the power to change a beneficiary of life insurance can be delegated to an agent, but only in the long form POA.



**Rep. Gail Lavielle, Cong. Jim Himes, Judge Wexler & Shaina at the Westport Memorial Day Parade**

**CURRENT ESTATE and GIFT TAX THRESHOLDS:**

**2019 deaths: CT Exemption: \$3,600,000  
Fed Exemption: \$11,400,000**

**2019 gifts: Fed Exemption: \$15,000**

## **PROBATE COURT MEDIATION:**

Probate Court mediation may be the best-kept secret and greatest value for the dollar. For only \$350.00 for the entire day, contesting litigants can utilize the services of an existing or retired probate judge to mediate their dispute. As a participating mediator myself, I can attest to this type of conflict resolution. Check out the details [HERE](#).

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### **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 woman died suddenly, leaving no will but a substantial estate. She had a husband and 2 minor children. The husband will inherit the first \$100,000 plus half of the estate. The two children will divide the other half of the estate equally. The husband petitions the court to be the guardian of the estate of the minor's money, and further, to create a trust so that the children do not inherit the entire estate when they turn 18. The probate court will look to C.G.S. Section 45a-151b to decide if a trust is applicable in this matter.**
- 2. A man died a long time ago, leaving no estate and no immediate family. Years later, his nephew is informed that the State of Connecticut has unclaimed property in his name. The nephew petitions the court to open an estate and name him as administrator to pursue the funds. Once the nephew is named fiduciary, the nephew will have to show the court who should be entitled to divide the proceeds in accordance with our "next of kin" statutes.**
- 3. A six year old boy is living with his grandmother. The mother is dead. The father is incarcerated. The father, newly out of prison, wishes to resume custody over his son. The grandmother petitions the probate court for guardianship on the ground that the father is unfit. The probate court will decide the matter, with the help of DCF and a Guardian Ad Litem.**

4. A man is rushed to the emergency room with symptoms of paranoia and delusions. He believes he is being followed. He is seen talking and laughing out loud, as if to another person in the room. As soon as he is admitted to hospital, he petitions the court for a "probable cause" hearing to be allowed to go home. Within 72 hours, the probate court will hear the case at the hospital and decide if there is probable cause to believe that the man is either dangerous to himself or others, or gravely disabled. The treating doctor will testify at the hearing.



"According to this, the cheshire cat gets everything."

September! My favorite month of the year. Wishing you a "Shanah Tovah vMetukah"- a sweet and joyous New Year.

Judge Lisa Wexler