

Minutes
Family Support Magistrate Rules Subcommittee
April 13, 2009

The Family Support Magistrate Rules Subcommittee met in room 607L at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on April 13, 2009.

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

Also in attendance were Attorney Joseph Del Ciampo and Johanna Greenfield. Charisse Hutton, Director of Support Enforcement Services attended this meeting.

The meeting was called to order at 2:07 PM by Judge Munro.

1. Review and Approval of Minutes

The minutes of the meeting of the subcommittee held on March 23, 2009 were approved unanimously by the members in attendance.

2. Continue Rule Consideration

Rules 10-19 and 25-9 were revisited and the members of the Subcommittee in attendance voted to confirm that 10-19 will not be included in the Family Support Magistrate Rules proposals and that 25-9 will be permissive, not mandatory (Attorney Ziobro dissenting).

Chapter 10 continued:

10-50 through 10-58 No (unanimous).

10-59 through 10-62 Yes (unanimous).

10-63 through 10-67 No (unanimous).

10-68 Yes (unanimous).

10-69 through 10-79 No (unanimous).

Chapter 25 continued:

25-65 (a) No (Attorney Ziobro dissenting).

(b) Yes (unanimous)

(c) Yes (unanimous)

(d) Yes with language changes (unanimous) provided that such language changes are not a practical problem or a problem as a matter of law.

(e) Yes (unanimous) with a language change.

25-66 Yes (unanimous). It was noted that if anything changes in C.G.S. §46b-231 that impact this rule, the language would need to reflect that.

25-67 The draft by Attorney Bourdoulous was unanimously approved as language. It was noted, however, that Magistrate Wihbey does not agree with an interpretation that would mean that Support Enforcement Services can sign a motion for contempt or modification. Commentary will be included that this proposal is intended to reflect what is believed to be the intent of the Rules Committee regarding Support Enforcement Services initiating and facilitating, but not advocating.

25-68 Yes (unanimous).

25-69 No (unanimous).

3. Such other matters that may come before the Subcommittee

The subcommittee had more discussion regarding discovery based on the feedback from the Family Commission. Additional proposed language was approved unanimously regarding Rule 13-6.

The format that the proposed rules should take was discussed. The members of the Subcommittee in attendance voted to propose a Chapter 25A for the Family Support Magistrate Rules instead of additions to the Family Chapter (Attorney Ziobro dissenting).

There was continued discussion regarding impleader and Magistrate Sosnoff Baird's draft was presented. The issue remains unresolved. Attorney Ziobro and Attorney Mulligan and Attorney Bourdoulous will share the law they find on the court ordering support to a "custodian" who does not have court-ordered custody. The Subcommittee will review Magistrate Sosnoff Baird's draft for the next meeting and when the custody questions are resolved, the Subcommittee will consider Attorney Ziobro's draft documents regarding redirection of payments.

4. Next Meeting

The next meeting will be on April 27, 2009 at the same location. The Subcommittee will resume discussion of what other rules may be needed that do not currently exist along with rules that were previously postponed for consideration as well as the other matters enumerated in item 3 above.

Judge Munro adjourned the meeting at 4:45 p.m.