

Conservator of Estate / Conservator of Person

Categories : [Legal and Protective Services](#), [Older Adult Programs](#)

Information for the following was obtained from *User Guide for Conservators*, a guide published by the Probate Court Administrator: <http://www.ctprobate.gov/Documents/User%20Guide%20for%20Conservators.pdf>.

WHAT IS A CONSERVATOR?

- A conservator is a person appointed by the probate court to oversee the financial or personal affairs of an adult who is determined to be incapable of managing his or her own affairs or unable to care for himself or herself. The appointment may be made on a temporary basis (usually 30 days) or for a longer period. A capable person may also request the appointment of a conservator on a voluntary basis for the same purposes.
- There are two basic types of conservatorships to accommodate the different needs of individuals. A **conservator of the person** is appointed to supervise the personal affairs of an individual who is found by the court to be unable, even with appropriate assistance, to meet essential requirements for personal needs. These needs may include, but are not limited to, the need for food, clothing, shelter, health care, and safety.
- A **conservator of the estate** is appointed to supervise the financial affairs of an individual who is found by the court to be incapable of doing so himself to the extent that property will be wasted unless adequate property management is provided. This may include, but is not limited to, actions to obtain and manage assets, income and public assistance benefits.
- A person may be in need of one or both types of conservators. Two separate individuals may perform these two roles, or one person may serve in both capacities. A conservator of the estate or person may be an individual, a legally authorized municipal or state official, or a private or nonprofit corporation. However, hospitals and nursing homes cannot be appointed conservators of either the person or the estate, and banks cannot be appointed conservators of the person.
- An adult with an intellectual disability may be in need of a conservator of the estate to manage his or her financial affairs, while a **guardian of the person with intellectual disability** is appropriate to oversee his or her personal affairs.

WHAT ARE THE LIMITATIONS ON A CONSERVATOR'S AUTHORITY?

The court assigns only the duties and authority that are the least restrictive means of intervention necessary to meet the needs of the conserved person. The "least restrictive means of intervention" means intervention that is sufficient to provide within the resources available to the conserved person, either from his or her own estate or from private or public assistance, while affording the conserved person the greatest amount of independence and self-determination. **The conserved person shall retain all rights and authority not expressly assigned to the conservator.**

HOW ARE CONSERVATORSHIP PROCEEDINGS STARTED?

In Connecticut, the probate courts have sole jurisdiction over the appointment of conservators. A person filing an application for conservatorship must apply to the probate court in the probate district where the respondent (the person alleged to be incapable) resides at the time the application is filed. Applications for conservatorship are available at the probate court website, www.ctprobate.gov/ (then click on "Forms").

WHO MAY BECOME A CONSERVATOR?



- It is the petitioner's responsibility to suggest an appropriate conservator. The conservator will often be a relative or friend of the respondent who is willing and able to carry out the duties of a conservator. In considering whom to appoint, the court must consider: 1) the extent to which a proposed conservator has knowledge of the conserved person's preferences, 2) the ability of the proposed conservator to carry out the duties, responsibilities, and powers of a conservator, 3) the costs of the proposed conservatorship to the estate of the conserved person, 4) the proposed conservator's commitment to promoting the conserved person's welfare and independence, and 5) any existing or potential conflicts of interest of the proposed conservator.
- The Commissioner of the Department of Social Services may be appointed conservator for an elderly person (age 60+) under the following conditions:

If no suitable conservator can be found.

The conserved person must be 60 years of age or older and his/her liquid assets, excluding burial insurance in an amount up to \$1,500, cannot exceed \$1,500, at the time of Commissioner's appointment.

MORE INFORMATION

- For more information on the conservator of the person or conservator of the estate, see *User Guide for Conservators*, which is published by the Probate Court Administrator. Please note that this booklet should be considered only as a guide in connection with the conservatorship process and not as a substitute for competent professional advice.

TO FIND PROVIDERS IN CONNECTICUT'S COMMUNITY RESOURCES DATABASE:

- Search by service name: [Probate Courts](#)
- Search by program name: [Conservator of the Person Program](#)

SOURCES: Office of the Probate Court Administrator: *User Guide for Conservators*

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