

UPDATE ON

THE JUDICIAL BRANCH FAMILY COURT INITIATIVES

FALL 2015



Prologue

The Connecticut Judicial Branch is committed to providing parties who come to court for family matters with the most expeditious, cost-effective way of resolving their cases. As such, the Judicial Branch has invested in various ways to manage these cases to achieve the best outcomes. Moreover, while it is important to note that every case is unique, an explanation of certain general areas will help highlight where improvements have occurred.

By way of background, the Judicial Branch in 2014 commissioned The Center for Research and Public Policy to conduct a telephone survey among individuals involved with the Connecticut court system for divorce, legal separation, child visitation and/or child custody cases. The center completed 1,000 surveys between December 10, 2014 and January 7, 2015, and the feedback provided a wealth of information. Included among the highlights was a 64.55% average overall positive rating on six different characteristics, with the highest positive ratings recorded for the court facilities (71.9%) and on being consistent (67.9%). The lowest positive ratings were recorded for the length of process (60.2%) and the time spent in court on a given day (56.8%). It is worth noting that 73.6% of all respondents reported that they were very or somewhat satisfied with the overall court experience.

Though not the only factor, the survey has played a significant role in identifying areas where the Branch should continue its ongoing efforts to improve the family court system. Those areas are: reducing costs to parties; reducing conflict; reducing delays and the time it takes to resolve a case; enhancing consistency and efficiency; enhancing accountability; and enhancing the parties' understanding of the process.

The Judicial Branch recognizes that there never will be a "final" result – instead its efforts to improve the family court system must be ongoing, tangible and measurable. The Branch, however, is pleased to report that it has made significant improvements in all six areas, and the results are included in this report, along with highlights of the survey and other supporting information.

Family Court Initiatives Executive Summary

- Beginning in December of 2015, judges may request that Family Relations Counselors perform specific functions (e.g. information gathering, settlement meetings), enabling courts to rely more on Judicial Branch resources and less on guardians ad litem (GAL).
- For those cases in which a judge determines that a GAL is still necessary, a sliding fee scale has been established in accordance with Public Act 14-3. Also pursuant to Public Act 14-3, the Judicial Branch established a Code of Conduct for GALs.
- From 2014 to 2015, the number of guardians ad litem appointed in family cases has decreased from 1,618 to 1,235, a reduction of 24%. Three-quarters of appointments after October 1, 2014 were made by agreement of the parties. GAL appointments represent approximately 5% of newly added family cases and 3% when post-judgment cases are included.
- The Judicial Branch has removed more than 500 individuals from the GAL list. Those removed were not in good standing with his/her respective licensing board (e.g. attorneys, mental health professionals without current licenses). Others removed were those who indicated that they no longer wish to accept appointments as a GAL.
- The Conflict Case Management pilot program has been an initial success, working to resolve issues in high conflict cases. Cases in the program, which averaged 35 motions/court dates, saw no new child-related motions filed after referral to the program.
- The new nonadversarial divorce process allows eligible parties who have been married for less than eight years and do not have children to obtain a dissolution of marriage without appearing before a judge. Additionally, all parties who reach an agreement will now be able to waive the ninety day statutory waiting period for a divorce, regardless of the length of their marriage or whether they have children. These new processes allow parties to reduce the length of their case by at least 75%.
- Individual calendaring will enable one judge to hear a case from start to finish. This will increase consistency and efficiency, while ensuring more tailored referrals for services and a reduction of costs to the parties. Additionally, Family E-Filing will enhance the efficiency and accessibility of the family court system, allowing parties to remotely manage and keep track of their cases.
- The Restraining Order Enhancement Initiative will permit family court judges to access additional information before a hearing is held on a restraining order, including criminal records, a protective/restraining order registry review and family/civil court activity. The Judicial Branch intends to seek a statutory change during the upcoming legislation session to allow the court access to this additional information.
- The Branch has developed a form to more accurately track orders for supervised visitation, and their frequency.
- The Branch has developed additional informational resources for parties including a series of videos about family services and a brochure about guardians ad litem and attorneys for the minor child.

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I. Reducing costs to the parties

Reduce the Reliance on Guardians ad Litem

The cost associated with family court matters has been highlighted as an area of concern for parties.

In an effort to address this concern, beginning in December of 2015, family judges may request family relations counselors to perform specific functions, which may reduce the reliance on guardians ad litem and the associated costs.

It should be noted that the parties do not pay any costs associated with the work performed by family relations counselors.

Some of the functions that family relations counselors will perform at the request of a judge are:

- Troubleshoot and intercede in routine and emergency parenting conflicts
- Complete expedited information gathering and/or related tasks (e.g., home visits) as required by the Court
- Monitor compliance with court-orders
- Assist in the development of parenting plans (custody and visitation)
- Hold settlement meetings to resolve cases
- Provide status reports at all required court appearances.

This will enable the court to rely more on family relations counselors to perform specific tasks, but also to maintain the authority and ability to appoint guardians ad litem in cases where it is necessary.

Sliding Fee Scale

In those cases where a judge determines that it is necessary to appoint a guardian ad litem or an attorney for a minor child in a particular case, a sliding fee scale has been developed pursuant to Public Act 14-3, *An Act Concerning Guardians*

It should be noted that about 300 of the approximately 400 guardians ad litem and attorneys for the minor child who are eligible for appointment have agreed to accept sliding fee scale appointments.

Of the guardians ad litem and attorneys for the minor child appointments made between September 30, 2014 and May 6, 2015, approximately 68% of the cases are either paid for by the State (which means that the parties pay nothing) or are otherwise paid for by the parties at a reduced rate based on the sliding fee scale.

DIVISION OF PUBLIC DEFENDER SERVICES FEE SCALE

Parents' Combined Gross Income	Appointed AMC/GAL Hourly Rate
\$00.00 - \$39,062.00	State paid*

* Currently the state pays the GAL/AMC a flat fee of \$500, plus \$50/hour for hourly billing events approved by the Division of Public Defender Services contract.

JUDICIAL BRANCH SLIDING FEE SCALE

Parents' Combined Gross Income*	Appointed AMC/GAL Hourly Rate
\$39,062.01 - \$50,000.00	\$75/hr. - \$100/hr.
\$50,000.01 - \$70,000.00	\$100/hr. - \$150/hr.
\$70,000.01 - \$100,000.00	\$150/hr. - \$225/hr.

*The sliding fee scale is based upon the combined gross income of the parents and assumes one child. The scale is only applicable to cases where the combined gross income of the parents is \$100,000 or less.

In addition to considering the parents' gross income, the court may also consider other factors to determine whether application of the scale is appropriate and at what level, including, but not limited to:

1. All other information set forth on the parents' financial affidavits;
2. Total number of dependent children;
3. The hourly rate charged by the parties' own lawyers;
4. The complexity of the issues before the court;
5. The gross income and other information on the financial affidavit of any intervening party or third party applicant;
6. Source(s) of additional household income, including funding source for current litigation.

II. Reducing Conflict

Conflict Case Management

The Judicial Branch's Court Support Services Division has developed a new service referred to as "conflict case management" for some post-judgment cases involving children. There are both long term and short term goals with the service. The short term goal is to assist families to address the immediate issues that are causing conflict. The long term goal is to assist parents with developing the skills necessary to improve communication and cooperation between them, which optimally will lead to more lasting parenting agreements and the reduction in the cyclical pattern of litigation.

The anticipated outcomes of the new conflict case management service are to:

- Decrease litigation
- Increase parental autonomy
- Promote more effective co-parenting skills
- Reduce the trauma and stress that children experience when there is parental conflict

The caseload for the family relations counselors assigned to this task is low (approximately 20 cases), which gives the family relations counselors time to assist parents in making decisions involving their children on their own without the need for continued court involvement.

The initial results have been very promising.

- 46 cases were referred to the pilot between February and September of 2015
 - 13 cases were closed due to a variety of reasons¹
- Of the remaining 33 cases in the program, not one child-related motion has been filed
 - Before these cases were referred to the pilot program, an average of 35 motions had been filed in each case²

The pilot program began in February 2015 in two locations, New London and Waterbury, and was expanded to Litchfield in April 2015. The intent is to gradually expand this program statewide in the coming year.

Helping parties reach agreements while in court

Family relations counselors are very effective at assisting parties with reaching agreements. In fact, 78% of the matters that family relations counselors negotiate result in a resolution.

¹ Of the 13 cases that were closed, 6 were closed due to agreements, 2 were referred to Family Services for an evaluation, 3 were returned to the court with no agreement and 2 were withdrawn from the pilot program.

² It should be noted that some of the cases had approximately 400 motions filed.

To provide this service to more parties, the Judicial Branch has prioritized the hiring of family relations counselors and increased the number of counselors who are available to negotiate agreements at all stages of the court process (i.e. final judgment, status conferences, short calendar hearings, etc.).

The result of this increase in resources has been that:

- The parties do not have to wait as long to meet with a family relations counselor
- The number of agreements has increased
- Counselors are available to meet with the parties to try to mediate cases more frequently and on more days

III. Reducing Delays and the Time it Takes to Resolve a Case

An oft-repeated criticism of our family court is that it simply takes too long for one's matter to be resolved. In fact, some of the lowest scores that the Judicial Branch received in its family court survey were in this area – only 60% of the respondents were satisfied with the length of the process when asked to rate the court system, and only 57% were satisfied with the length of time spent in court on any given day.

In response, the Judicial Branch has taken action, both on its own and in concert with the Connecticut General Assembly. Actions taken to date help on both ends of the spectrum as comparatively simple matters will be resolved more quickly, allowing the court to provide appropriate services more expeditiously on complex, contentious cases.

Nonadversarial Divorce

Addressing matters where the parties have nothing in dispute and are seeking an expedited resolution for their dissolution action, the Judicial Branch proposed, and the Legislature enacted, Public Act 15-7, *An Act Concerning a Nonadversarial Dissolution of Marriage*. Even using a conservative estimate, it is believed that this act will allow qualified parties to reduce the length of time the matter is in court by 75%.

- Eligible parties include those without children, who have been married eight (8) years or less, and who have less than \$35,000 in assets
- If these and other criteria are met, the court will review the parties' petition and supporting documents, and after 30 days from filing, may grant the dissolution without the parties ever having to appear in court
- The many benefits of this legislation are expected to:
 - Reduce the amount of time parties spend in court
 - Reduce the length of time the process takes
 - Allow parties to move on with their lives more quickly
 - Reduce costs to the parties

Waiver of the Statutory Waiting Period

Of course, not every action will qualify for a nonadversarial divorce. But there are still many parties intent on resolving their differences and dissolving their marriage without a lengthy delay. The same public act that created nonadversarial dissolution also created a mechanism to assist these parties.

- Any party – regardless of the length of marriage, children, or estate – may file a joint motion, indicating that they have an agreement that covers all subjects of their divorce or legal separation and request the court to waive the 90-day statutory waiting period.
- This process has the potential to reduce the length of time a matter is pending in court by at least 75%.
- The process also encourages and allows parties who have an agreement to proceed without delay to disposition of their case.

Renewed Focus on Case Management

The simple fact is that the majority of cases are not likely to be resolved utilizing the new nonadversarial divorce process, or by waiver of the statutory waiting period. These litigants, however, are also owed fewer and more time-efficient visits to the courthouse. New tools and new practices – including Practice Book revisions and a renewed focus on judge-oriented docket management – are necessary to resolve these matters.

- Beginning on January 1, 2016, Practice Book Rule 25-50, pertaining to case management of family matters, will take effect.
- On and after this date, this amended rule will allow parties who have an agreement, but who have not availed themselves of an alternative process, to proceed to dissolution of their marriage on the case management date (approximately 91 days from the return date) without the need for additional notice or court dates.
 - This amended rule also provides that in all cases where a properly served defendant has not filed an appearance by the case management date, the plaintiff may proceed on the case management date to dissolve the marriage without the need for a future court date.
 - As with other initiatives, this improved process will reduce the number of court appearances for the parties and will lessen the time the matter is pending in court.

Continuity of Trial Dates

At the furthest end of the spectrum are the most difficult, intractable cases. New laws and new tools will not resolve these matters; only a trial before a judge will bring finality. Connecticut's courts have not always provided consecutive trial dates for these parties. Matters that could be tried over consecutive days have often stretched for weeks or even months.

- The Judicial Branch is addressing this concern through an individual calendaring pilot program, a chief benefit of which is that it will allow for the scheduling of firm trial dates that are realistic, accurate, and consecutive.
- Simply put, even the most challenging of cases will be resolved sooner.

Meeting the Standard

Nationally, the American Bar Association suggests that the disposition of dissolutions of marriage actions should take no more than one year.

- Current statistical data indicates that on average, statewide, 89% of dissolutions are disposed of within one year, with 66% disposed of within six months of filing.
- At the close of the past fiscal year on June 30, 2015, less than 6% of all dissolution cases pending were over one year old and less than 8% of all pending custody actions were over a year old.

With renewed energy and focus – and with the new tools that have been provided – the Judicial Branch believes that it will come closer to meeting the ABA standard. More importantly, it will allow parties to achieve finality quicker, with fewer court appearances, and with less conflict.

IV. Enhancing consistency and efficiency

Based on the survey that was conducted of parties in family matters and input from others, the Judicial Branch recognizes that parties in family cases and the public in general expect our courts to be fair, expedient, efficient, effective and consistent. The Judicial Branch has and will continue to look for ways to enhance consistency and efficiency in the handling of family matters. Two particular initiatives are highlighted below.

Individual Calendaring

Ensuring that a single judge hears a case from start to finish will enhance consistency and efficiency. Individual calendaring for family matters is being piloted in Norwich as of October 1, 2015.

With individual calendaring, each case is assigned to a single judge who will be responsible for managing all aspects of the litigation up until the time of trial. If a case goes to trial, it will be assigned to a different judge, who will be that case's assigned judge for trial and post-judgment motions.

Individual calendaring allows for:

- More consistency
- Early intervention by the court if necessary, which can either result in a quicker disposition or a timelier and more tailored referral for services
- More personalized scheduling of court events
- Greater efficiency

As noted above, another benefit of individual calendaring is the scheduling of firm trial dates that are realistic, accurate and provide for consecutive trial dates, thereby, reducing the length of time that it takes to have a matter resolved.

Restraining Order Enhancement Initiative

In addition to handling cases involving dissolution of marriage, legal separation, annulment, custody, and visitation, family court judges are charged with determining whether to grant a civil restraining order. In the vast majority of these cases, both the applicant and the respondent are self-represented and appear without the assistance of an attorney, a victim advocate or any other professional. Additionally, family court judges are not provided with any information, besides the application, to assist in determining whether to grant the restraining order.

It would be beneficial to all involved, if family court judges had access to additional information before the hearing is held on the restraining order, such as:

- Criminal record check (pending cases, convictions, current probation, and warrants)
- Protective/Restraining Order Registry review for current or expired orders
- Family/Civil Court activity (dissolutions, custody/visitation cases, and child support matters)

The limitation is that Section 46b-15 of the Connecticut General Statutes limits the information that a judge may consider to "relevant court records if the records are available to the public."

The Judicial Branch will seek a statutory change in the upcoming session to provide family judges access to additional information.

E-filing

The Judicial Branch has used and will continue to use technology to promote efficiency. As of December 15, 2014, dissolution of marriage, dissolution of civil union, legal separation and annulment cases became e-fileable.

It is mandatory for attorneys to electronically file, an optional for self-represented parties in those case types.

Nonadversarial dissolution of marriage cases are not e-fileable at case initiation. However, these files *are* electronic and may be accessed in the same way as any other electronic file.

There are many advantages to e-filing for the parties, such as the ability to:

- File their documents from a remote location and view those documents right away
- View their court files from home or the office
- Look at a listing of current, past and upcoming short calendar matters
- Print documents from a court file remotely
- View the court notices on their cases remotely
- Travel to a single court location to view files from courthouses all over the state.

V. Enhancing accountability

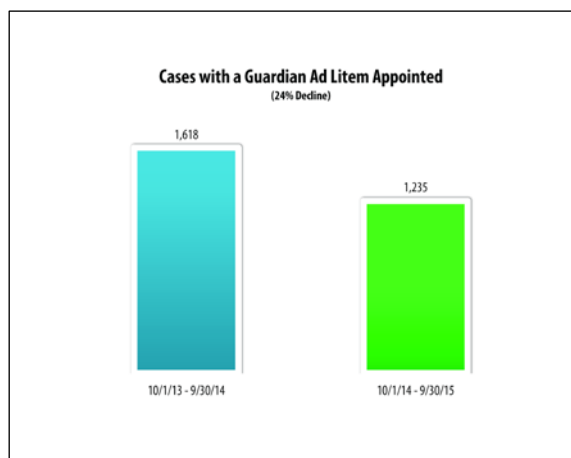
More Input in the Appointment of Guardians ad Litem and Attorneys for the Minor Child

Public Act 14-3, *An Act Concerning Guardians Ad Litem And Attorneys For Minor Children In Family Relations Matters*, made changes to the process by which guardians ad litem and attorneys for the minor child are appointed. Parties now have the ability to select a guardian ad litem or attorney for the minor child from a list of 15 names provided by the court, if there is no agreement as to the guardian ad litem or the attorney for the minor child.

It should be noted that over three-quarters of the appointments made after October 2014 have been by way of the parties agreeing to a particular guardian ad litem or attorney for the minor child.

GAL appointments represent approximately 5% of newly added family cases³. A significant number of GAL appointments involve post-judgment activity. When post-judgment activity is coupled with newly added family cases, the percentage of cases involving GAL appointments is approximately 3%.

As depicted in the chart below, cases with GAL appointments declined by 24% during the identified time frames.



³ Please note that “newly added family cases” includes family support magistrate cases and excludes temporary restraining orders.

Within 21 days of the appointment of a guardian ad litem or attorney for the minor child, the court is required to set the following:

- The specific nature of the work to be performed by the guardian ad litem or attorney for the minor child.
- The responsibility for payment of the guardian ad litem or attorney for the minor child, including the guardian ad litem or attorney for the minor child's hourly rate and retainer.
- Each parent's percentage responsibility for payment of the fees of the guardian ad litem or attorney for the minor child, based upon a review of the parties' financial affidavits.

The court is required to schedule review dates at least every three months, unless waived by the parties. Additionally, the court is required to set a date by which the guardian ad litem or attorney for the minor child should report back to the court and a target date for completion of the responsibilities of the guardian ad litem or attorney for the minor child.

Pursuant to Public Act 14-3, the Judicial Branch has established a comprehensive Code of Conduct for guardians ad litem and attorneys for the minor child that covers minimum requirements of professional conduct and performance. (See Appendix B for a copy of the Code of Conduct.)

The public act also provides litigants with the right to seek removal of a guardian ad litem or attorney for the minor child if he/she fails to comply with the Code of Conduct or the court's order.

Action taken by the Judicial Branch Pertaining to Guardians ad Litem

A Judicial Branch subcommittee was established to study and recommend the qualifications of guardians ad litem, the appointment process and training requirements. A report is due to be submitted to Chief Justice Chase T. Rogers by January 1, 2016.

As part of its work, the subcommittee has carefully reviewed the original list of more than 900 guardians ad litem or attorneys for the minor child, and has removed any individual who is not in good standing with his/her respective licensing board. The subcommittee has also removed individuals who either have indicated they no longer wish to serve, or who have failed to provide the Judicial Branch with necessary updated information required by the public act and requested by the Branch.

There are approximately 400 individuals who are currently eligible to serve as guardians ad litem and/or attorneys for the minor child.

Supervised court-ordered visitation

The Judicial Branch has been reviewing court-ordered visitation statewide, including the use of supervised visitation. For cases in which supervised visitation is ordered, the Branch has developed a new form to better track its use.

The new form enables the Branch to more accurately account for the use of supervised visitation, by providing a statistical means to track four different types of orders:

- Supervised visitation by agreement of the parties that is not ordered to take place at a visitation center.
- Supervised visitation by agreement of the parties that is ordered to take place at a supervised visitation center.
- Supervised visitation in the absence of agreement of the parties that is not ordered to take place at a visitation center.
- Supervised visitation in the absence of agreement of the parties that is ordered to take place at a visitation center.

The Branch began collecting data on court-ordered supervised visitation in family matters with this form on July 1, 2015. The chart below shows that there were 205 court orders of supervised visitation issued from July 1, 2015 to October 1, 2015. For comparison purposes, it may be helpful to know that there were 8,561 cases added during the same period of time, which means that judges ordered supervised visitation in only about 2% of the cases.

**State of Connecticut - Judicial Branch
Orders of Supervised Visitation
7/1/2015 to 10/1/2015**

Visitation Order	Total
A supervised visitation order was entered by agreement of the parties and visitation was not ordered to take place at a visitation center.	103
A supervised visitation order was entered by agreement of the parties and visitation will take place at a visitation center.	43
A supervised visitation order was entered in the absence of an agreement and visitation was not ordered to take place at a visitation center.	39
A supervised visitation order was entered in the absence of an agreement and visitation will take place at a visitation center.	20
Total	205

Drawn from the CV/FA system on 10/1/2015

The Branch is continuing to collect and maintain statistics to better understand how, and under what circumstances supervised visitation is ordered.

Enhanced statistical data

In order to measure outcomes and spot trends, the Judicial Branch has increased the range of family court activities that can be statistically measured. The data to date has been used effectively to keep track of volume, set goals and increase efficiency.

The Branch is developing additional measures that track meaningful time frames in both pre- and post-disposition cases. In addition to time measurements, the Branch anticipates examining the average number of hearings to reach resolution by court location to help allocate scarce resources.

The chart on the following page compares the number of certain cases by type between fiscal years 2015 and 2014. Please note that there were 6,782 family support magistrate cases added in FY 2015 compared with 6,758 family support magistrate cases added in FY 2014.

	2014/2015	2013/2014
Number of Dissolutions, legal separations and annulments:	12,986	13,294
Custody and/or Visitation Applications:	4,115	3,948
Restraining Orders:	8,556	8,944
Post Judgment Contempt Actions:	11,779	11,489
Post Judgment Motions for Modification:	9,449	11,389
Cases Disposed of within 6 months:	66%	57%
Cases Disposed of within a year:	89%	87%

VI. Enhancing the Parties' Understanding of the Process

Family Services Video

A series of videos has been developed to explain the role of family services. The videos explain the direct services provided by family services, the fact that they are offered at no cost to the parties, the process by which people are referred to those services and possible outcomes for the completion of each program.

The purpose of this series is to help parties with children prepare for Family Court. It includes information about the people involved, the processes for each service and the vocabulary the parties will hear in court.

The videos are available on the Judicial Branch's YouTube page and on its website and will be translated into Spanish, Polish and Portuguese.

Brochure about Guardians ad Litem and Attorneys for the Minor Child in Family Matters

The Judicial Branch developed a brochure that describes the roles and responsibilities of a guardian ad litem and an attorney for the minor child. The brochure also explains what parents can expect from guardians ad litem and attorneys for the minor child, and who pays the costs associated with the appointments.

This brochure is available in all family court clerks' offices, public information desks, court service centers, law libraries and on the Judicial Branch's website. Appendix C contains a copy of the brochure.

Forms

The Judicial Branch has developed a series of forms to ensure consistency and to assist parties in navigating the family court process, particularly when a guardian ad litem or an attorney for a minor child has been appointed.

These forms are:

JD-FM-229 Notice to Parties of Persons Eligible to Serve as Counsel or Guardian ad Litem for Minor Child or Children and Notice to Court of Persons Selected

JD-FM-227 Orders of Duties and Fees – Counsel or Guardian ad Litem for Minor Child or Children

JD-FM-228 Order Appointing Counsel or Guardian ad Litem for Minor Child or Children

JD-FM-232 Periodic Review Worksheet – Fees Charged by Counsel or Guardian ad Litem

JD-FM-225 Affidavit of Expenses of Counsel or Guardian ad Litem for Minor Child or Children

Appendix C contains copies of the forms to be used when guardians ad litem or attorneys for the minor child have been appointed in a particular case.

VII. Appendices

Appendix A Highlights of the Connecticut Court System Satisfaction Study

3 HIGHLIGHTS

ON HISTORY...

- Three-quarters of all respondents, 75.8%, reported that their Family Court case involved a divorce or legal separation while 61.0% suggested their case involved child custody or visitation issues. Just over half of all respondents, 53.2%, said they were the defendants in their respective cases.
- Majorities of respondents indicated their cases involved money, custody and visitation issues – 59.9%, 55.3% and 50.1% respectively. Just over one-third, 34.0%, noted their case involved property.
- Nearly one-fifth, 17.1%, suggested a Guardian Ad Litem was appointed with their input (9.8%), without their input (6.0%) or they didn't recall if input was provided (1.3%).
- In the largest number of cases (39.2%), respondents said the Judge initiated the Guardian Ad Litem (GAL) appointment. Others, 19.3%, said they themselves made the request for a GAL. This was followed by the other party (13.5%), an attorney (9.4%), or a combination of the respondent and the other party (8.8%). Some, 6.4%, were unsure.
- Nearly one-half of all respondents, 47.4%, indicated the Guardian Ad Litem was paid for by the State while 25.1% indicated they paid the fee and 21.1% suggested the fee for the GAL was split with the other party. Some, 6.4% were unsure how the GAL fee was paid.
- Among those who paid the GAL fee themselves (or shared the cost), just 29.2% provided a positive rating on the reasonableness of the fee. Another 47.2% provided a poor rating on the reasonableness of the fee.
- On being neutral throughout their respective cases, those with a GAL provided a positive rating of 52.2%. Another 35.3% provided a poor rating on being neutral.
- At the time of the interview, 84.1% of all respondents reported their case was over. The average length of time for their respective cases was 7.43 months. Among those who still had open cases, the average number of months still pending was 20.22. Combined (those with open and closed cases) the average number of months was 9.16.

ON RATING THE COURT SYSTEM...

- The average overall positive rating for the Court System on six different characteristics was 64.55%. The highest positive ratings were recorded for the court facilities (71.9%) and on being consistent (67.9%). The lowest positive ratings were recorded for the length of the process (60.2%) and the time spent in court on a given day (56.8%).

The average overall poor rating across the same six characteristics was 19.41.

ON RATING COURT PERSONNEL OVERALL...

- Impressively, the average overall positive rating for court personnel, across six characteristics, was 78.51. The highest positive personnel ratings were recorded for respecting privacy (82.2%), being treated professionally (80.6%), and having knowledgeable staff (79.9%). The lowest positive rating was recorded for helping you understand the process (71.2%).

The average overall poor rating across the same six characteristics was 11.83.

ON RATING PERSONNEL, SYSTEMS & PROGRAMS...

- Fourteen different court support personnel, services or programs were rated by all respondents. The average overall positive rating across all fourteen was 71.11%. The highest positive ratings were recorded for the ADA Coordinator (90.0%), the Marshals (87.2%), Members of the Clerk's Offices (84.5%), and the Court Service Center (80.8%). The lowest positive ratings were collected for Family Relations Counselors (61.3%), the Court paid Attorney (60.8%), the AMC (58.7%) and the Guardian Ad Litem (53.2%).

The average overall poor rating across all 14 personnel categories, services and programs was 17.55.

Importantly, 73.6% of all respondents reported they were very (43.9%) or somewhat satisfied (29.7%) with their overall court experience. One-quarter, 26.4%, reported they considered themselves either somewhat dissatisfied (12.3%) or not at all satisfied (14.1%). Given that the Judicial Branch is a State service that most participants would likely rather not engage with, having three-quarters report out as "satisfied" is a positive finding. The inverted bell curve – 43.9% as "very satisfied" preceding 29.7% somewhat satisfied - indicates the intensity of positive satisfaction.

Among the 1000 respondents interviewed, 1.9% said they filed one or more complaints against the Family Court System. In just a few of these cases, respondents filed two to five complaints and one respondent suggested having filed more than six complaints against the System.

Nearly one-third of those who filed complaints, 29.4%, said they were very or somewhat satisfied with the resolution of their respective complaints. The larger group, 70.6% indicated they were “not at all” satisfied with the outcome of their complaint.

ON COURT STRENGTHS AND AREAS FOR IMPROVEMENT...

In an open-end format opportunity, survey respondents were asked to report two or three things the Family Court System did well based on their own experiences. The most frequently cited responses centered on being helpful / providing assistance (25.2%), processing the case quickly / timely (21.0%), being fair / professional (15.4%), having polite and friendly staff (9.5%) and being efficient and organized (4.4%). “Other” mentions with less frequency are provided within the summary of this report. Some, 16.7%, indicated they could not recall anything the Family Court System did well.

In a similar open-end format question, respondents were asked to name two or three ways to improve the Family Court System. These recommendations centered on improving speed / organization of the process (18.7%), greater fairness / consistency for men and women (15.4%), better explaining the process (6.7%), being nicer / more professional (3.9%), protect privacy (3.5%), reduce fees (2.8%), improve buildings / infrastructure (2.5%) and spread out case scheduling (1.8%).

It is of note that the largest response, for ways to improve the Family Court System, was “nothing / don’t know” at 28.5%. “Other” mentions with less frequency are provided within the summary of this report.

ON COMMUNICATION: WEBSITE...

Just over one-half of all respondents surveyed, 54.6%, noted they have visited the Judicial Branch or Connecticut Court System website.

Of this group, positive ratings for the website on maneuverability, graphics and being informative were – 71.6%, 62.8%, and 77.1% respectively.

Appendix B Code of Conduct

STATE OF CONNECTICUT JUDICIAL BRANCH

CODE OF CONDUCT FOR COUNSEL FOR THE MINOR CHILD AND GUARDIAN AD LITEM

Consistent with Public Act 14-3 as amended by Public Act 14-207 (the 'Act') and other applicable statutes and rules of court, in every case in which the court appoints counsel or a guardian ad litem for a minor child in a family relations matter as defined by subsection (1) (d) of the Act, counsel and the guardian ad litem shall perform the responsibilities and act in accordance with the requirements set forth below. Except where specifically provided, these requirements apply to both counsel and a guardian ad litem (GAL).

I. REPRESENTATION OF MINOR CHILD

- (a) **Representation by Counsel.** Counsel shall represent the minor child's legal interest and consider the child's best interests. Counsel's role when representing a child should mirror as closely as possible counsel's role when representing an unimpaired adult.
- (b) **Representation of the Child's Best Interest by a Guardian Ad Litem**
 - (i) A GAL shall identify and communicate to the court the best interests of the minor child without being bound by the child's preferences.
 - (ii) A GAL may discuss with the child, in an age and developmentally appropriate manner, the nature of the proceeding and the role and responsibility of the GAL.
 - (iii) A GAL shall identify himself or herself as a GAL when contacting individuals in the course of a particular case and inform those individuals about the role of a GAL in the case at the earliest practicable time. A GAL shall advise such individuals that their communication, the documents and the information obtained may become part of court proceedings.
 - (iv) A GAL shall not disclose information or participate in the disclosure of information relating to an appointed case to any person who is not a party to the case except as may be contemplated by the scope of the court's order or otherwise specifically provided for by law.
 - (v) If the GAL is an attorney, he or she acts in the capacity of a guardian, rather than as an attorney, and the information he or she receives is not subject to attorney-client confidentiality.
 - (vi) A GAL shall communicate recommendations directly to the litigant when self-represented and to counsel when a party is represented, unless the GAL obtains counsel's consent to communicate the recommendations directly to the client.

II. COUNSEL AND THE GUARDIAN AD LITEM SHALL:

- (a) **Qualification.** Satisfy all training requirements established by the Judicial Branch and promptly advise the Judicial Branch of unavailability to serve.
- (b) **Competence.** Provide competent representation. Competent representation requires the knowledge, skill, thoroughness and preparation reasonably necessary for the representation.
- (c) **Professional Conduct.** Maintain the ethical principles of his or her own profession and the rules of conduct set forth in this Code, which shall be read as consistent with each other.
- (d) **Candor.** Not knowingly make a false statement of fact or law to the court or fail to correct a false statement of fact or law previously made to the court and shall not offer evidence that he or she knows to be false.
- (e) **Maintain Independence.** Maintain independence, objectivity and operate with fairness in dealings with parties and professionals, at all times and in all settings.
- (f) **Treat Parties With Respect.** At all times treat the parties with respect, fairness and good faith. He or she shall not practice, condone, facilitate or participate in any form of discrimination on the basis of race, color, religious creed, age, marital status, national origin, ancestry, sex, gender identity or expression, intellectual disability, mental disability or physical disability.
- (g) **Conflicts of Interest.** Avoid any actual or apparent conflict of interest or impropriety in the performance of his or her responsibilities. If counsel or a GAL determines that there is a conflict of interest requiring withdrawal, he or she should continue to perform as appointed and seek permission from the court to withdraw. He or she should request appointment of a successor.
- (h) **Limit Duties to the Scope of the Court Order.** Comply with the court's order of duties as set out in the order appointing counsel or a GAL, and shall not provide or require services beyond the scope of the court's order of duties unless he or she obtains additional instruction, clarification or expansion of the scope of such duties from the court.
- (i) **Diligence.** Perform responsibilities with reasonable diligence, in a prompt and timely manner, and if additional time is necessary, request judicial intervention in writing with notice to the parties.
- (j) **Attend Hearings.** Unless otherwise directed by the court, attend any hearing for which the duties of counsel or a GAL or any issues substantially within his or her duties and scope of appointment are to be addressed.
- (k) **Ex Parte Communication.** Not have ex parte communications concerning the case with the judicial authority involved in the matter in which he or she is appointed except as permitted by law.
- (l) **Imminent Danger.** Make an immediate report to the court if he or she believes that the child is in imminent danger of serious physical harm, unless one of the parties has already done so to the police, the Department of Children and Families or in writing to the court.

- (m) **Solicitation.** Not initiate, nor permit a third person to initiate on his or her behalf, personal, live telephone or real-time electronic contact, including telemarketing contact, with a party for the purpose of being appointed to a case.
- (n) **Trial Publicity.** Not make an extrajudicial statement that he or she knows or reasonably should know will be disseminated by means of public communication and will have a substantial likelihood of materially affecting an adjudicative proceeding in the matter or that may negatively impact the child.
- (o) **Maintain Documentation.** Maintain documentation to substantiate recommendations and conclusions and keep written records of all interviews and investigations for six years from the date of completion of services rendered by counsel or a GAL.
- (p) **Recordkeeping.** Keep accurate records of work performed, time spent, fees charged and expenses incurred.
- (q) **Responsibilities Regarding Assistants.** Make reasonable efforts to ensure that the conduct of any of his or her assistants is compatible with his or her own obligations pursuant to this Code.
- (r) **Removal.** Be subject to removal by a judicial authority upon motion of either party or upon the court's own motion, for a violation of this Code of Conduct or for failure to comply with the court's order of appointment.

Guardian Ad Litem or Attorney for Minor Child in Family Matters



The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation, in accordance with the ADA, contact a Judicial Branch employee or an ADA contact person listed at www.jud.ct.gov/ada/.

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JDP-FM-224 (New 6/14)

The Roles and Responsibilities of a Guardian Ad Litem (GAL) in Family Matters

What is a Guardian Ad Litem (GAL)?

A guardian ad litem, often referred to as a GAL, is an individual the court appoints, either upon motion of a party or when the court determines a GAL is necessary. The court will consider the appointment of a GAL if the parties are unable to resolve a parenting or child related dispute. In such event, the court appoints a GAL to ensure the child's best interests are represented during the course of the parties' dispute. The GAL's role is different from that of an Attorney for a Minor Child (AMC). The GAL represents the child's best interests while the AMC represents the child's legal interests and supports the child's best interests.

Who can be a GAL?

Only an individual who has completed the comprehensive training program required by Practice Book Section 25-62, which is sponsored by the Judicial Branch, is eligible to be a GAL.

What is the role of a GAL?

In cases where the parties are unable to agree on a parenting plan or there is a child related dispute, the court may order a GAL to independently represent the best interests of the child. The GAL does not represent the mother, father or any other party in the case. The GAL only represents the best interests of the child. The GAL does not make decisions for the court.

The court may need the GAL to perform certain functions. Some of the functions could be:

- Investigate facts
- Interview the parties and the child
- Review files and records
- Talk to teachers, coaches, and others
- Speak with medical professionals
- Participate in court hearings
- Make recommendations to the court
- Encourage settlement of disputes

The court may also need the GAL to perform other functions not listed above to make a determination as to the best interests of the child. The court will specify the role of the GAL in each case.

What can a parent in a family court matter expect from a GAL?

A parent should expect a GAL to be fair and impartial. The GAL is expected to avoid any conflict of interest, be courteous and professional and act in good faith. The GAL is expected to complete his or her duties in a timely fashion and to maintain accurate records pertaining to both the duties performed and the fees he or she is owed for performing those duties.



Who pays the GAL?

The parties to the case pay the fees for the GAL. Each party is required to submit a financial affidavit to the court. The court will consider each party's financial situation and order how the payment is to be split between them.

In some cases, the parties may qualify for the appointment of a GAL that is paid for by the state. The parties must submit their financial affidavits to the court for review. If the parties meet the eligibility requirements of the Division of Public Defender Services, the court will appoint a GAL who is paid for by the state.

Can a GAL be removed from a case?

If a party believes that a GAL has acted improperly in a family case, he or she can file a motion to ask the court to remove the GAL from the case. After the motion is filed, the court may refer the motion to the Family Services Unit of the court. If the parties involved in the case cannot resolve the motion themselves, the court will have a hearing and decide the motion.

The Roles and Responsibilities of an Attorney for a Minor Child (AMC) in Family Matters

What is an Attorney for a Minor Child (AMC)?

An attorney for a minor child, often referred to as an AMC and also called Counsel for the Minor Child is an individual the court appoints, either upon motion of a party or when the court determines an AMC is necessary to advocate for the best interests of the child. The court will consider the appointment of an AMC if the parties are unable to resolve a parenting or child related dispute. The AMC's role is different from that of a guardian ad litem (GAL). The AMC represents the child's legal interests and supports the child's best interests, while the GAL represents only the child's best interests.

Who can be an AMC?

Only an attorney who has completed the comprehensive training program required by Practice Book Section 25-62, which is sponsored by the Judicial Branch, is eligible to be an AMC. The AMC cannot be the same attorney that is representing either of the parents.

What is the role of an AMC?

In cases where the parties are unable to agree on a parenting plan or there is a child related dispute, the court may appoint an AMC to be the child's attorney. The court will specify the role of the AMC in each case. Just as the parents may have their own attorneys advocating on their behalf, the AMC represents the child's wishes and advocates on the child's behalf.

The AMC can speak in court on all matters pertaining to the interests of the child including custody, care, support, education and visitation. The AMC can also file motions and call witnesses on behalf of the child in court.

Unlike a GAL, an AMC does not testify as a witness, but participates fully as a lawyer in the case.

What can a parent in a family court matter expect from an AMC?

The AMC is expected to avoid any conflict of interest, be courteous and professional and act in good faith. An AMC is bound by the Rules of Professional Conduct governing attorneys in Connecticut. The client, however, is not either of the parents, but the child. The AMC's duty is to the child, and the parents should not expect the AMC to advocate or argue on their behalf.

Who pays the AMC?

The parties to the case pay the fees for the AMC. Each party is required to submit a financial affidavit to the court. The court will consider each party's financial situation and order how such payment is to be split between them.

In some cases, the parties may qualify for the appointment of an AMC that is paid for by the state. The parties must submit their financial affidavits to the court for review. If the parties meet the eligibility requirements of the Division of Public Defender Services, the court will appoint an AMC who is paid for by the state.

Can an AMC be removed from a case?



If a party believes that an AMC has acted improperly in a family case, he or she can file a motion to ask the court to remove the AMC from the case. After the motion is filed, the court may refer the motion to the Family Services Unit of the court. If the parties involved in the case cannot resolve the motion themselves, the court will have a hearing and decide the motion.

**NOTICE TO PARTIES OF
PERSONS ELIGIBLE TO SERVE
AS COUNSEL OR GUARDIAN AD
LITEM FOR MINOR CHILD OR CHILDREN
AND NOTICE TO COURT OF
PERSON SELECTED**

JD-FM-229 New 10-14
PA 14-3 as amended by PA 14-207

STATE OF CONNECTICUT
JUDICIAL BRANCH
www.jud.ct.gov

Appendix D

Court Use Only	
GALAMC 	Use this docket legend for the copy kept when the names are provided to the parties.
SELECT 	Use this docket legend when the form is resubmitted to the court with the name selected.

ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Instructions to clerk:

Retain a copy of this notice for the court file.

Instructions to self-represented parties or attorneys of record for plaintiff and defendant:

Review Sections 1 and 2 and complete Section 3 of this form and return it to the court by the date indicated in Section 2.

Name of case (Plaintiff v. Defendant)	Docket number
Name of Judicial Authority (Judge, Judge Trial Referee, Family Support Magistrate)	

Section 1

Based on the court's review of the parties' financial affidavits: (select one of the following)

- ☐ The court determines that the parties are eligible for appointment of counsel or a guardian ad litem for the minor child or children under contract with the State of Connecticut and paid at the state rates by the Division of Public Defender Services.
- ☐ The court determines that the parties qualify for a sliding scale fee.
- ☐ The court determines that the parties are not eligible for either fee category identified above.

Section 2

The following persons are eligible to serve as ☐ counsel or ☐ guardian ad litem for any minor child in this case. The parties should select 1 person from this list and notify the court of the selection by completing Section 3 of this form by (select a date within 14 days) _____. If the parties cannot agree on a person by the date specified, the court will select a person from this list. The appointment of any person selected is subject to his or her acceptance of the appointment.

Name	City or Town
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	

Section 3

- ☐ The parties have selected (Name of person) _____
or
- ☐ The parties were unable to agree on a selection.

Signed Plaintiff (Self-represented party or Attorney for plaintiff)	Date	Signed Defendant (Self-represented party or Attorney for defendant)	Date
---	------	---	------

RETURN THIS FORM TO THE COURT, ATTENTION OF _____, BY THE DATE IN SECTION 2

**ORDERS OF DUTIES AND FEES -
COUNSEL OR GUARDIAN AD
LITEM FOR MINOR CHILD
OR CHILDREN**

JD-FM-227 New 10-14
P.A. 14-3 as amended by P.A. 14-207

STATE OF CONNECTICUT
JUDICIAL BRANCH
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Court Use Only

DUTYFEE



Name of case (*Plaintiff v. Defendant*)

Docket number

Address of court

Name of counsel or guardian ad litem

ORDER

Section 1 - Duties

The duties of counsel or the guardian ad litem for the minor child or children are as follows:

- ☐ All duties listed in this section
- ☐ Investigate facts necessary to make recommendations to the court regarding the child's or children's best interests
- ☐ Communicate with parties
- ☐ Communicate with the child or children
- ☐ Conduct home visits
- ☐ Confer with Family Services
- ☐ Review all files and records listed in this section
 - ☐ Review court files
 - ☐ Review DCF records
 - ☐ Review police records
 - ☐ Review medical records
 - ☐ Review treatment and counseling records
 - ☐ Review mental health records
 - ☐ Review work records
 - ☐ Review educational records
- ☐ Confer with teachers and other school authorities
- ☐ Confer with professionals
- ☐ Participate in the creation of a parenting plan
- ☐ Report to the court as requested or as deemed necessary
- ☐ Facilitate settlement of disputes
- ☐ Other (*specify*): _____

Section 2 - Fees

A. Based on the court's review of the parties' financial affidavits: (*select one of the following*)

- ☐ The court determines that the parties are eligible for appointment of counsel or a guardian ad litem for the minor child or children under contract with the State of Connecticut and paid at the state rates by the Division of Public Defender Services.
- ☐ The court determines that the parties qualify for a sliding scale fee, and orders payment at the rate of \$ _____ per hour subject to the acceptance of counsel or the guardian ad litem.
- ☐ The court determines that the parties are not eligible for either fee category identified above.

B. Counsel or the guardian ad litem for the minor child or children shall be paid by the parties as follows:

1. Retainer \$ _____ to be paid no later than _____
2. Hourly rate \$ _____ per hour
3. The plaintiff shall be responsible for paying ____% of the retainer, and the defendant shall be responsible for paying ____% of the retainer.
4. The plaintiff shall be responsible for paying ____% of the hourly rate, and the defendant shall be responsible for paying ____% of the hourly rate of counsel or the guardian ad litem for the minor child or children.

Other: _____

Section 3 - Dates

Periodic review dates (*Not less than every three months from the date of appointment unless waived in writing*):

Counsel/guardian ad litem report back - Deadline to report back to court regarding work undertaken:

Proposed completion date of appointment (*May be extended pursuant to court order*):

By the court (*Judge, Family Support Magistrate*)

Signed (*Judge, Family Support Magistrate, Assistant Clerk*)

Date ordered

Note to Parties:

Be advised that you have the ability to control the costs associated with counsel/the guardian ad litem by limiting the conflict, narrowing the issues and the amount of professional time they incur. Please note that all counsel/guardians ad litem are professionals and are entitled to be compensated for their professional time which may include telephone calls, travel, investigations, collateral contacts, reviewing and replying to emails, correspondence, court appearances, and other related time spent on your file.




ADA NOTICE

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**ORDER APPOINTING COUNSEL
OR GUARDIAN AD LITEM FOR
MINOR CHILD OR CHILDREN**

JD-FM-228 New 10-14
PA 14-3 as amended by PA 14-207

STATE OF CONNECTICUT
JUDICIAL BRANCH
www.jud.ct.gov

Court Use Only	
APTAGR 	Use this docket legend when an appointment is made upon agreement of the parties.
APTNOAG 	Use this docket legend when an appointment is made absent an agreement by the parties.
APTEMER 	Use this docket legend when an appointment is made in an emergency situation.

Instructions to clerk:

Complete this form and distribute a copy to all counsel, parties of record, and the person appointed as counsel or guardian ad litem.

Name of case (<i>Plaintiff v. Defendant</i>)	Docket number
Address of court	
Name of Plaintiff/Plaintiff's counsel	
Name of Defendant/Defendant's counsel	

ORDER

The court appoints the following person, subject to his or her acceptance, to serve as ☐ counsel; ☐ guardian ad litem; for any minor child listed below on the following basis: (*Check one*)

- ☐ Upon the agreement of the parties
☐ Absent an agreement by the parties
☐ Emergency situation

A. Name of person appointed	Address	Phone number
B. Name of minor child or children		
1. _____		
2. _____		
3. _____		
4. _____		

This matter is continued to (*select a date within 21 days*) _____. All counsel and parties of record must be present.

By the court (<i>Judge, Family Support Magistrate</i>)	Signed (<i>Judge, Family Support Magistrate, Assistant Clerk</i>)	Date ordered
--	---	--------------

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**PERIODIC REVIEW WORKSHEET -
FEES CHARGED BY COUNSEL
OR GUARDIAN AD LITEM**

JD-FM-232 New 10-14
PA 14-3 as amended by PA 14-207

STATE OF CONNECTICUT
SUPERIOR COURT
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REWORK



Name of case (*Plaintiff v. Defendant*)

Docket number

Name of counsel or guardian ad litem

Date of appointment

1. An order was made on (*date*) _____ stating fees to be paid to counsel/the guardian ad litem are allocated as follows:

_____ % Mother

_____ % Father

_____ % Other (*3rd party*)

2. Fees paid to counsel/the guardian ad litem to date:

\$ _____ Mother

\$ _____ Father

\$ _____ Other (*3rd party*)

3. Fees owed to counsel/the guardian ad litem to date:

\$ _____ Mother

\$ _____ Father

\$ _____ Other (*3rd party*)

4. The most recent bill was sent to the parties on (*date*) _____.

5. The parties are billed on a ☐ monthly; ☐ quarterly; ☐ semi-annual;
☐ other: _____ (*i.e. at court appearances*) basis.

6. Target date for completion (*date*) _____.

Signed (*Counsel/Guardian Ad Litem*)

Print name

Date

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**AFFIDAVIT OF EXPENSES OF
COUNSEL OR GUARDIAN AD
LITEM FOR MINOR CHILD
OR CHILDREN**

JD-FM-225 New 10-14
PA 14-3 as amended by PA 14-207

STATE OF CONNECTICUT
JUDICIAL BRANCH
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Court Use Only

AFFEXP



Instructions

Not later than 30 days after the entry of a final judgment in a family relations matter involving counsel or guardian ad litem for the minor child or children, such counsel or guardian ad litem shall file this affidavit with the court.

Name of case (*Plaintiff v. Defendant*)

Docket number

Address of court

Name of counsel or guardian ad litem for minor child or children

A. Hourly fee charged \$ _____ per hour

B. Total number of hours billed _____ hours

C. Expenses billed \$ _____

D. Total amount charged \$ _____

Signature



Print name of person signing

Sworn to before me (*Assistant Clerk/Commissioner of Superior Court/Notary Public*)



Date signed

ADA NOTICE

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