PA12-022

HB5150

House	1489-1494	6
Judiciary	913, 915-916, 940-942, 983-995, 999-1027	48
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CONNECTICUT
GENERAL ASSEMBLY
HOUSE

PROCEEDINGS
2012

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Please show that Representative Roy voted in the affirmative.

Is there anyone else? Thank you.

The Clerk will announce the tally.

THE CLERK:

House Bill 5073.

Total number voting	147
Necessary for adoption	74
Those voting Yea	147
Those voting Nay	0
Those absent and not voting	4

DEPUTY SPEAKER KIRKLEY-BEY:

The bill passes.

Will the Clerk please call Calendar Number 220.

THE CLERK:

On page 16, Calendar 220, House Bill Number 5150, AN ACT CONCERNING THE CONNECTICUT UNIFORM ADULT PROTECTIVE PROCEEDINGS JURISDICTION ACT, favorable report by the Committee on the Judiciary.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Wright, you have the floor, ma'am.

REP. E. WRIGHT (41st):

Thank you, Madam Speaker.

I move for acceptance of the Joint Committee's

favorable report and passage of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

The motion before us is acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark further?

REP. E. WRIGHT (41st):

Thank you, Madam Speaker.

This bill deals with various jurisdictional issues related to adult conservatorships in an aging and in an increasingly mobile society, when adults involved in conservatorships who are incapable of caring for themselves and their financial affairs may have connections to multiple states.

This bill is a uniform law. It would establish a framework to determine the appropriate judicial forum for conservatorship and protective proceedings between states and a method of obtaining an order to transfer jurisdiction over such proceedings to another state, ensuring that conservatorship orders entered in Connecticut can be enforced in another state.

It would facilitate communication and cooperation between Connecticut probate courts and those of other adopting states and provide recognition and enforcement of conservatorship and protective

proceeding orders when a person conserved out of state moves to Connecticut, or a person conserved in Connecticut moves from Connecticut to another state without unnecessary duplicative proceedings, cost, and delay.

In short, it gives the probate court a tool kit to resolve many of these conservatorship issues, such as original jurisdiction, transfer registration, and out-of-state enforcement while retaining our existing strong conservatorship law.

In so doing it would reduce conflicts among states and promote efficient use of judicial resources. It would help save time for those who are serving as conservators, allowing them to make important decisions for their loved ones as quickly as possible. Enactment would have no adverse fiscal impact on the State.

Madam Speaker, this is a consensus bill which passed unanimously in the Judiciary Committee. It passed unanimously on consent in the Senate last year, but was not taken up in the House because time ran out in the session.

It's a uniform law adopted to Connecticut with interested stakeholders at the table to develop the

language of this bill. So the uniform law works well with our own conservator framework, protects due process rights of individuals involved and would not diminish the strong rights that we have in Connecticut under current law.

It has widespread support from the elder law and estates and probate sections of the Connecticut Bar Association, the Office of the Probate Court Administrator, legal services, AARP and the Alzheimer's association. I urge passage.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Will you remark? Will you remark further on the bill that is before us? Will you remark further on the bill that is before us? If not --

Oh, Representative Hetherington.

REP. HETHERINGTON (125th):

Thank you, Madam Speaker.

I rise in support of this bill. I think it is a -- in order to resolve the conflicts and contradictions that sometimes occur when multiple jurisdictions assert their authority over a particular individual who is subject to a conservatorship.

So I think this is highly in order to resolve

these differences and permit the protective measures that were taken for a person to exist regardless of transit over state lines.

Thank you, Madam Speaker.

DEPUTY SPEAKER KIRKLEY-BEY:

Thank you, sir.

Will you remark further on the bill that is before us? Will you remark further on the bill? If not, staff and guests please come to the well. Members take your seat. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is taking a roll call vote. Members to the Chamber, please.

DEPUTY SPEAKER KIRKLEY-BEY:

Have all members voted? Have all members voted? Please check the board to see that your vote has been properly cast. The machine will be locked, and the Clerk will prepare the tally. The Clerk will announce the tally, please.

THE CLERK:

House Bill 5150.

Total number voting 146

Necessary for adoption 74

Those voting Yea 146

Those voting Nay 0

Those absent and not voting 5

DEPUTY SPEAKER KIRKLEY-BEY:

The bill passes.

Will the Clerk please call Calendar Number 305.

THE CLERK:

On page 28, Calendar 305, House Bill Number 5440, AN ACT CONCERNING VISITATION RIGHTS FOR GRANDPARENTS AND OTHER PERSONS, favorable report by the Committee on the Judiciary.

DEPUTY SPEAKER KIRKLEY-BEY:

Representative Serra, you have the floor, sir.

REP. SERRA (33rd):

Thank you, Madam Speaker.

Madam Speaker, I move for the acceptance of the Joint Committee's favorable report and passage of the bill.

DEPUTY SPEAKER KIRKLEY-BEY:

The motion before us is acceptance of the Joint Committee's favorable report and passage of the bill.

Will you remark further, sir?

REP. SERRA (33rd):

Thank you, Madam Speaker.

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STANDING
COMMITTEE
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2012

REP. FOX: Next we have The Honorable Paul Knierim, Probate Court Administrator.

Good afternoon.

THE HON. PAUL KNIERIM: Good afternoon, Representative Fox, Senator Coleman, members of the committee. I'm Paul Knierim. I serve as probate court administrator.

There are two bills principally that my office, together with the Probate Assembly, the Statewide Association of Judges submitted for your consideration, and I very much appreciate that they raised those items. They are Bills Number 309 and 348. I will say that in both cases these are largely technical, operational, administrative proposals, and they're rather in the nature of a laundry list this year of -- of things combined in these proposals, and I won't go through that laundry list because I don't think it's interesting enough to take your time to do that. I'll just point out a couple of items that may be of particular interest.

(SB248)

In the Probate Court Operations Bill, that's, that's Raised Bill 309, Sections 1 though 4, the main thing that I wanted to point out is intended to be clarifying language with respect to the calculation of pension benefits for Probate judges who serve as special assignment Probate judges or as administrative judges in children's courts in addition to their duties in their local courts. The proposal would -- is intended to have retroactive effect because of its clarifying nature. It represents what the practice has been since the General Assembly first authorized those positions, and again, it's just intended to be clarified, not to make a

charges, costs, expenses and instead streamline that to use just the term "fee," which I think is the more common usage anyway. It would also eliminate a couple of fees that have been on the books, but we feel would be appropriate to repeal them because they are inherently uncertain and therefore difficult to uniformly apply. And in the interest of fairness in Probate Court users, we think it would be better to be without those sections, and there is one additional new fee proposed. It is a $25 fee for making available a digital copy of an audio recording of a hearing. This -- it's a very user-friendly proposal. I think the best way to understand it at present, we're able to make a transcript of a proceeding available to a party, a very expensive proposition. It can be hundreds of dollars to obtain a transcript. This instead would be a less expensive alternative to someone, for someone who wanted to hear what occurred in the proceedings perhaps over again or even for the first time.

Last, I'll just note there are two other bills on your agenda today that we are in support of, and they are 5287 concerning guardians ad litem and 5150 concerning the Uniform Adult Protective Proceeding Jurisdiction Act and that was to conservatorships with multistate involvement.

So I very much appreciate the opportunity to testify this afternoon.

REP. FOX: Thank you, Judge Knierim.

Are there any questions?

Representative O'Neill?

REP. O'NEILL: I'm not quite sure I haven't found

your testimony on the 5150, the uniform act, but are you -- is the court system in favor of that, your office and Probate Assembly supports the legislation?

THE HON. PAUL KNIERIM. Yes, we are. It will be a very useful rule to have specific guidelines for addressing situations where a person may be a respondent in a Connecticut court concerning conservatorship but may have involvement in the court of another state also. And so we think it would be very useful to have those rules. My understanding is that the count is something like 30 other states have adopted this provision.

REP. O'NEILL: Thank you, Mr. Chairman.

REP. FOX: Chairman Coleman.

SENATOR COLEMAN: Simple question: I -- I -- you mentioned two entities at the beginning of your testimony. One was the Probate Assembly and I don't recall what the other was that was in support of the bills that you spoke about.

THE HON. PAUL KNIERIM: I was referring to my office, the Probate Court Administrator. We -- although we are separate entities, we work jointly when it comes to legislative matters and have developed these proposals together.

SENATOR COLEMAN: Thank you.

REP. FOX: Thank you.

Are there any other questions? I see none.

Thank you very much, Judge Knierim.

THE HON. PAUL KNIERIM: Thank you.

record there, it will show up. If on the other hand it's reduced to an offense that has only a fine, that's no longer a crime, and it won't show up on your rap sheet and it won't show up on an official -- generally speaking, it won't show up on an individual's list as somebody having committed a crime.

REP. O'NEILL: Thank you very much.

REP. FOX: Thank you. Are there any other questions? Thank you very much. Next we have Laurie Julian.

HB 5150

LAURIE JULIAN: Good afternoon, Representative Fox, Representative Coleman, members of the Judiciary Committee. My name is Laurie Julian with the Alzheimer's Association Connecticut Chapter, and the Alzheimer's Association is a donor-supported non-profit organization serving the needs of families, healthcare professionals and those individuals who are affected with Alzheimer's and related dementias.

I believe you have the written testimony prepared by Christine Andrew and Richard Fisher who are public policy committee members, former board chairs. So I'm just going to basically give a few points from the standpoint of patients with Alzheimer's and (inaudible).

This legislation is established in (inaudible) have a set of uniformed set of rules for determining jurisdiction by simplifying the process for determining jurisdiction between multiple states. It establishes a framework that allows state court judges in different states to communicate with each other, and this has really been a compilation over the years of the American Bar Association,

Commission on Law and Aging, the Conference of Child Justices and Conference of State Court Administrations, the National Academy of Elder Law Attorneys, National Conference of Commissioners on Uniform State Laws, as well as the National Guardianship Association.

These cases arise particularly with patients with Alzheimer's in commonly known as snowbird cases or the transferring of long-distance care-giving responsibilities and interstate health markets, as well as the wandering of patients, and as many of you have heard over the years, we've had some high-profile cases in the media concerning elderly kidnapping.

So, currently there are 29 states that have adopted the New Uniformed Guardianship Act. I think attached to the testimony you'll see the states that have adopted it; 29 plus the District of Columbia and eight states, including Connecticut, which are introducing it this year. Particularly for Alzheimer's patients and their families we believe that this legislation will allow for cases to be settled more quickly and more consistently and also reduce economic and emotional cost which, which many of the families already bear.

That's basically (inaudible).

REP. FOX: All right. Thank you, Laurie. Are there any questions? I see none (inaudible). Next is Jocelyn Gates or Joelyn, sorry, Joelyn Gates. I'm sorry.

HB 5150
HB 5287

JOELYN GATES: Good afternoon, Representative Fox, Senator Coleman and members of the Judiciary Committee. My name is Joelyn Gates. I am an attorney with Connecticut Legal Services in Willimantic where I represent mostly elderly clients 60 years of age and older.

I'm here today to testimony on behalf of Legal Services to support HOUSE BILL 5150 - AN ACT CONCERNING THE CONNECTICUT UNIFORM ADULT PROTECTIVE PROCEEDINGS and HOUSE BILL 5287 - AN ACT CONCERNING THE APPOINTMENT OF A GUARDIAN AD LITEM FOR A PERSON WHO IS SUBJECT TO A CONSERVATORSHIP PROCEEDING OR A PROCEEDING CONCERNING ADMINISTRATION OF TREATMENT FOR A PSYCHIATRIC DISABILITY.

House Bill 5150 reflects the efforts of several interested parties. You heard just a moment ago from the Alzheimer's Association but also involved were the Connecticut Bar Association, Probate Court Administration, Connecticut Legal Rights Project and Legal Services, and it was our effort to adopt Uniform Adult Guardianship and Protected Jurisdiction Act to conform it to Connecticut law. This bill was passed by the Senate last year, but unfortunately, it did not make it to the House floor for a vote before the session ended, and we hope that you will support the bill again this year.

This act maintains the protections and due process rights currently in Connecticut law for people who may be conserved. However, it improves current Connecticut law in cases where a conserved person may wish to move from one state to another by authorizing Connecticut to recognize the court orders from another states. It also provides a mechanism and criteria for Connecticut courts to determine the appropriate jurisdiction when a person has connections to different states. Overall, House Bill 5150 is an improvement over the current Connecticut law and should be adopted.

Legal Services also supports House Bill 5287

JOINT
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HEARINGS

JUDICIARY
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951 - 1300

2012

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LINE 7

STATE OF CONNECTICUT

PAUL J KNIERIM, JUDGE
Probate Court Administrator
THOMAS E GAFFEY
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HELEN B BENNET
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To: Senate Co-Chair Eric Coleman
House Co-Chair Gerald Fox
Senate Ranking Member John Kissel
House Ranking Member John Hetherington
~~Honorable Members of the Judiciary Committee~~

From: Paul J. Knierim
Probate Court Administrator

Re: RB 5150 An Act Concerning the CT Uniform Adult Protective ~~Proceedings Jurisdiction Act~~

Date: March 5, 2012

The Office of the Probate Court Administrator supports adoption of this bill.

This uniform law seeks to address problems that arise regularly in courts across the nation when individuals involved in conservatorship proceedings have connections with more than one state. To address these concerns, the UAPPJA seeks to establish uniform and nationwide procedures to address the issues associated with interstate conservatorship matters.

The bill would establish a mechanism to determine which state is the most appropriate to act, thereby avoiding conflicting proceedings in multiple states. Procedures would be established to effectuate transfers between states in a specified and efficient manner. Emergency appointments would be authorized to safeguard the individual while the jurisdictional issues are sorted out. The bill would authorize states to recognize the conservatorship orders of another state and provide a mechanism to register out of state orders to ensure that the authority of a conservator appointed by another state is clear.

As we have seen in recent years, the number of instances involving interstate conservatorship issues is on the increase. The enactment of this bill is timely and necessary for the protection of the interests of the disabled persons who are the subject of these orders, and to do so in the speediest, simplest, and most efficient way.

We have worked with the proponents of this bill to craft language that will meet the goals of the uniform law, comport with existing procedures and preserve due process rights under Connecticut law. We urge the committee's approval.

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TESTIMONY OF SUZANNE BROWN WALSH
IN **SUPPORT OF HOUSE BILL 5150**
AAC THE CONNECTICUT UNIFORM
PROTECTIVE PROCEEDINGS JURISDICTION ACT

Senator Coleman, Representative Fox, Senator Doyle, Representative Holder, Senator Kissel, Representative Hetherington, and Members of the Judiciary Committee:

My name is Suzanne Brown Walsh, and I am testifying today on behalf of the **Estates and Probate Section of the Connecticut Bar Association** and as one of Connecticut's Uniform Law Commissioners, in **SUPPORT** of **HB 5150, AAC The Connecticut Uniform Protective Proceedings Jurisdiction Act** (also referred to as UAGPPJA). I am a past chair of both the CBA's Estates and Probate and Elder Law Sections.

Before I discuss the act, which deals with what we call Conservatorships, let me note that the majority of American states refer to what we would call the "Conservator" of an adult's person as the "Guardian" of the person. Although we have revised the Connecticut version of the Act to refer only to Conservators, most other states use the term Guardian, so I use the terms interchangeably.

The UAGPPJA fills three major gaps in the existing conservator/guardianship laws of every state: there are no or few state laws for facilitating **transfers** from state to state; there are few or no state laws for simply **registering an order from one state in another**, as where the incapacitated person is temporarily being treated in a residential facility in another state (and full faith and credit does not apply to such orders); and there are no procedures for **resolving disputes over which state is the proper forum for an underlying guardianship hearing**, either where the respondent has no real home state, or the initial proceeding is begun outside the home state, or for any reason you have parties in two states arguing the case should be heard in both states at the same or nearly the same time.

I was honored to have the opportunity to serve as a member of the Uniform Law Commission's drafting committee for this Act during its two year drafting process. (The committee's work and all information concerning the act can be accessed at: http://www.nccusl.org/Act.aspx?title=Adult%20Guardianship%20and%20Protective%20

Proceedings%20Jurisdiction%20Act). The drafting committee included Observers from the National Academy of Elder Law Attorneys ("NAELA"), AARP, and the National Guardianship Association, who are the leading thinkers and experts nationally on interstate guardianship matters. In addition, most of the litigators involved in the *Glasser* case, a famous interstate kidnapping and jurisdiction case, served on the committee as observers, and we often tested the provisions we were drafting using the facts of that real case, among others. One of the drafting committee members was a sitting trial judge, and she provided much input into the sections on court communication.

The UAGPPJA was approved by the Uniform Law Commission in the summer of 2007, with the corresponding commentary finished in late fall 2007. **To date, 30 jurisdictions** (Alabama, Alaska, Arizona, Arkansas, Colorado, Delaware, District of Columbia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maryland, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington and West Virginia) **have enacted UAGPPJA, and 8 states, including Connecticut and Maine, have introduced it this year.**

In addition to our CT bar section support, the UAGPPJA has been endorsed nationally by the Alzheimer's Association, the National Guardianship Association, the Center for Guardianship Certification, the National College of Probate Judges and NAELA. This is because elder law attorneys, guardians, conservators, and judges are frequently faced with sorting out complex jurisdictional issues caused by our society's increasing mobility.

A primary cause of much of the confusion regarding what court has, or should have, jurisdiction is the absence or disarray of statutory guidance on jurisdictional issues. Only a few states have statutory provisions to sort out either the initial, recognition, or transfer jurisdictional questions, and none have all three. Connecticut's initial jurisdiction provision, for example, grants jurisdiction by mere presence in all cases, not just temporarily as the UAGPPJA would provide. It then attempts to ameliorate the damage this causes by providing a set of provisions for providing a means of return to the home state, which might work for a capable respondent with sufficient assets, but provide little to no practical benefit for an incapable or poor respondent. The bill would change this by limiting jurisdiction by mere location to 90 days, which is long enough to deal with an emergency, but no longer.

I believe that UAGPPJA clarifies the law by delineating rules for where the typical "granny snatching" cases should be heard and maintained. Under current law the jurisdictional rules are blurry and lead to arguments for domicile and jurisdiction that are misguided and are often abused to suit litigants' needs, instead of the best interests of the incapacitated person. **The clearer the rule, the less likely it will be manipulated and abused. UAGPPJA provides that much needed clarity.**

In addition, by facilitating court communications, the bill will reduce the length and therefore the cost of such litigation, both to the parties, and to the state. The bill's

transfer provisions seek to reduce costs associated with the need to move a supervised guardianship from one state to another (for example, where better and more affordable care is available in the state where another child might live). Finally, its **registration provisions** will reduce the costs associated with dealing with out of state property or dealing with a health care provider who refuses to recognize the authority of an out of state order.

Widespread passage of the act should result in significant judicial economy, reduction in wasteful litigation, and conservation of the incapacitated person's estate. Additionally, it has no budgetary impact and does not change the substantive Conservatorship law.

I thank you for allowing me to testify today and I would be pleased to answer any questions from the committee.

Feel free to contact me at 860-313-4928 or by e-mail at swalsh@cl-law.com.

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the compassion to care, the leadership to conquer

Statement in Support of H.B. Bill No. 5150, An Act Concerning the Connecticut Uniform Adult Protective Proceedings Jurisdiction Act.

By: Christine I. Andrew, Esq.
Richard S. Fisher, Esq.
[On behalf of Members of the Board of Directors and the Public Policy Committee of the Alzheimer's Association, Connecticut Chapter]

The Alzheimer's Association is a donor supported, non-profit organization serving the needs of families, health care professionals, and those individuals who are affected with Alzheimer's disease and related dementias. The Association provides information and resources, support groups, education and training, and a 24 hour, 7 Day a week Helpline.

Both of us are elder law attorneys and we deal on a regular basis with individuals with dementia for whom a conservatorship in Connecticut may be sought. We have both been involved in cases in which a parent having dementia became the object of a battle either between or among children seeking to have the parent stay in Connecticut, move to Connecticut, or be allowed to leave Connecticut.

As we noted when we testified in support of similar bills that were introduced in 2009, 2010 and 2011 although Connecticut has had only a few reported cases involving multi-state jurisdictional questions, problems can and do arise. For example, there was the case of Maydelle Trambarulo, which we discussed in our prior testimony. Mrs. Trambarulo had resided in New Jersey for close to 50 years and then moved to Delaware where she had lived for one year. She came to Connecticut in 2004 for treatment of Parkinson's Disease. While she was in Connecticut, her husband's niece filed for conservatorship. The Connecticut Probate Judge declined to allow her to return to New Jersey and appointed a permanent conservator in Connecticut. In 2007, Judge Robinson of the Connecticut Superior Court decided that the Connecticut Probate Court did not have jurisdiction over Mrs. Trambarulo and allowed her to leave Connecticut with the transfer of guardianship to an appropriate individual or entity in New Jersey. By this time, she was in a hospice program. Trambarulo v. Whitaker, (2007) WL3038792 [Docket Number: CV064020211S].

Under the proposed law, New Jersey would have been a "Significant-connection state" and the Connecticut court could have declined jurisdiction because New Jersey would have been a more appropriate forum and because of the unjustifiable conduct of the niece. Thus, Mrs. Trambarulo would not have been trapped in Connecticut for approximately 3 years.

This case was cited, among others, by the American Bar Association Commission on Law and Aging as a reason for all states to pass the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act (Report dated January 2009).

Our National Office has joined with other national organizations including the American Bar Association's Commission on Law and Aging, the Conference of Chief Justices and the Conference of State Court Administrators in supporting the adoption of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act by all states. We attach a copy of the Adult Guardianship Jurisdiction Fact sheet issued by the National Office of the Alzheimer's Association in October 2010 and updated map (March 1, 2012).

The probate courts in Connecticut have been faced with issues of jurisdiction many of which have been resolved by judges using common sense. However, this is not sufficient when there are families battling and willing to take cases through the appeals process. It is critical in such cases to have a procedure to determine which court, in a multi-state situation, has the right to make decisions. We also recognize that there are times when a move to another jurisdiction is not only appropriate but is in the best interests of the conserved person. As pointed out in the attached Factsheet, the proposed uniform legislation does NOT make any substantive changes to adult conservator/guardian law, such as whether a conservatorship is appropriate or who should be appointed. What the Act does do is put into place procedures that will allow cases involving jurisdictional issues to be settled more quickly and more consistently and hopefully at reduced economic and emotional cost to affected individuals and their families.

House Bill No. 5150 is the result of discussion among parties who had varying views of certain provisions in legislation introduced originally in 2009. Negotiations resulted in the present consensus bill. The Connecticut Chapter of the Alzheimer's Association testified in favor of passage of the 2009, 2010 and 2011 bills and strongly supports House Bill No. 5150 and urges its passage.

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Adult Guardianship Jurisdiction

Due to the impact of dementia on a person's ability to make decisions and in the absence of other advanced directives, people with Alzheimer's disease may need the assistance of a guardian.

- Adult guardianship is the process through which a court appoints and oversees an individual to serve as the legal decision maker – a guardian – for another adult, who due to incapacity or other disability, is unable to make decisions for him/herself.
- Once appointed, the guardian may make decisions for the incapacitated person that relate to that person's health, well-being, and economic interest.
- The only available data is from 1987, which estimated that 400,000 adults in the United States have a court-appointed guardian Demographic trends suggest that today – more than 20 years later – this number is probably much higher

Organizations Supporting UAGPPJA

Alzheimer's Association
American Bar Association Commission on Law and Aging
Conference of Chief Justices
Conference of State Court Administrators
National Academy of Elder Law Attorneys
National Conference of Commissioners on Uniform State Laws
National Guardianship Association

The process of appointing a guardian is handled in state court.

- As a result, the United States has 55 different adult guardianship systems
- When multiple states, each with its own adult guardianship system, have an interest in a single guardianship case, it may be unclear which state court has jurisdiction to hear and decide the legal issues
- Adult guardianship jurisdiction issues commonly arise in situations involving snowbirds, transferred/long-distance caregiving arrangements, interstate health markets, wandering, and even the rare incident of elderly kidnapping

In response, the Uniform Law Commission developed the *Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act* (UAGPPJA).

- The legislation establishes a uniform set of rules for determining jurisdiction, thus simplifying the process for determining jurisdiction between multiple states It also establishes a framework that allows state court judges in different states to communicate with each other.
- UAGPPJA does not make any substantive changes to adult guardianship law, such as whether guardianship is appropriate or who should be awarded guardianship

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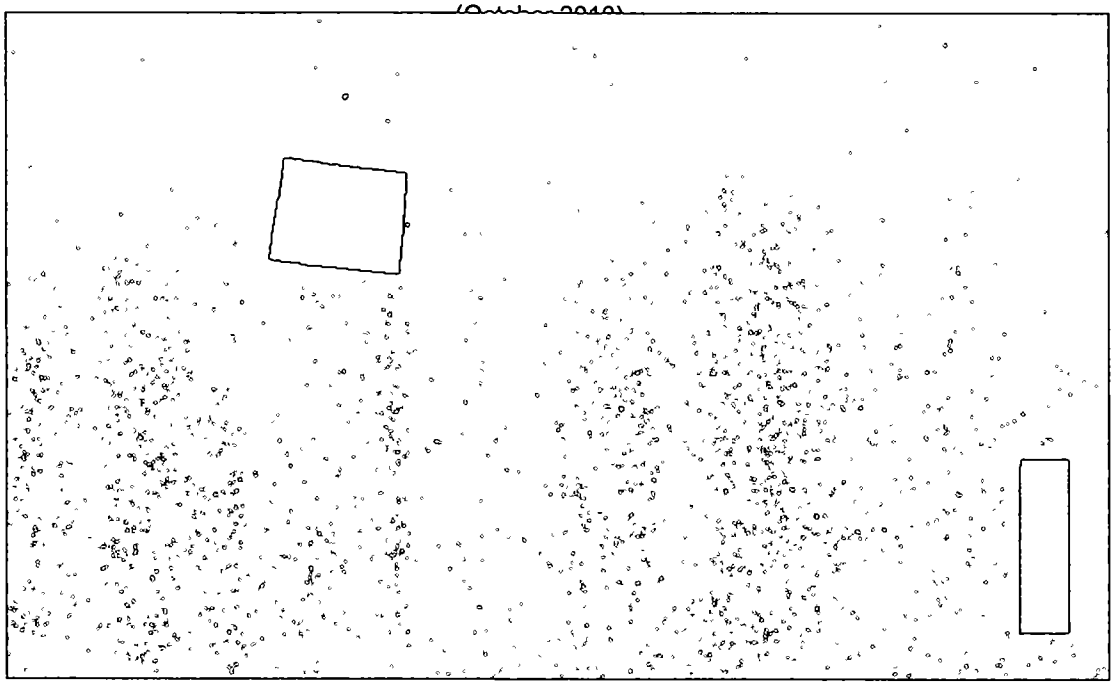
UAGPPJA would simplify the process for resolving a jurisdictional adult guardianship issue – allowing cases to be settled more quickly, and providing more predictable outcomes.

- To effectively apply UAGPPJA in a case, all states involved must have adopted UAGPPJA. And, ultimately, it will only work if a large number of states adopt it.
- In order for a state court system to follow UAGPPJA, the state legislature must first pass UAGPPJA into law.
- As of October 2010, 19 states and the District of Columbia have passed UAGPPJA.

Ultimately, it is important to increase awareness of the need for advanced planning and end-of-life issues. UAGPPJA will move that process forward.

- The disorganized array of state adult guardianship laws and the lack of communication between states is a barrier to addressing end-of-life issues
- Simplifying one aspect of the adult guardianship system by enacting UAGPPJA may encourage more states to dedicate increased resources to meaningful end-of-life systems change.

***Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act* States**



Enacted UAGPPJA Planned Legislation

CASE STUDIES IN ADULT GUARDIANSHIP JURISDICTION

To explain why the jurisdictional issues related to adult guardianship are critical for individuals with Alzheimer's and other dementias, consider the following common scenarios:

Scenario #1: Transferred Caregiving Arrangements

Jane cares for her mother who has dementia in their home in Texas. A Texas court has appointed Jane as her mother's legal guardian. Unfortunately, Jane's husband loses his job, and Jane and her family move to Missouri Neither Texas nor Missouri have enacted UAGPPJA Upon arriving in Missouri, Jane attempts to transfer her Texas guardianship decision to Missouri, but she is told by the court she must refile for guardianship under Missouri law because Missouri does not recognize adult guardianship rights made in other states This duplication of effort burdens families both financially and emotionally

Scenario #2: Snowbirds

Alice and Bob are an elderly couple who are residents of New York, but they spend their winters at a rental apartment in Florida. Alice has Alzheimer's disease, and Bob is her primary caregiver In January, Bob unexpectedly passes away. When Steve, the couple's son, arrives in Florida, he realizes that his mother is incapable of making her own decisions and needs to return with him to his home in Nebraska Florida, New York, and Nebraska have not adopted UAGPPJA Steve decides to institute a guardianship proceeding in Florida. The Florida court claims it does not have jurisdiction because neither Alice nor Steve have their official residence in Florida. Steve next tries to file for guardianship in Nebraska, but the Nebraska court tells Steve that it does not have jurisdiction because Alice has never lived in Nebraska, and a New York court must make the guardianship ruling. If these three states adopted UAGPPJA, the Florida court initially could have communicated with the New York court to determine which court had jurisdiction.

Scenario #3 – Interstate Health Markets

(Interstate Health Markets are local medical centers accessed by persons from multiple states)

Jack, a northern Indiana man with dementia, is brought to a hospital in Chicago because he is having chest pains As it turns out, he is having a heart attack. While recuperating in the Chicago hospital, it becomes apparent to a hospital social worker that Jack's dementia has progressed, and he now needs a guardian. Unfortunately, Jack does not have any immediate family, and his extended family lives at a distance The social worker attempts to initiate a guardianship proceeding in Indiana However, she is told that because Jack does not intend to return to Indiana, she must file for guardianship in Illinois The Illinois court then refuses guardianship because Jack does not have residency in Illinois Even though the Indiana court is located within miles of the Illinois state line, no official channel exists for the two state courts to communicate about adult guardianship because only Illinois has enacted UAGPPJA

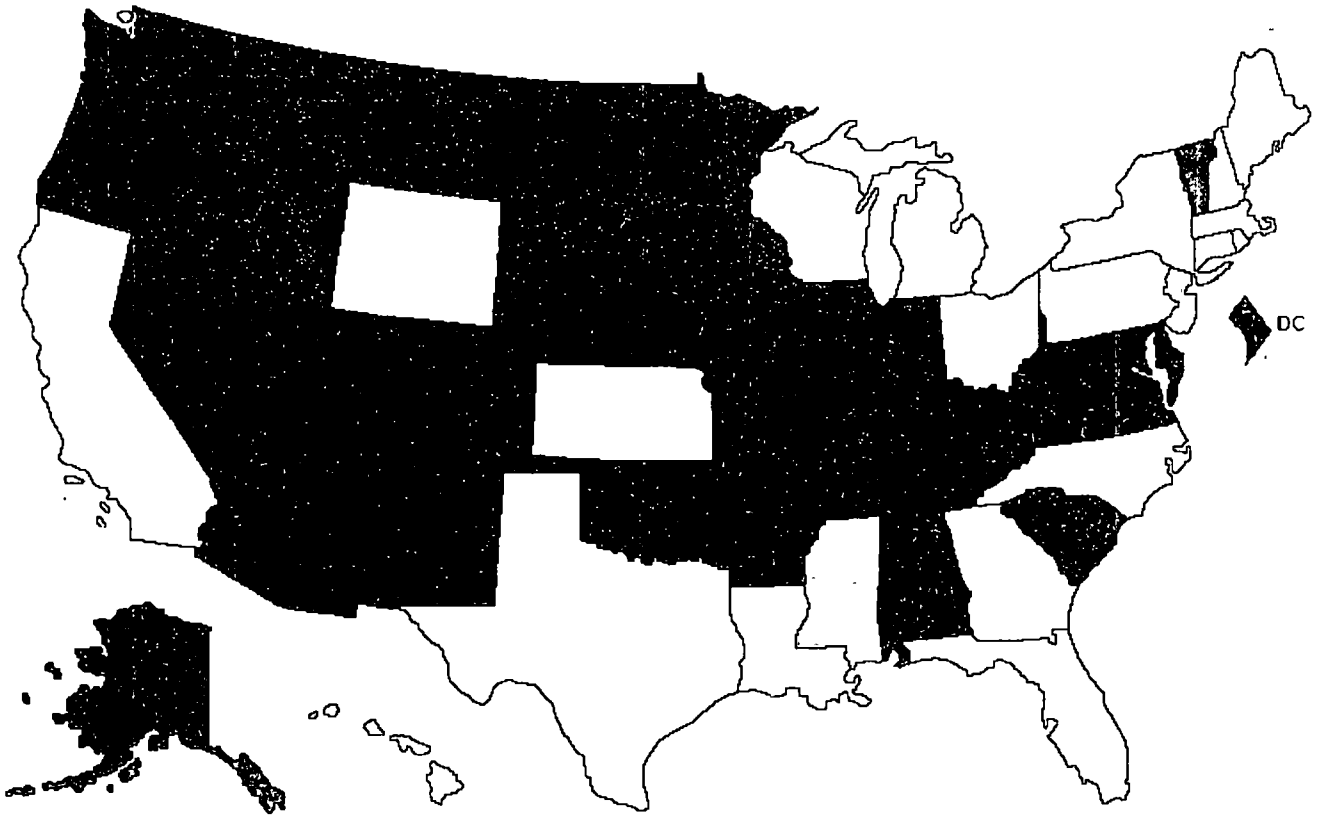
Scenario #4 – Better Caregiving with UAGPPJA

Sarah, an elderly woman living in Utah, falls and breaks her hip She and her family decide it is best that she recover from her injuries at her daughter's home in Colorado During Sarah's stay in Colorado, her daughter, Lisa, realizes her mother's cognition is impaired, and she is no longer capable of making independent decisions Lisa decides to petition for guardianship in Colorado Thankfully, both Colorado and Utah have adopted UAGPPJA, and the Colorado court can easily communicate with the Utah court Following the rules established in UAGPPJA, the Colorado court asks the Utah court if any petitions for guardianship for Sarah have been filed in Utah. The Utah court determines that no outstanding petitions exist and informs Colorado that it may take jurisdiction in the case. Thus, although Utah is Sarah's home state, Colorado may make the guardianship determination.

000993

Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

alzheimer's association



Enacted UAGPPJA. 30 (includes DC)

Legislation Pending. 8

No Legislation currently filed. 13

Updated: March 1, 2012

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THE JUDICIARY COMMITTEE
March 5, 2012

Testimony of Joelen J. Gates

H.B. 5150 - An Act Concerning the Connecticut Uniform Adult Protective Proceedings Act

H.B. 5287 – An Act Concerning the Appointment of a Guardian Ad Litem for a Person Who Is Subject to a Conservatorship Proceeding or a Proceeding Concerning Administration of Treatment for a Psychiatric Disability

Good afternoon, my name is Joelen Gates. I am an attorney with Connecticut Legal Services, Inc. in Willimantic where I represent and advise elderly clients 60 years of age and older. I'm here today on behalf of Legal Services to support **H.B. 5150, An Act Concerning the Connecticut Uniform Adult Protective Proceedings Act** and **H.B. 5287 An Act Concerning the Appointment of a Guardian Ad Litem for a Person Who Is Subject to a Conservatorship Proceeding or a Proceeding Concerning Administration of Treatment for a Psychiatric Disability.**

H. B. 5150 reflects the efforts of several interested parties, including the Connecticut Bar Association, the Probate Court Administration, Connecticut Legal Rights Project and Legal Services to adopt the Uniform Adult Guardianship and Protective Procedure Jurisdiction Act. This bill was passed by the Senate last year, but unfortunately did not make it to the House floor for a vote before the session ended. We hope you will support the bill again this year.

This Act maintains the protections and due process rights currently in Connecticut law for people who may be conserved. However, it improves current Connecticut law in cases where a conserved person may wish to move from one state to another by authorizing Connecticut to recognize the court orders from another state. It also provides a mechanism and criteria for Connecticut courts to determine the appropriate jurisdiction when a person has connections to different states. Overall, H. B. 5150 is an improvement over current Connecticut law and should be adopted.

H.B. No. 5150
14 B. No. 5367

UNITED STATES DISTRICT COURT FILED

DISTRICT OF CONNECTICUT 2010 OCT 19 A 10:27

U.S. DISTRICT COURT
BRIDGEPORT, CONN

Karen Fraser (formerly),	:	
a.k.a Karen Jackson	:	
Plaintiff,	:	
	:	
V.	:	**Civil Case No. 3:10-cv-00183- (WWE)**
Connecticut Department of	:	
Social Service (DSS), et al.,	:	
&	:	
Dulce Fravao	:	
("Official of Capacity	:	
Program Manager'), et al.,	:	**Date 10/19/10**
Defendants.		

MOTION TO AMENDED CIVIL RIGHTS COMPLAINT AND EXPLANATION FOR PLAINTIFFS' FAILURE TO PROCECUTE (DOC. NO. 15 AND DOC. 16)

I. Introduction

Count One. Plaintiff Karen Jackson filed a discrimination action against defendants for denying plaintiff for denying specifically administrative due process and imposing different terms and condition on plaintiff than are imposed to other Connecticut Department of Social Services (DSS) clients; and other than what was the 'agency' uniform practice of procedure and policy. Plaintiff asserts that the Connecticut Department of Social Services legal division Office of Legal Counsel, Regulations and Administrative Hearings (OLCRAH) pre-scheduled a hearing requested by plaintiff on 10/27/2009. In an in- artful and obtuse manner and or the ***malice*** and ***reckless indifference*** on the day of the hearing on February 1, 2010 at 9:30am with the hearing officer on duty announced that there will be no hearing based on the merits that there is

an "absence of jurisdiction" on the part of the defendant. Shocked and stunned by the verbal announcement along with the finality of the judgment giving plaintiff no recourse but to seek relief. Here, the plaintiff is a member of a protected class; Ms. Fraser (formerly) was approved with sufficient cause to have a hearing on a decision by DSS staff that affected plaintiff's benefits; she was denied administrative due process; and DSS continued to give hearings requested by other DSS clients and HOH or Head of Household. At this pleading stage plaintiff does not have to prove the elements of discrimination. Plaintiff does have to assert factual allegations which can plausibly tend to prove the above count one.

Count Two.

Challenging DSS-CCAP administrator whimsly option to send a parent directly to an judicial authority who was clearly not competent to grant a warrant be issued on plaintiff solely based on circumstantial evidence and or non-conclusory evidence (none of which were substantive evidence) and without due process in the State Superior Court is enough to determine what a parent knew in order to cause intentionally fraud to receive said benefits. The judicial indictment of a warrant should carry a higher evidentiary tale; than simply mail being delivered at the listed address and hearsay. Here, shows pure malice and in-difference on circumstantial evidence used to take away plaintiff freedom without her knowledge and her right to halter the situation through DSS-OLRACH administrative procedures.

DSS denied plaintiff due process to a at least an administrative hearing of intentional error of overpayments on or about or during the years 2005 thru 2007 all circumstantial based on false non-verifiable hearsay information and a refusal to do a United States Post Tracer in New York City to verify plaintiff claim of estranged husbands fraudulent actions to prove plaintiff did not knowingly provide, false or inaccurate information. DSS deferred from the uniformed policy manual rules and regulations on notifying the plaintiff/HOH of the violation of the intentional fraud; Along with stopping services that continued to be freely provided and retained by plaintiff which includes but is not limited to CARE 4 KIDS, Food Stamps, and cash assistance. As a result of the finding of intentional fraud resulted in a signed warrant charging plaintiff with Larceny I had been issued on her behalf on or about January 2006.

Moreover, under the theory of disparate treatment, a plaintiff can and has established a prima facie case by showing that "animus against the protected group was a significant factor in the decision taken by the municipal decision-makers themselves or by those whom decision-makers were knowingly responsive." United States v. Yonkers Bd. Of Educ., 837 F .2d 1181, 1226 (2d Cir. 1987). Here, Ms. Fraser (formerly) has asserted, in this amended complaint as a member of the protected class on the basis of being a single female, of color and or minority, and a member of the disadvantaged class along with her civil rights which allows "the provision [due process clause] is designed to exclude oppression and arbitrary power from every branch of government." *Dupuy v Tedora*, 15 So.2d 886.890, 204 La. 560 (1943). As part of State government the Connecticut Department of Social Services (DSS) violated plaintiffs' "due process" of

law by denying the implication of the law that gives a "person affected thereby to be present before the hearing officer which pronounces judgment upon the question of liberty in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controvert, by proof, every material fact which bares on the question of right in the matter involved. If any question of fact or liability be conclusively presumed against her, this is **not** due process of law."

Delay between the time of the underlying incident and the date of the administrative hearing is generally not a violation of a party's due process rights. An 'agency' does, however, have the duty to hold a administrative hearing reasonably promptly after the matter has been noticed. *[See, Cortland Nursing Home v. Axelrod, 66 NY2d 169 (3rd Dept. 1985)].* A very lengthy delay, which is not attributable to the private party's own actions, can be a due process violation if it manifestly prejudices the private party's ability to present his case. *[See, Sharma v. Sobol, 188 AD2d 833 (1992)].*

II. FACTUAL BACKGROUND COUNT I

Connecticut Department of Social Services (DSS) Department of Office of Legal Counsel, Regulation and Administrative Hearings (OLCRAH) were not prohibited by statute, rule or regulation from allowing plaintiff to seek the request on 10/27/2009 an appeal process even after DSS has decided the case on the claimed merits. Plaintiff faxed a **HEARING REQUEST FORM (W-534. Rev. 1/06) to** DSS-OLCRAH fax number: (860) 424-5729 from the Superior Court at Bridgeport court service center at 9:24am along with a fax confirmation of receipt.

Requesting hearing to dispute the decision and or intended action of disqualify benefits on the basis of intentional error solely on the part of plaintiff whom is considered HOH (by Department of Social Services Regulations) and one out of two of the adult household[1] family[2] members whose circumstances are taken into consideration when determining intentional error.

After an extensive delay by DSS-OLCRAH and through the U.S. Post Office a certified mail from defendant DSS to plaintiff's P.O. Box DSS set a hearing date of February 1, 2010 at 9:30am. The defendant(s) DSS-OLCRAH and Dulce Fravao acknowledged that plaintiff had a right and good cause that was appropriate to appeal the defendants own decision by acknowledging on or about the latter part of November 2009 through voice-mail that verified the request for the hearing was received by DSS-OLCRAH and a confirmation of a hearing would be sent out. Plaintiff made several phone calls to DSS-OLCRAH during the month of December 2009 to when a hearing date would be sent out to plaintiff without any further communication from DSS-OLRACH until January 6, 2010. On 01/06/2010 Plaintiff contacted DSS-OLCRAH representative "Marie;" (who identified herself over the land-line as an employee at DSS-OLCRAH) requested plaintiff to fax DSS-OLCRAH the request again because "Marie" could not find any evidence of registered mail nor proof of any fax sent for a hearing for

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[1] **Department of Social Services Child Care Subsidy Regulations Section 17b-749-01. Definitions(25) "Household"**- means all of the individuals who live together at the same address, including individuals not included in the CCAP family unit for eligibility purposes.

[2] **Department of Social Services Child Care Subsidy Regulations Section 17b-749-01. Definitions(22)**(22) "Family" means the group of individuals in the same household whose circumstances are taken into consideration when determining eligibility for the CCAP Program pursuant to section 17b-749-02 to17n-749-23 of the Regulations Connecticut State Agencies, inclusive;

HOH Karen Fraser. Finally, DSS-OLCRAH sent plaintiff confirmation of a hearing scheduled for February 1, 2010. Here, DSS-OLRACH determined that an appeal for a hearing requested by the plaintiff was warranted and provided the plaintiff and or defaulting party with her "day in court" and was grounded at the time in precepts of fairness, justice, and common sense.

Plaintiff was granted and arrived on time at 10am view on or about 1/29/2010 the right to view Karen Fraser (recognized DSS as HOH) case record. Which was the Thursday (two days) before the DSS-OLRACH pre-scheduled hearing on February 1, 2010 9:30am. The notification was announced verbally (by phone) on or about 1/26/2010 by a Mr. Gatlin part of DSS supervisory staff. During Karen Fraser review of said case record; Karen Fraser and or plaintiff was denied copies of the case record by direct order from DSS representative Keith Gatling according to the subordinate that supervised Karen Frasers' viewing of said case record.
Plaintiff, was shocked at the denial accompanied with sharp pain of a headache with a projection of outwardly voiced anger. Plaintiff translated that anger in demanding a answer from Mr. Gatling himself. Mr. Gatling stated (during a direct phone conversation with plaintiff): "I was instructed to allow you to review the records not to make copies. "If you want copies, I will ask if you can get copies and call you back." Plaintiff, did not wait for Mr. Gatling's return his phone call. Plaintiff, then left 925 Housatonic Avenue Bridgeport, CT 06606 which is on the east of Bridgeport traveled to the west side of Bridgeport to fax a request for copies of the viewed case record for Karen Fraser to the Western Regional Administrator Frances A. Freer along with several other requests.

Mr. Gatling, called Karen Fraser on 1/29/2010 on the after 1:20pm and stated that plaintiff can return at 3pm that afternoon. Plaintiff then made a return trip to the DSS local office to get and thus fore received the copies from the case record. Original request to view Karen Fraser (HOH) case record was faxed on 01/19/2010 (Connecticut Department of Income Maintenance Uniform Policy Manual 10115.10(2)).

Plaintiff arrived on time for above said hearing at the DSS local office at 925 Housatonic Avenue Bridgeport, Connecticut 06606 at 9:25am. DSS representative Amie Ozycz along with the subordinate DSS employee who was assigned to observe Karen Fraser exhibiting the case record was present for the hearing as per previously sent **Administrative Hearing Summary.** Plaintiff was motioned by Amie Ozycz to come into the room where the hearing was being held. As plaintiff entered the hearing room plaintiff was abruptly told verbally by the DSS-Office of Administrative and Appeals Hearing Officer Miklos Mencseli via-satellite:-"my Program Manager Dulce Fravao told me …." "we do not have jurisdiction to hear this case."

Therefore, a pre-scheduled hearing by DSS-OLCRAH was not held; in-turn plaintiff was denied the right to contest information in a way adversely affects the plaintiff's status as HOH family's eligibility efforts. Which became the catalyst in creating the inability for plaintiff to further exhaust all remedies to appeal any and all administrative remedies. Plaintiff, demanded a letter stating the denial of the pre-scheduled hearing from DSS-OLCRAH Dulce Fravao by several phone calls to between herself and DSS-OLCRAH Director Brenda Parrella's between the hearing date and

1/24/2010 without any reciprocal in any form of communication from DSS-OLCRAH representatives. Until, plaintiff contacted the State of Connecticut Attorney General Richard Blumenthal Office on 2/24/2010 at 4:05pm.

On a letter dated 2/26/2010 and mailed 3/1/2010 DSS-OLCRAH Administrative Hearings Processing Unit: : .... "This letter is in regard to your request for an administrative hearing received in our office on 1/6/2010. Unfortunately, this office does not have the jurisdiction to handle this issue as a court of competent jurisdiction has already made a decision on this disqualification matter. The hearing previously scheduled for 02/01/2010 was therefore cancelled....." Along with 1page of several directly partially dictating the CCAP administrator's[3] administrative duties to administrative disqualification hearings which did not include and not limited to the **Pre-Hearing Interview(2)UPM** according to the "State of Connecticut Regulation regarding Administrative Hearing Process (requested by plaintiff hearing that scheduled and cancelled by defendant(s)) requested by plaintiff to hear the evidence of intentional error not to dispute the finding of competent jurisdiction granting accelerated rehabilitation. Sec. 17b-749-21,22 **Administrative Disqualification Hearings(j) Hearing Process**. Regulations of Connecticut State Agencies. [4]

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[3] Department of Social Services Child Care Subsidy Regulations Section 17b-749-01. Definitions(13) "CCAP administrator" means the unit designated by the department and acting under its direction that is responsible for the day-day administration of the CCAP program.

[4] Sec. 17b-749-22. Administrative Disqualification Hearings(j) Hearing Process (1) The Department shall have the option of referring a case for an administrative disqualification hearing if the CCAP administrator determines that overpayment was caused as the result of intentional error was intentional The standard proof that he administrative hearing officer shall use in making his or her decision is by clear and convincing evidence. The administrative disqualification hearing process shall be conducted in the same manner as an administrative hearing process shall be conducted in the same manner as and administrative hearing and is subject to requirements of section 17b-749-21 of the Regulations of Connecticut State

Plaintiff contends, the 10/27/2010 request for hearing was based on evidence not provided prior to Karen Fraser and or parent with the opportunity to review the evidence supporting the DSS-CCAP administrator's precluded allegations of overpayment caused as the result of an intentional error by the parent to commit fraud in obtaining benefits from DSS-CCAP. And to receive an explanation of the following information:

(A) the evidence supporting the overpayment and the determination that the error was intentional.

(B) the administrative hearing process and the parent's administrative hearing rights;

DSS- UPM**(m) Pre-Hearing Interview**[5] Plaintiff as a parent was entitled to an administrative hearing, disqualification or otherwise to dispute an intended action to reduce or terminate benefits. The parent shall not be entitled to an administrative hearing to dispute the findings of the administrative disqualification hearing official or the penalty imposed.

DSS is determined not to make any attempts to remedy the apparent

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Agencies, except as otherwise stated in this section.(2) The CCAP administrator shall treat overpayments caused by the parent as intentional until an appropriate authority has confirmed the preliminary decision that the error was intentional. The CCAP administrator shall not impose a disqualification penalty until the decision that the error was intentional becomes final.(A)if a court of competent jurisdiction finds that the parent has committed fraud or grants accelerated rehabilitation; or....."

[5] (m) Pre-Hearing Interview(1) The CCAP administrator shall send parents referred for an administrative disqualification hearing notice scheduling a pre-hearing interview and a waiver of administrative disqualification hearing form....(2) The purpose of the pre-hearing shall be to provide the parent with the opportunity to review the evidence supporting the CCAP administrator's allegations, to receive an explanation of the hearing process ..The CCAP administrator shall provide the parent with a detailed explanation of the following information: (A) the evidence supporting the overpayment and the determination that the error was intentional;

violation of plaintiffs civil rights which may indicate that the party does not take their own governing proceedings or the rules governing it seriously, while a first-time attempt to reopen may be seen as the result of a simple and forgivable error on the part of the party.

III. FACTUAL BACKGROUND COUNT II

On or about the years 2005-2006 a DSS-CCAP administrator made a preliminary determination that plaintiff as the only family member (in a two adult household) to have knowingly withheld or provided false information on matters affecting eligibility, benefits or a claim for service and referred the case directly to a judicial authority at Fairfield County Superior Court at Bridgeport Connecticut signed by Judge Owens based on plaintiff estranged husband and domestic violence abuser ability to manipulate the exterior mail box to plaintiff's home without the knowledge and permission to establish a Connecticut residence to defray higher child-support payments in New York State where at the same time 2003-2007 he was excursing his voting rights and residency as a New York State resident in Brooklyn New York. During which time DSS -CCAP administrator classifies plaintiff's as a parent to have intentionally committed fraud barring any other reason for such an occurrence. On the merit of estranged husband (whom did not physically live in the home nor contributed monetarily in any form or fashion) manipulated the U.S. Postal service in receiving mail at plaintiff's listed address at the time of DSS fraud investigation.

IV. DISCUSSION

Indeed reopening defaults burdens the administrative process by rescheduling and reactivating previously decided matters and, a controlling authority Dulce Fravao according to the hearing officer was not given the authority to exercise his considered discretion in addressing plaintiffs' and or HOH request to appeal a DSS administrative decision of denial of benefits.

The impromptu revised administrative decision "absence of jurisdiction" by Dulce Fravao delivered via satellite verbally through the assigned DSS OLCRAH department hearing officer on (the same day and time of the pre-scheduled hearing at the local DSS office of 925 Housatonic Avenue Bridgeport, Connecticut 06606) was not appropriate time for defendants to incorporate new findings of fact or conclusions of law. DSS violated their own **CONNECTICUT DEPARTMENT OF INCOME MAINTENANCE UNIFORM POLICY MANUAL or (UPM)** as described above by not following the agency's procedures and in the same manner as the original decision, including notification to plaintiff and plaintiffs' rights. DSS chose not to practice the uniformity exercised to others and or clients and or Head of Household (HOH) when it comes to the consistency proceeding and conducting a pre-arranged and approved hearing.

Plaintiff has personally experienced this consistency of requesting a hearing, being notified by certified mail through the U.S. Post Office with a hearing date and location. Thereafter, a discovery like form based on the evidence of the merits based decision is sent to the HOH/Head of Household.

The HOH announces his/her appearance in the local DSS office in an pre-assigned room where with a representing DSS staff member(s) and the hearing officer appearance via-satellite then the hearing commences. This sort of consistency where facts and circumstances are similar, similar results should and most likely are and were to be expected by plaintiff.

DSS and Program Manager Dulce Fravao departed from agency precedent on this particular matter, such a departure should be well reasoned and the reasons for the departure explicitly set-forth. Unfortunately for plaintiff, the hearing officer was ordered and or instructed by DSS legal division OLCRAH Program Manager Dulce Fravao set those reasons forth absent of facts or circumstances supporting the departure and reversal on a uniformed administrative procedures. This reversal on DSS uniformed administrated hearing procedures required plaintiff to file a civil rights complaint with federal judicial review of the case. All legal procedures set to statute and court practice, including notice of rights, must be followed (but were not followed by defendant(s)) for plaintiff so that no prejudicial or unequal treatment will result. The universal guarantee of due process is in the **Fifth Amendment** to the U.S. Constitution, which provides "no person shall...be deprived of life, liberty, or property, without due process of law,"[1] and is applied to all states by the **14th Amendment**. From this basic principle flows many legal decisions determining both procedural and substantive rights of which the Connecticut Department of Social Services in a transparent way has refused to adhere to the letter of the law.

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[1] The People's Law Dictionary

A private party and or individual who loses before the 'agency' has a due process right to a decision that explains the reasons for the decision. Thus, an or agency's opinion must contain enough information to show the reasoning process for the result reached, and to allow a reviewing court to understand the basis for the decision. In very simple cases less explanation is required; in more complex ones a more detailed explanation is necessary. An agency opinion need not be the equivalent of a formal judicial opinion, but it does need to contain enough explanation to show how the result was reached from the evidence presented in the case. *[See, Koelbl v. Whalen, 63 AD2d 408 (3rd Dept. 1978)].* Parties also have a right to an opinion that is consistent with past agency decisions, or explains the reasons for departing from precedent. An opinion that is inexplicably contrary to other agency decisions reached on similar facts is a due process violation. *[See, Charles A. Field Delivery Service v. Roberts, 66 NY2d 516 (1985)].*

The conclusions of law or reasons for the decision are, in turn, based on the findings of fact and to which relevant statutes, regulations and case law are applied. The determination to not hold the pre-scheduled hearings or a final written decision notifying HOH and or plaintiff of her rights of recourse and only citing an "absence of jurisdiction" is not *based upon* the facts of all evidence in defendant(s) possession (HOH case record case no. 003098957 from 2005-present). Assuming state law exempts a state agency from such liability, a proper conclusion of law might be that the State Department of Social Services (DSS) is not liable for any civil rights violations caused by denial of administrative due process (because state law exempts DSS and DSS-OLCRAH Program Manger from liability).

DSS decisive and concluded findings should only be made based on evidence contained within the entire case record. The hearing officer/examiner own knowledge – whether it is of agency practice, a particular person or thing, or any other item outside of the record – cannot be included in the findings of fact. How can there be a claim of "absence of jurisdiction" on the part of DSS when acknowledgement in the form of a hearing date which was pre-arranged by the defendant(s) own Office of Legal Counsel, Regulation and Administrative Hearings. Which makes defendants claim of absence of jurisdiction is moot. Therefore, defendants DSS and DSS-OLCRAH Program Manager Dulce Fravao had no any legal grounds of to make the decision made clear to plaintiff which included but was not limited to stating explicitly the statutes, regulations or precedent is null and void. Since the authority argued for DSS has rejected proceeding with pre-scheduled hearing procedures such as that the current case is distinguishable from the cited law or that the law has changed since the argued decision was issued – should be included.

DSS and DSS-OLRACH Program Manager Dulce Fravao are required by practice and or regulation that decisions issued hearing officers be reviewed internally prior to release to or service on the parties. Such review will likely take place within the adjudication unit of the agency or department, and will generally focus on grammar, structure and other form-related elements of the decision. The agency itself has a stake in ensuring decisions are well written, and providing for in-house review prior to release is one way in which its interest may be protected.

DSS and it's staff have blatantly not protected the State of Connecticut or The State Department of Social Services itself by denial of administrative due process.

Upon discovery and judicial review of non-draft decisions might also involve review for consistency with agency policy, agency and court precedent, and state and federal law. In such a case, discussions between a supervisor or other reviewing authority may take place, hopefully ending with agreement between the supervisor and the decision's author. Which makes DSS and staff member in her official capacity of DSS OLRACH Program Manager Dulce Fravao liable for violating plaintiffs' civil rights of right of administrative due process.

DSS REVISED DECISION

Regardless of the best efforts of hearing officers, and administrative and agency staff, the heavy workload under which many adjudicative units are pressed can lead to clerical or typographical errors.

DSS is obviously wishes or is claiming the of revision for an administrative reason such as a scheduled hearing date (with all parties notified) typographical error should must be distinguished from revision for a substantive reason or revision based on a granting an administrative hearing based on good cause as reopening of the proof in the case.

V. STANDARD OF REVIEW

In deciding clerks Motion to Dismiss, the court must take the allegation of plaintiff amended complaint as true an construe them in a manner favorable to the plaintiff. Hoover v Ronwin, 466 U.S. 558, 587 (1984); Jaghory v. New York State

Department of Education., 131 F.3d 45, 51 (2d Cir. 2006): Leibowitz v. Cornell University., 445 F.3d 586, 591-92 (2d Cir. 2006).

The court's analysis is guided by Fed. R. Civ. P. 8(a)(2) ("Rule 8(a)(2)"), which requires "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2).

The Supreme Court has recently held that rule 8(a)(2) "requires factual allegations sufficient 'to raise a right to relief above the speculative level." Boykin v. KeyCorp, 521 F. 3d 202, 213 (2d Cir. 2008) (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007). This "plausibility standard" in Twombly "is not akin to a 'probability requirement,' but it asks for more tan a sheer possibility that a defendant has acted unlawfully." Ashcroft v. Igbal. 129 S.Ct. 1937, 1949 (2009) (quoting Twombly, 550 U. S. at 555).

Plaintiff has established continued violation by allegations of a discriminating act occurred. Johnson v. Gen. Electric., 840 F .2d 132, 137 (1st Cir. 1988)).

VI. EXPLANATION FOR FAILURE TO PROSECUTE (LOCAL RULE 41)

Plaintiffs' suit was not amended or filed within the appropriate time allotted and notice given to pro se litigant because plaintiff and her three boys 7yrs, 5yrs, and 3yrs old (within single adult self-supported household without any outwardly assistance or resource from social service and family biological and otherwise) contracted sickness of three separate contagious infections; "pink eye," ear infection and the flu in the last two weeks in September and the first two weeks of October 2010.

As the sole caretaker of three children and plaintiff was dominated emotionally and physically to her children then to help herself out of the same sickness took four weeks. Plaintiff now has her "head above water" and children are healthy again plaintiff created the time to take action in this Federal Procedure.

Plaintiff strongly appreciate the Court and or Senior United States District Judge Warren W. Eginton for excursing his discretion by an order to extend the time for plaintiff to act upon the civil complaint by issuing a second and final warning to plaintiff on October 15, 2010 (Doc. 16) to take action on this civil rights procedure extended to November 15, 2010.

VII MENTAL AND EMOTIONAL DISTRESS DAMAGES

Specific Factual Background

On April 9th 2008 plaintiff unaware ran a red light (traffic ticket was later dismissed). Consequently, the Bridgeport Police Officer ran the plaintiffs driver's license. At this time and the first time plaintiff was informed that there has been an active warrant for her arrest since January 1, 2006 for larceny I welfare fraud. Along with Plaintiffs' one year old was arrested and confined to a Bridgeport Police car and then transported to the State of Connecticut Troop G. Plaintiff car was impounded and sold because Plaintiff could not pay the fees to take the car out.

Plaintiff was separated from her son who turn one that day and was finger printed and taken to a solitary jail cell. Karen Fraser started to scream in blood curdling fear about her pronounced claustrophobic fear of being confined in small spaces.

Plaintiff was placed in a wider cell. During this time anxiety and stressful thoughts of these caucasian men in uniform probably mis-treating and molesting my son along with the emotional stress my son felt and is feeling upon seeing his mother taken away with handcuffs and is surrounded by strangers with guns. With the same thoughts remained with Plaintiff other two children in a strangers care.

Plaintiff then had to attend monthly criminal hearings. On one these particular days plaintiff arrived at the to criminal court called GA 2. While waiting a emergency call was issued to plaintiff that the caretaker of her youngest child left Bridgeport, Connecticut in an emergency and traveled to Norwalk where she left the baby with a 15yrold boy. Plaintiff paid a cabby the only $25.00 she had for the week and took a cab to Norwalk. (Notarized letter from the "cabby" in criminal file) Plaintiff could not return to court that day and made numerous follow-up phone calls to defense counsel without a reply or a notification of what happened that day. Some weeks later on or about prior to Columbus Day weekend of 2008. Plaintiff found out that there was an active warrant for her arrest. Before, plaintiff could request the warrant be vacated in Stamford Superior and or criminal Court who had jurisdiction vacate such a warrant. Unfortunately, for plaintiff and her children. Plaintiff's ex-husband seized the chance further extend his emotional domestic violence abuse by calling the Bridgeport Police to state that Plaintiff had a warrant for her arrest. Plaintiff was then shackled in front of my children (who still have those memories) and taken away to Bridgeport Police station finger-printed for four days on suicide watch.

On the next court date expecting to be released on a lower bond of $10,000.00 cash. The judge decided to send a mother of three with no prior record to prison for the next 22 days. During plaintiff stay at Niantic Women's Prison known as "the farm." Regardless of your crime--breach of peace, domestic matters, prostitution, or murder--if you are a woman arrested and unable to make bail or convicted of a crime in Connecticut, you will go to York where plaintiff stayed until the title of "suicide watch." While imprisoned plaintiff cell had a large enough slit to observe the outside but to also have the outside observe the prisoners. The correctional officers cut a path in the grass as short cut to building that housed plaintiff. At anytime while on the lavatory, getting dressed, undressed correctional officers looked inside the slit of a window as they passed. While housed in the medical unit house with 3 other one of which active tuberculosis and the other withdrawing from heroine. She cried and screamed for 7 hours a day while she daily defecated and urinated in the shower and she fell unconscious hit her head on the floor and was removed from the room. Inmates arrive, they are all housed together, regardless of the crime. The environment is very dangerous. Once they have completed the strip search, de-lousing procedure, urine tests, and have removed all of their personal property (York does not permit inmates to retain any personal property including undergarments), plaintiff was housed along with other prisoners in a unit called Assessments, again mixed with other incoming prisoners, 2 to a cell.

Plaintiff, suffered from continuous bouts of high blood pressure and a continued intense feeling of anxiety. On October 31, 2008 plaintiff filed a pro se motion to lower the $10,00.00 cash bond a $5,000.00 assurety bond.

Plaintiff's only biological support system denied her the $500.00 financial assistance because of their belief system of plaintiff's incarceration. A non-family member took pity on plaintiff and paid for her bail which led to her subsequent release.

Since, being incarcerated every sign of a police car a state troopers vehicle and constant feeling of being followed and watched. Along with the daunting feeling of being re-arrested. However, plaintiff copes upon entering and judicial environment with marshall armed or otherwise increases plaintiffs stress level to a maintaining migraine and dull back pain. Plaintiff in preparation of entering a judicial environment plaintiff consumed 10 Advil's to numb the anxiety and headache to come.

Plaintiff clearly understood that the State assigned ineffective over-worked part-time employed counsel defending plaintiff and the State prosecuting plaintiff. That mathematical probability after a trial of the risk it will not end in plaintiff's favor of 25yrs was too much of a risk of a mother of three 6 yrs and under. Facing 25yrs for Larceny I and Failure to Appear. Plaintiff accepted a plea of Accelerated Rehabilitation (AR) with one year probation along with forcing plaintiff who had proven to the court that she lives below the poverty level to pay back $19,000.00 by October 11, 20011.

Meanwhile, plaintiff's has been unable to mourn her mother's death of April 29, 2008 after a long-term battle with cancer of the spleen, brain and liver. No automobile. Could not take my children to Mandarin classes on scholarship in Greenwich. The inability to get a position in her field as a practicing social worker or even a substitute teacher because of plaintiff's arrest record(s).

While battling, evictions, Domestic Violence (Order of Protection against ex-husband for physical abuse), Magistrate Court, DCF investigation(s), Custody in Superior Court, DSS fraud investigators and continued mental anguish attacks from plaintiff's ex-husband. In-addition to raising three children while food pantry and breakfast was a daily routine at the Rescue Mission on Fairfield avenue in Bridgeport. Connecticut.

With that horrid experience at the fore-front of plaintiff's mind. Plaintiff's faced yet another DSS hearing (many of which plaintiff has won all decisions in her favor) advocating for her rights on 02/01/2010. Just to be embarrassed, rejection, raped of her civil rights, ashamed , increase my anxiety, a stemming sharp headache and a distress level that commanded plaintiff to yell as to why her civil rights are being violated. Plaintiff filed a civil rights complaint two days later on February 5, 2010 plaintiff sought relief from the Federal Courts.

Thereafter, DSS has continued to harass and or retaliate against plaintiff to this present day this motion is being filed in the form of procedural administrative delays in denying food stamps (for plaintiff and her three children for the past 10 months and counting). and simply ignoring the majority of plaintiff's entitled requests whether By phone, fax or mail certified or otherwise as several exhibits will prove provided with this motion.

Emotional distress damages are available even where the plaintiff has not sought medical treatment. A[M]edical testimony, although relevant, is not necessary. . . . [T]he plaintiffs own testimony may be sufficient to establish humiliation or mental

distress. Williams v. TWA, 660 F. 2d 1267 (8th Cir. 1981). See also Hammond v. Northland Counseling Center, 218 F.3d 866 (8th Cir. 2000); Ross v. Douglas County, Nebraska, 234 F. 3d 391 (8th Cir. 2000).

As expert testimony is not required to support plaintiff's an emotional distress claim under the Federal Civil Rights Acts. Plaintiff sparsely throughout 2008 thru 2010 the State of Connecticut York Correctional Institute medical records and Husky A medical insurance program medical records; along with expert witnesses will reveal and or describe plaintiffs' conduct in seeking assistance from primary physician, varied social services programs, and psychiatric assistance for the still concurrent, mental anguish, anxiety, sleeplessness, distress, and depression , high blood pressure, headaches and humiliation. In addition to a slew of family members and friends whom have observed plaintiffs above described symptoms and behavior(s). Expert testimony must pass muster under Fed. R. Evid. 702. (citing with approval a number of cases where psychologists testified about the causal connection between discriminatory conduct and emotional injury).

The U.S. Supreme Court has noted with respect to emotional distress damages that Agenuine injury in this respect may be evidenced by ones conduct and observed by others. Carey v. Piphus, 435 U.S. 247, 264 n. 20 (1978). The Eighth Circuit has held that a plaintiff's own testimony may be adequate to support such an award and the testimony of family and friends is also probative. Kucia v. Southeast Arkansas Community Action Corp., 284 F. 3d 944, 947 (8th Cir. 2002) (plaintiffs own testimony enough); Morse v. Southern Union Co., 174 F. 3d 917, 925 (8th Cir. 1999)

(affirming $100,000 emotional distress award where family members corroborated plaintiffs testimony); Kim v. Nash Finch Co., 123 F. 3d 1046, 1065 (8th Cir. 1997) (award of $100,000 affirmed where plaintiff, his wife and his son testified regarding anxiety, sleeplessness, stress, depression, high blood pressure, headaches and humiliation). Rowe v. Hussmann Corp., 381 F. 3d 775, 782 (8th Cir. 2004), upholding an award of $500,000 in compensatory damages for emotional distress....case. The Court held that the awards were not excessive in light of the years-long harassment and the company's failure to take any action despite repeated complaints.

VIII CONCLUSION ACTUAL COMPENSATORY DAMAGES & PUNITIVE DAMAGES

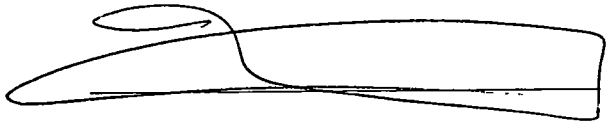
Plaintiff has offered specific fact(s) as to the nature of her claim of emotional distress and its causal connection to defendant(s) violative actions to be awarded compensatory and punitive damages beyond the letter of the law. Plaintiff has offered discriminatory practices with malice and reckless indifference to the federally protected rights of plaintiff as described above. In *Kolstad v. American Dental Ass'n*, 119 S. Ct. 2118 (1999), the Supreme Court defined the standards for punitive damages under the Civil Rights Act of 1991, which amended the law to allow for punitive damage awards in intentional discrimination cases under Title VII and the ADA. A complaining party may recover punitive damages if the defendant "engaged in a discriminatory practice or discriminatory practices with **malice** or with **reckless indifference** to the federally protected rights of an aggrieved individual." 42 U.S.C. § 1981a. The Court unanimously rejected the notion that punitive damages are only available for "egregious"

discrimination, as compared to "garden variety" discrimination. The terms "malice" and "reckless" refer to the actor's state of mind and its knowledge that it may be acting in violation of federal law. Egregious acts may, of course, be evidence supporting an inference of the requisite "evil motive;" procedural due process claim is entitled to those damages that are caused by the denial of the process required by the Constitution. Id. at 1117-18, citing Carey v. Piphus, 435 U.S. 247, 263, 98 S.Ct. 1042, 55 L.Ed.2d 252 (1978).

The Carey decision clarified the type of damages available for a violation of procedural due process. The Court began by recognizing that the procedural due process clause has the dual purpose of protecting persons from the mistaken or unjustified deprivation of life, liberty or property, and of conveying to the individual a feeling that the government has dealt with her fairly. 435 U.S. at 259, 261-62, 98 S.Ct. 1042 Alston v. King, 157 F.3d 1113 (7th Cir.1998). $92,500 for the procedural due process violation. ^^^he submitted sufficient evidence of damages to avoid judgment as a matter of law.

As the Courts determine whether the evidence of emotional distress is sufficient to support an award of damages. Plaintiff has produced direct evidence of emotional distress and the circumstances of the act that allegedly caused the distress. The more inherently degrading or humiliating the defendant's action(s) is, the more reasonable it is to infer that a person would suffer humiliation or distress from that action; consequently, somewhat more conclusory evidence of emotional distress will be acceptable to support an award of emotional distress.

Doe's argument suggests that it would have been illogical for Congress to create a cause of action for anyone suffering an adverse effect from intentional or willful agency action, then deny recovery without actual damages. But subsection (g)(1)(D)'s recognition of a civil action was not meant to provide a complete cause of action. A subsequent provision requires proof of intent or willfulness in addition to adverse effect, and if the specific state of mind must be proven additionally, it is consistent with logic to require some actual dam-ages as well. Doe also suggests that it is peculiar to offer guaranteed damages, as a form of presumed damages not requiring proof of Cite as: 540 U. S. ____ (2004) 3 Syllabus amount, only to plaintiffs who can demonstrate actual damages." which plaintiff has demonstrated.



Karen Fraser (formerly)

P.O. Box 3194

Bridgeport, Connecticut 06605

Civil Case No. 3:10-cv-00183-(WWE)

EXHIBIT PAGE 1

Exhibit # 32 A:- Fax Cover Page To Amie Ozycz Grievance Mediation Specialist
Exhibit # 32 B:- Letter To Amie Ozycz Mediation Specialist
Exhibit # 32 C:- Letter To Amie Ozycz 2nd Page

Exhibit # 31 A:- Fax Cover Page To Miklos Mencseli Hearing Officer, DSS-OLCRAH
Exhibit# 31 B:- Letter Sent to Amie Ozycz Grievance Mediation Specialist
Exhibit# 31 C:- Letter Sent To Amie Ozycz Grievance Mediation Specialist 2nd Page

Exhibit #30 A:- Fax Cover Page To Ms. A. D' Amore/Kathleen Allen Supervisor
Exhibit #30 B:- Letter to Ms. A. D' Amore/Kathleen Allen Request Appt. To Review Case Record
Exhibit #30C:- Southern Connecticut Gas Bill

Exhibit #33A:- Request Faxed letter to Francis A. Freer/Ms. Kiss/Mr. Hearn/Mr. Gatling to get copies of case record
Exhibit #33B:- Letter faxed to Frances Freer Request Missing Documents from Case Record Among Other Requests

Exhibit #1A:- Front Cover of Envelope sent to Karen Fraser
Exhibit #1B:- Hearing Request W-534 Form 10/27/2009
Exhibit #1C:- Transmission Report of Exhibit # 1B
Exhibit #1D:- Notice of Disqualification

Exhibit #2A:- Administrative Hearing Summary
Exhibit #2B:- Notification of Arrest/Court Disposition Form (part of Administrative Hearing Summary)
Exhibit #2C:- HOH History Report
Exhibit #2D:- 2nd Page of Hearing Summary Page
Exhibit #2E:- Six Pages of Department of Social Services Child Care Subsidy Regulations
Exhibit #17A:- Letter Sent From DSS-OLCRAH 2/26/2010 explanation of denial Of Administrative Due Process

Exhibit #37A:- Fax Cover Page to A. D' Amore/Kathleen Allen (supervisor)
Exhibit #37C:- W-1348 "Verification We Need" 2/14/2010
Exhibit #37B:- Contd. Page For Exhibit 37C

Exhibit #36A:- Fax Cover Page to A. D' Amore/Kathleen Allen (supervisor) 2/14/10
Exhibit #36B:- SNAP Dependent Care Agreement Form W-1224

Civil Case No. 3:10-cv-00183-(WWE)

EXHIBIT PAGE 2

Exhibit #34A:- Fax Cover Page to Frances A. Freer, Regional Administrator 2/24/10

Exhibit #34B:- Letter to Frances A. Freer, Regional Administrator

Exhibit #35A:- Fax Cover Page 2/24/10 Complaint to USDA

Exhibit #35B:- Letter of Complaint USDA Office of Civil Rights

Exhibit #24:- Notice Of Content- NCON

Exhibit #3:- Faxed follow-up letter to administrative hearing request to Brenda Parrella, Director OLRACH

Exhibit #4:- Faxed letter of request to case record 12/24/2009

Exhibit #5:- Copied Copies of Case Record Requested on Exhibit 33A, Exhibit # 33B (10 PAGES)

Exhibit #6A:- Cover Page Addressed to Ms. D. Amore 1/12/2010

Exhibit #6B:- Cover Page Of J. DD. Of Fairfield at Bridgeport GA2 Criminal Court Transcript

Exhibit #6C:- Page 6 Contd. Of J.D. Of Fairfield at Bridgeport GA2 Criminal Court Transcript 10/16/2010

Exhibit #7:- Letter addressed & Faxed 5/14/2010 DSS-OLRACH

Exhibit #18:- Letter addressed & Faxed to Kathleen Allen(supervisor) 6/21/2010

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EXHIBIT PAGE 3

Exhibit #19:- Letter Faxed To Ms. Allen Eligibility Worker & Kathleen Allen (Sup) 7/09/2010

Exhibit #8:- Faxed Letter For hearing Addressed To DSS-OLRACH 7/12/2010

Exhibit #10:- Faxed Request for Fair Hearing Addressed To DSS-OLRACH 07/12/2010

Exhibit #20:- Faxed Request For Fair Hearing Addressed To DSS-OLRACH

Exhibit #11A:- Faxed letter 7/12/2010 To Ms. Kathleen Allen & Ann D' Amore

Exhibit #11B:- 2nd contd. Page of Exhibit # 11A To Kathleen Allen (sup) & Ann D' Amore Eligibility Worker

Exhibit #24A:- Front Copy of envelope sent by Kathleen Allen (sup) 2/4/10

Exhibit #24B:- W-1348 dated 1/17/2010

Exhibit #24C:- Contd. of W-1348 from Exhibit # 24B

Exhibit #15:- W-1348 dated 5/30/2010

Exhibit #14:- W-1348 dated 6/19/2010

Exhibit #21:- W-1348 dated 6/21/2010

Exhibit #12:- W-1348 dated 7/10/2010

Exhibit #16A:- Fax Transmittal Form Addressed to Kathleen Allen(sup) & A. D' Amore (Eligibility Worker) 5/28/2010

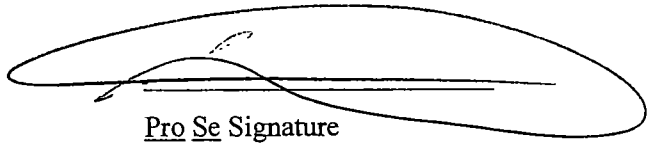
Exhibit #22:- Faxed letter sent to A. D' Amore (Eligibility Worker) & Kathleen Allen reply to W-1348 5/28/2010

Exhibit #16B:- 1099 Form faxed to A. D' Amore (Eligibility Worker) & Kathleen Allen

Exhibit #23:- W-1408 Landlord Verification Request 3/14/09

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing pleading/document was mailed to: Dulce Fravao (Offical Capacity of OLCRAH Program Manager) and the Connecticut Department of Social Services 25 Sigourney Street Hartford, Connecticut 06106 on October 19, 2010.



Pro Se Signature

S - 642

CONNECTICUT GENERAL ASSEMBLY SENATE

PROCEEDINGS 2012

VOL. 55
PART 7
1961 – 2275

Is there objection? Seeing none, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, Calendar Page 13, Calendar 5 -- Calendar Page 13, Calendar 367, House Bill 5150, move to place the item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Also Calendar Page 13, Mr. President, Calendar 368, House Bill 5182, move to place on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Continuing on Calendar Page 13, Calendar 371, House Bill 5314, move to place the item on the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, Calendar Page 14, Calendar 372, House Bill 5329, move to place on the Consent Calendar.

THE CHAIR:

THE CHAIR:

Without objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, would now ask the Clerk to read the items on the Consent Calendar and then if we might move to an immediate vote on that Consent Calendar.

THE CHAIR:

Would the Clerk please identify those items placed on our Consent Calendar?

THE CLERK:

On page 6, Calendar 241, House Bill 5315; page 12, Calendar 366, House Bill Number 5124; page 13, Calendar 367, House Bill Number 5150. Also on page 13, Calendar 368, House Bill Number 5182; on page 13, Calendar 371, House Bill Number 5314; on page 14, Calendar 372, House Bill Number 5329; and, on page 15, Calendar 379, House Bill Number 5364.

THE CHAIR:

Those items, having been identified as our Consent Calendar, the machine will be open, and Senator -- Senators may cast their vote.

Clerk, please make the announcement.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Have all Senators voted? Have all Senators voted? Please check the board to make certain that your vote

is properly recorded. If all Senators have voted, the machine will be locked.

Mr. Clerk, please take a tally.

THE CLERK:

On today's Consent Calendar.

Total number Voting	34
Necessary for Passage	18
Those voting Yea	34
Those voting Nay	0
Absent, not voting	2

THE CHAIR:

Consent Calendar is passed.

Are there any announcements or points of personal privilege? Are there any announcements or points of personal privilege?

Senator Gerratana.

SENATOR GERRATANA:

Thank you, Mr. President.

Mr. President, tomorrow there will be a Public Health Committee meeting outside the hall of the House at 10:30 a.m.; that's tomorrow, Wednesday, May 2nd.

Thank you, Mr. President.

THE CHAIR:

Thank you, madam.

Are there further announcements or points of personal privilege? Are there further announcements or points of personal privilege?