

## **Carmine Perri**

*Principal*

Czepiga Daly Pope & Perri

Attorney Perri specializes in elder law and is recognized for protecting an individual's rights. He has represented clients in cases of Medicaid, nursing facility collections, will contests, conservatorships, and other contested probate matters.

He has tried cases before the Connecticut Supreme Court, the Connecticut Appellate Court, and throughout the State at the trial court and probate court levels. These include two cases having impact on the field of elder law.

- *Paul Valliere et al. v. Commissioner of Social Services, SC 19701*- The Department of Social Services appealed a Superior Court decision (J. Noble) that stated, "pursuant to [federal law, state law] as well as the commissioner's own policy manual, the department is obliged to adopt a Probate Court order (J. Mahon) awarding a CSA [Community Spouse Allowance] where the order predates an institutionalized person's application for Medicaid." The Supreme Court affirmed, holding that the probate court did not exceed its authority under section 45a-655 by ordering community spouse support in an amount that exceeded that which the Department of Social Services could order pursuant to 42 U.S.C. 1396r-5. This case has wide-ranging implications regarding Medicaid eligibility and the practice of law within our state's probate courts.
- Before the Connecticut Supreme Court, Carmine successfully defended a client against a proposed collection tactic by a nursing facility (*Wilton Meadows Limited Partnership vs. Sally Coratolo*). The client's husband was a resident of the facility and was unable to pay for the first months of his stay. About 6 months after his death, the facility sued Sally Coratolo, claiming that she was liable for her husband's debt. Carmine argued before the Supreme Court on Sally's behalf and won. This case is an important one because it shows that nursing facilities are looking for alternative grounds for recovery beyond the admission agreement and it underscores the Court's intention to prevent the admission agreement from requiring third party guarantors of payment.

In addition, Attorney Perri is an active member of the Probate Court Rules Advisory Committee, Sub-Committee II, and as part of this committee played a role in writing the latest Connecticut Probate Court Rules of Procedure (updated through 2015). He has also contributed to numerous professional publications.