

Minutes
Family Commission
November 17, 2010

The Family Commission met in courtroom 3D at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on November 17, 2010.

Those in attendance: Hon. Lynda Munro (Chair), Hon. Holly Abery-Wetstone, Hon. Sandra Sosnoff Baird, Attorney Michael Blanchard (arrived late), Hon. John Boland (arrived late), Attorney Steven Dembo, Hon. Anne Dranginis, Attorney Constance Frontis, Hon. Elaine Gordon, Johanna Greenfield, David Iaccarino, Attorney Maureen Murphy, Attorney Thomas Parrino, Hon. Elliott Solomon.

Also in attendance were Attorney Joseph Del Ciampo, Attorney Nancy Porter and Attorney Martin Libbin (left early) from the Judicial Branch's Legal Services Unit.

The meeting was called to order at 2:04 PM by Judge Munro.

I. Review and approval of minutes

The minutes of the meeting held on October 6, 2010 were approved by the members of the Commission who were in attendance.

II. Revisions to Financial Affidavit form

With regard to the Financial Affidavit form JD-FM-6, Magistrate Sosnoff-Baird, Attorney Maureen Murphy and David Iaccarino are looking at the forms of other states. They have received responses from nine states. It was reported that most of them so far have monthly amounts and some states have more than one. They are hopeful that by the next meeting there will be more replies. Some states have very user-friendly financial affidavits.

There are questions about whether our form could ultimately be fillable and do the calculations on line and how affidavits are handled in the e-filing system. Currently affidavits are scanned in civil matters.

Defining the goals will help the assessment of the information. Possible goals are:

- User friendly for the bench and for the person completing the form. The concept of a full affidavit and a summary sheet was raised. It was suggested that joint and individual expenses might be relevant, but the Watson case may pose issues with that. Perhaps people should be able to fill out

monthly amounts. Perhaps there should be greater detail on gross and net income.

- If there is more than one form developed, making sure that the appropriate form is used in the appropriate case. The question here is what should the differentiators be?
- More detail? It was noted that there are pros and cons to this. The Commission will look at what other states have done.

Other items discussed included how food stamps are handled in other states and how the thirteen weeks is presented to self-represented parties so that they understand it.

It was noted that the fee waiver form should be included as part of the discussion. Civil matters are breaking off from that form, so the family form will be revised. It is anticipated that it will include statutory language and a text area for people who show no income or expenses to explain their circumstances. The exemption question needs to be more prominent and language must be made clearer such as what is meant by “dependents.” Attorney Frontis will create a first draft.

III. Appellate Court and automatic orders

Attorneys Dembo and Parrino are working on this and need additional time. The question is whether it is adequate if just #1 and #2 of the automatic orders survive an appeal until final judgment. They will report back for the next meeting and will provide an alert for the agenda as to whether more than just those provisions are contemplated.

IV. GAL protocol to bring matters to the court's attention and the duration of the GAL's appointment

The way a GAL brings matters to the court's attention varies from jurisdiction to jurisdiction. One common way is asking the caseload coordinator to schedule a status conference. Some GALs have filed motions for advice, but that poses an issue for GALs who are not attorneys. Since the Carruba case states there is a fiduciary responsibility to the court, some mechanism needs to be put into place and it needs to encompass GALs who are not attorneys.

The Commission members unanimously voted to try a Request for Conference form that would go to the caseload office, or the person who performs that function, for a status conference with a more

defined procedure. The form could say that appearance of counsel and the parties is mandatory and would include a reason so that everyone is on notice of the issue(s). The form would be coded into the court file. This form will be drafted by the Chief Administrative Judge (Judge Munro) or her designee.

It was also suggested that an appointment order should exist. There also needs to be an educational effort that these GALs are not guardians for all purposes and that they are guardians for purposes of the litigation for which they are appointed.

Regarding duration of the appointment, it was suggested that it was appropriate until judgment unless otherwise ordered by the court.

Judge Munro will report back at a future meeting.

V. Self-represented parties filing appearances in lieu of attorneys.

This topic was not reached at this meeting.

VI. *Ex Parte* Motions for Custody

Judge Boland circulated draft language. Hon. Holly Abery-Wetstone and Attorney Thomas Parrino will also be working on this. This topic will go on the next agenda. Judge Munro indicated that the time for proposed legislative change for 2011 has passed so we would be looking toward 2012. There was a suggestion to add language that the court can appoint a guardian ad litem or attorney for the minor child(ren). It was also suggested that Practice Book Rule 4-5 compliance be mentioned. Other comments were made with regard to information about the applicant's qualifications with regard to the child and that people need to know that this is extraordinary relief.

VII. Such other matters that may come before the Commission

No other matters were raised before the Commission at this meeting.

VIII. Meeting dates for 2011

The next meeting date is January 5, 2011. The one after that will be February 16, 2011. It is contemplated that meetings will continue to follow subsequently every six weeks for the year.

Judge Munro adjourned the meeting at 4:02 p.m.