

Minutes  
Family Support Magistrate Rules Subcommittee  
December 8, 2008

The Family Support Magistrate Rules Subcommittee met in room 607L at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on December 8, 2008.

Those in attendance: Hon. Bethany J. Alvord, Hon. Sandra Sosnoff Baird (Co-Chair), Paul Bourdoulous, Jane Grossman, David M. Iaccarino, David Mulligan, Hon. Lynda Munro (Co-Chair), Hon. Joseph H. Pellegrino, Laureen Vitale, Hon. Linda Wihbey, Lucia S. Ziobro.

Also in attendance was Attorney Joseph J. Del Ciampo.

The meeting was called to order at 2:00 PM by Judge Munro.

1. Review and Approval of Minutes

The minutes of the meeting of the subcommittee held on November 17, 2008 were approved unanimously by the members, with the revision of the date.

2. Continue Rule Consideration

The subcommittee continued its review of Chapter 25 of the Practice Book discussing which of those sections the subcommittee thinks should apply to Family Support Magistrate matters.

PB Rule 25-26 (a) Generally yes (unanimous), but a separate subsection will be proposed to specifically address Family Support Magistrate matters. Recommended language is "For matters before the family support magistrate division, upon any motion to modify support for minor children, where the motion seeks to reduce the amount of support, the judicial authority may ... ."

Rule 25-26 (b) Yes (unanimous) with revision. The section will read as follows: "Either parent or both parents of minor children, or any individual receiving Title IV-D services from the State of Connecticut may be cited or summoned by any party to the action, or in Title IV-D matters by Support Enforcement Services of the Judicial Branch, to appear and show cause why orders of support or alimony should not be entered or modified." The commentary will reflect that this section is intended to apply to any individual receiving Title IV-D services for the child(ren) at issue.

Rule 25-26 (c) Yes (unanimous) with revision to the first sentence as follows: “If any applicant, other than Support Enforcement Services, is proceeding without the assistance of counsel ... .” Also, a new subsection will be proposed and the recommended language is “In matters where the parties or other individuals, pursuant to subsection (b) above, to a child support order are receiving Title IV-D services from the State, Support Enforcement Services may initiate a motion to modify an existing child support order pursuant to 46b-231 (s) (4); with any motion to modify, Support Enforcement Services may issue an order and summons and assign a date for a hearing.” The subcommittee discussed that acknowledging Support Enforcement Services’ authority to “initiate” a motion to modify is not intended as an acknowledgment of any authority for Support Enforcement Services to sign such motions.

Rule 25-29 No (Magistrate Wihbey and Attorney Grossman voted yes). Additional review of JD-FM-170A form is needed.

Rule 25-31 The provisions of sections 13-1 through 13-11 inclusive, 13-13 through 13-16 inclusive, and 13-17 through 13-32 inclusive, were reviewed individually:

Rule 13-1 Yes (unanimous)

Rule 13-2 No (unanimous)

Rule 13-3 Yes (unanimous)

Rule 13-4 No (unanimous). A new section regarding experts was recommended as follows: “As soon as is practicable, if a party including the State of Connecticut is going to rely on in court expert testimony they shall provide notice to all opposing parties, but said notice shall not be less than 14 days before the hearing. Discovery, facts known, and opinions held by experts may be ordered disclosed by the Family Support Magistrate on such terms and conditions that the Magistrate deems reasonable.”

Rule 13-5 No (unanimous)

Rule 13-6 Hold until drafting is reviewed (unanimous)

Rule 13-7 (a) Hold until drafting is reviewed (unanimous)

13-7 (a) (1) Yes (unanimous)

13-7 (a) (2) Yes (unanimous)

13-7 (a) (3) Yes (unanimous)

13-7 (a) (4) No (unanimous)

13-7 (b) Yes (unanimous)

13-7 (c) No, first sentence (unanimous). Yes, next three sentences (unanimous).

13-8 No (unanimous)

13-9 (a) No (unanimous)

13-9 (b) Yes (unanimous) with recommended language added “upon motion and by order of the Family Support Magistrate.”

13-9 (c) No (unanimous)

13-9 (d) Yes (unanimous)

13-9 (e) Yes (unanimous)

13-9 (f) Yes (unanimous)

13-10 (a), (1), (2), & (3) Yes (unanimous)

Rule 25-32 Yes (unanimous) with the recommendation that a new section be created specifically tailored to Family Support Magistrates, entitled “Standard Disclosure and Production,” which will provide that upon request by a party or as ordered by a Family Support Magistrate, the documents set out in subdivisions (a) (1) through (a) (8) shall be exchanged.

The subcommittee was asked to research C.G.S. §§ 17b-137 and 17b-745 (a) (11) regarding discovery and its applicability to Family Support Magistrate matters.

### 3. Next Meeting

The next meeting will be January 12, 2009, at the same location. The subcommittee will begin next time with a continuation of a review of discovery and depositions. The meeting that had previously been scheduled for December 22, 2008 is cancelled.

Judge Munro adjourned the meeting at 4:45 PM.