

**PA13-213**

HB6688	House	3913-3918	6
	Judiciary	3417-3418, 3419-3420, (3469-3473), 3486-3489, (3492-3497), 3519-3523, 3529-3531, 3538-3540, 3547-3554, 3555-3557, 3561-3562, 3563-3583, 3632-3635, 3649-3661, 3673-3674, 3678-3691, 3716-3719, 3721-3738, 3777-3785, 3788-3802, 3803-3804, 3912-3921, 3955-3960	161
	<u>Senate</u>	<u>4930, 5043-5044</u>	<u>3</u>
			<b>170</b>

**H – 1161**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2013**

**VOL.56  
PART 12  
3815 – 4176**

Have all the members voted? Have all the members voted? Members please check the board to make sure your vote is properly cast?

If all the members have voted, the machine will be locked -- the machine will be locked and the Clerk will a tally once the machine is locked.

Will the Clerk please announce the tally.

THE CLERK:

Bill Number 874 in concurrence with the Senate.

Total Number Voting 137

Necessary for Passage 69

Those voting Yea 137

Those voting Nay 0

Those absent and not voting 13

SPEAKER SHARKEY:

The bill is passed.

Will the Clerk please call Calendar Number 468.

THE CLERK:

Calendar Number 468 on page 27 of the Calendar, favorable report of the joint standing committee on Judiciary, Substitute House Bill 6688, AN ACT CONCERNING REVISIONS TO THE STATUTES RELATING TO THE AWARD OF ALIMONY AND THE DISPOSITION OF PROPERTY.

SPEAKER SHARKEY:

Representative G. Fox of the 146th, you have the floor, sir.

REP. FOX (146th):

Thank you, Mr. Speaker.

I move for the acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER SHARKEY:

The question's acceptance of the joint committee's favorable report and passage of the bill.

Will you remark, sir?

REP. FOX (146th):

Thank you, Mr. Speaker.

This bill came to the Judiciary Committee after some hard work in the off session put together by some members of the Judicial Branch as well as two members of the committee, Representative Baram and Representative Klarides. And I'll like to thank them for their efforts in trying to come about with a consensus amongst those who are experienced in hearing family law cases and in participating in those cases as attorneys. And what -- what they came up with was -- is a bill that was in response somewhat to a bill that came to us last year which was fairly controversial and it created some discontent among

those who opposed it and even some of the proponents of it.

But what this bill did from those who worked in the off session and came together is that they put together some areas where they could agree and what they felt we could make improvements upon our alimony statutes, as well as how we can put a plan in place going forward.

And among the things that they decided, some of them, you know, were relatively minor, but they're important changes. For example, the terminology where it says "husband and wife," will now say "spouse," but they also looked at factors such as earning capacity, education, as well as how property -- how courts consider property division and alimony and how those factors are implemented when making those determinations.

Also, Mr. Speaker, the bill looks at what the Courts should look at when modifying awards of alimony, as well as what they need to establish when they do award lifetime or non-modifiable alimony.

In addition, Mr. Speaker, there are a number of issues that are still out there and still need to be discussed and vented further and what the

recommendation was was that the Law Revision Commission continue to study these issues and that we -- as we go forward, we can, hopefully, make additional improvements to our alimony laws and, hopefully, a better way of handling or divorce proceedings, and I would urge passage of the bill.

SPEAKER SHARKEY:

Thank you, sir.

Do you care to remark further on the bill that's before us?

The distinguished ranking member of the Judiciary Committee, Representative Rebimbas.

REP. REBIMBAS (70th):

Thank you, Mr. Speaker.

And I'd like to thank Representative Fox for the summarization of the bill and, certainly, I also would like to thank the two representatives, Klarides, as well as Baram for the work that they did on this working group.

I do rise in support of this bill and, certainly, this is a good start and rightfully so. This study would be continuing in the Legislative Program Review Investigations Committee where the dialogue of the different proposed changes that may follow and ideas

to improve on the alimony legislation will continue. So I hope the people who testified, also, before the Judiciary Committee will continue to also provide their input and expertise in making this piece of legislation even better moving forward.

So thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, madam.

Do you care to remark? Do you care to remark further on the bill that's before us?

If not, staff and guests to the well of the House. Members take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members voted? Members please check the board to make sure your vote is properly cast.

If all the members have voted, the machine will be locked. The Clerk will take a tally.

Will the Clerk please announce the tally.

THE CLERK:

Bill Number 6688	
Total Number Voting	136
Necessary for Passage	69
Those voting Yea	136
Those voting Nay	0
Those absent and not voting	14

SPEAKER SHARKEY:

The bill is passed.

Are there any announcements or introductions?

Representative Noujaim of the 74th.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Now we are okay. Thank you, Mr. Speaker, for a journal notation.

Representative Molgano missed votes due to illness.

Representative Wood, legislative business in the district.

Representative Hwang, also legislative business in the district.

Representative Hovey, legislative business in the district.

Representative Betts for illness.

And Representative Bolinsky for legislative

**S - 667**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

**PROCEEDINGS  
2013**

**VOL. 56  
PART 16  
4803 - 5160**

rgd/gbr  
SENATE

128  
June 4, 2013

Also calendar page 8, Calendar 568, House Bill 6445,  
move to place this item on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Also Madam President, calendar page 9, Calendar 590,  
House Bill Number 6680, move to place on the consent  
calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Counter page 10, Calendar 607, House Bill Number 6688,  
move to place that item on the consent calendar.

THE CHAIR:

Seeing no objection, sir.

THE CHAIR:

Thank you, Madam President.

Calendar page 11, Calendar 612, House Bill 6448, move  
to place on the consent calendar.

THE CHAIR:

Seeing no objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if we might move to mark some

rgd/gbr  
SENATE

241  
June 4, 2013

Page 3, Calendar 422, Senate Bill 978; on page 4, Calendar 475, Senate Bill 1052; on page 8, Calendar 567, House Bill 6387; Calendar 568, House Bill 6445; and Calendar 580, House Bill 6623.

On page 9, Calendar 583, House Bill 5149; and Calendar 590, House Bill 6680; page 10, Calendar 607, House Bill 6688; and calendar 608, House Bill 6384.

Page 11, Calendar 612, House Bill 6448; and Calendar 621, House Bill 6488. On page 12, Calendar 634, House Bill 6403; and Calendar 636, House Bill 6394; page 13, Calendar 645, House Bill 6454; and page 14, Calendar 652, House Bill 6702.

On page 16, Calendar 674, House Bill 6441; page 17, Calendar 677, House Bill 6644; on page 18, Calendar 685, House Bill 6009; and on page 23, Calendar 380 Senate Bill 1054; page 24, Calendar 452, Senate Bill 1142; and Calendar 566, House Bill 6375.

Page 25, Calendar 646, House Bill 5844; and on page 26, Calendar 304, Senate Bill 1019.

THE CHAIR:

At this time, Mr. Clerk, will you call for a roll call vote on a first consent calendar?

The machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators, please return to the chamber. Immediate roll call on the first consent calendar has been ordered in the Senate.

THE CHAIR:

If all members have voted? All members have voted. The machine will be closed.

Mr. Clerk, will you please call the tally?

THE CLERK:

rgd/gbr  
SENATE

242  
June 4, 2013

The first consent calendar.

Total Number Voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The consent calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, would move for immediate transmittal to the House of Representatives of all items acted on thus far today requiring additional action in that chamber.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Also, Madam President, on an item previously placed on the foot of the Calendar, would now seek to remove that item and just mark it PR, and that is an item calendar page 16, Calendar 672, House Bill 5480, AN ACT PROHIBITING TAMPERING WITH HYDRANTS. Would just move to remove that item from the foot and to mark it PR.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 10  
3141 - 3485**

**2013**

any legislative issues that might have to be added to that I would hate to lose a year because we just hold this particular bill. So I want to thank the committee itself because what they're doing does make a lot of sense. In the meantime, we do have people, like the woman in Manchester that are victims that will unfortunately lose their opportunity to convict somebody clearly when evidence shows a rape. And so I would ask that we pass this bill, pass this bill to keep it as a whole in case CONNSACS can't get everything together that needs to be done.

REP. G. FOX: Thank you, Senator.

Questions?

Seeing none, thank you very much.

SENATOR CASSANO: Thank you very much. I appreciate it.

REP. G. FOX: Next is Teresa Younger.

Good morning.

TERESA YOUNGER: Good morning. Good morning, Senator Coleman, Senator Kissel, Representative Fox and Representative Rebimbas. You have my written testimony in front of you on a number of bills that I'll be talking about today, and I'd like to point out that there are experts in these fields coming up to testify on any questions that I am unable to answer, which I'm sure there will be many since, as most of you know, I am not an attorney.

HB 5666 HB 6636

SB 115

HB 6688

(HB 6685)

My name is Teresa Younger, and I am the executive director of the Permanent Commission on the Status of Women. We work on women's

public health, safety, economic security and the elimination of gender discrimination. Today, we are testifying with regards to three bills that are on your docket. House Bill 5666 will be the first one I'd like to comment on, AN ACT CONCERNING THE FORFEITURE OF MONEYS AND PROPERTY RELATED TO THE SEXUAL EXPLOITATION AND HUMAN TRAFFICKING.

Since 2004, the PCSW has convened the Trafficking and Person's Council to study the issue of human trafficking and make recommendations to the state Legislature. The Council has made recommendations that has resulted in the establishment of criminal penalties and civil remedies, victim-friendly curriculum for training the providers, state agencies and law enforcement, and providing for housing and public awareness and education and funding in those areas.

House Bill 5666 would actually build on and fill a loophole that was established with the Public Act 10-112, establishing a civil forfeiture procedures to seize tainted funds and property from several sexual offenses, including human trafficking. However, we feel like there was a loophole for those around prostitution and those promoting prostitution. We want to make sure that those promoting prostitution are not seeking -- making a profit off of the actions. And instead of just paying the penalty and leaving, we'd like to seize their property in the process.

We're still working on tweaking some of the language around that, but it's an incredibly important bill and it should be noted that this piece of legislation, which has been lead by your own committee member, Representative Rebimbas, has the signature of all 55 women

31  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

legislators on it. So for the first time ever we have a piece of legislation that reflects that. It's a very serious piece, and we hope that you'll consider passage of that bill.

I'd also like to comment really briefly on House Bill 6636, which Senator Cassano just mentioned. The PCSW is a member of the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations. We've been a member of this commission since its inception and have been working very closely with all of the members of that commission.

Currently, the commission is looking into matters regarding evidence collection in situations where the victim cannot provide informed consent.

A subcommittee, as you have learned, of this commission has met several times and has another meeting scheduled later this month with the goal of finalizing revisions to the guidelines around this delicate issue of consent. Therefore, the proposed bill, we actually would ask that no action be taken. We applaud the committee for your commitment for to this issue around sexual assault and we would be happy to provide you with the update from the commission if you seek so. Please just feel free to contact us.

Finally, I'd like to comment on Senate Bill 115 and House Bill 6688. Senate Bill 115 is AN ACT CONCERNING THE REVISIONS OF STATUTES RELATED TO THE DISSOLUTION OF MARRIAGE, LEGAL SEPARATION AND ANNULMENT. This legislation, we are actually asking you to reject. And we would actually ask that you consider the passage of House Bill 6688, which is AN ACT CONCERNING THE

32  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

REVISIONS OF STATUTES RELATED TO THE AWARD OF ALIMONY. The details of both of those are in our packet.

I'd like to point out that I heard the previous conversation with regards to a task force, and I think as it was pointed out, there was a task force in 2001. There was a 68-page report that came out of that task force, and at the PCSW we're not sure we would object to another task force. We would just want to make sure that it fully addressed the issues of concern.

(HB 6685)

REP. G. FOX: Thank you for your summary of each of those bills. I appreciate -- we appreciate your testimony.

Are there any questions?

Senator Kissel.

SENATOR KISSEL: Ms. Younger, great to see you again. I'm a little confused. Do you not want us to move on Senator Cassano's bill?

HB 6636

TERESA YOUNGER: We don't think Senator Cassano's bill needs to be moved on because we know that the Standardization Committee is working on the guidelines, and we think we'll have the guidelines resolved. We think that there's really no need for it because the guidelines will address the concerns that he's addressed in the legislation.

SENATOR KISSEL: What can be lost?

TERESA YOUNGER: There's no loss. I mean, if you pass it, that's fine. But the guidelines will address this and it doesn't need to be moved forward. We don't think it needs to go anywhere at this point.

81  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

is not someone who needs to be let out on an accelerated rehabilitation. So I just ask that -- humbly ask that you would consider this legislation. Thank you for your time.

SENATOR COLEMAN: Thank you for your testimony.

Are there questions for Representative Kupchick?

Seeing none, we appreciate your input.

REP. KUPCHICK: Thank you very much.

SENATOR COLEMAN: Joan Kloth-Zanard. Good morning.

JOAN KLOTH-ZANARD: Thank you. Sorry. Again, I do project well anyways. My name is Joan Kloth-Zanard. I'm from Southbury, Connecticut. And I'm also -- run a non-profit called PAS Intervention, which is for victims of parental alienation. And I've done this for 17 years. I have over 600 members at present, between my two support groups, and that doesn't include my Connecticut -- the Connecticut chapters and the chapters in many other states. Basically, it provides support for victims. But I'm going to tell you a little bit about my husband's story and then go into some other stuff.

HB 6685  
(HB 6688) (SB 1155)

In 1996, my husband's second wife began impeding this relationship with the kids, separated for three years with generous and liberal visitation. They were in the process of getting divorced using the same attorney to save money when the ex changed attorneys without notifying him or the joint attorney. She filed a divorce without proper notification, leaving him unaware of the upcoming proceedings. At the divorce proceeding, the ex painted a horrible picture

of my husband, but he was not there to object. The judge took the ex-wife's word for it, everything including child support demands, despite there being no proof of my husband's income. The judge did, however, give him liberal visitation. It took over four and a half years of trying to get child support reduced and, finally, being appointed a pro bono attorney by the judge -- for the judge to finally accept the reduction in child support, but the judge refused to retro back to the original -- to when my husband originally filed the motion to have his child support changed.

Today, 17 years later, my husband is still paying arrearages. Sadly, once his wife -- ex-wife found out that he had gone on with this life and had a new girlfriend, she began to refuse him visitation of his children, and then came the false allegations of abuse, including a false restraining order. It took us eight months of Family Court evaluations to determine that the ex had lied and anything the children knew had been told to them by their mother. It was further determined that the mother refused to accept that her ex-husband had not moved on with his life. This is when I realized that something was wrong, that this wasn't okay. Refusing visitation of -- to children, along with the false allegations of abuse, was psychologically damaging to the children. I began to do Internet research, went back to school to get my master's in marriage and family therapy and that's when I stumbled upon parental alienation. But, by this time, my husband has only seen his children six times since 1996 and has not seen them since 2006. They are 23 and 25, and to this day, still refuse to have a relationship with him.

I'm here because there are hundreds of parents that cannot be here, and I'm speaking for them. These parents come -- come broken due to the failed Family Court system. They're riddled with post traumatic stress syndrome in the form of narcissistic victim syndrome, which will be in our DSM. Many of these parents are good parents, not perfect, but then there is no such thing as a perfect parent, is there? Absent abuse and neglect children have the right to a healthy, happy, successful relationship with both parents. The bills you are hearing about today are indicative of the family law divorce system that in the state is broken. They show how dramatically broken, corrupt they are. We need reforms immediately. In all three of these bills, we are introducing, we are reducing conflict, litigation, animosity between parents so that these children's lives will not be permanently harmed today.

HB 6685 (HB 6688)  
(SB 1155)

In addition, we have the tools and we have the resources that the judges and the guardian ad litem can be using to stop the alienation and to help prevent it from getting worse.

In conclusion, please, anything we can do to prevent the snowball effect of custodial interference would be appreciated.

SENATOR COLEMAN: Thank you.

Are there questions for Ms. Kloth-Zanard?

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

I'm just intrigued a little bit. In the beginning of your testimony you said that in your husband's situation a trial occurred

without his being present. I know that courts go at great lengths to give notice. Was her husband unavailable or out-of-state, or I'm just curious how that --

JOAN KLOTH-ZANARD: No. What happened was the judge -- the sheriff served the papers upon the wrong abode. He never got the paperwork. When his attorney questioned the sheriff, he did not get it writing from the sheriff, who admitted that he served it on the wrong address. When in court, the sheriff changed his testimony and stated, Oh, no, no, I served it. He never served my husband. It would be -- it was -- he admitted to the sheriff -- he couldn't serve my husband because the way my husband's door is -- was at that time, it was sealed so you couldn't flip papers in and around it. He would have either had to hand it to him or stick it in the mailbox and he didn't do either. He admitted to sticking it in the house that was in the front of his trailer where he lived.

REP. BARAM: And so this trial proceeded and when it terminated, it was only afterwards that your husband found out that all of this had happened?

JOAN KLOTH-ZANARD: When he got the divorce papers himself in the mail, that's when he found out he was divorced. And he's like, Whoa, I didn't know I was getting divorced. We tried to overturn it. In addition to the fact that she, his ex, was able to claim income with no proof of income. They hadn't been together for three years. He had been separated for three years with generous and liberal visitation until she found out that he was dating and going out and they had decided to get a divorce and he had met me. She turned around, changed attorneys without notifying anybody.

REP. BARAM: Thank you.

SENATOR COLEMAN: Are there other questions?

If not, thank you very much.

JOAN KLOTH-ZANARD: Thank you very much for your time.

SENATOR COLEMAN: Senator Hartley, Joan Hartley.

SENATOR HARTLEY: Good afternoon --

SENATOR COLEMAN: Good afternoon.

SENATOR HARTLEY: -- members of the Judiciary Committee, Chairman Coleman and Chairman Fox, and thank you for this opportunity to appear before you, I guess, this afternoon.

For the record, my name is Joan Hartley, and I appear before you to speak in favor of Senate Bill 1156, AN ACT CONCERNING THE RIGHT TO A JURY TRIAL IN CERTAIN ACTION ALLEGING DISCRIMINATORY PRACTICES.

And I appear before you with Attorney Michelle Holmes, who I'm proud to say is in the city of Waterbury and, parenthetically, has opened her office in the historic district of Hillside in one of our beautiful historic homes. I can't help but talk about this because it's a very proud part of our downtown core, but that's not why we're here.

The genesis of SB 1156 is a conversation that I had with Attorney Holmes, who specializes in civil rights and discriminatory employment practice. And in conversation with Attorney Holmes, it was apparent that there -- in

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 11  
3486 - 3845**

**2013**

98  
lg/sg/cjd/sd  
cd/pat/cah/gbr

## JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

SENATOR COLEMAN: Judge Elliot Solomon.

Good afternoon, your Honor. Thank you so much for your patience.

JUDGE ELLIOT SOLOMON: Oh, not a problem. Is it on? Okay, thank you.

Good afternoon, Senator Coleman, Representative Fox -- I'm sorry, he's not here -- Representative Rebimbas, and distinguished members of the Judiciary Committee. My name is Elliot Solomon. I am a judge of the Superior Court and have had the privilege of serving in that capacity for the past 17 years. I currently serve as the administrative judge for the Tolland Judicial District.

SB 1155

I want to thank you for the opportunity to testify on House Bill 6688, AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO THE AWARD OF ALIMONY. I am here today, not to represent the official position of the Judicial Branch, but to provide you with some background information on this bill.

Over the past several months, I have had the honor and privilege of working with a small group of individuals, including two members of this committee, who have been engaged in an examination of the statutes relating to alimony and to assess whether change was needed. As a judge, my role in the process was simply to serve as a resource to the working group based upon my experience in family law as an attorney and on the bench.

The goal of the group was to identify recommendations on which it could reach consensus. A variety of viewpoints were

represented, ranging from the opinion that no change was needed to one that comprehensive change was needed. Our discussion occurred over a period of four months, and during that time input was solicited from the Connecticut Bar Association Family Law Section, the Connecticut Chapter of the Academy of Matrimonial Lawyers, the Connecticut Women's Educational and Legal Fund and other groups, including a speaker who had proposed alimony reform in a bill which was submitted to you last year. Based upon these recommendations, the working group arrived at the consensus recommendations that make up House Bill 6688.

And I'd like to take a moment to summarize these recommendations. They include the following: First, updating and gender-neutralizing Connecticut General Statutes 46b-36, concerning property and contract rights. This statute hasn't been substantively changed in more than 50 years and goes back to a time when it was necessary to establish a woman's separate property rights. It also does not recognize the fact that, in Connecticut today, we have same-sex marriage statutes. The recommended changes would simply address these -- shortcomings.

The proposed bill would also amend Connecticut General Statutes, Section 46b-81, regarding the court's ability to assign property and to state that the court can do so after considering all of the evidence presented by each party rather than after hearing the witnesses. The proposed amendment simply is more inclusive and encompasses not only witness testimony but other evidence presented, as well, such as documents, stipulations, and so on.

100  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

The bill also adds earning capacity and education as factors that the court must consider when it fashions orders regarding the assignment of property and alimony. I think that those considerations, though not stated in the current statute, typically, are considered by courts in making awards. And this simply makes express that which I think has always been implied.

In the alimony statute, we have added as a consideration the term "feasibility of the custodial parent seeking employment" as a factor that the court must consider when making an alimony award. The existing statute speaks to the "desirability of the custodial parent seeking employment." We now have added the term "desirability and feasibility."

We have also recommended in House Bill 6688 that if any judge be required who orders indefinite, or what we all lifetime alimony, to articulate with specificity the basis for that order. Unfortunately, the language that is currently in the bill, at line 77 through 79, which is before you, does not reflect the working group's agreement as it limits the articulation requirement only to nonmodifiable lifetime orders. I believe that was inadvertent. I'm not sure that I've ever seen a lifetime nonmodifiable order.

The consensus recommendation of the group is that the articulation be required for all lifetime orders. And to accomplish this, I would respectfully request that the committee incorporate the amendment which has been attached into the language of the bill. I should indicate to you that that amendment was the product of a meeting of the working group after the original bill was submitted and the

101  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

amendment represents quick consensus, again, of the working group.

The bill would also specify that if judge considering a motion for modification finds that there's been a substantial change in circumstances, he or she should proceed then to the next step in the analysis and determine the extent to which, if any, the existing order should be modified based upon the criteria set forth in 46b-82, which is the alimony statute.

The bill would further specify -- require that if a judgment incorporates an agreement of the parties and if that agreement specifies circumstances under which alimony will be modified, suspended or terminated because of cohabitation other than as provided in the existing cohabitation statute, then the court must enforce that provision and enforce orders in accordance with it.

And finally, significantly, the bill provides for a study to be done of the fairness of our existing statutes. Rather than take action based upon the views or experiences of a few, such an evaluation will allow the Legislature to determine whether, in fact, the existing statutes are fair and equitable or, alternatively, whether further review and revision is necessary.

I believe, and I believe the working group, as well, believes, that these proposed changes will adequately address any areas of perceived weakness in Connecticut's alimony statutes, and I urge the committee to approve them.

I would also like to comment briefly on Senate Bill 1155, which is AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO DISSOLUTION OF

104  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

SENATOR COLEMAN: Are there questions for Judge Solomon?

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

First, I want to thank Judge Solomon for waiting for most of the morning to testify. I also want to take a moment to indicate that I had the great privilege, along with Representative Klarides, to co-chair this working group that also consisted, in addition to Judge Solomon, Judge Bozzuto and former Justice McLachlan, and Deborah Fuller from the Judicial Department was a great assistance to us, as well, and participated. This was a very rewarding working group because we had an opportunity to review the various alimony statutes, hear from the interested parties, as Judge Solomon indicated. For me, it was like going back to law school, hearing the judges debate among themselves, and I learned a lot so -- it was professionally rewarding, as well.

(HB 6688)

(SB 1155)

But I think that the task force did an excellent job in trying to come to consensus on very difficult issues. And I just wanted to ask Judge Solomon, in addition to the study, which is a key component, maybe I should focus on that a moment -- for those who are proponents of guidelines or something akin to them, is it your understanding that the recommendation of a study doesn't preclude the review of what other states may be doing in that area?

JUDGE ELLIOT SOLOMON: No, actually, I think, although we didn't want to dictate to Program Review what they should look at. We did

indicate a few things that was suggested they look at and that, specifically, was -- was one of them, is what are other jurisdictions doing. Again, there's very few that use guidelines, but it would be interesting to note how they're working. And toward that end, one of the other things, we want to know if there's a problem. And one of the things that we hope that they will look at is many, many years ago, in other jurisdictions, studies have been done in cases involving husbands and wives or, in our state, individuals of the same gender, but studies have been done to look at where people are five and ten years down the road after the entry of a decree to see how really effective support orders are and how much lives have changed, and that's one of the things we would hope would be done from our cases, here in Connecticut, just to see what the actually experience is down the road and where the parties stand in relation to each other down the road.

Again, there was a study done a long, long time ago -- I believe it was in the eighties -- which by some has been discredited, but, essentially, determine that the payors of alimony essentially have recovered within a short period of the time after the entry of decree; whereas the ones who were dependent on spousal support, basically, remained where they were. I can't recall the last time any substantive study like that has been done of any significance, and I'm not sure that it's been done, quite frankly, in this state.

REP. BARAM: And just for further explanation to the committee, the issue of lifetime alimony until death or upon remarriage, was that an issue that seemed to be weighing heavy on -- on some of the people who testified to the commission that they were concerned, and, actually, there

were some stories this morning in testimony on other bills about not understanding how a judge issues an order that could be, you know, so burdensome to stay with the payor, perhaps, for a lifetime. And I wondering if you could elaborate a little bit on what the thinking of the committee was.

JUDGE ELLIOT SOLOMON: Well, in my experience, and I think the experience of most judges, we typically tend to enter orders which have some finite duration, whether it's remarriage, death, or a period of some term of years. But there are instances where orders are entered, which would terminate upon death or -- of either party, or the remarriage of the recipient, and that potentially could expose the payor -- the obligor with an obligation to pay, essentially, for the rest of his or the recipient's life. And it was the feeling of the committee that if, as a judge, you're going to tell a litigant that you're going to have an obligation which may continue, essentially, forever that you're going to have to do more than say I've considered all the statutes. You're going to have to elaborate upon the criteria which caused you to believe that an order of that nature is specifically warranted. And I think a litigant, in that situation, confronted with an obligation of that magnitude, I think we all felt was entitled to a greater articulation and that's why we did that.

REP. BARAM: And lastly, the other, you know, significant piece had to do with cohabitation. And I was wondering if you could just elaborate on the change that is being suggested how that differs from the existing statute?

JUDGE ELLIOT SOLOMON: There was a case that occurred a number of years ago where the parties said without any great detail that the -- the order of alimony would end upon, I believe a certain term of years or death or remarriage or cohabitation, and just stopped with the word "cohabitation."

And the question -- I believe the name of the case was DeMaria, if I'm not mistaken -- and the issue before the court was if the parties in their agreement -- and this was an agreed disposition -- if the parties in their agreement say that alimony turns on cohabitation, does that mean it's just cohabitation period or does it mean cohabitation under our statute, which requires not only cohabitation, but cohabitation under circumstances which alters the recipient's needs. In other words, there's a financial component to it. In the case that I've alluded to, the court -- I believe it was the Supreme Court -- said, if they say "cohabitation," that means the statute, and that's what we're left with. And again, since dissolution of marriage agreements can be a product of contract, if the parties, specifically, want to contract that cohabitation alone without financial consequences would be sufficient to terminate alimony, if that's their agreement, then a court should enforce that agreement without going to the statute. So we've created the ability of the parties to -- for basically to devise their own cohabitation agreement.

REP. BARAM: So, in essence, one of the -- some of the testimony that we've heard that was more egregious in terms of this cohabitation issue, the committee felt was being addressed by allowing the parties to come up with their own

agreement and requiring that the court enforce it.

JUDGE ELLIOT SOLOMON: Correct.

REP. BARAM: Once again, I want to thank you, in particular, it was wonderful serving with you and I hope we'll have another opportunity to do so again, and I thank you for your hard work and Deborah Fuller, as well. Thank you.

JUDGE ELLIOT SOLOMON: The feeling was mutual.

SENATOR COLEMAN: Are there other members with questions?

Judge, maybe you can clarify something for me. I'm trying to figure out the correlation between status as custodial parent and an award of alimony. In your remarks, I believe you said, in making alimony award, the court should consider feasibility of custodial parent seeking employment rather than the desirability of a custodial parent seeking employment. I'm trying to figure out in what context that has to do with alimony.

JUDGE ELLIOT SOLOMON: Okay. Let me give you a good example. You have a -- one of the things that courts look at in deciding alimony awards, let's assume you have what at least used to be a more traditional situation where the husband went to work, the wife stayed at home with kids, but let's assume that the wife has a degree, an advanced degree, and could have an earning capacity, but they also have a child that's four years old and another one that's 18 months old. Clearly, if the court, if it wanted to, could attribute an earning capacity to the recipient to the stay-at-home spouse, but the statute as it exists today says that in

109  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

making an alimony determination, the court should consider the desirability of the -- of the stay-at-home spouse remaining at home as opposed to going to work.

It was our feeling that desirability and feasibility are different things. Okay. It may be desirable but under the circumstances it may not be feasible and that could be for any number of reasons. We, you know, as we all know and I suspect that as you have all seen and heard in your own experiences, even a stay-at-home spouse could, perhaps, go out and work and put a child in daycare, but by the -- at the end of the day when you add all -- add up what you brought home and what you spent in daycare, was it feasible? Maybe not. There also could be health considerations with young children. So that's the reason for that. It really doesn't change the law. It just amplifies it a little bit more.

SENATOR COLEMAN: Thank you. I appreciate that explanation.

Are there other members with questions?

If not, thank you both very much.

JUDGE ELLIOT SOLOMON: Thank you. Thank you all.

SENATOR COLEMAN: Erica Bromley.

ERICA BROMLEY: Senator Coleman and members of the Judiciary Committee, my name is Erica Bromley. I'm the director of the Manchester Youth Service Bureau, which is one of 102 Youth Service Bureaus serving 145 communities throughout Connecticut. In addition, I'm the vice president of the Connecticut Youth Services Association.

HB 6682

131  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

as school resource officers. So, it's helpful to us to hear from you.

CHIEF MARC MONTMINY: Thank you so much.

REP. G. FOX: Thank you.

Jerry Mastrangelo.

JERRY MASTRANGELO: Hello. Good afternoon.

REP. G. FOX: Good afternoon.

JERRY MASTRANGELO: My name is Jerry Mastrangelo, and I reside in East Haven, Connecticut. I'm a member of the National Parents Organization with over 50,000 members across the country. I've been a business owner in Connecticut for the past 34 years and, currently, have 130 employees. I am here today in support of Raised Bill Number 6685 on shared parenting.

HB 6688  
SB 1155

The story I'm about to share with you involves parental alienation and a broken Family Court system that has received a tremendous amount of media attention and more support than almost any other family case in Connecticut. Although my story is almost over, I hope that the changes made will prevent this from happening to other families. This is about my fight to protect my children's right to love and be loved by both parents.

My story began on July 1, 1999, when I became the proud father of triplets, who were born premature weighing less than 2 pounds. Unfortunately, my marriage ended in December of 2007. However, I was awarded joint legal physical custody of my children with approximately 40 percent of parenting time. For nearly 3 years, I enjoyed picking up my

children from school, helping them with their homework, spending quality time together, going to church, going on vacations, visiting grandparents and extended family, celebrating birthdays and holidays together, as well, as watching my children grow up.

In October 2010, this all changed. For the past two and a half years, my children have not had me in their lives. Not only have my children been alienated from me but also from my entire family as well. My children have been taught to hate me, to ignore me, to hang up on me, to call me names I can't even repeat. This is what happens in parental alienation. One parent will brainwash and manipulate a child into believing the other parent is all bad, leading to the total rejection of that parent. The leading experts in the country agree that this is a form of child abuse and neglect.

In July 2011, I had no other choice than to turn to the New Haven Family Court for help. In doing so, I filed six motions in order to get contempt issues heard, existing court orders modified -- enforced and modified. I learned very quickly that the Family Court was not on my side. I've spent over \$150,000, and soon I learned that there was no sense of urgency, which is very important when dealing with alienation. I learned that there's a lack of education as it relates to alienation. I learned about all the games that are played on the third floor of the New Haven Court -- and I'm not saying that disrespectfully. The stall tactics and delays which only benefit the best interest of the attorneys and their wallets, not the best interest of the children. I learned what it means to have a court-appointed guardian ad litem at \$300 per hour, as well as

\$300 per hour for an AMC. I learned how a GAL can be unethical, biased and completely negligent in carrying out their duties to protect the best interests of a child. Connecticut GALs have no accountability and have the luxury of full immunity.

I learned how it felt for an AMC to ask me in court to pull out my wallet while on the stand to see what credit cards I have, what the limits were and as well as what the balances were. I also learned how a parent could easily become emotionally and financially bankrupt in order to get court orders enforced so they can be a part of their children's lives.

Connecticut family laws need to change. Children need both parents in their lives, in the absence of abuse and neglect. Children need shared parenting and parents need incentives to follow court orders and sanctions when they don't. Parental alienation cases need to be heard quickly and acted upon immediately. Time works against the alienated child and parent in these cases.

In many other states, judges who identify parental alienation will remove the child from the abusive and neglectful parent. This is no different than cases involving sexual and physical abuse. The child is immediately removed.

I am testifying today on behalf of hundreds of families that have been destroyed due to our broken Family Court system. Family laws need to change. Safeguards need to be put in places so that GALs perform their duties according to Connecticut statute. Please support Raised Bills 6685, 6688 and 1155. Thank you for your time.

REP. G. FOX: Thank you, Mr. Mastrangelo.

Are there questions or comments?

Representative Albis.

REP. ALBIS: Thank you, Mr. Chairman.

Jerry, good to see you today. Thank you so much for coming up to testify.

JERRY MASTRANGELO: Thank you.

REP. ALBIS: Now you were here for -- for Senator Fasano's testimony. Correct?

JERRY MASTRANGELO: Yes, I was.

REP. ALBIS: How -- how would you feel about his proposal to establish a task force to look into some of these issues with a little more scrutiny?

JERRY MASTRANGELO: I think it would be a great start because, again, right now, we've seen -- and I'm aware of literally dozens and dozens of cases, and we all have the same theme. And when we're talking about GALs, for instance, the thing that I never quite understood is if they're not acting in the capacity of an attorney, then why should they be charging attorney prices? It just simply doesn't make sense. And when a parent has to walk away from your children because of the financial stress that is being put on that family, it is not fair for that -- for that parent to have to decide between the financial disaster that he or she may face and being a part of their children's lives and having the children be a part of their lives. So I do agree that this

135  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

task force will be is -- and I would hope that the task force is not only made up of attorneys that there can be some laypeople and -- and -- and people involved that can have some input.

REP. ALBIS: Thank you for that, and I do thank you for coming to me with your story and -- and so I can hear your point of view.

This is an issue that I -- I haven't been familiar with, and I think you -- you made the point to me a -- a few weeks ago that it's -- it's something where if you're not -- if you haven't gone through the system, it's hard to understand it. So it's been a huge help to me to -- to try to wrap my head around these issues for you to -- to explain to me and for you to come testify here today so thank for --

JERRY MASTRANGELO: Thank you, Representative Albis.

REP. G. FOX: Thank you for your testimony today.

JERRY MASTRANGELO: Thank you.

REP. G. FOX: Sarah Esty.

SARAH ESTY: Hello.

REP. G. FOX: Hello.

SARAH ESTY: I'm Sarah Esty, and I'm here on behalf of Connecticut Voices for Children to speak in favor of Bill 6682, AN ACT CONCERNING COLLABORATION BETWEEN BOARDS OF EDUCATION AND LAW ENFORCEMENT PERSONNEL.

You should have my written testimony so I will not try to read it for you. I, actually, wanted to address some of the questions that

141  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

most of the country, a questionnaire as to whether they have guidelines and what they think of them and how they're working and I -- I have it here.

If you do the study in 6688, I surely will supply my research for that and many, many articles. And what I can tell you is, as Judge Solomon said, there are only three states that have guidelines. New York right now has them but only for pendent lite, temporary alimony. And according to one of the fellows in the Connecticut chapter, who also practices in New York, they don't work there, they're in chaos there and they don't know what -- how to manage them.

The same is true for Massachusetts. I have many colleagues in Massachusetts who -- who had to have, they thought, guidelines because the laws there were so uneven and different. So they -- and there they're telling me that the judges are saying that they'll take eight years, at least, if it works to figure it out. They are in chaos. And the only other state that I know of that is close to or has one is Illinois in place and that's it.

So some of the speakers are going to tell you that there's a big rush to have guidelines in the United States. That simply is not true.

REP. G. FOX: Attorney Rutkin, maybe I can ask you a question since --

ARNOLD RUTKIN: Sure.

REP. G. FOX: -- I know the bell didn't go off and there are those who will say that Massachusetts -- and that was, I believe, the model -- at least the testimony from last year, that

142  
lg/sg/cjd/sd  
cd/pat/cah/gbr

## JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

Massachusetts had enacted these guidelines and if the bill, as I understand it that was proposed, was similar to the Massachusetts bill at least in many -- but -- that as I understand maybe you would disagree with that --

ARNOLD RUTKIN: Last year's bill.

REP. G. FOX: Yes, last year's bill. And you -- you are an experienced family practitioner, as I know there's others here as well, but you're somebody who does talk to lawyers in other states and you're -- you're saying now that the Massachusetts law has been in place for some time, not that long, but for some time that they're saying that it's at least the people you're talking to are having questions about it?

ARNOLD RUTKIN: Yes.

REP. G. FOX: Okay. And maybe can articulate somewhat what -- what some of the problems that they're running into have been, and I'm sure other people have an opportunity later to speak about some of the good things that they see, good things there, but you're here. You're testifying if you have a chance maybe you can talk about why -- why they say it's not working.

ARNOLD RUTKIN: Well, honestly, I can't -- other than the -- in fact, I have that -- if you give me a second to look for it.

REP. G. FOX: Sure.

ARNOLD RUTKIN: I'll read you verbatim what the lawyer who corresponded from Massachusetts said. Well, it's a new law but not known how it will work, not clear if it's -- just going

143  
lg/sg/cjd/sd  
cd/pat/cah/gbr

## JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

to apply to postjudgment in cases. Just thinking it will be six to eight years before Appellate Law can figure it out.

Massachusetts needed reform because they were a hodgepodge of laws they had there but what they got was not welcomed with open arms by anyone, judges and lawyers. So they are not happy with them but they got them.

REP. G. FOX: Uh-huh.

ARNOLD RUTKIN: -- That -- that's the answer. I'm reading right off --

REP. G. FOX: Okay. I'm sure others might say different but I think that -- that is what you're hearing and I'm that that's what you're hearing from attorneys that you've -- you -- you know.

ARNOLD RUTKIN: The -- the other thing if I might -- I wanted to point out that the 6688 was -- is supported by every responsible family law related group in the state, the -- the Permanent Commission on Women, the domestic violence groups, the family law section, the academy, every major group that you know of in the family law supports it.

On the other hand, every major group opposes 1155. I will tell you that the four people, two of whom are going to be testifying before you who drafted it, didn't think it was a good idea apparently to come to us and to ask us for our ideas. I, specifically, invited them. I'm chairman of the local group concerning alimony reform. They wouldn't -- the didn't come. And they didn't come because they knew that we were opposed to alimony guidelines. And these guidelines are not -- life is not cookie

150  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

REP. G. FOX: All right back to the public hearing agenda.

Peter Szymonik -- Szymonik.

Good afternoon, sir.

PETER SZYMONIK: Good afternoon.

REP. G. FOX: Hi.

PETER SZYMONIK: Good afternoon. My name is Peter Szymonik, and I live in Berlin, Connecticut. I spent most of my career working in or for the legal industry itself. I worked for six years at the same law firm that produced Senator Blumenthal, Justice Bright, Supreme Court Justice McLachlan, and Chief State Justice Rogers. And one of the hallmarks of the law firm we work for is we place a strong emphasis on ethics.

I'm an expert in legal operations, business process improvement, and legal spend management. I currently work as an executive at a major healthcare company where mental health issues are a big deal. I'm a Polish immigrant whose family came to this country, worked very hard and placed family and education first, and I'm the father of two wonderful young boys, one with special needs.

I'm here today in support of bill 6685, 6688 and 1155 because I and my family have suffered tremendously from the inherent dysfunction in our state's family court system. Like many others, I have been financially and otherwise devastated solely to protect the best interest of my sons and my ability to be an equal parenting father for them.

I'm speaking here today on behalf of many family law attorneys that I've come to know who are also struggling and quitting the practice of family law, given their dismay of what's happening in our state's family courts and what it's become. In devastation, they've seen it cause for countless parents, children and families.

I'm here today because I know the answer to Senator Doyle's question of why there's been an explosion of pro se litigants in our family courts and why the waits for hearing times have approached four to five months. The crisis in our state family court mirrors what it is also happening in New York, New Jersey, Maine and Ohio, other states where family court systems been allowed to operate with impunity in an ineffective manner and without any system of checks and balances.

Most notably how the court system engages yet does not monitor or oversee the actions of performance of AMCs, GALs and other court-appointed experts and as judges routinely outsourced the judicial authority to them. Independent contractors are allowed to bill parents extraordinary sums of money for services they do not perform, perform poorly or are biased to whichever party pays them more and is basic human, civil, parental rights are trampled, as well as internationally recognized rights of a child.

As one example of the dysfunction, I would ask if any of the panel members believe that forcing a parent to liquidate a child's college funds under the threat of imprisonment. Funds which took years to amass and funneling the money to an unethical AMC or GAL represents an

152  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

action in the best interest of a child. This happened to me, my family, and my sons. This happens in our family court system each and every day.

Judges also require that AMCs and GALs be paid ahead of child support. Does this make any sense given that most AMCs and GALs almost never meet with the children they're assigned to represent. Imagine the impact this has on the fate of the parents, citizens, taxpayers have in our state judiciary to do the right thing and to act in a proper, ethical and moral manner. Imagine if all the money that you worked for years to save for your children was taken from you in an instant in this manner.

Yet, not every state has this issue or problem. With a notable difference that their AMCs and GALs are monitored and do not report to the Judiciary. With a notable exception that in those states the courts discretion has been moderated and shared parenting is a standard and a norm, rather than something which divorced parents are forced to fight for to the point of being permanently financially devastated, which is the norm in the State of Connecticut.

Our state must do far better in the actual best interest of children, parents, grandparents and families. Our state must do far better for citizens and taxpayers.

Bill 6685 moves our state one step in the right direction and mirrors what is already law in Arizona and is being considered in only six other states.

What's missing in bill 6685, which I understand we just added, is a further clause which would

SANDRA STAUB: Yeah, that's not publicly available on the -- the web sites that we searched. We were only able to -- to confirm whether or not there was a school resource officer. And you know, they're I think six cities that have been, you know, part of the testimony today from different organizations with a great and dramatic results in lowering arrests. I haven't heard of other cities and towns, but there is a model, you know, that the juvenile Justice Alliance has put together for -- for them to take up. This bill would just, you know, mandate that they take it up and improve the situation.

REP. O'DEA: Thank you very much.

Thank you Mr. Chair.

REP. G. FOX: Thank you.

Are there other questions or comments?

Thank you.

SANDRA STAUB: Thank you.

REP. G. FOX: Timothy -- Timothy Gelling.

Hello.

TIMOTHY GELLING: Good afternoon.

REP. G. FOX: Good afternoon.

TIMOTHY GELLING: Thank you for the time today. My name is Timothy Gelling. I'm the father of two children: Victoria, age 15; and Timothy Liam, age 12. I'm here today in support of Bill 1155, Bill 6688 and Bill 6685 on shared custody.

160  
lg/sg/cjd/sd  
cd/pat/cah/gbr

## JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

I'd like to echo the points made Mr. Mastrangelo and others. They stated so eloquently.

My case started in July of 2005, when I first heard -- my threats of full custody psychological evaluations, guardian ad litem and attorneys for minor children, all foreign to me. Attorneys wielded these terms I never imagined would be part of my life. Now eight years and 235 entries in my case detail later, I am all too familiar with them.

My dissolution took six days of trial and a total of 20 months. I was married for nine years, ordered to pay alimony for seven. I was granted joint custody and -- and generous parenting time.

I met more lawyers, judges, court officers, police officers, family service workers, therapists, forensic psychologists, GALs and DCF workers than I care to remember. My experience is of a system that allows a parent to disregard orders deny and disrupt parenting time, use children as messengers to pick up alimony checks and instruct children to keep secrets and outright lie.

My only recourse to this behavior is motions, paying marshals, waiting weeks and months for dates from a system that does not hold anyone responsible for not showing up or walking out of a courtroom. The -- the idea that contempts are found. It has not been my -- my experience. You know, it's a broken system that has you wait for hours to be heard, sometimes running out of hours in the day to hear you that shuffles you from court to family services to court to hallway, and so on.

161  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

Countless times, I have filed motions for contempt and waited for my day in court only to leave with the same agreement I went in with. This cycle repeated over and over in the last eight years. There's no continuity in the system. No one has ever reviewed my case to detect the patterns and question why we we're back, yet, again.

The result of this is that my children have lost out on the love and time they deserve from me, their aunts, uncles, cousins. Eventually, the stress on my children drove them from me. It became easy to turn away from me than endure the pre-imposed visit trauma. I love my children; my children love me. We sang, told stories and laughed and did all the things you're supposed to do in a father-child relationship from eating ice cream to doing homework.

One day, I went to pick up my children from school and they were not there, again. I couldn't reach them, again, and the next week the same thing and the next weekend they never showed up. Ultimately, my daughter, at age 12, told me she didn't want to see my anymore. She didn't love me. My eight-year-old son looked me in the eye, lips quivering about to burst into tears and said he didn't want to see me anymore. They had had enough and, God bless them, they don't deserve the anguish.

They will never get back the time we have lost, the holidays, the birthdays, time spent going to the movies, eating pancakes or doing algebra, laughing and loving their dad. I have not seen my children for two and a half years. Reunification therapy, psych evaluations, supervised visitation, more motions, this is

162  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

what it would take to regain the love of my children. It breaks my heart. I'm here today and hope that this will not ever happen to any other children.

My case is not unique. I've met many other parents, women and men, who have had the same experiences. It is uncanny how similar the stories are: the tactics, the false allegations, et cetera. These are the norm in our current system. It's too easy to manipulate. As a family court judge said to me, it is a broken system, but it is the only one we have. That is not acceptable.

It's time to stop the abuse of the system and the abuse of children. I believe shared parenting is critically important to children's emotional, mental and physical health. That's every child's right to have the loving care of both parents and that better lives for our children through family court reform is possible.

Thank you.

REP. G. FOX: Thank you and thanks for your testimony this afternoon.

Are there questions?

Well, thank you for being here today.

TIMOTHY GELLING: Thank you.

REP. G. FOX: Howard Cooper, Sally Oldham -- is it Sally?

Attorney Oldham will be followed by Amy Harrell.

163  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

Good afternoon.

SARAH OLDHAM: Good afternoon, Representative Fox and distinguish members of the committee. I'm here today to testify in support of Raised Bill 66 -- 6688 and in opposition to Raised Bill 1155.

HB 6685

I am president of the Connecticut Chapter of the American Academy of Matrimonial Lawyers. The Academy has voted with a -- by a significant majority to support Raised Bill 6688 and oppose Raise Bill 1155. I also address you as an individual matrimonial attorney practicing in Connecticut for the last 25 years. I was chairman of the Connecticut Bar Association Family Law Section, and I'm a fellow of the American Bar Foundation. I'm active in the American Academy of Matrimonial Lawyers and the International Academy of Matrimony Lawyers, which means I travel extensively talking to matrimonial lawyers both here and abroad.

In general, Connecticut is to be commended for its excellent statutory scheme when it comes to matrimonial matters. Despite statewide budgetary problems and the fact that our courts are inundated with self-represented parties, there is no hard and fast evidence that our statutory scheme is broken or needs to be -- in need a major overhaul.

For those of you not familiar with the intricacies of Connecticut's alimony section, Statute 46b-82, there are a number of statutory criteria the court must consider -- and others have mentioned those -- but they are important to help the parties -- the station of the parties, occupations, employability,

164  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

desirability of a custodial parent working and obtaining employment.

Our case law establishes that all of these factors must be considered. The Academy and me, personally -- and I personally are opposed to Raised Bill 1155. One of the reasons is that it -- the Academy does not support alimony guidelines and 1155, despite what some may tell you and some coming to testify will tell you, is a statute that sets forth guidelines.

As somebody said earlier one size does not fit all, and that's what these guidelines are. It's important to note that there is no economic data or sociological research to suggest that these guidelines should be implemented.

I think that Bill 6688 which calls for a study is important. There is data out there -- you need to know this. There is data. There's Department of Labor statistics. There are research studies that talk about the affects of divorce on men and on women. There are Law Review articles that have been written that have studied and compared the application of alimony, various alimony statutes, and the few places that have guidelines, how these are working, just to name a few. These -- we need someone to look into this at length.

In my experience, there's no trend nationwide or, indeed, internationally, toward the institution of alimony guidelines. Why would one set of numbers be better than any other? And I'm particularly troubled by the proposal of a cap that a less -- a spouse earning less money should be limited and capped at 40 percent of the combined gross income of a family. Why should -- to me, that's clearly

punitive and discriminatory towards the lower earning spouse.

I think that there is serious problems with the guidelines.

There may be some parts of Bill 1155 which are useful, but they should be separated out. The bill is too complex and each piece of it should be addressed as a separate bill.

Raised Bill 6688 is the consensus bill. Judge Solomon spoke at length about how this is a bill that was resulted -- its own committee that you, Representative Fox, put together and we support that, the academy supports the provisions in 6688.

I'd like to speak just briefly to 6685. The -- the issue of parental alienation is a very complex issue. And it's a very -- it's -- it's very heartrending to sit here and listen to the stories that the fathers are telling here. Speaking not on behalf of the Academy but myself, as an attorney -- and you should know I was a school psychologist for 15 years before I became an attorney -- the -- the mental health research on parental alienation is very extensive. There's a whole array of information that's being developed out there, and it's very complex. It's a very complex dynamic, and it develops for -- for a variety of reasons. And I think that the idea of a study group to look into this would be very useful because there's a lot of information out there.

And just as with 6688, doing an investigation into the research, we should be looking to the social sciences and the economic sciences to guide us in what will work for Connecticut's

166  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

citizens, not just adopting something which is at anybody's best guess of what might work.

Thank you very much.

REP. G. FOX: Thank you. Thanks for your testimony.

Are there any questions?

Well, thanks --

SARAH OLDHAM: Thank you.

REP. G. FOX: -- for being here.

Amy Harrell followed by Michael Cassello.

Good afternoon.

AMY HARRELL: Good afternoon, Senator Coleman, Representative Fox and fellow members of the Judiciary Committee. I'm Amy Harrell. I'm the president of Connecticut Votes for Animals, and I'm also a resident of Vernon, Connecticut.

I'd like to express my support and the support of the organization for House Bill 6690, AN ACT CONCERNING COURT PROCEEDINGS AND THE PROTECTION OF ANIMALS. Many before me have -- have made strong cases in favor of this bill, and I'd like to just echo their comments.

I was also very dismayed to learn recently from an OLR report that during the past ten years over 80 percent of animal cruelty cases are either unprosecuted or dismissed from the court; that amounts to over 3,000 cases of animal cruelty.

To me, this number not only indicates a large scale injustice to animals, but it is also

167  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

represents a lot of missed opportunities to identify and stem early violent behavior.

Connecticut is very fortunate to have a strong and talented network of animal advocates who are always ready to volunteer. This bill would mobilize that network to help ensure that more of these animal abuse cases are properly represented; that justice is served on behalf of animal victims of cruelty and their loving families; and finally that potentially violent citizens are identified before their behavior escalates.

Our state only stands to gain from this bill, which beautifully brings together advocates to speak for the voiceless.

Thank you for giving me an opportunity to testify today, and I hope you'll continue to support this important piece of legislation.

REP. G. FOX: Thank you. Thanks for your testimony this afternoon.

Are there questions?

Well, thanks, thanks for being here.

Michael Cassello.

Hello.

MICHAEL CASSELLO: Good afternoon. Today, I'm here in support of Bills Number 1155, 6688 and 6685. My name is Michael E. Cassello. I've come here today, together with part of a national group - of a national parent organization.

SB 178

The bills that you are hearing today are indicative of the family law divorce system in

the State of Connecticut that is dramatically broken down and need -- in much need of reform. I will state that in these three bills we are reducing conflict, litigation and the animosity between parents so that the lives of the children will not. They will be irreparably harmed or have been under today's court system. I have witnessed and lived this firsthand. Our bills before you are not perfect but are a start to build upon.

I'm a hard-working self-employed professional that has overcome much adversity and challenges of a congenital birth defect. I have never and, have to this date, never felt my handicap to be unlimited to my opportunities at any point of my life. My proudest moment and accomplishment is being the father of six bright children that have the best of qualities of both of their parents. They thrive at school, have an incredible thirst for knowledge, are kind, polite and giving to their parents -- their peers.

Sadly, I have not seen or have visitation of two of my youngest daughters in some three years now since my divorce. I have been stripped of my legal rights as a parent. I've been financially devastated by, both, the economy and necessary litigation, as well wrongly incarcerated. (Inaudible) I will mention not a proud moment, nor a recommendation for a vacation destination.

I would like to think that I am somewhat educated, but I was quickly dismissed and mistreated as a pro se within the system and quickly learned it is a true gentlemen's club. My children had a GAL and, in my opinion, that was less than adequate and never followed up on any orders and never held accountable.

In closing, be assured that my motive -- my motives are strictly for the well-being of my children and many like them. It is ridiculous to think that any parent would not want to be any part of their child's life or provide for them.

With that said, I don't think that one goes in hand with the other. Reform is a need. The system is broken and needs to be rebuilt. I stand before you and support the changes in the statute recommended by the Reform Commission that are in Bill 1155, Bill 6688, as well as 6685 on the shared custody.

As a side note, I am also here in favor of Bill 178 that came to my attention today, as I know Abigail, both personally and professionally, and I think that is a totally different take on it and should be reviewed as well.

I ask that you pass -- it is not only represents the start of modernizing but, more importantly, will produce much happier children.

Thank you for your time.

SENATOR COLEMAN: Thank you.

Are there questions?

Seeing no questions, thank you for your testimony.

Anna Doroghazi is next.

ANNA DOROGHAZI: Good afternoon, Senator Coleman, Senator Doyle, Representative Rebimbas and members of the committee. My name is Anna

HB 5666  
HB 6636

173  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

AMY MILLER: Good afternoon, Senator Coleman,  
representatives of the committee.

My name is Amy Miller, and I'm the program and public policy director at the Connecticut Women's Education and Legal Fund. CWEALF is a statewide nonprofit organization dedicated to empowering women, girls and their families to achieve equal opportunities in their personal and professional lives.

For almost 40 years, CWEALF has provided information, referral and support to women seeking guidance on how to proceed with divorce or how to respond to a divorce. We have spoken to thousands of women. The people who contact our office, generally, have incomes above the federally defined poverty levels with the majority with an income of about \$25,000 a year with at least one child.

As you can imagine, most of the cost -- most of the people who contact us are women, around 80 percent, but that percentage has seen a decline over the past few years, which it used to be closer to 90, as men become aware of the service. And in fact, our goal is to ultimately ensure that family law case decisions are made in the best interest of families and the members have equitable outcomes.

Many of these women are in the situation where during the relationships in consultation with their partners have taken on the primary caretaker role and had to either accept an employment opportunities that supported this role or decided to remain out of the paid workforce for at least a significant period of the time.

SB1155  
HB6688  
HB6685

At the time of these decisions, it was perceived to be in the best interest of the family unit. Some of these women have worked outside the home, have graduate degrees, some of high school diplomas, other have made efforts to increase their educational attainment while working to raise families.

It is also my experience that when couple's begin their families, generally, they believe it will last; that both parties have many of the same values and beliefs and dreams for the future. However, when dissolutions occur, for whatever reason, there are shifts that happen that no one can predict. It is with these women in these situations in mind that I would respond to three bills before this committee SB 1155, HB 6688 and HB 6685.

Gratefully, we oppose 1155 and 6685 as currently written.

Specifically, the point I want to make is that, ultimately, we believe that the flexibility of the family law statutes is one of the strengths. We have seen women's role and opportunities involved, families and the definitions of families change over the past decades and these statutes have the flexibility that allow for these changes as attitudes and experiences have shifted.

We have seen an increase in the mediators and cases getting resolved by mediation prior to stepping into the courts, and we applaud this increase. While this is an important option, we also understand that mediation only works in specific situations under certain circumstances. These bills look to restrict this flexibility often in the name of

175  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

consistency, yet, it's not clear to us that consistency does not exist.

That leads me to the third bill, 6688, which we support. In particular, we support the study to be conducted by the Legislative Program Review and Investigations Committee. This year marks the 40th year of Connecticut's no-fault divorce laws. It is reasonable and desirable to do research and gather data to help inform the work. Good public policy is based on evidence not emotion.

However, we did want to -- make the -- make the point of modifying some of the language which requires the judge to share reasoning in all decisions not just those that appear to deviate from the presumptive standard. Doing so will improve transparency within the courts making the process more understandable and, thereby, benefiting the overwhelming number of family law cases where at least one party is representing themselves. We think that will add transparency.

And basically that's the conclusion of my remarks.

Thank you very much.

SENATOR COLEMAN: Thank you.

Are there questions for Ms. Miller?

Seeing none, we appreciate your testimony.

AMY MILLER: Thank you.

SENATOR COLEMAN: John Clapp.

JOHN CLAPP: Well, thank you all for -- for staying. Thank you, Senator Coleman and Representative Fox.

My name is John Clapp. I'm the chair of the Shared Parenting Council of Connecticut, we're a 501(c)(4) corporation, and we've been incorporated for ten years in the state. The mission of the Shared Parenting Council of Connecticut is to work for change in the legislative and judicial systems to improve outcomes for children in contested custody cases.

To this end, we have joined forces with the National Parents Organization to encourage shared parenting. I am in favor of HB 6685 because it promotes the importance of shared parenting. And I'm in favor of HB 1155 and HB 6688, have a limited understanding but my understanding is corrects some very sexist language that's currently existing in the statute.

In 2002, with the Governor's Commission on Divorce, Custody and Children recognized the importance of continuing involvement of both parents in a child's life. The commission identified the continuing involvement as one of the five critical challenges affecting the outcomes for children in the state of Connecticut. It reviewed the overwhelming evidence that children with an absent parent have lower grades, higher delinquency, higher school dropout rates and higher rates of incarceration.

As a result of the commission's recommendations in 2005, section 46b-56 of the Connecticut statutes now states that custody -- custody decisions should, quote, provide the child with

the active and consistent involvement of both parents commensurate with their abilities and interests, end quote.

However, this section of the statute still fosters litigation and conflict because of its ambiguous language. It's the opinion of the Shared Parenting Council that the law must insist on the critical and primary role of shared parenting. It must limit the notions and -- and legal conflict that currently disadvantages children. Unfortunately, as a current -- as the process is currently structured and too often results in the unnecessary elimination completely of fit parents from an active role in a child's life, this leads directly to the poor outcomes for children that I mentioned.

Even one case, like that of Jerry Mastrangelo or Tim Gelling, would be one too many but, unfortunately, you've heard many such cases today and there are many more over the ten years that I've been involved in this that I've heard about in the State of Connecticut. And very often, in these cases, children are caught between warring parents and their lawyers who are pursuing money and control through litigation.

So what I think we need is implementation of the current law and the recommendations of the 2002 commission rather than further study. We -- we need to figure out how to implement that. The costly and destructive litigation must be discouraged by the presumption of substantially equal parenting time. I'm in favor of HB 6685 because it makes a statement that we are in favor of substantially equal parenting time, and we discourage costly and ineffective litigation that is bad for the children.

178  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

Thank you.

SENATOR COLEMAN: Thank you, Mr. Clapp.

Are there questions? Any questions for Mr. Clapp?

Seeing none, thank you for your time and your testimony.

Gina Simko.

GINA SIMKO: Good afternoon. My name is Gina Simko, and I am from Hamden. I support the changes in Bill 1155 and 6688 and hope to see bill 6685 move forward regarding shared custody.

Reform in Connecticut family law and divorce is desperately needed. In the highly publicized parental alienation case that was in the New Haven Court House for the past two years, a dad had joint physical custody of his three children. Despite having this court order, the children's mother denied him access to his children for the past two and a half years. Since parental alienation takes hold of the entire family, the children have not seen their extended family for years. Their grandpa passed away being deprived of seeing his dear grandchildren. Their Noni only has pictures to remember their smiles. Cousins have not laughed or shared school and friend stories. Aunts and uncles have not been able to give hugs and kisses to those precious faces or celebrate birthdays and holidays with them.

I am an alienated aunt and Godmother to one of those children. The last time I saw my niece was in 2010 at my daughter's birthday party. The cousins ate, swam, hoopla-hooped, and

played volleyball on a beautiful warm day. They truly had fun. The memory is etched in my mind as the last party that we celebrated as a united family. I saw my nephews for a few minutes in 2012 when they visited my dad, as he was dying, that memory is also etched in my mind. The boys looked so scared and helpless. It was their dad that encouraged them to hug their grandfather as they whispered a timid, Hi, Grandpa.

If a shared custody law had existed in Connecticut, these children would not have been forced to choose between their parents after they divorced. They would have been involved with their extended family and the pain of knowing that a grandparent was so ill would have been eased by the continuous love that we all would have given to them.

I attended every court session for the past two years, and I witnessed firsthand how the court system is truly broken. The best interest of my nephews and niece was never realized and time was of no concern to any of the attorneys, the GAL or the judge.

Children deserve so much better than what I observed going on in the courtroom. How could anyone claim that taking a good parent out of his child's life is in their best interest. Instead of the attorneys and the GAL claiming to have the children's best interest, a law is needed to enforce what is actually in the children's best interest.

As the saying goes, actions do speak louder than words. And the family court rooms in Connecticut are certainly not representing this expression. Parental alienation is child abuse

and shared custody laws would prevent this abuse.

Thank you.

SENATOR COLEMAN: We're doing well here.

Any questions for Ms. Simko?

Seeing none, thank you very much.

GINA SIMKO: Thank you.

SENATOR COLEMAN: Livia Barndollar.

LIVIA BARNDOLLAR: Good afternoon, Senator Coleman, other representatives and senators of the committee.

I'm one of the members of the lawyers working group as it has been described that created Bill 1155. The other members of that working group were Arthur Balbirer, Gaetano Ferro -- Gaetano Ferro being here today -- and retired Supreme Court Justice McLachlan, who was on both the working group for 1155 and the group that came up with the Bill 6688, which has been discussed a number of times today.

Our backgrounds and the wealth of knowledge that we all have is set out in Attorney Ferro's testimony, written testimony, just some indication because there have been references to the positions of various family law sections in Connecticut chapters of the academy and other institutional organizations. It is important to note, I think, that all four of us were former chairs and officers of the Family Law Section of the Connecticut Bar Association. Two of us were passed presidents of the National American Academy of Matrimonial

Lawyers. I was the president of the Connecticut Bar Association, three past presidents from the Connecticut Chapter of the Academy and a number of other positions dedicated to the development of family law.

We -- our group was originated through the Connecticut Chapter of the American Academy of Matrimonial Law earlier in the year. We were commended -- commissioned, rather, to submit legislation to Sam Schoonmaker, III, we did so.

We were asked to look at 40 years of law in -- in a number of different areas of the statutes and see whether or not there were confusions that were created by differing opinions and also whether there needed to be updates based on the law. Some of those updates are in common between the Bill 6688 and Raised Bill 1155. Judge Solomon's gone through them. I'm not going to try to address all of them.

I would like to try to address some of the things that are different. Some of the more technical items, I'll come back to, if the members of the committee wish to ask questions or wish me to do so.

One of those technical things is the section 2 of the -- the bill, I will come back to that. One of them that's not so technical and very important, we think to the development of the law, is that arbitration should cover not just what it does currently but also should include child support and child-related financial issues, not custody, but related financial issues because, currently, there are a number of cases that could be arbitrated. Taking some of the load off our really heavily burdened court system and allowing the court -- the parties to become more specifically and

directly involved in out-of-court arrangements for their cases. And they're not being done because of this.

Your honor -- your honor, yes -- would you like me to continue, or would you like me to submit to questions?

SENATOR COLEMAN: I think what I'd like you to do is just to summarize whatever is the remainder of your testimony.

LIVIA BARNDOLLAR: Thank you.

A number of the other provisions that would be changed are to try to bring the statutes in accordance with the current case law. What I think has been the elephant in the room all day is a discussion about whether or not the suggested calculation that is in section 46b-82c is a guideline or not.

The argument that has been made is because the court would need to explain why they didn't use the calculation if they didn't use it, should be tempered by the fact that what the provision provides is that the court would explain why those equitable factors were that encouraged it not to use the calculations. Those are the timeless factors that Judge Solomon talked about.

There is not a superseding of -- or an elevation of income over other factors. In fact, the language of (c) says, the court may utilize this calculation. It is neither mandatory nor presumptive, and it shall supplement but not supersede those factors. So those factors are what guides the courts' power to do equity. There are no requirements in

this scheme, in this analysis, to tie their hands.

SENATOR COLEMAN: Thank you.

Are there questions?

Representative Baram.

REP. BARAM: Thank you, Mr. Chairman.

Thank you for your testimony.

As the member of the working group that came up with --

LIVIA BARNDOLLAR: Yes.

REP. BARAM: -- 6688. When we discussed the concept of guidelines, there was a strong feeling -- regardless of what you call them, presumptive, voluntary, whatever -- that judges would nevertheless use them. That it's -- it would be easy for a judge just to fall back on a formula and disregard the other factors and that you would then come up with a somewhat arbitrary way of calculating alimony, both in terms of amount and term. And I should say that former Justice McLachlan and I want to get this straight, he only supported, I believe, part of the -- the guidelines. I'm trying to remember whether it was to amount and not to term but -- but he was not in favor of applying guidelines (inaudible).

So you had, you know, you have a division of thought as to whether the guidelines are -- are appropriate and whether they would become presumptive notwithstanding whatever you call them. Then -- then there was a group that said well it should apply to one thing let's say

amount and not to term or vice versa. And then you -- you have, you know, the group that feels that the factors that we have, as everyone calls them are timeless, and that they really adequately do the job.

What everybody did agree on was that oftentimes judges make orders without specificity. And although the judge may understand why he or she is making the order, the, you know, the -- the party, the husband or wife, they don't understand it. It's never explained to them and maybe their attorney doesn't really understand it either.

So we thought that this was a good step forward and then have this study to look at, you know, the whole thing globally what's been the impact, you know, in Connecticut, what are some of the other states doing because I think as Judge Solomon pointed out, each state has their own -- the few states that have the formulas have different formulas. They, you know -- and there's at least in the limited time that we had, we couldn't discern what the rationale was for the different formulas in different states.

So some came to the conclusion maybe it's just an arbitrary thing. They said, you know, add it up, divide in half, take 20 percent, whatever the formula might have said. So that's why we felt the -- the better way to go was to do a study and to really get all the information.

And I'm just wondering what that little explanation if -- if you understand why we're, you know, proceeding forward, I think, in a positive way but cautiously to try and get more information.

LIVIA BARNDOLLAR: I do understand that and Attorney Ferro will talk more about how we came up with the calculation that we did. We were very careful not to add things, like deviation criteria, that we thought would make this look more like a presumptive guideline. We purposely included nothing about term. We thought that was an arena where there were just so many different moving parts that the courts should not even have something written down. But the -- the theory behind this calculation that we have here is that a judge would not be bound in any way to ignore and should not ignore the statutory criteria.

And we added two criteria, as did your working group, the same two criteria, and then we added tax planning consequences, also, but what we did think was that, for example, the 85 percent of the cases that have self-represented parties on one or both sides or for the uninitiated judge that's starting out or for those lawyers who are now all of a sudden doing family law because there aren't so many real estate closings to do anymore; that this might be a good thing for people to look at and -- and calculate against and consider against with the hope that that's going to lead people to make more resolutions of their own.

Attorney White had -- has written testimony that's on the web site for today. And she indicated that she thought that more consistency and more predictability would lead people to come to quicker resolutions that she sees that 80 percent of her clients, who are women, are sometimes squeezed and forced into making resolutions before they're ready because of the mounting costs of the litigation; and that, perhaps, this can provide some baseline for those types of individuals, whether they be

self-represented individuals or lawyers or judges who have not had a lot of experience in the arena to something that they can use to move forward from.

It's not going to prevent the -- the seasoned judge or the judge who has sat for three days understanding the people's real personal issues from using what he or she always could use, his or her discretion and the equitable factors that are under 46b-82.

REP. BARAM: Just one last thing, and I don't want to take up a lot of time, it's really more of a rhetorical question but, you know, if you compare it to the child support guidelines. There was a commission; there was a study, a lot of economic data presented.

Don't you think that by just coming up with a formula without the background information, the statistical information, that we're doing a disservice? And let's just jump to the conclusion for a moment that maybe at some point a formula will be something that's embraced by everybody. If it was, shouldn't there be a rationale basis for what that formula is?

And I understand that your group put in a lot of time and -- and you've got, you know, a lot of experience and intelligence there but notwithstanding that shouldn't this be a more comprehensive review so that if it was the way we go in the future, there's -- there's a good basis for and rationale for -- for the formula?

LIVIA BARNOLLAR: You're right. We had a lot of experience. We added it up today. It's over a 100 years of experience in the practice of law but -- and -- and a lot -- and this did come

from somewhere, and I would like actually to punt that question to Attorney Ferro who knows -- who was very involved in where this came from.

As far as it being like the child support guidelines, we were -- we're really not in favor of a presumptive guideline the way the child support guidelines work. We were trying to provide some sort of parameters for a judge. As I said a judge or an experienced litigant or an inexperienced lawyer to look at and also a -- a baseline. I mean, we do this in -- by agreement. Those of us who practice family law on a regular basis, by agreement work off of the child support guidelines but maybe be able to come to different resolutions by agreement.

What this isn't, not only isn't it a strict guideline, but it doesn't deal with child support and it doesn't deal with unallocated alimony in child support. And a lot of the -- the groups that are concerned that we're improvising the payee because of the formula are forgetting that if it's unallocated alimony and child support or if there's child support, in addition, that that's going to change the financial impact of this calculation.

REP. BARAM: Again, that -- that -- you know, one of the issues or problems in embracing the concept of a -- of a formula is that, you know, as many people used the word "mosaic." It's a mosaic. You're -- you're looking at property distribution, child support, alimony. There may be some other assets that are being divided and to just simplify it into a formula without taking into consideration the mosaic of -- of other things that are happening, you could do a disservice.

And again, the feeling was call it want you want, it's very easy for a judge just to fall back and say, oh, yeah, you fall in the 20 percent category, that's what I'm going to order. And the -- the one thing that everyone seems to agree on is the 12 to 15 factors, everyone, you know, praises them, you know, we're embellishing it adding some things to it but they're saying that by and large the -- the -- those are sound, they make sense, and a judge needs to do some work to make sure they analyze these things.

I remember ten years ago, we had a famous family relations office in Hartford, Bob Colucci, and his rule was, you know, one half of the length of the marriage. And then that went out the window. And it was an arbitrary thing, but it was easy so everybody did it. And frankly, I did it, too. You go in your mindset was there, one half the length of the marriage, and then you worked off there. But it -- it, you know, it kind of lulled us into complacency because it was so easy to say that's the formula, that's what everyone's thinking.

And that -- that -- I'm just, kind of, sharing with you the struggles that we went through on the working group in just trying to adopt a formula, but I think we did the next best thing which was to say, okay, let's -- let's study the whole ball of wax. Let's get the information in and take that second look at it when we have, you know, a comprehensive evaluation of -- of what exists.

LIVIA BARNDOLLAR: I understand you did a lot of hard work, and I know we had a lot of the same struggles and discussion, et cetera. I think that a judge who would sit back and use this

calculation and ignore the fact that it says it is supposed to supplement and not supersede all of the criteria and that they are supposed to be able to articulate why they do something other than this calculation based upon those same criteria.

I think that a judge who -- who sat back and didn't take that charge seriously would be -- would be the one that was doing the disservice.

REP. G. FOX: Representative O'Neill.

REP. O'NEILL: When you're mentioning that the judge should be able to articulate -- first of all, welcome good to see you.

LIVIA BARNDOLLAR: Hi, how are you?

REP. O'NEILL: When the judge is -- what kind of things should the judge be looking to in terms of articulating? I mean, because I'm not seeing anything is there something like there is for the child support guidelines. I mean --

LIVIA BARNDOLLAR: Representative O'Neill, it refers to the subsection a of the section. Those are the criteria that -- that have always -- well, always, since -- for the last 40 years, have been part of the statute in determining how alimony -- what alimony is awarded for how long and for how much.

It's in the current statute at 46b-82a. We've added earning capacity and education, as has Judge Solomon's working group. We've added tax consequences of its orders, but they are all in the same place that they have been in the statute. So it's the reference to the usual statutory criteria in determining an order.

REP. O'NEILL: Okay. Because I mean those are the criteria that we have, as you said, been using for a long time and the judge kind of without using them -- none of them are tied to a particular number, like, 30 percent or something of that sort --

LIVIA BARNDOLLAR: That's true.

REP. O'NEILL: So -- but those criteria are the things to look at while looking at all the -- the factors or the -- to give guidance, I guess, to the judge when looking at a every individualized life and lifestyle and set of factors that people have in their lives.

So -- and then, if I understand it correctly, what you're saying is that if you're not going to use the formula, you go back to the criteria that we have traditionally for the last several decades been using?

LIVIA BARNDOLLAR: Well, I want to make it clear that the calculation, specifically, says the court may utilize it and it supplements but it doesn't supersede those factors. Then the proposed sets -- subsection d says, the court shall state whether it utilized the calculation. And if it wasn't -- didn't utilize it, what factors, set forth in subsection a, resulted in the courts declining to use it.

So, actually, to go back to Representative Baram's point, when we're talking about the mosaic, one of those criteria is the estate of the parties. So you're going back into the mosaic there because you're looking at the property settlement or the property distribution.

191  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

Have I answered your question clearly?

REP. O'NEILL: Well, I'm not sure. As I'm looking at this thing, I'm kind of -- we'll find out I guess you're the wrong person to ask the question of. I guess it's Attorney Ferro that's going to know where the formula came from.

One would assume that if we've been doing it more or less right for the last 40 years, that the formula and a careful analysis of all the factors and application of the factors to any given marriage should produce, approximately, the same result. If they're -- if they're both fair, if they're both hitting fairness, some kind of reasonable fairness in terms of the amount of alimony, then they should come up with something like the same number. One would think. I mean, if -- in other words, my assumption was that the -- the formula was a way of kind of shorthand version to get to an answer similar to what good judges doing good work get to when they use those criteria.

Let me stop there and ask you is that a reasonable assumption on my part?

LIVIA BARNDOLLAR: It is a reasonable assumption.

REP. O'NEILL: Okay.

LIVIA BARNDOLLAR: Having said that, the first part of your assumption that it pretty much always turns out to be the same has become less and less the case as we've had less and less experienced judges who have rotated in and out of family law.

REP. O'NEILL: Okay. So -- all right. So the implication then what you're saying is that --

of what you're saying is that the judges -- if we had people stay on family law for, say, all eight years or most, let's say, seven out of their eight years of a term that, certainly, by the time you get to the eighth year or seventh year after a couple years, hopefully, the judges have gotten a hang of it and, therefore, this is meant to compensate for the more rapid rotation in some sense?

LIVIA BARNDOLLAR: The lesser resources, the more rapid the rotation, the judges who don't really like being in family law, the burgeoning pro se population, the continuing burdening of the court with the -- with more and more cases, with more and more protracted and -- and hard fought cases, the lessening of resources for the courts, all of those economic and social realities that we've seen over the last five to ten years.

REP. O'NEILL: Okay. So if -- in other words, I'll put -- let me try another attack here. If -- if we were to pick a couple of hundred cases at random from, say, either an earlier time period or judges with lots -- we acknowledge to be really experienced and -- and good family law judges, people who really know what they're doing, they would produce this -- you think they would produce about the same result as the formula? Is that --

LIVIA BARNDOLLAR: Well, the formula speaks to one type of situation. It doesn't speak on unallocated alimony and child support. It doesn't speak to -- we don't -- we're trying to have it not speak to high, really high income cases. It -- I think and I have a disagreement on that premise with Attorney Ferro, but I think it is primarily useful when both of the parties are working.

193  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

And I would say to you, Representative O'Neill, that a lot of the -- the family bar that have been practicing for a long period of time or have had a lot of cases would say that there is a range that we have in our heads of what the appropriate amount is for alimony, just alimony, and that there is some scratching of those same heads when we get to the point where we're trying to figure out how we factor in the second spouse, the second working spouse into the mix. And this formula was actually developed by a different group originally. And that is where I'm going to punt back --

REP. O'NEILL: Okay.

LIVIA BARNDOLLAR: -- to Attorney Farrow so he can give you the background to that.

REP. O'NEILL: Okay. So for the inexperienced judge sitting there, if this becomes the law, they should -- if they're not going to use this formula, they should be able to justify it based on something. And let me make sure I understand -- when they go back to the top and they're looking at one of the factors -- computers not moving -- when they go back to -- to section a, they should be able to find, let's see, pick one --

LIVIA BARNDOLLAR: I think health would be one.

REP. O'NEILL: Okay.

LIVIA BARNDOLLAR: If one of the parties is not well, you're not going to start at 30 percent. If that party has really extensive expenses, healthcare expenses and there were family resources to provide for. It may not be at 30 percent, it may be starting higher.

194  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

REP. O'NEILL: Okay, okay. Thank you.

REP. G. FOX: Are there other questions?

Actually --

LIVIA BARNDOLLAR: Sorry.

REP. G. FOX: I just wanted to say I'm sorry I was out of the room when you began your testimony, and I do want to thank you for making the -- the trip here to Hartford today.

And you -- you know and we've had a chance to talk. This is difficult and as you can tell by the -- the experience of some of the attorneys who come before us and how they sometimes differ and judges sometimes differ. And it's -- so it's hard for us, as legislators, we -- it's not an easy issue for us to address either, but we do appreciate hearing because -- hearing from those who do this every day because it is helpful.

I missed your opening remarks, but I wanted to ask -- you and I talked about something that is not part of this bill but it was a problem that you -- you raised. And I wanted to give you a chance to talk about it. It was the issue of when there's a case on appeal if an individual dies and what happens there, and if you have -- do you want to just say a few words about that --

LIVIA BARNDOLLAR: Fine.

REP. G. FOX: -- you may.

LIVIA BARNDOLLAR: Thank you.

There were a number of the technical changes that are in this bill that I didn't talk about. Everybody wants to talk about the alimony calculation. I hope that if the -- if the committee has any questions about any of those others, those changes were really important to the committee.

One of the things we had submitted and didn't make its way into Raised Bill Number 1155 was what would happen if parties were -- if a judgment of dissolution had entered and then there was an appeal by one or both -- well, one or both of the parties, and then one of the parties died during the appeal process.

So we had drafted a suggested statutory provision that would, essentially, keep the parties married for legal reasons -- for legal purposes so that it would be clear who the surviving -- that there was a surviving spouse. It would be clear for purposes of retirement plans, for example. And there -- this was another one of those areas where the working group wound debating quite a bit and my -- my friends here like to meet at seven o'clock in the morning. I don't know about debating at seven o'clock in the morning on an empty stomach, but we tried to come up with a provision that we expected if it developed, it would be something we would be talking about with the probate folks and the state lawyers, et cetera, but it was for the purpose of trying to keep -- to deal with what is a rather gray area right now.

There were some cases that say you're divorced, you're divorced, you're divorced. There are a couple of cases that say that they're -- it's unclear whether or not when you have the stay, you are also stay in the dissolution itself.

in the paper and even though there was some people, you know, elected or whatever, they -- they didn't -- they didn't agree and -- and they didn't believe that this was going on.

But thank you, thank you very much for coming out today, thank you.

JEAN-PIERRE BOLAT: Thank you, Ma'am, and I thank Senator Fasano for his leadership and also Jerry Mastrangelo for making -- making this very known in the state.

SENATOR COLEMAN: Thank you.

Are there other members with questions?

If not, thank you very much for your testimony.

JEAN-PIERRE BOLAT: Thank you very much.

SENATOR COLEMAN: Lorri Cavaliere.

LORRI CAVALIERE: Yes. Good evening.

SENATOR COLEMAN: Good evening.

LORRI CAVALIERE: I think it's evening. My name is Lorri Cavaliere and I am here to support Bills 1155, 6688 and 6685 on shared custody, parental alienation and the much needed GAL oversight.

I believe time is of the essence for reform. The minds and lives of children involved are at stake. I recently attended several court hearings to support my good friend in his long fight for the court-ordered right to see his children. He had a wonderful loving relationship with his three children up to and after his divorce. As part of his divorce, it

was stipulated that both parents share custody and a schedule was put in place, in writing.

Soon after, his ex-wife began making excuses for the children, making it difficult, often impossible, for my friend to share in the parenting. She said that the children didn't want to be with him and soon they were shunning him as if he were a stranger. What his ex-wife actually succeeded in doing was to make a mockery of the family court system proving that their custody agreement was simply a worthless piece of paper.

It was shown in testimony from medical expert witnesses that his ex-wife was not interested in following court orders regarding reunification therapy and it wasn't enforced. It was shown that while his ex-wife could insist that her children perform simple tasks such as bathing and brushing their teeth, she could not -- she would not/could not insist that they see their father.

The children resorted to demeaning their father on the phone and calling him names such as jerk, idiot, stupid, among others, with no admonishment whatsoever by their mother.

The GAL and the AMC involved certainly did not have the best interests of the children in mind. Their only concern voiced was that their bills were not being paid in a timely manner. There was no explanation for all the lost notes of meetings with the children, nor a demand for one from the judge, except for one one-hour session, despite this being a primary responsibility of the GAL.

In the end, the family court system lost sight of their charge. Whenever possible, children

should be given the benefit of the love and nurturing of both parents. If the courts do not care enough to hold a parent responsible for not following a written, signed custody agreement, why even bother? I sincerely believe the children were secretly hoping that the court would force them to reestablish a relationship with their dad.

If it happened that way, their mother couldn't be angry with them, and they could let go of the guilt that their mother was forcing them to bear.

At the end of the court hearing, it was clear that the whole thing was a sad farce. The only winners in the end were the attorneys and the GAL who left with much richer pockets as well as an ex-wife who laughed at the system and her defiance of it. How could this be allowed to happen?

After spending hundreds of thousands of dollars, an immeasurable amount of time and effort to reclaim his rightful role of father, my friend, a truly wonderful and loving man and father, left a beaten man. Even his own attorney convinced him to walk away, letting him believe that by dragging the case on, it would only cost him more money and in the end he would most assuredly lose his case.

The losers were his children, and the friends of the children who were closely watching. They took with them a scary lesson that it's okay to thumb your nose at the system because the system really doesn't care.

Yes, there needs to be more education for those entrusted with the well-being of our children

but there also needs to be oversight and checks and balances of the courts themselves.

Bill 6685 supports the oversight and penalties for any parent defying a court order or making false statements. I urge you to support this bill. It's the right thing to do for all our children.

SENATOR COLEMAN: Thank you.

Are there questions?

Seeing no questions, we appreciate your testimony.

LORRI CAVALIERE: Okay.

SENATOR COLEMAN: Ann Smith.

ANN R. SMITH: Good evening, Senator Coleman --

SENATOR COLEMAN: Good evening.

ANN R. SMITH: -- and members of the Judiciary Committee. My name is Ann Smith. I'm the interim executive director of AFCAMP. I want to thank you for the opportunity to comment on proposed Bill No. 6682.

AFCAMP is a parent-driven nonprofit organization whose central mission is to educate, empower, and support parents of children with disabilities who reside primarily in the cities of Hartford and New Haven. On behalf of AFCAMP parents and youth, I am here today to speak in support of this proposed legislation to require school districts choosing to place police officers in their school to adopt formal policies or Memoranda of Agreement (MOAs) with their local police

261  
lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013  
10:00 A.M.

SENATOR COLEMAN: Jennifer Verraneault.

JENNIFER VERRANEAULT: Hello, good evening.

SENATOR COLEMAN: Good evening.

JENNIFER VERRANEAULT: I'm Jennifer Verraneault. I live in East Haven and I'm actually a certified guardian ad litem not that I wanted to make that my career, because I have a career, but I wanted to learn what the roles and the responsibilities were of a guardian ad litem because I witnessed some unbelievable behavior by a guardian ad litem in the New Haven court system.

HB 6685  
HB 6688  
SB 1155

So I took the class in 2011 and I loved it. By the time I finished my trainer -- both trainers said you need to go to law school, you need to (inaudible) and I said wait a second why do I have to be a lawyer to be a guardian ad litem?

Well because nine -- about 95 percent of them are lawyers. So the first day I'm in class, there's 200 people at Quinnipiac getting certified, and the computer is up, playing Black Jack or playing cards, answering emails, all these things because I could see them all. Not everybody but a lot.

So one of the trainers, after Judge Monroe asked does anybody know the difference between an AMC and a guardian ad litem? No one had the answer and these are the very people that have been protecting the best interests of our children in the State of Connec -- Connecticut for I don't know how long okay?

I knew what the answer was because I studied and he said, and I think his name was Steve Dembo or something, really he -- he said -- he

was really upset and he said did anybody read the -- the homework assignment that we had? Obviously nobody did. So anyway that's how the class started.

Then I -- as I learned more of what the responsibilities were, you know, I was like gosh, you know, I can't believe that someone dear to my heart with three beautiful children that I've been involved with for the last six years has a guardian ad litem that has not done her job.

And I know that this bill is about shared parenting but the thing is is that if we don't get the guardian ad litem under control, nothing is going to work because the person that has this guardian ad litem was told by four attorneys you will never get a guardian ad litem thrown off your case so don't even try it, okay?

This is what they gave us one of the first days. It's the only motion that a guardian ad litem can file with the court and it says, just one area, I pre -- I represent to the court that this is an urgent matter affecting the children either regarding the safety of the children or regarding compliance with existing court orders. I sat here all day and I heard a lot of people talk about they have guardian ad litem and they also contempt mod -- contempt issues with one parent. Why is this not being filled out? I don't know.

I actually contacted the guardian ad litem in the middle of taking the course that was on this case in our family. I called her. I got her bill. It's a \$20 bill for returning my phone call, not her, her secretary, to ask me

what did I want to talk to this guardian ad litem about.

I said you know I really would like to just talk to her about my perception with the children and their father. I have been involved in their lives for the last five years and I know that they love their father and I -- I have a different perspective that I can share.

Judge Monroe said in the training in -- in a Family Commission meeting that I attended about four of them which I don't blame the Commission. I don't really blame the judges. I really put a lot of the blame on the guardian ad litem because I have to believe that when I sat through the Commission meetings, the Family Commission, everyone that's on it they were trying to figure out how to fix this problem. For two years they've had it on their agenda about guardian ad litem and what their role is and how people don't know what they are.

Okay so this guardian ad litem is supposed -- and every guardian ad litem, as Judge Monroe said in -- in the meeting, at the Commission meeting and at the GAL training, their job is to investigate and report back to the court, to the judge, on what their findings are.

I don't know why a guardian ad litem needs to charge \$300 for being an investigator, okay? It's only preventing parents their due process because they can't afford to fight -- I'm sorry the -- the bell.

But can I just say a couple of more things about this guardian ad litem because it's not just our story. We set up a Facebook page, a website, we've had bill boards on the highway

throughout Connecticut. We -- we've been on radio shows. We've been on the TV. We've had a lot of exposure to our case. We've had people come out of the woodwork who have already walked away as you've heard some people here.

They've given up their parental rights because they emotionally and physically cannot handle the fight and why should you have to choose. Do I spend \$250,000 to get a chance of seeing my child and having the -- everybody, you know, enforce these court issues -- court -- court orders or do I walk away?

Parents are walking away. They can't help it, okay? So this guardian ad litem never called me back but I got a \$20 bill, my significant other saying that they called. We're in court six months later, I went up to the guardian ad litem I said, I don't want to say her name, I said well I don't understand why didn't you call me? Why didn't you want to talk to me because the -- the role of a guardian ad litem, I can say very confidently because I got my certification, is to investigate and report back to the court.

Why would you not want to talk to someone who is around these children 95 percent of the time when they're with their father who has 40 percent custody of these children. She goes Jennifer I called you, I have a witness, the reunification therapist was standing there. I go no you didn't, she goes yes I did.

She said to me four times she called me and I -  
- I would not back down. I said no you didn't. She goes well I thought I did and she walked away.

Guess what after I put it on, you know, our Facebook page and exposed her, we're in court last -- a couple of weeks ago, she said to me oh no I'm mistaken I didn't call you back my secretary called you back. I go that's what I told you, because I told her that, your secretary.

So then she says to me -- I said okay so let's say your secretary did call me back because I told you she did, why didn't you want to talk to me or meet with me? Because I didn't think it was relevant. How is that -- how is she -- and she has immunity. You cannot go after someone. How are they not doing a job? It's clearly stated what their job description is. So how do they get immunity, no liability, no accountability but yet they get \$300 an hour and if you don't pay it, I learned in the training, they'll -- they'll lean -- put a lien on your house. They'll put you in jail.

Here's her bill, \$50,000, and the AMC gets what \$40,000 and he still doesn't have his kids. They beat him up for nine hours on March -- on March 18<sup>th</sup> in New Haven on the third floor. At quarter to five he said I've done all of this, I'm not walking away from my children. His attorney said, you know what, you're going to be spending another quarter of a million dollars and you're not going to be anywhere near where you want to be.

His eyes were red. This is a man who is a smart businessman. He doesn't make impulse decisions. He's a good man. His eyes were red. He was emotionally drained. Quarter to five he goes in front of Judge Gould and he says I'm not signing this.

Have you ever heard of a judge allowing someone to go into his chambers and even use his bathroom, okay? This is what the tactics are in New Haven. It was quarter to five. He said I'm not signing it. I want a motion for continuance. He was bullied for another hour in the Judge's chamber. As a matter of fact all of us were in the court waiting for him to leave. We knew that they were emotionally bullying him to get this -- get this signed.

And guess what ended up happening, he didn't even read it. He was so upset he just wanted to get out of there. He signed away everything. They didn't want him to even walk through courtroom before he signed it to go the bathroom. They said you know what you don't want to go out there you're family is out there. Use the Judge's bathroom.

This is what's going on in New Haven, Connecticut and I know everyone -- you -- you've never been there and when I first got involved with this I was like oh my God this -- this can't be happening, this is crazy. When we get calls and emails from people that tell us their story, I can't help but think what did they do? What did they do that their kids don't want to see them, the AMC doesn't like him, the -- the GAL doesn't -- whatever.

But really it's a problem and -- okay I'm sorry I'm going on and on but there really is problem, really a problem.

SENATOR COLEMAN: Are there questions?

Senator Kissel and then Representative Gonzalez.

SENATOR KISSEL: I just want to say thank you and I apologize I have to leave early but I will be in touch with the other leaders of the Committee regarding other folks testimony but -

JENNIFER VERRANEALT: Okay.

SENATOR KISSEL: -- it's very important that you're here telling us because, you know, I'm thinking should I go and sit in this courtroom for a day and not let anybody know and just hang out in the back and see what's going on.

And I'm going to tell you that probably 16 years ago or thereabouts I was instrumental in getting guardian ad litem in Connecticut.

JENNIFER VERRANEALT: Um-hum.

SENATOR KISSEL: It seemed like a really good idea to get someone out there to protect the interests of the child and I think for a long time it seemed to work without a problem. What I'm sort of picking up here today and it seems to be geographically based a little bit. But also it's been a difficult economy, a difficult economy on attorneys.

And if all of a sudden you now have this gig where if you get appointed it's 300 bucks an hour and I know people in private practice and, you know, you're lucky if get \$400 for a real estate closing and those just aren't happening like they were five years ago.

JENNIFER VERRANEALT: Um-hum.

SENATOR KISSEL: Have we inadvertently created a cottage industry for some folks that are completely protected from any kind of

responsibilities? So I think the study of that whole situation that's before us today, I think after a period of time we do have to circle back, benchmark, find out if things are working out appropriately and -- and just hearing what you said, I think that that was really important because you went and you were certified.

You are as close to an objective observer. I know that you're involved in a case.

JENNIFER VERRANEULT: Um-hum.

SENATOR KISSEL: But it's not like you're just involved in a case and you're just talking from what you saw --

JENNIFER VERRANEULT: Um-hum.

SENATOR KISSEL: -- the fact that you took the time to take the training and so that you know what's supposed to be going on --

JENNIFER VERRANEULT: Um-hum.

SENATOR KISSEL: -- is sort of like an undercover agent.

JENNIFER VERRANEULT: Yeah.

SENATOR KISSEL: And so that's very helpful because --

JENNIFER VERRANEULT: Thank you.

SENATOR KISSEL: -- that's -- we're here in Hartford. We -- we do have a -- we have tried to go out into the community to have public hearings but unless you folks take the time -- it's a participatory government --

JENNIFER VERRANEALT: Um-hum.

SENATOR KISSEL: -- we can't be everywhere all at once.

JENNIFER VERRANEALT: Right.

SENATOR KISSEL: And so your testimony is very, very valuable and I appreciate you taking the time.

JENNIFER VERRANEALT: Thank you kindly. One comment before you leave?

SENATOR KISSEL: It's up to the Chairs.

JENNIFER VERRANEALT: When I was listening -- oh can I or no?

SENATOR KISSEL: It's up -- I'm -- I'm fine. I'm not leaving until you actually leave and then I have to go.

JENNIFER VERRANEALT: Okay. When I was listening to the bill regarding the custody and the guardianship of the animals, which I'm a big animal lover, I said well why -- this is an opportunity for the GALs that if they get slapped around for what they're doing they could just move right over to the -- the custody and the welfare of dogs, you know, because I'm sure they can figure that out.

Anyway I'm sorry.

SENATOR COLEMAN: Representative Gonzalez.

REP. GONZALEZ: Thank you.

How long is the training, for how long?

270

lg/sg/cjd/sd  
cd/pat/cah/gbr

JUDICIARY COMMITTEE

April 5, 2013

10:00 A.M.

JENNIFER VERRANEALT: It's 30 hours and it's six days.

REP. GONZALEZ: Thirty hours.

JENNIFER VERRANEALT: Thirty hours so you go -- it starts like at 12:00 and you leave by 5:00; it's six days.

REP. GONZALEZ: For six days.

JENNIFER VERRANEALT: Yes.

REP. GONZALEZ: And anybody -- anybody can take it.

JENNIFER VERRANEALT: Anyone.

REP. GONZALEZ: Anyone. Like -- like Senator Kissel was saying that -- that he was very instrumental with the GAL and I would like to say he's leaving but I would like to say before he leaves that things change.

JENNIFER VERRANEALT: Right, right.

REP. GONZALEZ: Things change. You know they started a process.

SENATOR KISSEL: (Inaudible).

REP. GONZALEZ: Maybe you -- maybe you started -- maybe you started the process, maybe he (inaudible) process --

JENNIFER VERRANEALT: Right.

REP. GONZALEZ: -- but that doesn't mean, Senator Kissel, that it's still like that. So may -- thank you for what you did and I know that you -- you have, you know, good intentions and you want to help but like I said -- like I said

before, you know, you can start something with, you know, with the good intention but then people get in and because the money people get corrupted and they will do whatever they want to do.

JENNIFER VERRANEALT: Um-hum.

REP. GONZALEZ: And -- and that -- that happens, you know that that happens and -- and in court, you know, when I was -- when I was growing up in Puerto Rico when -- when you mentioned a judge in my community when I was growing up, there was the biggest thing, you know, a lot of respect. You never talked to them, not even look, you know, at -- at a judge because he was a lot of respect.

And now I'm saying we have the good and we've got the bad that's always and not only in New Haven. You can go to every single court and you have the good ones and you have the bad ones. You have the ones that really care and you've got the ones that they really don't care because I don't want to say something else.

JENNIFER VERRANEALT: Right.

REP. GONZALEZ: Now that happens and that's why it's good that you guys came out, you know, and -- and hopefully, you know, we're going to be able to do -- do something about it. Now what really worries me is that all the complaints out there about -- about the parents, mothers and fathers, there was a -- they -- we can't complain to the judge. And then we can complain to the judge and then they also (inaudible) the agency, they're going to supervise the visit and they also charge a lot of money.

JENNIFER VERRANEALT: Yup.

REP. GONZALEZ: So when you -- and (inaudible) sometimes, you know, you come -- you wake up and say hey what's going on, between the agency and the -- and the GAL you're flat broke and then you can't fight for your kids. And -- and I know this is serious, I know this is serious and that's why I want to get involved, I really want to get involved because I don't -- I think that it's time to do something about it.

JENNIFER VERRANEALT: Yeah and I don't think the task force should include anyone from the judicial --

REP. GONZALEZ: Listen I --

JENNIFER VERRANEALT: -- okay because the very person, and I'm sorry but one person who's part of the big thing said to someone that I was with in my training business is slow, take the class, I'll send you some cases, okay? So it's happening.

REP. GONZALEZ: I'm going to take the classes but I (inaudible) the classes.

JENNIFER VERRANEALT: You get \$300 an hour.

REP. GONZALEZ: It will be interesting, it will be interesting but -- but -- right. So -- but I'm going to look into that because I know that when they were saying before, you know, the task force, I agree that I -- I don't think that we should have, I'm sorry, any judges running -- running the task force. I agree with you, thank you.

JENNIFER VERRANEALT: Thank you.

SENATOR COLEMAN: Are there others with questions?

Representative Albis.

REP. ALBIS: Thank you, Mr. Chairman.

Thank you, Jennifer, so much for coming up to -  
- from East Haven today to testify. I -- I  
just want to echo Senator Kissel's comments.  
It's incredibly valuable for us to hear your  
perspective, your unique experiences. It -- it  
will be helpful as --as we consider these  
issues down the line and I -- I thank you for  
your advocacy and, you know, I -- I don't have  
a question but I just wanted to -- to make that  
comment and thank you.

JENNIFER VERRANEULT: Thank you very much.

SENATOR COLEMAN: Are there others with questions or  
comments?

If not, thank you very much for your input here  
today.

JENNIFER VERRANEULT: Okay, thank you very much for  
staying so late.

SENATOR COLEMAN: Mike Krukiel.

MIKE KRUKIEL: Good evening, I'm Mike Krukiel from  
Cromwell, Connecticut and I'm here to support  
Bill 6685. How do you summarize in three  
minutes 40 years and four generations of  
parental alienation due to current law and the  
failures of the family court system in  
Connecticut?

I'm speaking on behalf of my grandparents, my  
father, myself, my two sons and my daughter.  
It began in 1973 when my parents divorced and

Seeing none, thank you for your testimony.

MARISA HALM: Okay, thank you very much.

SENATOR COLEMAN: Dr. Richard Kisiel.

Raphael Podolsky.

RAPHAEL L. PODOLSKY: Thank you, Senator Coleman, Representative Fox, members of the Committee. My name is Raphael Podolsky. I'm with the Legal Assistance Resource Center. It's part of the legal aid programs. I'm going to try and be very brief here.

In summary we are in support of House Bill 6682 which deals with police -- school and police cooperation. We oppose Senate Bill 178 concerning the termination of parental -- child support after the termination of parental rights. We oppose Senate Bill 1155 that concerns alimony. We oppose House Bill 6685 on shared custody and in regard to House Bill No. 6688 we ask that you remove section 6 from the bill which deals with motions for contempt and motions to modify.

I want to speak to you in the time I have briefly on three of those five bills and I'm clearly happy to answer any questions I can about all five of them.

Let me start with section 6 of House Bill No. 6688. We're fine with the bill in general but that section would repeal 46b-8 of the General Statutes which is a section that says when you have a motion for contempt and a motion for modification you should hear them together.

We think that's important to keep because for a number of reasons it's important that they be

heard together. We represent people who often have orders that are out-of-date, they don't have access to lawyers, they don't file motions for modification, they get brought in for contempt and you want them to be able, before they get sent off to jail, to be able to put out their case as to why they really are unable to afford payments.

You cannot change an arrearage because you can't modify retroactively but you can move forward in the proper way. And in fact the same evidence is involved so it's really a matter of judicial efficiency because the evidence that you have used to show that you are not in contempt of court, which is inability to pay, is the same evidence you would use to get a modification of the underlying order.

So we just think that you should not -- if you would just take section 8 -- section 6 out of that bill we would appreciate it.

The second bill I mentioned is Senate Bill No. 178. That is the bill that says that in certain circumstances, even though the par -- a person's parental rights have been terminated, he's still liable for child support.

First of all that's completely inconsistent with the concept of termination of parental rights because you're no longer the parent of the child. It also can lead to a situation where the person whose rights have been terminated is -- kind of harasses the family because he's paying for a child that is not -- that he no longer -- he has any legal relationship to. And it will also have the -- the collateral effect of discouraging people from making viol -- voluntary agreements if

REP. GONZALEZ: Yeah.

RAPHAEL L. PODOLSKY: -- but I don't know that it's so much a statutory problem as an implementation problem.

REP. GONZALEZ: Thank you. Thank you for that information.

SENATOR COLEMAN: Representative Rebimbas.

REP. REBIMBAS: Thank you, Mr. Chairman.

And thank you for your testimony. I know you did a wonderful job addressing the three and I know that there was some other ones that you mentioned that you're in support of or against. If you could just, as quickly as you did on the other three, if you could just give me your points regarding the others.

RAPHAEL L. PODOLSKY: Well the -- the bill that we support is 6682 which is the one about promoting the cooperation of school and police to try and make sure that police are used appropriately in the school context. I think you've heard a lot of testimony on that and we're supportive of all of that testimony.

The other one that I did not go into because there's also been a lot of testimony -- excuse me -- is Senate Bill No. 1155 which was the one on alimony and the -- 6688 I think does a much better job of addressing alimony issues than does 1155. Ali -- alimony cannot be handled in the way that child support is handled.

Child support we have guidelines and the reason we can have guidelines is child support is pretty much not no-fault. That's to say the party at issue is really the child, it's not

the parents. And so it matters much less as to what the factors are other than financial as to how you're going to allocate what should -- should be given to the child.

And there's no question about term because as - that the child turns 18 and we know right up front what the term is going to be. So you can look at the parents' income and you can set a formula and you can say this is our base and if -- you can deviate from it for a good cause but we're going to set it up as a presumption.

When you're dealing with alimony, there are all these different pieces that -- that make the cases much more individualized and so trying to set a -- a sort of a default rule for how we're going to do alimony is just -- I don't think it's -- I don't think it's doable on that kind of a basis and -- and there is a strong tendency once -- if you set a presumptive rule, or even if you don't call it a presumptive rule but say it's a -- sort of it's a guide, that the courts will default themselves to whatever it is.

So if you're talking about percentages of income or if you're talking about how long alimony is based on how many years the relationship has been, but you're not considering who's disabled and who's not disabled, who has -- who gave up their life possibility of having a higher income job for someone else, if you don't factor those things in, who was abusive and who wasn't, you don't -- everything becomes a deviation and -- and that doesn't do any good to have presumptions when everything is a deviation.

So -- and that's the reason that I think 1155 just doesn't work and the parts of 1155 that

are really non-controversial are already in I think 6688. All these numbers sound the same to me. So -- so I think that that's the statute would work -- you would work with and I then as I said if you -- I'd ask you to take a look at section 6 and perhaps take it out of 6688.

REP. REBIMBAS: Okay, thank you.

RAPHAEL L. PODOLSKY: Thank you.

SENATOR COLEMAN: I guess that's it for questions. Thank you for your testimony.

RAPHAEL L. PODOLSKY: Thank you very much.

SENATOR COLEMAN: Thomas Weissmuller.

THOMAS WEISSMULLER: I've been nursing the last 10 percent of my notes battery so I will hope they will not die out on me here.

My name is Thomas Weissmuller. I'm a retired trial judge and current chairman of the National Parents Organization, Connecticut chapter. Today I'm appearing on behalf of the National Parents Organization and in my personal capacity as one who has endured the Connecticut family court system.

I'll speak on behalf of Raised Bill Numbers 1155, 6688 and 6685. These bills will bring much needed reform to the family law system by removing inappropriate references to gender where gender is irrelevant to an inquiry by defining a methodology for the establishment of alimony where no methodology presently exists.

And by redefining the role of one parent from that of visitor, under the current paradigm, to

that of a true parent with a meaningful obligation to provide emotional support, decision-making and physical care for the substantial period of time under -- under every parenting plan.

I understand that the language is only to be applied when it is agreed and that obviously is something we would hope would be removed if the bill comes out of Judiciary so it wouldn't just go for agreements but that that be the presumption in all matters unless proven otherwise.

Connecticut continues to ferret out gender biases within its statutory scheme by redefining benefits for wives as benefits for spouses and reclassifying obligations for husbands as obligations for spouses. We have confidence that you are acknowledging the impropriety of referencing gender when describing parental and spousal obligations.

We are certain that you do not intend the laws to be defined to support an 87 percent custodial loss rate for fathers.

As with husband and wife, the word alimony is a term of art with roots in church law. We hope you will continue progressive reform by defining alimony as spousal maintenance. Today the Legislature acknowledges that married people, male or female, gay or not, enjoy equal rights as citizens. Published laws do not yet demonstrate this truth so further amendments are likely necessary.

Spousal maintenance is an equitable remedy utilized to overcome financial imbalances that have occurred during the marriage. It is rehabilitative in nature, it is not punitive

nor is it permanent. Connecticut should adopt a model law on spousal maintenance and eviscerate all references to alimony and the historic bias it conjures if possible. We understand that's not yet the paradigm but it's moving in that direction.

For my part I do not pay alimony. I enjoyed shared parenting to the extent permitted by my children's school year residence in Alaska. I have endured parental alienation. Alaska law has allowed me to address parental alienation on several occasions without fully retrying my Connecticut case.

There is no comparable provision under Connecticut law to address parental alienation. I implore you on behalf of myself and on behalf of our organization to craft one. Please ensure that judges are guided to favor equal or near equal parenting time. Remove the children from the fight.

While the guardian ad litem on my case performed adequately, she might have been trained to testify more clearly. Connecticut lacks standard protections to ensure appointment of qualified guardian ad litem. There are no rules to govern billing practices, limit investigations or prevent GALs from essentially riding herd on a case. There are some very excellent guardian ad litem. Unfortunately as you've heard today there are some that appear to abuse their opportunity to serve as guardian ad litem.

And states have crafted regulations and rules to prevent this from happening. These model codes are available. I worked for years in the Seattle arena. We -- I served on over 100 cases as a guardian ad litem. I could not work

outside of my order and expect to be paid for it.

I represented the best interests of an incapacitated person or -- alleged incapacitated or minor child. I couldn't engage in advocacy beyond my call in my order and expect to be paid for it and I wouldn't. Similar rules could be implemented here. Statutory guidance is essential to that end.

During the course of my trial on custody, a large portion of testimony of the guardian ad litem was -- was stricken from the record because when she testified she used the word felt instead of the word deduced when describing her conclusions.

The judge offered no opportunity for rehabilitation. The judge's temperament varied wildly from day to day as did her evidentiary rulings. She refused, for example, to take judicial notice of a calendar yet she took judicial notice of a fact that every Alaskan citizen receives money from the state rather than pays taxes.

Please consider working with the Judiciary to ensure that our judges are adequately trained at the National Judicial College or in a comparable forum. Not every appointed judge is a former trial attorney.

We should seek excellence in judicial service. Consider protections relative to guardian ad litem service and improve GAL training. As chairman of the National Parents Organization in Connecticut I have learned that my experience is not unusual. I feel it calls on a regular basis as more parents, men and women,

approach me with the challenges they face in your family court system.

You have heard powerful testimony today. Please hear these cries for help. If you are a parent, think of your own children and improve the system before you must rely on it.

I'll limit my comments to those, there are more but I understand that this particular bill is probably -- the alimony bill is the strong one and there's a good chance that there might be a commission or someone to investigate and the propriety of the shared parenting bill and possibly adding to it.

If that commission or something like that comes into fruition, I would hope you would contact our organization so that we might try and provide further information for you and support for that initiative and possibly personnel if you're looking for people to put on that kind of an investigative body.

Thank you.

SENATOR COLEMAN: Thank you. In your service as a -  
- a GAL, can you -- have you ever sought the payment of a retainer from the parents of minor a child?

THOMAS WEISSMULLER: No, sir.

SENATOR COLEMAN: Okay. Can you think of any circumstances that might justify the payment of a retainer to a GAL?

THOMAS WEISSMULLER: In my experience that wouldn't be appropriate. In Connecticut I understand that it's done.

SENATOR COLEMAN: It is done. Have you -- I guess -  
- I don't know if you -- you've indicated  
you've done research on it but you -- you just  
commented it is done in Connecticut. Under  
what circumstances might it be done in  
Connecticut?

THOMAS WEISSMULLER: My under -- my recollection is  
that the guardian ad litem who worked on my  
case when I was a party to a custody battle  
here in Connecticut, I say battle, custody  
case, I believe she asked for money up front  
from each of us \$1,500 to get started.

She had a very reasonable bill. I think she  
did a fine job. I have no issues with the  
guardian ad litem that worked on my case.

SENATOR COLEMAN: Okay.

THOMAS WEISSMULLER: When it comes to  
representations that I hear from our members,  
we have a large group and a growing group, the  
guardian ad litem concern surprised me. I  
regularly correspond with the people who write  
me on these issues and what I do is I  
essentially parrot the protections that the  
courts in the Seattle area imposed so that  
guardian ad litem were confined in their  
orders.

And basically the judges were always counseled  
to look at the order and there had to be a  
hearing. For example, I would present, as a  
guardian ad litem in Washington Superior Court,  
15 days prior to the final hearing, I would  
present my bill including an affidavit of fees  
that broke down my hourly rate and the charge  
per hour to the tenth of the hour on anything I  
did.

I was confined to 10 hours of work. If I needed more time, I sought that time and I would advise all the parties that I would be seeking that time. Rarely would I need more time to do my job. I was supposed to investigate and report. I wasn't supposed to go to every deposition. I wasn't supposed to do all of these other things.

If it came to trial, I would expect to be sequestered as a witness although I could request additional authority from the court so that I could participate as an attorney. I was a trial attorney as well. These things aren't unusual they are just not done here.

SENATOR COLEMAN: Did you ever sit as a guardian ad litem during the course of a trial?

THOMAS WEISSMULLER: Yes I -- I have. I've participated in trials as a guardian ad litem and as an attorney representing one.

SENATOR COLEMAN: What would be the role in the capacity of a guardian ad litem?

THOMAS WEISSMULLER: In the trial I -- in -- in several trials I requested the ability to ask questions if I felt that it would be necessary and the judge granted with regard to certain issues that were being explored in the trial that I could ask questions relative to those prior to the parties' attorneys had opportunities to follow up. Most times I would not ask for that because there really would be no reason.

SENATOR COLEMAN: Did you seek or receive permission to interpose objections during the course of the trial?

THOMAS WEISSMULLER: I had the ability to do that in some occasions if, as in the -- the circumstance I just described, I was sitting at the Bar as opposed to being sequestered or outside of the -- the courtroom.

Many of the cases that I worked on involved things like minor settlements for children where I represented the interests of the child and there may be a challenge as to how money might be spent on behalf of the child by a step-parent, things of that nature, not necessarily in custody matters although I have represented in child custody and dependency matters as well. Still the same would apply.

There would be very few reasons for me to cross-examine. I would essentially be a witness. Everyone would have been provided with my report long in advance of the trial. If they wish to depose me they could have, although I cannot recall a specific occasion where I was ever deposed as a guardian ad litem.

Usually just the informal representations plus my report and of course you're -- you're an officer of the court so you're not going to be committing perjury.

And -- and also one of the protections that I found to be essential in the Washington system is that five days, within five days of an appointment, appointment was done on a rotating basis. Guardian ad litem had to attend special qualifying classes every other year.

There were lots of classes for guardian ad litem in the form of continuing legal education and, if you wanted to be a family court guardian ad litem, you needed to have

five years of family practice in addition to the other training.

If you were appointed, every party had five days, before you started anything, to have you removed for various reasons. You either charged too much. There could be a conflict of interest.

You could approach the guardian ad litem informally and if someone did not like something that they saw in a prior case they could simply state it then the guardian ad litem is going to come off, similar to a recusal for a -- for a judge. There's a first recusal in Superior Court in Washington. You don't have that opportunity here as I understand. You may get stuck with whatever judge you draw and if you understand the biases of the judge well you're going to endure them.

Those protections can be classified in statute and the judiciary can be directed to implement them through rule and I understand it's a different paradigm here. They have a practice book of sorts that tends to mirror the rules you propose but I think in the end you probably will find that this will improve everyone's opportunity to have a fair and unbiased guardian ad litem and really challenge the fees.

I cannot conceive of a guardian ad litem that would -- that would ever bill more than \$10,000 on a case. I cannot conceive of that. What are they doing? If their investigation is over, what are they doing? Are they attending depositions? Do they believe that they're acting in the some capacity as an attorney and, if so, why are they not held to the standard of the attorney?

An attorney cannot act on behalf of an individual party without a contract to do so that specifically defines the nature of the fee, how they will bill and so on. That -- that contract doesn't exist so there's no mechanism to enforce things that they bill willy-nilly. They have to bill in accordance with an order.

If they work outside of their charge, there should be no judicial mechanism that could enforce that bill. Why would you ever pay? If you were the judge and you looked at it, I can't -- and I have -- I was a judge for 15 years. I had guardian ad litem who routinely worked in front of me for 15 years.

There would occasionally be an exception to a bill but the standard that we applied is -- is the guardian ad litem working in accordance with his charge throughout the case. I have never seen in 15 years a bill for more than \$10,000 from a guardian ad litem.

SENATOR COLEMAN: How did the rotating assignment of guardian ad litem work? Was there just a pool of guardian ad litem and the presiding judge just assigned as a -- when it came to the next name?

THOMAS WEISSMULLER: Yes and the way it would work ultimately -- I remember I -- I pulled my name off the guardian ad litem registry in several counties because you really had to be ready to go. You knew you didn't have to start necessarily for a week unless someone came in with also an ex parte request for an immediate emergency investigation which could -- while you might ultimately come off the case, I was never asked to leave a case.

If -- if they came in with some request like that, you may have to literally start your investigation right away. The idea is that you would take a call -- the registry worked so that they would literally pull the next name. They'd pull three, they'd ask the clerk to step out and this clerk would make a call and everyone on the registry knew that they had to have a phone number that could allow for an immediate return call.

So they had my cell phone number and if I could take the case I would take the case. I might ask the parties if I felt that there was a potential for a conflict in a smaller county but each county maintained the registry.

And the other thing that was important is that the counties would maintain registries as well for -- you could in Snohomish County, for example, agree to work on a pro bono registry for the indigent. I don't understand why if you have a guardian ad litem program you do not have a pro bono guardian ad litem program. It -- it doesn't hurt us to take a case for free or to take a case at a minimum pay where Snohomish County paid \$300.

Now all that's going to do is basically cover your time but you're going to put 10, 12 hours at the most into that case and you're going to get \$300 or another county might say \$300 and 45 an hour for so many hours that can approved above the 300. That's in cases involving indigent people.

I don't understand why, if we have a complex system in court, we don't have that system. It's -- it's easily remedied. Young attorneys are willing to work for \$45 an hour and learn and earn their stripes as a guardian ad litem.

SENATOR COLEMAN: Thank you.

Are there others with questions?

If not, I appreciate your input here.

THOMAS WEISSMULLER: Thank you for your time.

SENATOR COLEMAN: Sara Frankel.

SARA FRANKEL: Good evening, Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Sara Frankel and I'm the public policy director for children, youth and young adults with the Connecticut chapter of the National Alliance on Mental Illness and I am here today on behalf of NAMI Connecticut to support H.B. 6682, AN ACT CONCERNING COLLABORATION BETWEEN BOARDS OF EDUCATION AND LAW ENFORCEMENT PERSONNEL.

You've heard a lot today about this bill and I'd like to speak to it from the perspective of mental health and children with psychiatric disabilities. Many of the behaviors exhibited by children that lead to school-based arrests are often the result of unmet behavioral and mental health needs. It is widely recognized that 20 percent of all children have a diagnosis -- a diag -- diagnosable mental health condition.

Drop-out rates among students classified as emotionally disturbed under the Individuals with Disabilities Education Act are alarmingly high, over 50 percent. Additionally 55 to 70 percent of youth in juvenile detention have a diagnosable behavioral health condition.

Rather than pushing children out of -- of school for problem behaviors, we must work

but in never occurred to her to call me because I don't have custodial rights.

She called my ex-husband while my daughter sat in a chair crying for two hours because she couldn't get through to my ex-husband. I'm down the hall in the gym and it never occurred to her because I don't have custodial rights. I don't know.

REP. GONZALEZ: Well thank -- thank you.

MARGARET MANSFIELD: I appreciate it.

REP. GONZALEZ: But I would like to talk to you before you leave.

MARGARET MANSFIELD: Okay. I -- I really am thankful for my father and other veterans for allowing me the first amendment and opportunity to stand here and speak to this today.

SENATOR COLEMAN: Annette Nunez. Richard Wax. Shirley Pripstein. Edie McClure. Monica Peters. Charles Crenshaw.

CHARLES R. CRENSHAW: Good evening.

SENATOR COLEMAN: Good evening.

CHARLES R. CRENSHAW: I've been sitting here all afternoon and re-writing and trashing things out because I don't want to repeat things that were said earlier. So I want to thank you for giving me this opportunity to speak to -- on behalf of Raised Bill No. 6688 -- I think I'll get a glass of water.

My name is Charles Crenshaw. I live in the town of Bloomfield. Mr. Maturo he has testified already and I don't want to repeat

things that he said but I will say as he did that I'm appreciative to those members of the Committee who worked on Raised Bill 6688 and I'm not going to repeat all of his support for the bill.

However, I'm here today to offer my support for this bill on a limited basis. I heard this bill is a step in the right direction and I'm glad to see that the issue of alimony is finally getting some deserved attention.

However, I'm concerned that this bill, as written, does not adequately or specifically address the issue of lifetime or permanent alimony. The language is still vague. It's unclear and subject to interpretation. With this bill alimony awards will continue to be random, arbitrary, discretionary depending on the individual goals and the attitudes of the court.

If -- if this bill does go forward, it should do so with the understanding that the issue of lifetime alimony will be studied and reviewed and if I've read this bill correctly Section 5 speaks to this issue and I would say let's make sure that that happens.

The issue of lifetime alimony is one that's near and dear to my heart as I'm currently under a divorce ruling to provide palimony to my ex-wife until my death. I've been paying a substantial amount of alimony for years with no end in sight.

I'm one month shy of my 69<sup>th</sup> birthday, two months shy of my 45<sup>th</sup> anniversary at my place of business. I should have retired at least seven years ago at the age of 62. However I feel like I'm being chained and shackled to a

carcass of a dead marriage. This inhibits me from going forward with my life. The term until death do us part has new meaning.

Meanwhile my ex-wife, who is the one conscientiously desired and initiated this so-called no fault divorce, is physically, mentally, educationally capable of obtaining employment to adequately support herself and achieve financial independence.

I ask the question why am I forced to keep working to support her? Why is she allowed to profit from my hard work and my dreams?

This system of what I call marital welfare encourages my ex-wife to maintain a low or no income as its -- as so as not to jeopardize her eligibility to continue to receive alimony. I'm going to skip through this.

I would suggest a review of the alimony statutes of other states that have provided guidelines for alimony. For example, Rhode Island general law states, and I quote, alimony is designed to provide support for a reasonable length of time to enable the recipient to become financially independent and self-sufficient.

I think it's time for the Connecticut alimony statutes to be brought into the 21<sup>st</sup> century and be revised to be more reasonable, sensible and allow the payers to move on with their lives free of this never ending burden.

Again thank you for allowing me to speak today. If you have any questions I'd be glad to address them at this time.

SENATOR COLEMAN: Mr. Crenshaw, what was the length of your marriage?

CHARLES R. CRENSHAW: Twenty-four years, 10 months, seven days.

SENATOR COLEMAN: And did anybody ever try to explain why you ended up with a lifetime alimony obligation?

CHARLES R. CRENSHAW: I was -- well I was told that particularly in the State of Connecticut if you're married in excess of 20 years the judge would typically issue lifetime alimony. So even going into this I was told that you're going to get lifetime alimony.

SENATOR COLEMAN: Okay.

CHARLES R. CRENSHAW: And that's when I said so I get a life sentence.

SENATOR COLEMAN: Any other members have questions?

If not, thank you for patience. Thank you for your testimony.

CHARLES R. CRENSHAW: Okay thank you for letting me speak.

SENATOR COLEMAN: Gregg Marchand.

GREGG MARCHAND: Good evening to the Judiciary Committee.

SENATOR COLEMAN: Good evening.

GREGG MARCHAND: I'm Gregg Marchand from Willimantic and I oppose H.B. No. 6674, a raised ACT CONCERNING ENGAGING AN OFFICER IN PURSUIT. The reason I appro -- oppose this because there are

Gestapo will yell halt netz sehen dein papiere,  
in English stop let me see your papers.

Lawmakers are responsible to represent us as  
Connecticut citizens yet you pass laws that are  
violating our civil liberties. I would think  
any aspect of a new law that tramples our civil  
liberties and/or any part of our U.S.  
Constitution would be -- automatically be  
denied on the grounds of the idea being  
unconstitutional. I tell you something stinks  
in Connecticut and it's fascist ideas that  
become law.

Thank you.

SENATOR COLEMAN: Thank you.

Are there questions for Mr. Martouch --  
Marchand?

Thank you for your patience.

GREGG MARCHAND: Thanks, have a nice night.

SENATOR COLEMAN: You have a nice night and a nice  
weekend.

GREGG MARCHAND: Thanks.

SENATOR COLEMAN: Nancy Pannel. Henry Martocchio.

HENRY J. MARTOCCHIO: Good day, Senator Coleman.  
Thank you for having me on your mind when you  
said Martocchio earlier. Representatives, I  
appreciate you guys spending the day here and  
really taking great interest in what's going on  
in our family court systems today.

HB 6682  
HB 6688  
HB 6690  
(SB 1155)

Not wanting to stay the whole day because I do  
have a nine year old autistic son at home

presently in the care of my support staff, they agreed to stay late so that I could give this testimony today to you people.

I appreciate the opportunity. So as of this morning I emailed you my latest and greatest work. As Senator Coleman knows I'm an advocate for the disabled. Every bill that we've heard today in regards to any modifications or any proposed settlements from even we're going to say 6682, 6688, 6690, 1159 has to do with my problem of not seeing in 2013 the State of Connecticut doing self-evaluations of the American Disabilities Act.

(SB1155)

If we had transitioning plans to establish where we are discriminating against the disabled, I'll take it first to the animals that everybody's had so much heart about today. I will go next to the parents that -- that people have denied the fundamental rights, like me, a fit person who stepped into the courtroom arena and to Attorney Kiefer I do apologize for what he did say.

Those people, he should have said those people that are in the court systems because I personally cannot relate to nobody that has not been throughout the court system. Nobody can understand the nightmare that I've lived as a fit father with an autistic child being run down by a -- third party grandparents, being denied my civil rights by Judge Shluger.

I will talk today next week. I've given you this brief and inside this brief now because my ADA coordinators for the State of Connecticut Judicial Department does not exist. Thus I've told Chief Justice Rogers this in -- in -- in the public meeting for the rules commission

last week or the week before, there's a public transcript.

I am disappointed with my state. Twenty-three years after the American Disabilities Act was passed we're still non-compliant. I have a Donald DeFrancis, an ADA coordinator, that refuses to answer any of my emails. As Senator Coleman knows I had to unfortunately cc him on this, on every complaint I've made -- ADA complaint I've made and that's very powerful stuff guys because underneath the Commerce Fifth Rule Committee I don't need permission to sue any of you.

I don't need permission to sue the State of Connecticut. You take federal funding and this is what everybody doesn't comprehend. We run the dads 90 (inaudible) -- 95 percent of fathers according to the Fatherhood Task Force in 2008 claim that 95 percent of us pay child support.

I got a mother that's testified. I've got all the transcripts. I'm being denied today to get more transcripts left and right from Judge Avery-Whetstone even though I live on SSI for my son.

I had to terminate my mother -- the mother because the facts were she's a danger to herself. I have a child that cannot give me effective communication but yet Judge Shluger he's got a parent-like rela -- relationship with a third party that I've asked these courts to address five different times.

I've federally removed guys. I think kickback. I've been to the clu -- Supreme Court -- or let me sort of back up, I've been to the Appellate Court. They said I never, underneath 4656

which is a controversy between two parents guys that has not been tested constitutionally for a third party just to walk in the door, the Appellate Court says Mr. Martocchio you never appealed the matter, nulled and void, see you later.

I hit them on (inaudible). I hit them on -- on reconsideration. I've run this to the Supreme Court guys. These are all things that a parent, just to be a parent, should not have to do. This is crazy. This is ludicrous.

And what the courts are doing is going after the weaker parent. The presumption of -- of -- I -- I'll wrap it up, I'm sorry I heard --

A VOICE: (Inaudible).

HENRY J. MARTOCCHIO: -- the presumption -- I do support this -- this bill 100 percent on -- on the act of parent alienation. I've been alienated from a third party. I feel today, Senator Coleman, that if we start this movement on this bill we can adopt. Senator Meyer sat there and said well isn't it already -- no, no, no wait a minute if we put in this bill absence neglect of abuse or -- or by the fair preponderance of evidence the same standards that we're using for the third party and we'll call it the bright-line rules, correct? That's a federal rule and it has to do with rights to remain silent. It has the right for the -- the government to intervene first. They just can't go on a fishing trip guys and find out who is the bad parent. That's illegal. That's unconstitutional.

This is -- comes down to the GALs. I've had a GAL testify inside of Judge Avery-Whetstone. Do I have to go back in front of her in a

couple of more weeks and deal with this again? And she's sat there and removed my ability to filing any motions, this was last time around, that's why I had to federally remove, violation of due process rights.

It's just insane guys. I am here as a parent begging you please let's make some changes. Come to me, Senator Coleman, sit down. We had a private meeting. Find a way that we can avoid going through the Judiciary Committee -- or go -- go through the Judiciary itself and poll the people directly using the services of the State of Connecticut.

Our idea was a simple little forum. Let them come in and email you guys directly on what is going on in these family courts. I do not understand how a GAL can lie on the stand. I pull out a prescription pad from the doctor saying that you never called her. You never talk -- this is a prescription pad. This is a doctor's note to get narcotics in this state and yet that couldn't be introduced to evidence because I was told the doctor wasn't here and the burden was on me to bring that doctor into court.

That doctor was \$500 an hour. Mr. Keifer was \$250 an hour. Thank God Mr. Keifer turned around and -- and wiped out a \$26,000 bill from me. I can't afford this guys. Where -- where do I have to (inaudible) and say okay the specialties in medicines for my son, which are not covered by -- by the typical medicine -- by typical insurance, the traditional medicine does not recognized by immune deficiencies in kids versus paying an attorney to defend what my God given rights are.

And again the -- the state has never addressed how they have subject matter jurisdiction. I've wrote it in the brief. I have everything in the brief. The presumption is if you don't speak up and be an SOB in the beginning, the courts automatically presume we can do that.

But yet you're labeled instantly a bad person guys. This is the wrong part and I'm not trying to work against the system. I'm trying to work what's best for my child and not have government interference in my family autonomy.

This is -- I don't -- I don't know how to say this guys. I know every group, Representative, that's in the state. Please tell me who -- who I'm missing that -- that can help force this subject further. We've begged for funding. We can't keep digging in our pockets. I can't keep on going to Staples and having \$150 cost just so the Supreme Court can say denied.

Even though Chief Justice Rogers has never heard of subjects I've brought up, even though the public will and policy is there, even though -- it -- it's almost like it's a -- it's a State's Attorney General's playground. I've addressed this with four different -- three different State's Attorney Generals and everybody wants to put their hands down.

But yet Blumenthal in Tennessee Lane has breached that we're in compliance. Look up the case Tennessee v. Lane. Another great one Popovich. Look these up. These are the matters of the ADA. Just give us the right to be in the courts with effective communication and not get beat up for being disabled.

I think there's a lot of disabled people that go over and beyond what a typical per -- or --

or person takes for advantage every day and -- and I'm not trying to put down or use that as an example. For a person to come all the way up here in a wheelchair that is unbelievable what you and me take for as a -- granted as -- as a -- an accomplishment that we don't even recognize every day.

I know my son fights every day for the fact that his social impairment and the way he works it and everything like that. Yet I'm court ordered and I'll go to jail -- I'll go to hell first before this court -- the state tells me I have to turn my child over to somebody who is not a parent.

I recognize they're a grandparent. I do that but it's not in his best interests for me to do this. Thus that makes me an accomplisher if I do it. So now I've taken the -- the role as a fit parent. I'm willing to go to jail. Do what you're going to do to me. This government has taken away my right to give maximum intervention to my child at an early age.

I'll show you fraud. You want to talk about fraud, it's in my brief history. I'll show -- and how every department has defrauded my parental rights. I didn't know about my child until he was two years old -- two and one half years old roughly. Then I was sent a letter that everybody hid from me.

SENATOR COLEMAN: Mr. Martocchio, time to summarize.

HENRY J. MARTOCCHIO: My summary is guys we need the ADA protection in this state. We need to seriously start asking Chief Justice Rogers to do her job and appoint somebody accountable. We have three gun courts in this state. I have nowhere to go to for my 14<sup>th</sup> Amendment due

process rights under the American Disabilities Act or does anyone else that is perceived as disabled because that's our biggest problem guys today.

Right now it's one out of 96 children according to the CDC. It's really -- in -- in my organizations we're going to see -- we think the rates are one in 50. What's the state going to do when one in 50 cases have somebody with a major, major social impairment? Are -- are the judges going to really strip them of the right to be a parent or are we going to try to include them as being a parent equal and the same as anyone else that had no disability?

And that's my whole point guys. I want to help. Please contact me. I -- I -- I've -- I've begged for years, Senator Coleman, and -- and I'm not putting this on your shoulders at all but there's other people that we've cc'd in -- in my briefs and nobody wants to do nothing.

There has to be a time in the life when the state says you know what we are doing wrong and -- and you know what take the -- take the bite for the day because this only going to promote what public will and policy is.

And -- and I think the shared parenting bill, and we can tweak it guys to -- to add some more language to it to say hey listen going into court we automatically know, absent neglect or abuse and by clear and convincing evidence God willing, everyone's going to have that right to be a parent.

I'm not saying it's going to be 50/50, 60/60 what -- whatever as long as somebody is there and they're able to unobstructively be with their child that's the key. That's the key.

That would take and strip all these lawyers from their abilities to strip people of thousands and -- and -- and most of all it's the child's future, their financial future, that -- that's being stripped from this child or in my case it was my right to instead of give lawyers \$45,000 and if I add Louis Keifer's bill to it I became a pro se. This is why they hate me because I'm not standing in front of no other judge again to rule on profit.

I'm fighting for my child. I'm not going to plea bargain guys. And -- and most parents that are fit aren't going to plea bargain and they're going to speak the truth and they're going to speak until they're blue in the face and I appreciate you on this Friday night but I've got to go home to my Nathan because I miss my little buddy guys.

SENATOR COLEMAN: Any members have questions for Mr. Martocchio?

HENRY J. MARTOCCHIO: No?

SENATOR COLEMAN: Thank you for your presentation.

HENRY J. MARTOCCHIO: No thank you guys for staying extra late tonight. We appreciate it and again we're willing to help you guys form this. We have to do it outside the judicial, separation of powers. They have to do what you guys say.

Thank you.

SENATOR COLEMAN: Thank you.

Dan Lynch is next.

DANIEL M. LYNCH: Good evening.

SENATOR COLEMAN: Good evening.

DANIEL M. LYNCH: And I find myself very emotional before I even start speaking just listening to some of the comments from everybody else here today. So I'm a bit overwhelmed before I even start.

I recognize we have three minutes so my name is Dan Lynch. I was born and raised in Waterbury, lived there for my first 20 years. Moved to the Boston area for about 10 and then came home. I've lived in Trumbull for the last 19 years.

I'm the father of two adult teenage daughters. In August of 1963 when I was one and a half Martin Luther King gave a speech. I didn't hear it I don't think, maybe I did I don't know. But I'm making a point to listen to it every February and there's one line from that speech that explains why I'm here today.

Our lives begin to end the day we become silent about things that matter. My daughters matter. My role as a father matters. Laws that impact my ability to parent and my finances matter. I'm testifying and I have submitted five pages of written testimony, by the way, because I knew I might be a little emotional.

I am here to support four specific bills. My written testimony notes three, there is a fourth. I'm in support of 6685 pertaining to custody. You've heard many great comments; 6688 regarding the alimony revisions; 1155 regarding the revisions to the dissolution statutes and also 1156 which deals with right to a jury trial for those who feel that they've been discriminated against in certain issues.

And as I've mentioned I've submitted five pages of written testimony. I -- I know it's a lot to ask -- to ask because I've read many of them that are out there. I've spent many, many hours over the last few days reading the other testimonies. I would ask please read my five pages.

The family courts in the State of Connecticut are not only broken but they are being exploited from within and I recognize these are very strong words. I apologize if the lamp is blocking our view. My house is on the brink of foreclosure, a home that I've paid for in Trumbull as a taxpayer for 19 years. Three decades of retirement savings are gone. I'm \$250,000 in debt in the last five years because of the courts, directly because of the courts, all very well documented.

And the IRS also has me in collections. IRS doesn't con -- isn't concerned with the local jurisdiction. Local jurisdiction doesn't seem to be concerned with about the IRS. I have to be concerned about both.

And in 2008/2009 you might be surprised to hear that's -- that's the period during which my wife and I, a 17 year marriage, we -- went through divorce. We lived together during our divorce. That's the piece that you might be surprised to hear. We were both -- were -- were both, and still are both, very good parents.

Attorneys enter the mix and they recognize that there's money at play and there's maybe controversy that they can stir up. And maybe they could suggest maybe inappropriate behavior and all -- a whole range of other things that could be suggested that perhaps maybe sways

financial awards and certainly pads their --  
their take home.

And -- and I think that some attorneys  
recognize -- they fail to realize that when you  
say the best interests of the children it's the  
parties children not their children that are  
supposed to be the best interests.

The result of the trial out of the Bridgeport  
courts the judge was a former member of this  
Committee. Some people call him the Honorable  
Howard T. Owens, Jr. I find nothing honorable  
about the man and I mean no disrespect to any  
member of the Committee when I say that. I  
have very strong, very well documented reasons  
why I say what I say.

The series of punitive orders that were issued  
in a mundane divorce that should have been a --  
been a 90 day matter which dragged on for first  
what I thought was going to be a year and one  
half, the series of punitive orders and the  
fact that I chose to stand up to the punitive  
orders and question them with properly filed  
motions what was my reward for that? My reward  
for challenging his authority by filing an  
appeal when the initial motions to reargue and  
reconsider the very carefully documented errors  
were brought to the court's attention but they  
have the discretion. The judges have the  
discretion to dismiss those and routinely do.

And I exercised my right to an appeal. Three  
days later I was incarcerated for the first  
time of my life. They removed my tie. They  
removed my belt. They removed my shoe laces  
before I got to the elevator, made a public  
spectacle of me so that the judge can remind me  
in front of everybody who is wearing the robe  
that day and ever since.

A month later I was ordered to vacate my house on December 21<sup>st</sup>, four days before Christmas. Incidentally that court order included 50/50 physical parenting, 50/50 legal and physical parenting. Ordered me to -- ordered me to move from the house with no change in my court-ordered parental responsibilities, okay?

I find myself quite fortunate by the way. I saw my daughter today before I came here, okay? She lives with me half the time. My other daughter is in college. There certainly was alienation, still some issues, but compared to some of the things that I've heard today I'm amazed, I'm humbled. I consider myself fortunate.

It took me two and one half years before the court -- the Appellate Court responded and issued a decision in my case. I won my appeal. They threw out all the -- I'm sorry I shouldn't say all, the -- the overwhelming majority of the financial issues in my case were all overturned. They twice in their document noted that the court had -- had abused its discretion. The Appellate Court cannot undo the experience of a strip search in the Bridgeport prisons or being shackled along with a whole chain of others and -- and schlepped in the paddy wagon and processed in. They can never undo that.

The Appellate Court can never bring back my daughter's senior prom and the fact that a mother who was alienating and because I was no longer in the house I wasn't even allowed to go to the house to take pictures. There are many things that the Appellate Court cannot fix.

The Judicial Review Council is an absolute joke. The process for judicial review is a

joke. I have submitted probably, and I don't know this to be fact, but I would suggest respectfully that I have submitted two of the most well-documented briefs to the Judicial Review Council that they've probably ever seen.

What was their reaction? Their reaction was month after month after month after month to tell me why the meeting was postponed, canceled, it wasn't heard, there was a snow storm, so and so couldn't make the meeting, who had hip surgery. I -- I lost track of all the excuses. The poor woman who works there is -- is -- I've never met her, very wonderful on -- on the phone, Remy Edwards.

Once a month I'd call, after the first few months she knew my voice. Hi Remy it's Dan Lynch from Trumbull how are you, any news yet? A year later both my complaints were dismissed with a one page letter. There's no Appellate right to that. It was swept under the rug.

Precisely hi -- how my Appellate attorney had said to me, my very well respected Appellate attorney of 52 or 53 years, he's been practicing longer than I've been alive, and he pleaded with me not to send it. Suggested that perhaps there might be retaliation if I sent it and that it wouldn't matter, nothing would happen. I sent it anyway because of those words of Martin Luther King, the day we become silent about things that matter is when our life begins to end.

The statewide grievance committee is equally a joke. Those of you, and I'm sorry I don't know all your backgrounds, those of you who are attorneys know, okay, that many of the grievances don't result -- they might maybe

sometimes maybe result in a reprimand, okay, maybe.

I'll -- I'll try to wrap up and I'm sorry. I filed two equally detailed grievances against opposing counsel about very specific acts of misconduct that took place in my case. I tried to bring that misconduct to the attention of the judge but surprise this was also a judge who I had filed a grievance against.

When my attorney at the time requested withdrawal from the case he was allowed to withdraw from the case. The judge ordered me to file a pro se appearance with no legal background. They created a monster.

I'm a small business owner. Ten years I've had my own business in the State of Connecticut. Paid personal taxes, paid business taxes. I spent much of my time now reading the practice book, reading the statutes, learning the rules and defending myself in now three separate cases.

I'm being sued by my former counsel for unpaid fees. Two weeks ago I testified along with several others who I recognize today. I don't know them. I've met them at occasions on functions. Two weeks ago I testified at a public hearing before the -- the State Supreme Court. There were about 15 or 20 others who testified. I believe that I was one of only three people who had the courage to testify using a real name. Such is the fear of retaliation in the courts that many who appeared that day on March 25<sup>th</sup> testified as John Doe or Jane Doe. Someone testified as Betsy Ross I think. Someone testified as Patrick Henry.

I testified as Dan Lynch from Trumbull, Connecticut and I'm proud of my remarks. I was respectful, I was within my time limit that day. Not today I'm sorry I'm almost done.

Please don't misunderstand my comments today -- tonight. I am not here -- and -- and if it comes across the wrong way I do apologize, I am not here to complain. I am here to offer to be part of the solution.

You can call me. You can email me any day, any time. My name is Dan Lynch. I'm very easy to find on the internet. Dan Lynch, Trumbull. I'm a professional genealogist. I speak all around the world on the topic of family history. I'm very proud of my heritage to Waterbury, to the State of Connecticut but I am embarrassed -- I'm embarrassed for the State of Connecticut at what takes place in this state and what continues to take place in this state right now and I will be a voice in this state.

I would close -- and -- and that was my closing remark is to remind anybody if you're looking for free volunteer professional input, not someone with an ax to grind, someone who wants to see this solved. Senator Kissel was here for quite some time. I have a brother ten years younger who lives in his district, two great nephews who live there.

I lived -- Representative Fox I've -- not lived in but I've -- I've worked there for a number of years in -- in your district. It's a -- it's a very emotional topic as I'm sure you knew but as I am sure you saw today. I only was -- I only saw a small piece because I had work obligations and parenting obligations that prevented me from getting here until 4:30.

But I will say that the retaliation that takes place within the court systems is not only real and sadly and very respectfully, I must also say, that it doesn't end with the courts. There are members on this very Committee -- I sent emails to every single member of this Committee in mid-January of this year after both my own Representative and my own Senator refused to sponsor four bills -- or proposed bills which I had drafted and very carefully researched and they were all written in the very proper format, right?

I -- I don't expect everybody to agree with everything that I say but, you know what, let's -- let's at least put it on the table. I wasn't aware, of course at the time, that Senator Musto spends a portion of his time as a divorce attorney. I wasn't aware of that, right?

I moved forward, sent the emails. I got the notices back from too many members of the Committee that my email had been deleted without even being read. No -- nobody here I am proud to say but I didn't -- I didn't hear back from anyone. I was asking the question how -- what's the process for me to go through? I've sent it to legislative aides. Where's the process for me to go to when my own Representatives in the state are not interested in bringing something forward?

And so I -- I'm going to stop there but I do -- I -- I deeply and sincerely appreciate the fact that after a very difficult few weeks here in Hartford -- historic few weeks here in Hartford and in a long week and in a long day I -- I deeply appreciate the that fact that you've listened to some emotionally charged testimony

today, not -- not mine but all the others and I appreciate that.

SENATOR COLEMAN: Thank you, Mr. Lynch.

Are there questions for the gentleman?

There are no questions. Thank you.

DANIEL M. LYNCH: Have a good weekend.

SENATOR COLEMAN: Mr. Lynch was the last person to sign our list. I don't see anyone in the audience who hasn't spoken. If there is someone who wishes to address the Committee and hasn't had an opportunity to do so, they should come forward now.

Seeing no one approaching, I will assume that everyone who wanted to speak to us has spoken to us and therefore I will close this public hearing.

Thank you all.

Thank you members and staff and those members of the public who've addressed the Committee today.



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THE CONNECTICUT BAR ASSOCIATION

THE FAMILY LAW SECTION

Judiciary Committee Public Hearing: 4/5/13

Raised Bill 1155: AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO DISSOLUTION OF MARRIAGE, LEGAL SEPARATION AND ANNULMENT.

The Family Law Section **OPPOSES** R.B. 1155

1. The Family Law Section is opposed to Raised Bill 1155 for a variety of reasons The Section has been discussing and polling its members on a variety of subjects throughout 2012 and 2013. The section is **overwhelmingly opposed** to Alimony guidelines and in particular the guidelines contained in RB 1155 Section 5, which seeks to amend C G S 46b-82 by adding subsections (c) and (d). The percentages (40%, 20%, 30%) contained in Section 5 of R B 1155 have no basis either in research or data to support the need for alimony guidelines or percentages for use in such a diverse state as Connecticut and are mere guesses. The guidelines as presented improperly minimize the factors in 46b-82 (a) and elevate mandated guidelines in 46b-82(d) above all else. [why are we not similarly challenging the \$1,000,000 cutoff]
2. R.B 1155 is extreme, complicated and proposes changes to multiple statutory provisions relating to property division, legal separation, arbitration, alimony, modification of alimony, child support, cohabitation, all without having been researched or studied. It was drafted with no input or backup from the Connecticut Chapter of the American Academy of Matrimonial Lawyers, the Connecticut Bar Association Family Law Section, Connecticut Women's Education and Legal Fund, Hartford Legal Services, the Permanent Commission on the Status of Women, the Connecticut Coalition Against Domestic Violence or the Legal Assistance Resource Center.
3. There is a consensus among many family law professionals in Connecticut that alimony guidelines are inappropriate and may in fact be discriminatory against women and/or the poor.
4. The arbitration provisions in Section 3 of R.B 1155 are incomplete. The Family law Section has drafted an Arbitration Statute, which is much more comprehensive and user friendly for all of our citizens, both those who are self-represented and those represented by counsel. The Family Law Section's arbitration statute has been studied and drafted after multiple hours of meetings.
5. To the extent that any parts of R B 1155 are good, they should be broken down into separate bills and be reviewed on their own merits. This is the reason why R.B 6688's recommendation for a Legislative Program Review and Investigation Committee is so important.

Respectfully submitted,  
 Connecticut Bar Association, Family Law Section

Arnold H. Rutkin  
 Former Chair and Member of the Executive Committee

**McCall, Brandon**

**From:** David W. Griffin <DGriffin@rutkinoldham.com>  
**Sent:** Thursday, April 04, 2013 6:10 PM  
**To:** Jud Testimony  
**Subject:** R.B. 1155 and R.B. 6688

To: Senator Coleman and Representative Fox, Co-Chairs of the Joint Committee on Judiciary:

I write to share my thoughts regarding two bills which are the subject of public hearing tomorrow – R.B. 1155 and R.B. 6688. Both bills are directed toward family law matters – and both bills address the hot topic of “alimony reform” albeit in dramatically different ways. I have dedicated nearly my entire legal career to family and matrimonial law; I feel that I am well-positioned to understand the effects of the proposed bills and to understand as well how the legislature might best address legitimate questions which exist regarding our family law system.

I am a Fellow of the American Academy of Matrimonial Lawyers, an officer and member of the Executive Committee of the Family Law Section of the Connecticut Bar Association and Senator Kissel’s designee to the Connecticut Commission For Child Support Guidelines. My comments as set forth below are my own and while they may be consistent with the positions of groups of which I am a member, I do not speak for those organizations, which have submitted their own position papers and provided testimony on these issues directly to the Judiciary Committee.

At the outset, I want to be clear that I urge you to oppose R.B. 1155 and support R.B. 6688.

AS TO R.B. 6688 – PLEASE SUPPORT R.B. 6688.

1. Without question, the most important aspect of Raised Bill 6688 is that it calls for the creation of a Committee to fairly and comprehensively study the fairness and adequacy of state statutes relating to the awards of alimony. This is consistent with public policy and is in keeping with the approach taken, for example, in the process to create child support guidelines, which, among other steps, utilizes economic research and data as one aspect of developing the child support guidelines. The use of research, the application of socio-economic data and the study of how our statutes in fact carry forward our legislative goals is an appropriate way to take on the question of whether our alimony statutes are fair, gender neutral and responsive to the needs of divorcing families in our modern society. R.B. 6688 specifically calls for the committee to “collect empirical data relating to the award of alimony ... and make recommendations for revisions to State statutes as the committee deems just and equitable.”
2. Contrast the provisions of R.B. 6688, calling for a careful study of our alimony scheme, against the provisions of R.B. 1155, which seeks to amend our alimony statute to incorporate for the first time in Connecticut alimony “guidelines”. While the proponents of R.B. 1155 will claim that the guidelines are “permissive” and “need not be followed” the reality is that R.B. 1155 requires any judge who does not follow the guidelines to explicitly explain each and every statutory factor involved in the judge’s decision not to follow the so-called “permissive” guidelines. The practical effect of these guidelines is that they will require judges to utilize a series of percentages, formulae and dollar amount caps which have not been shown to have any basis in research, socio-economic data or any study aimed at understanding their impact on alimony recipients, who are historically female.
3. Much of the language in R.B. 6688 serves to edit the statutes to make them gender neutral or to provide clarifications of issues which are already established by our case law.

AS TO R.B. 1155 – PLEASE OPPOSE R.B. 1155

1. There are many reasons to oppose Raised Bill 1155. As mentioned above, the practical effect of the guidelines set forth in R.B. 1155 is that they will require judges to utilize income percentages, formulae and dollar amount caps which have not been shown to have any basis in research, socio-economic data or any study aimed at understanding their impact on alimony payors or recipients. Recall that the current alimony statute requires a judge to consider a series of “alimony factors”, including, “the length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate and needs of each of the parties and the award, if any, which the court may make pursuant to section 46b-81, and, in the case of a parent to whom the custody of minor children has been awarded, the desirability of such parent's securing employment.” Importantly, the guidelines as presented in R.B. 1155 improperly minimize the alimony factors in 46b-82 (a) and artificially elevate income and percentages above all else. Similarly, R.B. 1155 contains a random, unproven and unresearched \$1,000,000 cutoff above which the “guidelines” would not apply. Query where these percentages, formulae and dollar value cutoff come from? The answer is – they apparently are random. The better approach would be to adopt R.B. 6688, which calls for a committee to study the entire alimony scheme, in a careful, methodical manner.
2. R.B. 1155 is very broad and complicated. It seeks to make changes to a variety of family law statutes relating to property division, legal separation, arbitration, alimony, modification of alimony, child support, cohabitation. To the extent that any of those statutes deserve amendment, proposals as to their modification should be broken down into separate bills and be reviewed on their own merits. This is the reason why R.B. 6688's recommendation for a Legislative Program Review and Investigation Committee makes so much sense.

I appreciate your consideration of my thoughts. Please do not hesitate to contact me with any questions you may have.

Sincerely,

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Timothy Gelling  
458 Fairfield Ave  
Stamford Ct 06902

April 5, 2013

MADAM CHAIR/MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE.

MY NAME IS TIMOTHY GELLING, I AM A FATHER OF TWO CHILDREN,  
VICTORIA AGE 15 AND TIMOTHY LIAM AGE 12.

I AM HERE TODAY IN SUPPORT OF BILL 1155, BILL 6688 AND BILL 6685 ON  
SHARED CUSTODY.

THE BILLS YOU ARE HEARING ABOUT TODAY ARE INDICATIVE THAT THE  
FAMILY LAW / DIVORCE SYSTEM IN THE STATE OF CT IS DRAMATICALLY  
BROKEN AND NEEDS REFORMS IMMEDIATELY. IN ALL THREE OF THESE  
BILLS WE AIM TO REDUCE CONFLICT, LITIGATION, AND ANIMOSITY  
BETWEEN PARENTS SO THAT THE LIVES OF THE CHILDREN WILL NOT BE  
IRREPARABLY HARMED AS THEY HAVE BEEN UNDER THE SYSTEM TODAY.

My case started in July of 2005, where I first heard what felt like threats of full  
custody, psychological evaluations, Guardian Ad Litem's and Attorneys for the  
Minor Children. All foreign to me the attorney's wielded terms I never imagined  
would be a part of my life. Now, eight years and two hundred and thirty five entries  
in my case detail later I am all too familiar. My dissolution took six days of trial and  
a total of 20 months. I was married for nine years, ordered to pay alimony for  
seven. I was granted generous parenting time.

I have met more judge's lawyers, court officers, police officers, family services workers, therapist, forensic psychologist, GALs and DCF workers then I can remember. My experience is of a system that allows a parent to disregard court orders, deny and disrupt parenting time, use children as messengers to pick up alimony checks, instruct children to keep secrets and lie. My only recourse is filing motions, paying marshals, waiting weeks or months for dates from a system that does not hold anyone responsible for not showing up or walking out of a court room. A broken system that has you wait for hours to be heard or sometimes runs out of hours in the day to hear you, that shuffles you from court to Family Services to court to the hallway and so on. Countless times I have filed motions for contempt waited for my day in court only to leave with the same agreement I went in with, this cycle repeated over and over. There is no continuity, no one ever looked at my case history to detect the patterns or question why we were back again.

The result of this is that my children have lost out on the love and time they deserve from me, their aunts, uncles, cousins. Eventually, the stress on my children drove them from me. It became easier to turn away from me then to endure the pre- and post- visit trauma. I love my children, my children love me, we sang and told stories and laughed and did all the things you are supposed to do, from eating ice cream to doing homework. One day I went to pick my children up from school and they were not there, again, and I couldn't reach them, again, and the next week the same thing and the next weekend they never showed up. Ultimately, my daughter at age 12 told me she didn't want to see me anymore, she didn't love me.

My 8 year old son looked me in the eye, lips quivering and said he didn't want to see me anymore. They had had enough and God bless them they don't deserve the anguish. They will never get back the time we have lost, the holidays, the birthdays, time spent going to the movies, eating pancakes doing algebra, laughing, loving their dad. I have not seen my children for two and a half years.

Reunification therapy, psych evaluations, supervised visitation, more motions, to love my children? It breaks my heart, I am here today in hope that this will not have to happen to other children.

My case is not unique, I have met many other parents, women and men who have had the same experiences. It is uncanny how similar the stories are, the tactics of false allegations, etc. are the norm in our current system, it is too easy to manipulate. A family court judge said to me "it is a broken system but it is the only one we have", well, that is not acceptable. It is time to stop the abuse of the system and the abuse of our children.

I BELIEVE SHARED PARENTING IS CRITICALLY IMPORTANT TO CHILDREN'S EMOTIONAL, MENTAL, AND PHYSICAL HEALTH. THAT IT IS EVERY CHILD'S RIGHT TO HAVE THE LOVE AND CARE OF BOTH PARENTS. AND THAT BETTER LIVES FOR OUR CHILDREN THROUGH FAMILY COURT REFORM IS POSSIBLE.

I thank you for your time and consideration.

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**Raised Bill 1155 and Raised Bill 6688**

To The Judiciary Committee:

After reviewing Raised Bill 1155 and Raised Bill 6688, I am writing to respectfully voice my **Opposition to Raised Bill 1155** and my **Support for Raised Bill 6688**.

I am a divorced, single mom of 4, self-employed as a Small Business and Life Coach and I work primarily with divorced women. I work with divorced women from all socio-economic backgrounds, and have seen first-hand how divorce can negatively impact women and children both financially and emotionally.

I am very concerned about the changes being proposed in Raised Bill 1155. It makes changes to the provisions relating to property division, legal separation, arbitration, alimony, modification of alimony, child support, and cohabitation without having been researched or studied. It was drafted by a committee of four without being studied, approved, or supported from the Connecticut Chapter of the American Academy of Matrimonial Lawyers, the Connecticut Bar Association Family Law Section, CWEALF, Hartford Legal Services, the Permanent Commission on the Status of Women, the Connecticut Coalition Against Domestic Violence, or the Legal Assistance Resource Center.

In addition, Raised Bill 1155 includes mandatory alimony guidelines based on arbitrary and random percentages and formulas, which could potentially discriminate against women and the poor. Section 5, subsection (c), of RB 1155 states that the guidelines are "suggested," but then states in subsection (d) the court must state whether it used the guidelines and if not, why not. There have not been any sociological studies of the effects of alimony orders, nor is there any economic data supporting the proposed rates or percentages. This Bill improperly elevates income above all other statutory criteria to determine alimony, with no consideration of cost of living increases or tax implications, in addition to putting a cap on income.

---

I am in complete support of women moving on in all areas of their life after divorce. In my work, I inspire, empower, and support women in that goal. However, given that each family's circumstances are different, it is illogical to apply the "cookie cutter" solution that is being proposed in Raised Bill 1155. A Bill such as this needs to have time, thought, and study put into it.

Raised Bill 6688 addresses the issues related to alimony in a far better way. It provides for a Legislative Program Review and Investigations Committee to study and report back on or before February 1, 2014. This independent legal research arm of the legislature will do the necessary research and data collection. Section 5 of Raised Bill 6688 specifically calls for the committee to "collect empirical data relating to the award of alimony by courts in the state and make recommendations for revisions to State statutes as the committee deems just and equitable."

In addition, I would ask that the court specify the basis for all alimony orders, not just non-modifiable, permanent alimony awards as outlined in Subsection 46b-82 (b) of Raised Bill 6688. All people are entitled to know the basis of such orders, not just permanent orders. Given the growing percentage of self-represented parties, this would reduce the number of appeals.

I would also like to share with the Committee the concerns of other women who also wrote letters Opposing Raised Bill 1155 and Supporting Raised Bill 6688, but were hesitant to go on public record...

"Some of us are in court with ex-husbands who are seeking alimony modification or in court with custody issues. Some of us are looking for employment and interviewing for jobs, after being home for 20 years as stay at home mothers in order to be at home to raise our children and enabling their father's careers in most cases to develop and succeed to the level they are at today. Many of us are afraid, and none of us can afford for our names to be Googled by potential employers and have our names tied to alimony reform. Many of us are at a loss for letting the people in Hartford know just how detrimental Bill 1155 would be for women and children, most especially."

"There are many divorced women in Fairfield County who are concerned about what the proposed Bill 1155 would mean to them and their children. It would have very negative effects on many of us and we strongly support the other Raised Bill 6688 because at least that bill suggests forming a committee for further independent review and further investigations of key points such as definition of income."

"A bill with percentages on alimony, with no cost of living adjustments, and on capping income, needs to have time and thought and study put into it. The fact is that Fairfield County is not like the rest of the state, or like some of the other states that have passed similar bills. If RB 1155 were to be passed it would greatly hurt many of the families in Fairfield County. Many primary breadwinners in lower Fairfield County have very tricky definitions of income, stock options and golden parachute options. Somehow this needs to be taken into consideration before something is just passed."

"If you have any suggestions as to how our voices could be better heard please let us know. If you would ever like to meet with, or speak with us a group, we would be happy to share our thoughts with you. We are very concerned and watching this carefully. We are hoping that you will do whatever you can do in your power to make sure that Raised Bill 1155 is not passed and that at least the proper research and care can be put into such a terribly important issue as outlined in Raised Bill 6688."

Thank you for your time and attention to this matter affecting so many families in the state of Connecticut.

Sincerely,

Colleen S. Bushby

## RUTKIN, OLDHAM &amp; GRIFFIN, L.L.C.

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 SARAH STARK OLDHAM  
 DAVID W. GRIFFIN  
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TWO LAFAYETTE COURT  
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EMAIL - law@rutkinoldham.com

OF COUNSEL  
 KATHLEEN A. HOGANH

Also admitted in Colorado

April 4, 2013

Via E-mail (JUD.testimony@cga.ct.gov)

Joint Committee on Judiciary  
 Legislative Office Building, Room 2500  
 300 Capitol Avenue  
 Hartford, CT 06106

Re: Raised Bill No. 1155 and Raised Bill No. 6688

Dear Joint Committee on Judiciary:

As a young female member of the Connecticut Bar Association and Family Law Section, I believe it is my duty to express my opinion regarding Raised Bill No. 1155 and Raised Bill No. 6688, which are scheduled for public hearing on April 5, 2013, as these raised bills will have a lasting and strong impact on my career.

After careful consideration, I am opposed to RB No. 1155 and I support in its entirety RB No. 6688.

RB 1155:

RB 1155 has several flaws, which make the proposed bill impossible to support. As a female who is newly married and residing in the State of Connecticut, I believe RB 1155 is a threat to other women and poorer individuals who are gainfully employed, but earn less than their spouse or former spouse.

It is disappointing that RB 1155 would even be discussed considering it was drafted by a committee of four without feedback or support from other individuals and organizations that would be interested in or affected by such an amendment. Furthermore, I understand that there is no data to support the proposed alimony calculation and percentages outlined in this proposed bill. It is hard to believe that anyone would support a bill that would drastically affect alimony without any research or data. The State of Connecticut Commission for Child Support Guidelines has

## RUTKIN, OLDHAM &amp; GRIFFIN, L.L.C.

Joint Committee on Judiciary  
April 4, 2013  
Page 2

conducted several studies to evaluate and re-evaluate the Child Support Guidelines of the State of Connecticut, yet the same consideration is not being done with respect to the alimony statute. Without research into the effects this bill would have on alimony orders, we as a legal community are being negligent and will detrimentally affect individuals in this state.

Moreover, RB 1155 provides strict guidelines with certain percentages and formulas that Judges are required or mandated to follow unless they specifically state "the factors... that resulted in the court's declining to use such calculations." Not everything is black and white and can be plugged into a simple formula to generate the proper result. There are many factors that need to be considered when determining alimony that are lost when applying this simple formula. Overworked and nervous Judges will more likely than not utilize the guidelines outlined in this proposed bill, rather than enumerating factors which caused a differing result.

Instead of enacting RB 1155 which would drastically change the Connecticut Alimony Statute for the worse, we should enact RB 6688, which would institute a study into alimony actions in the State of Connecticut prior to enacting a rigid set of guidelines that Judges are required to follow.

RB 6688:

RB 6688 contains beneficial and modernistic changes to our existing family law statutes. Furthermore, this bill would enact a study to research "the fairness and adequacy of the state statute relating to the award of alimony in actions for dissolution of marriage, legal separation or annulment." I would think that it would be helpful to conduct research and understand the pitfalls of the alimony statutes prior to modifying the statute to enact strict guidelines that Judges would be required to follow, which is what is being proposed in RB 1155.

RB 6688 also would require Judges to articulate with specificity the basis for any non-modifiable, permanent alimony awards, which would enable individuals to understand the basis for any award.

Therefore, I unequivocally support RB No. 6688 and strongly oppose RB No. 1155.

Very truly yours,



Lane L. Marmon

## MEMORANDUM

TO: Judiciary Committee  
FROM: Attorney Shirley M. Pripstein  
On Behalf of Greater Hartford Legal Aid  
RE: S.B. 1155 and H.B. 6688

Recommended Committee Action: <b>Approve <u>HB 6688</u>; Reject <u>SB 1155</u></b>
--

The Judiciary Committee has before it today two bills, SB 1155 and HB 6688, each of which would make changes to a number of Connecticut's divorce statutes. Some of the sections of the two bills are similar, or exactly the same, but there are significant differences. Most importantly, Section 2(c) of SB 1155 sets forth a formula for the computation of alimony. Use of the formula would not be mandatory, but a judge would be required to state in the memorandum of decision the reasons, or factors, for not using the formula. This requirement would, in effect, make the formula a presumptive standard.

There is additional language that would limit the lower-income spouse to 40% of the total marital income, irrespective of whether the lower-income spouse is also the primary caretaker of the couple's children. This provision is so draconian that the bill could more appropriately be called An Act Concerning the Impoverishment of Women and Children.

A fair formula for alimony would be one that left each family unit at the same percentage of poverty after the payment of alimony and child support. And yes, such a computation would, in many instances, provide the lower-income spouse with 60% to 70% of the total income.

I note that the proposed bill exempts families in which the total income is over one million dollars from the formula. Is fairness only for the very wealthy, or was it the intent of the proponents of this bill that where there are great resources, the lower-income spouse should get even less?

In contrast to SB 1155, HB 6688 would refer review of Connecticut's alimony statutes to the Legislative Program Review and Investigations Committee for the collection of empirical data and a study as to the fairness of Connecticut's current statutory scheme. This is a sensible approach.

Although it is not perfect, HB 6688 is by far the better of the two bills. The Judiciary Committee should reject SB 1155 in favor of HB 6688.

Shirley M. Pripstein, Attorney  
Greater Hartford Legal Assistance, Inc.

**COMPARISON OF  
SB 1155 and HB 6688**

Statute Amended	<u>SB 1155</u>	<u>HB 6688</u>
46b-36	Gender clean-up	Gender clean-up
46b-65 Legal Separation	(1) Gender clean-up (2) Removes second-look discretion	
46b-66 Arbitration	Allows child support to be determined by arbitration (80-86)	
46b-81 Property Distribution	Give court the authority to distribute if personal jurisdiction is acquired after entry of judgment, provided court reserved the jurisdiction to do so	
	Adds tax consequences as a factor to be considered	Adds earning capacity and education as factors to be considered, but not tax consequences
46b-82 Alimony	Adds earning capacity, education and tax consequences as factors to be considered	Adds education, earning capacity, and feasibility of obtaining employment as factors
	Requires articulation of factors considered if alimony is of indefinite duration (ie., until death of a party or remarriage of recipient)	Requires articulation of factors considered if alimony is both non-modifiable and permanent (terminating on death of either party)
	Sets forth a calculation that may be used: 30% of income of higher-income spouse less 20% of income of lower-income spouse, but lower income spouse never to have more than 40% of the total income, and calculation not to be used if total income exceeds one million dollars.  Reason for not using the calculation must be articulated.	
46b-86 Modification	Adds provision that child support cannot be non-modifiable	
	Changes criteria for modification of alimony upon cohabitation from "altered financial needs" to "changed financial circumstances"	

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	Adds a requirement that the court must follow the terms of the divorce-agreement with regard to modification	Adds a requirement that the court must follow the terms of the divorce agreement with regard to modification
NEW		Requires the Legislative Program Review and Investigations Commission to conduct a study of the fairness and adequacy of alimony statutes, and to collect empirical data
46b-8 Contempt & Modification	Repealed	Repealed

RB Bill 6685, 1185, 6688 3-Minute Script

***COPY***

Instructions: Double Space, 12 Font, use all CAPS and type numbers as words.

1 I SUPPORT THE CHANGES IN BILL 1155 AND 6688 AND HOPE TO SEE BILL 6685 MOVE  
2 FORWARD REGARDING SHARED CUSTODY. REFORM IN CT. FAMILY LAW AND  
3 DIVORCE IS DESPERATELY NEEDED. IN THE HIGHLY PUBLICIZED PARENTAL  
15 SECONDS 4 ALIENATION CASE THAT WAS IN THE NEW HAVEN COURTHOUSE FOR THE PAST 2  
5 YEARS, JERRY MASTRANGELO HAD SHARED CUSTODY OF HIS TRIPLETS. DESPITE  
6 HAVING THIS COURT ORDER, THE CHILDREN'S MOTHER DENIED HIM ACCESS TO  
7 HIS CHILDREN FOR THE PAST 2 ½ YEARS. SINCE PARENTAL ALIENATION TAKES  
30 SECONDS 8 HOLD OF THE ENTIRE FAMILY, THE TRIPLETS HAVE NOT SEEN THEIR EXTENDED  
9 FAMILY FOR YEARS. THEIR GRANDPA PASSED AWAY BEING DEPRIVED OF SEEING  
10 HIS DEAR GRANDCHILDREN, THEIR NONIE ONLY HAS PICTURES TO REMEMBER  
11 THEIR SMILES, COUSINS HAVE NOT LAUGHED OR SHARED SCHOOL AND FRIEND  
12 STORIES, AUNTS AND UNCLES HAVE NOT BEEN ABLE TO GIVE HUGS AND KISSES  
13 TO THOSE PRECIOUS FACES OR CELEBRATE BIRTHDAYS AND HOLIDAYS WITH  
14 THEM. I AM AN ALIENATED AUNT AND GODMOTHER TO ONE OF THE TRIPLETS.  
15 THE LAST TIME I SAW MY NIECE WAS IN 2010 AT MY DAUGHTER'S BIRTHDAY  
16 PARTY. THE COUSINS ATE, SWAM, HULA HOOPED AND PLAYED VOLLEYBALL ON A  
1 MINUTE 17 BEAUTIFUL WARM DAY. THEY TRULY HAD FUN. THE MEMORY IS ETCHED IN MY  
18 MIND AS THE LAST PARTY THAT WE CELEBRATED AS A UNITED FAMILY. I SAW MY  
19 NEPHEWS FOR A FEW MINUTES IN 2012 WHEN THEY VISITED MY DAD AS HE WAS  
DYING. THAT MEMORY IS ALSO ETCHED IN MY MIND; THE BOYS LOOKED SO

SCARED AND HELPLESS; IT WAS THEIR DAD THAT ENCOURAGED THEM TO HUG THEIR GRANDFATHER AS THEY WHISPERED A TIMID "HI GRANDPA". IF A SHARED CUSTODY LAW HAD EXISTED IN CT, THESE CHILDREN WOULD NOT HAVE BEEN FORCED TO CHOOSE BETWEEN THEIR PARENTS AFTER THEY DIVORCED. THEY WOULD HAVE BEEN INVOLVED WITH THEIR EXTENDED FAMILY AND THE PAIN OF KNOWING A GRANDPARENT WAS SO ILL WOULD HAVE BEEN EASED BY THE CONTINUOUS LOVE THAT WOULD HAVE BEEN GIVEN TO THEM. I ATTENDED EVERY COURT SESSION FOR THE PAST 2 YEARS AND WITNESSED FIRSTHAND HOW THE COURT SYSTEM IS BROKEN. THE BEST INTEREST OF MY NEPHEWS AND NIECE WAS NEVER REALIZED AND TIME WAS OF NO CONCERN TO ANY OF THE ATTORNEYS OR THE JUDGE. CHILDREN DESERVE SO MUCH BETTER THAN WHAT I OBSERVED GOING ON IN THE COURTROOM. HOW COULD ANYONE CLAIM THAT TAKING A GOOD PARENT OUT OF HIS CHILD'S LIFE IS IN THEIR BEST INTEREST? INSTEAD OF THE ATTORNEYS CLAIMING TO HAVE THE CHILDREN'S BEST INTEREST, A LAW IS NEEDED TO ENFORCE WHAT IS ACTUALLY IN THE CHILDREN'S BEST INTEREST. AS THE SAYING GOES, ACTIONS SPEAK LOUDER THAN WORDS AND THE FAMILY COURTROOMS IN CT ARE CERTAINLY NOT REPRESENTING THIS EXPRESSION. PARENTAL ALIENATION IS CHILD ABUSE AND SHARED CUSTODY LAWS WOULD PREVENT THIS ABUSE.

PAGE 25  
LINE 18Testimony in Support of Raised Bill 1155 & 6688

04/05/13

HB6685

My name is Frank Maturo, I live in Darien, and I am part of a group called CT Alimony Reform. I testified last year in favor of Bill 5509 to try and bring the divorce laws in CT into the 21<sup>st</sup> Century. We did not come out of committee last year, but we are thankful and appreciative to the chairmen of the Judiciary Committee, Representative Fox and Senator Coleman, in putting together a Commission to study the alimony statutes and make recommended changes. We thank, in particular, members of the Judiciary Committee, Representative Klarides and Representative Baram, for being part of this Commission and leading the effort on the Bill. (Thank you also for not recusing yourself from my presentation to the Commission.)

I support the recommendations in both Bill 6688 & 1155 The Commission Bill of 6688 is good, and we support it, but would like to have seen further changes. However, there is some wording in there that I would hope could move us toward eliminating lifetime alimony and giving all spouses a right to retire. These bills are an important first step and a good start. It is great to see these bills have finally brought the alimony statutes into the present day by using the term "spouse" instead of "husband" or "wife". It is also significant to see statutes that give guidelines to **amount** of alimony. I thought section 5 (c) in Bill 1155 was a well-authored paragraph outlining a mathematical formula for calculating alimony.

What we don't understand is why the Commission and the sponsors of Bill 1155 didn't go further, and put in another much needed paragraph outlining a mathematical formula for the **duration** of alimony. We are not against alimony, but believe it should be awarded for a reasonable length of time based on the length of the marriage, and the income and assets of the parties. Everyone should have the right to retire and end payments, without being impoverished. Today judgments differ wildly from county to county and judge to judge. I commend the Commission and sponsors of Bills 6688 and 1155 for what they have put into these two bills, and fully support them coming out of the Judiciary and heading to the legislative floor.

Another positive was the change in wording in the Cohabitation statutes. As I testified last year, this is the one area where even the most vociferous family lawyers against reform agree that the cohabitation laws as they stand today make no sense and need major improvement. Encourage people to form families, not live together indefinitely because one wants their ex-spouse to continue to keep making payments. The Bill 1155 makes worthwhile changes.

Many in the Family Law section of the CBA will be against these Bills. Why wouldn't they support what two bipartisan representatives and three judges (one a retired Supreme Court justice) recommend to improve family law in the State of CT? It is because more certainty and predictability on the outcome in a divorce is **not** what they want to see.

We have come together under The National Parents Organization in support of these two Bills to improve the statutes related to the dissolution of marriage and award of alimony. It is very clear that with the group here supporting Bill 6685 regarding Shared Custody, that the Family Law system in the State of CT is broken. We said it last year, and it is clear when you consider all three of these Bills, the degradation in the Family Law courts has continued.

All these Bills help reduce conflict, litigation, and acrimony. That is what is most important as it relates to the children. It all comes back to the children at the end of the day. Improve the system, and given the prevalence of divorce, we improve countless lives. Please pass Bill 1155 and 6688 (and 6685). Bills 1155 and 6688 were authored by thoughtful, knowledgeable, and dedicated people who work within the system and understand the issues. There is no reason why both these Bills should not move forward.

Thank you again for your time this year.

PAGE 21  
LINE 2

TO: THE STATE OF CONNECTICUT – JUDICIARY COMMITTEE  
SENATOR ERIC COLEMAN, REPRESENTATIVE GERALD FOX AND  
MEMBERS OF THE JUDICAIRY COMMITTEE.

FROM: MICHAEL E. CASSELLO  
WALLINGFORD, CONNECTICUT

DATE: 04 APRIL 2013

RE: TESTIMONY IN SUPPORT OF BILLS 1155, 6688 & 6685

Good day, my name is Michael E. Cassello. I have come here today together in part of the national group of the National Parent's Organization. The Bills that you are hearing today are indicative that the Family Law/Divorce system in the State of CT is dramatically broken down and in much need of immediate reform. I will state that in all three of these Bills, we are reducing conflict, litigation and the animosity between parents; so that the lives of the children will not be irreparably harmed as they have been under todays' current system.

I have witnessed and live this firsthand. Our Bills before you are not perfect but are a start that can be built upon.

I am a hard working self-employed professional that has overcome much adversity and the challenges of a congenital birth defect. I have never and to this date have ever felt that my handicap has limited my opportunities at any point in my life. My proudest accomplishment is being a father of six bright children that have the best of qualities in both their parents. They thrive at school, have an incredible thirst for knowledge, are kind, polite and giving to their peers.

Sadly I have not seen/had visitation with two of my children since a long drawn out divorce, had been stripped of my rights as a parent, have been financially devastated by both a down economy and unnecessary litigation as well as being wrongly jailed.

Though I would like to think that I am somewhat educated, I was quickly dismissed and mistreated as a Pro Se within the system and quickly learned it is a true gentlemen's club.

My children had a GAL that in my opinion was less than adequate, never had followed up on any orders and never held accountable.

In closing be assured that my motives are strictly for the well-being of my children and the many just like them. It is ridiculous to think a parent would never want to be part of their child's life or provided for them. With that said, one is not conditional upon the other and this is why the need for reform. The system is broken and needs to be rebuilt. I stand before you in support for the changes in the statues recommended by the Reform Commission that are in Bill 1155, Bill 6688 as well as 6685 on Share Custody. I ask that you pass, it not only represents the start of modernizing but more importantly will produce much happier children.

Thank you



*Judiciary Committee*

*Raised S.B. No. 1155, An Act Concerning Revisions To Statutes Relating To Dissolution Of Marriage, Legal Separation And Annulment.*

*Raised H.B. No. 6688, An Act Concerning Revisions To Statutes Relating To The Award Of Alimony*

*Raised H.B. No. 6685 An Act Concerning a Presumption of Shared Custody in Disputes Involving the Care and Custody of Minor Children*

*Amy Miller, Program & Public Policy Director, Connecticut Women's Education and Legal Fund  
Friday April 5, 2013*

My name is Amy Miller and I am the Program & Public Policy Director, at the Connecticut Women's Education and Legal Fund (CWEALF). CWEALF is a statewide non-profit organization dedicated to empowering women, girls and their families to achieve equal opportunities in their personal and professional lives

For almost 40 years, CWEALF has provided information, referral and support to women seeking guidance on how to proceed with a divorce or how to respond to a divorce. We have spoken to thousands of women. The people who contact our office generally have incomes above the federally defined poverty levels with an average of about \$25,000, and most with at least one child. It is with these women and these situations in mind that I will respond to three bills before this committee, SB 1155, HB 6688, and HB 6685.

I will begin with testimony in opposing Raised S.B. No. 1155, An Act Concerning Revisions to Statutes Relating to Dissolution of Marriage, Legal Separation and Annulment.

SB 1155 makes changes to the current statute without a base in research or any collaboration with relevant organizations who can add diversity to the discussion such as Legal Services, or the Connecticut Chapter of the American Academy of Matrimonial Lawyers. Most disconcerting is the addition of a formula to the current process for calculating alimony awards. This is a step in the wrong direction. The current process for determining alimony awards requires judges analyze a variety of factors that affect each individual's ability to support themselves following the disillusionment of a marriage. Through this practice judges have the discretion to account for the uniqueness of every situation and determine an alimony award that is most appropriate based on the needs and resources of the individuals involved.

The creation of formulas shift the alimony system from a process that is needs based to one that is rooted in entitlement<sup>i</sup>. Undermining consideration of need cuts away at the core concept of alimony<sup>ii</sup> and a one size fits all formula will result in awards that are insufficient or excessive more often than not. The current procedure for determining alimony requires that judge's consideration the "length of the marriage, the causes for the annulment, dissolution of the marriage or legal separation, the age, health, station, occupation, amount and sources of income, vocational skills, employability, estate and needs of each of the parties"<sup>iii</sup> whereas the proposed formula considers only income.

SB 1155 allows for continued use of the current needs-based process, stating use of the formula is neither mandatory nor presumptive. However new language requires judges provide justification when deciding not to use the formula. This requirement effectively makes the formula the presumptive standard and opens the door for individuals to contest both a judge's ruling and justification, a process which is often long and expensive both for the individuals involved and the system as a whole.

While some of the language modifications contained within SB 1155 are positive, we cannot support the use of a formula for determining alimony awards. The current system allows for flexibility. While we appreciate that some might feel that they have had unjust outcome, making sweeping changes based on unsubstantiated claims does not make good public policy. We ask that you put your support behind HB 6688 instead.

HB 6688 contains many of the same positive language modifications as SB 1155. A switch to gender inclusive language and the addition of education and earning capacity to the list of factors for consideration are both constructive changes to the current statute. By making these changes also highlights the fact that these statutes are gender neutral in their application – at CWEALF we have women contact us who are seeking alimony from their husbands, women who are being asked to pay alimony to their husbands, and same-sex couples in similar situations.

Unlike 1155, that looks to challenge and change laws without educated and informed data, HB 6688 provides for a study of the fairness and adequacy of state statutes relating to the award of alimony to be conducted by the Legislative Program Review and Investigations Committee. This year marks the 40<sup>th</sup> anniversary of Connecticut's no fault divorce laws. While we contend that the flexibility in the laws allow for most changes, it is reasonable to research and gather data to help inform the work. To that end CWEALF is currently doing research to learn more about the award of alimony and custody in our state. While we are starting by looking at two courts, the intention is, based on what we learn, to expand to additional courts to better assess the entire system. We admire the work of the PRI committee and have leveraged their research in our own work as appropriate.

While supporting HB 6688 there is room for improvement. In addition to education and earning capacity, tax consequences should be added to the list of factors for consideration when determining an alimony award. Furthermore the language of the statute should be modified to require judges to share their reasoning in all decisions, not just those that appear to deviate from the presumptive standard. Doing so will improve transparency within the court, making the process more understandable, and thereby benefiting the approximately 80% of family law cases where at least one party is representing themselves. A practice of disclosing rationale for all decisions also leads away from the trend of presumptive standards which interfere with appropriate judicial discretion.

We call for your support for HB 6688 and your consideration of the additions we have proposed.

Finally I will speak on CWEALF's concerns regarding HB 6685, An Act Concerning a Presumption of Shared Custody in Disputes Involving the Care and Custody of Minor Children. This bill includes changes in language namely a switch from the terms "joint custody" to "shared custody" and "continuing contact" to "substantial periods of time" the exact definition and implications of which are unclear.

While acknowledging that maintaining the quality child parent relationships and ensuring both parents ability to influence major upbringing decisions is critically important we do not feel this bill will accomplish that effectively. The current statutes already allow for an order of equal physical custody *when that is in the best interest of the child*. Making that the standard decision may detract from consideration of the child's overall welfare and/or consideration of the desires of the child in situations where they are old enough to contribute their opinion. Additionally split custody involves a number of logistical problems including issues of residency for school or extracurricular activities and eligibility for assistance programs that have the potential to result in increased litigation that will increase the load on already overfull Family Court calendars. And we haven't even mentioned our concerns as they relate to victims of domestic violence, a particularly vulnerable population when it comes to presumptive anything laws.

We believe that custody decisions should be made, as they are now, on a case-by-case basis taking into account the specific facts of the case. The family courts' Family Services Departments assist the courts

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in these decisions with their assessments and subsequent recommendations of what situation would be in the best interest of the child. Given these resources, we believe this bill is unnecessary and will in fact cause more problems in family law cases than it solves.

It is for these reasons that we strongly urge you to reject Raised Bill No. 6685.

Thank you.

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<sup>1</sup> Brown, T. (2011). Alimony: A survey of formulas. *The Utah Journal of Family Law*, Retrieved from <http://utahjournal.org/?p=178>

<sup>2</sup> Rutkin, A. (2012, Sept 12). *White paper opposing rb 5509*.

<sup>3</sup> (2011). *Chapter 815j\* dissolution of marriage, legal separation and annulment*. Retrieved from website: <http://www.cga.ct.gov/current/pub/chap815j.htm>

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 Teresa C. Younger, Executive Director  
 The Permanent Commission on the Status of Women  
 Before the Judiciary Committee  
 April 5, 2013

Re: S.B. 1155, AAC Revisions to Statutes Relating to Dissolution of Marriage, Legal Separation and Annulment  
H.B. 5666, AAC the Forfeiture of Moneys and Property Related to Sexual Exploitation and Human Trafficking  
H.B. 6636, AAC the Collection of Sexual Assault Evidence from an Intoxicated or Incapacitated Victim  
H.B. 6688, AAC Revisions to Statutes Relating to the Award of Alimony

Senators Coleman and Kissel, Representatives Fox and Rebimbas, and members of the committee, thank you for this opportunity to provide testimony on behalf of the Permanent Commission on the Status of Women (PCSW) regarding several bills before you today.

**H.B. 5666, AAC the Forfeiture of Moneys and Property Related to Sexual Exploitation and Human Trafficking**

*Impact on CT Women<sup>1</sup>*

- Between 2008 to 2011, 100 human trafficking victims were identified by State agencies. Of the 100 victims, 82 were children.
- Between 2009-2010, 109 human trafficking victims were identified by non-governmental entities.
- 100% of the above victims were female.

Since 2004, PCSW has convened the Trafficking in Persons Council (Council) to study the issue of human trafficking and make recommendations to the state Legislature. The Council has made recommendations

<sup>1</sup> PCSW, *Trafficking in Persons Council Annual Reports, 2008-2011*; Department of Children and Families, *Welcome to DCF's Response to Human Trafficking and Sexually Exploited Children and Youth*, August, 2011, Paul and Lisa Program; International Institute of Connecticut, Inc

PCSW Testimony  
 Before the Judiciary Committee  
 April 5, 2013  
 Page 2 of 3

that resulted in the establishment of criminal penalties and civil remedies; victim-friendly curriculum for training of providers, state agencies, and law enforcement, and; funding for housing and public awareness and education.

Public Act 10-112 established a civil forfeiture procedure to seize tainted funds and property from several sexual offenses, including human trafficking. However, CGS § 53a-82 which allows a trafficking victim who is arrested for prostitution to claim human trafficking as an affirmative defense, was not included. PCSW urges passage of H.B. 5666 which would expand the forfeiture procedures to charges made under CGS § 53a-82 as well.

**H.B. 6636, AAC the Collection of Sexual Assault Evidence from an Intoxicated or Incapacitated Victim**

*Impact on Women:*

- Twenty-six percent of Connecticut women and 10% of Connecticut men are sexual assault survivors.<sup>2</sup>
- People with disabilities are sexually assaulted at twice the rate of people who do not have a disability.<sup>3</sup>
- The Centers for Disease Control reports that the health care costs of intimate partner violence –physical assault, rape and stalking – exceed \$5.8 billion each year, nearly \$4.1 billion of which is for direct medical and mental health services.<sup>4</sup>

H.B. 6636 would require the Commission on the Standardization of the Collection of Evidence in Sexual Assault Investigations (Commission) to study whether to amend the sexual assault evidence collection protocols to allow the collection of evidence from a victim of sexual assault who is unable to provide consent due to intoxication or incapacitation.

The PCSW has been an active member of this Commission since its inception and has been deeply involved in the careful creation and consequent updates of the State's sexual assault evidence guidelines. Currently, the Commission is already looking into matters regarding evidence collection in situations where a victim cannot provide informed consent. A subcommittee of the commission has met several times and has another meeting scheduled for later this month with the goal of finalizing revisions to the guidelines around the delicate issue of consent.

Therefore the proposed bill is not necessary because the work is already being done. PCSW applauds the committee for your commitment to issues around sexual assault and we would be happy to provide you with an update from the Commission once the revised guidelines are finalized.

**S.B. 1155, AAC Revisions to Statutes Relating to Dissolution of Marriage, Legal Separation and Annulment**

**H.B. 6688, AAC Revisions to Statutes Relating to the Award of Alimony**

H.B. 1155 would make revisions to several laws regarding family law by changing the provisions relating to property division, legal separation, arbitration, alimony, modification of alimony, child support, and cohabitation, and; including alimony guidelines with percentages and formulas.

These proposed changes are made without analysis as to the impact of such changes. PCSW urges rejection of S.B. 1155 because it contains arbitrary, capricious and random formulas that have not been studied or

<sup>2</sup> Connecticut Sexual Assault Crisis Services (CONNSACS). *Sexual Assault in Connecticut Fact Sheet*

<sup>3</sup> Connecticut Sexual Assault Crisis Services (CONNSACS), March 22, 2013 Press Release on H B 6641

<sup>4</sup> Center for Disease Control *Costs of Intimate Partner Violence Against Women in the United States*, March, 2003  
[http://www.cdc.gov/ncipc/pub-res/ipv\\_cost/04\\_costs.htm](http://www.cdc.gov/ncipc/pub-res/ipv_cost/04_costs.htm).

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PCSW Testimony  
Before the Judiciary Committee  
April 5, 2013  
Page 3 of 3

approved by the Family Law Section of the Connecticut Bar Association or the Chapter of American Academy of Matrimonial Lawyers.

The issue of conducting a study or analysis is addressed in H.B. 6688, which would require the Legislative Program Review and Investigations Committee to conduct a study into the fairness and adequacy of State statutes relating to the award of alimony. In conducting the study, the Committee would collect empirical data and make recommendations by February 1, 2014. PCSW urges passage of H.B. 6688 to ensure that any changes made to the alimony structure are done thoughtfully and fairly.

We look forward to working with you to address these important issues. Thank you for your consideration.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**JUDICIARY  
PART 12  
3846 - 4199**

**2013**

PAGE 19  
LINE 7

1 TO: THE STATE OF CONNECTICUT - JUDICIARY COMMITTEE  
2 SENATOR ERIC COLEMAN, REPRESENTATIVE GERALD FOX AND MEMBERS OF THE  
3 JUDICAIRY COMMITTEE

4  
5 FROM: PETER T. SZYMONIK  
6 BERLIN, CT

7  
8 DATE: 03 APRIL 2013

9 RE: TESTIMONY IN SUPPORT OF BILL 6685  
10

11 Good afternoon, my name is Peter Szymonik and I live in Berlin, CT. I  
12 have spent most of my career working in or for the legal industry. I worked  
13 for six years at the same law firm that produced Sen. Blumenthal, Justice  
14 Bright, Supreme Court Justice McLachlan, and Chief State Justice Rogers.

15 I am an expert in legal operations; business process improvement and  
16 legal spend management. I currently work as an executive at a major  
17 healthcare company. I am Polish immigrant whose family came to this country,  
18 worked very hard, and placed family and education first. I am a father of  
19 two wonderful young boys, one with special needs.

20 I am here today in support of Bills 6685, 6688 and 1155, because I and  
21 my family have suffered tremendously from the inherent dysfunction in our  
22 state's family court system. Like many others, I have been financially and  
23 otherwise devastated, solely to protect the best interests of my sons, and my  
24 ability to be an equal parent and father for them.

25 I am speaking here on behalf of many family law attorneys I have come  
26 to know who are also struggling and quitting the practice of family law,  
27 given their dismay of what our state's family courts have become and the  
28

1 devastation they have seen it cause to countless parents, children and  
2 families.

3 I am here today because I know the answer to Sen. Doyle's question of  
4 why there has been an explosion of Pro Se litigants in our family courts and  
5 why the waits for hearing times have approached four to five months.

6 The crisis in our state family court mirrors what is also happening in  
7 New York, New Jersey, Maine, and Ohio - other states where family court  
8 systems have been allowed to operate with impunity, in an ineffective manner,  
9 and without any system of checks and balances.

10 Most notably - how the court system engages, yet does not monitor or  
11 oversee the actions or performance of AMCs, GALs, and other court appointed  
12 "experts" and as judges routinely outsource their judicial authority to them.

13 Independent contractors who are allowed to bill parents extraordinary  
14 sums of money for services they do not perform, or perform poorly, or with  
15 bias to whichever party pays them more, and as basic human, civil and  
16 parental rights are trampled - as well as internationally recognized rights  
17 of a child.

18 As one example of the dysfunction - do any of you believe that forcing  
19 a parent to liquidate a child's college funds under the threat of  
20 imprisonment, funds which took years to amass, and funneling the money to an  
21 unethical AMC or GAL, represents an action in the best interests of a child?

22 This happened to me, my family and my sons. This happens in our family  
23 court system, each and every day. Judges also require that AMCs and GALs be  
24 paid even ahead of child support. Does this make sense given that most AMCs  
25 and GALS spent almost no time with the children they allege to represent?

26 Imagine the impact this has on the faith parents, citizens and  
27 taxpayers have in our state judiciary - to do the right thing and to act in a  
28 proper, moral and ethical manner. Imagine if all of the money you had worked

1 hard to save for your children was taken from you in an instant in this  
2 manner.

3 Yet, not every state has this issue or problem - with the notable  
4 difference that their AMCs and GALS are monitored and do not report to the  
5 judiciary.

6 With the notable exception that in those states the court's discretion  
7 has been moderated and shared parenting is a standard and a norm - rather  
8 than something which divorced parents are forced to fight for to the point of  
9 being permanently financially devastated, which is the norm in the State of  
10 Connecticut.

11 Our state can and must be far better in the actual best interests of  
12 our children, parents, grandparents and families. Our state can and must be  
13 far better for our citizens and taxpayers.

14 Bill 6685, moves our state one step in the right direction - and  
15 mirrors what is already law in Arizona, and is now being considered in at  
16 least six other states.

17 What is missing in Bill 6685, as a further clause which would further  
18 reinforce its intent, by mandated sanctions against parents who knowingly  
19 make false representations to the court as part of any parenting related  
20 motion.

21 Bill 6685 must be passed, because it represents the start of  
22 modernizing our state's approach to family law, in a manner that is in the  
23 actual best interests of children and families, but it is just a start.

24 Thank you.  
25  
26  
27  
28

TABLE : FAMILY CASES ADDED BY CASE TYPE FOR THE YEARS 1993-94 TO 2010-11

FAMILY	93-94	94-95	95-96	96-97	97-98	98-99	99-00	00-01	01-02	02-03	03-04	04-05	05-06	06-07	07-08	08-09	09-10	10-11
DISSOLUTION	13,721	14,036	13,340	13,506	13,409	13,624	14,451	13,858	14,280	13,841	13,665	13,654	13,895	13,859	13,621	13,758	14,533	14,081
LEGAL SEPARATION	223	268	243	267	261	275	301	276	284	277	236	253	205	217	256	236	258	225
ANNULMENT	38	33	48	63	76	47	61	56	51	56	56	62	84	56	59	68	90	75
CHANGE OF NAME	34	40	70	63	86	103	86	85	58	78	63	31	45	53	45	30	26	30
CUSTODY	0	0	0	0	0	0	0	60	1,710	1,884	1,976	2,188	2,138	2,322	2,605	2,912	3,115	3,388
DISSOLUTION-CIVIL UNIONS	0	0	0	0	0	0	0	0	0	0	0	0	12	32	46	50	54	48
RELIEF FROM PHYS. ABUSE	5,147	5,450	5,289	5,256	5,328	5,502	5,538	6,002	5,981	6,694	7,374	7,811	8,475	8,479	8,145	8,514	9,211	9,219
FOREIGN JUDGMENTS	124	162	126	158	142	150	160	146	153	156	152	153	139	149	132	154	149	129
VISITATION	0	0	0	0	0	0	0	15	427	449	423	423	379	360	395	425	502	628
UNIFORM CHILD CUST JURIS	27	28	17	23	35	41	41	56	22	21	10	27	17	26	29	32	25	31
PAT ACK WITH SUP AGREEMENT	4,095	4,605	3,996	4,512	4,618	9,681	1,657	271	270	204	127	142	10	41	48	39	27	18
PATERNITY PETITION	3,062	4,022	4,777	4,939	4,001	4,130	2,719	2,328	2,006	1,970	1,618	1,783	1,629	1,754	1,713	1,591	1,522	1,720
SUPPORT PETITION	1,506	1,872	1,739	1,950	1,797	2,082	3,529	4,445	4,955	4,844	4,424	5,008	5,083	5,285	5,488	5,241	5,070	5,204
AGREEMENT TO SUPPORT	235	301	202	181	156	140	208	210	170	130	125	129	128	136	123	140	76	58
ALL OTHER	693	799	958	1,070	1,327	1,606	1,809	2,004	241	159	147	220	138	102	105	78	72	75
TOTAL FAMILY	28,905	31,614	30,803	31,988	31,236	37,381	30,560	29,812	30,608	30,743	30,396	31,884	32,377	32,871	32,810	33,268	34,730	34,927

003915

**Divorce / Custody Cases in Connecticut**

State of CT Family Court System

Judge  
(Many formerly GALs)

Attorneys

Plaintiff's Counsel  
\$200-\$300/hour

Defendant's Counsel  
\$200-\$300/hour

Guardian ad Litem for the Minor Child(ren)  
\$250-\$300/hour

Mental Health Professionals

Therapist for Plaintiff  
\$125-\$200/hour

Therapist for Defendant  
\$125-\$200/hour

Co-Parenting Therapist  
\$150-\$250/hour

Therapist for the Minor Child(ren)  
\$150-\$250/hour

Parents & Children

Mother

Father

Child(ren)

Health Insurers

Mother's Insurance Carrier

Father's Insurance Carrier

PAGE 17  
LINE 2

MY NAME IS JERRY MASTRANGELO AND I RESIDE IN EAST HAVEN. I AM A MEMBER OF THE NATIONAL PARENTS ORGANIZATION WITH OVER 50,000 MEMBERS ACROSS THE COUNTRY. I HAVE BEEN A BUSINESS OWNER IN CONNECTICUT FOR THE PAST 34 YEARS AND CURRENTLY HAVE 130 EMPLOYEES. I AM HERE TODAY IN SUPPORT OF RAISED BILL 6685 ON SHARED PARENTING. THE STORY I AM ABOUT TO SHARE WITH YOU INVOLVES PARENTAL ALIENATION AND A BROKEN FAMILY COURT SYSTEM THAT HAS RECEIVED A TREMENDOUS AMOUNT OF MEDIA ATTENTION AND MORE SUPPORT THAN ALMOST ANY OTHER FAMILY CASE IN CONNECTICUT. THIS IS ABOUT MY FIGHT TO PROTECT MY CHILDREN'S RIGHT TO LOVE AND BE LOVED BY BOTH PARENTS. MY STORY BEGAN ON JULY 1, 1999 WHEN I BECAME THE PROUD FATHER OF TRIPLETS WHO WERE BORN PREMATURE WEIGHING LESS THAN 2 LBS EACH. UNFORTUANTELY MY MARRIAGE ENDED IN DECEMBER 2007 HOWEVER, I WAS AWARDED JOINT LEGAL PHYSICAL CUSTODY OF MY CHILDREN WITH APPROXIMATELY 40% OF PARENTING TIME. FOR NEARLY 3 YEARS, I ENJOYED PICKING UP MY CHILDREN FROM SCHOOL, HELPING THEM WITH THEIR HOMEWORK, SPENDING QUALITY TIME TOGETHER, GOING TO CHURCH, GOING ON VACATIONS, VISITING GRANDPARENTS AND EXTENDED FAMILY, CELEBRATING BIRTHDAY'S AND HOLIDAYS TOGETHER AS WELL AS WATCHING MY CHILDREN GROW UP. IN OCTOBER 2010, THIS ALL CHANGED. FOR THE PAST 2 ½ YEARS, MY CHILDREN HAVE NOT HAD ME IN THEIR LIVES. NOT ONLY HAVE MY CHILDREN BEEN ALIENATED FROM ME, BUT ALSO FROM MY ENTIRE FAMILY AS WELL. MY CHILDREN HAVE BEEN TAUGHT TO HATE ME;

HB6688  
SB1155

TO IGNORE ME. TO HANG UP ON ME AND TO CALL ME NAMES I CAN'T EVEN REPEAT. THIS IS WHAT HAPPENS IN PARENTAL ALIENATION. ONE PARENT WILL BRAINWASH AND MANIPULATE A CHILD INTO BELIEVING THE OTHER PARENT IS ALL BAD LEADING TO THE TOTAL REJECTION OF THAT PARENT. THE LEADING EXPERTS IN THE COUNTRY AGREE THAT THIS IS A FORM OF CHILD ABUSE AND NEGLECT. IN JULY 2011, I HAD NO OTHER CHOICE THAN TO TURN TO NEW HAVEN FAMILY COURT FOR HELP. IN DOING SO, I FILED 6 MOTIONS IN ORDER TO GET CONTEMPT ISSUES HEARD, EXISTING COURT ORDERS ENFORCED AND MODIFIED. I LEARNED VERY QUICKLY THAT FAMILY COURT WAS NOT ON MY SIDE. I LEARNED THERE WAS NO SENSE OF URGENCY, WHICH IS VERY IMPORTANT WHEN DEALING WITH ALIENATION. I LEARNED THERE'S A LACK OF EDUCATION AS IT RELATES TO ALIENATION. I LEARNED ABOUT ALL THE GAMES THAT ARE PLAYED ON THE 3<sup>RD</sup> FLOOR IN NEW HAVEN FAMILY COURT. THE STAUL TACTICS AND DELAYS WHICH ONLY BENEFIT THE BEST INTEREST OF THE ATTORNEYS AND THEIR WALLETS, NOT THE BEST INTEREST OF THE CHILDREN. I LEARNED WHAT IT MEANS TO HAVE A COURT APPOINTED GUARDIAN AD LITEM AT \$300 PER HOUR AS WELL AS ANOTHER \$300 PER HOUR FOR AN AMC. I LEARNED HOW A GAL CAN BE UNETHICAL, BIAS AND COMPLETELY NEGLIGENT IN CARRYING OUT THEIR DUTY TO PROTECT THE BEST INTERESTS OF A CHILD. CONNECTICUT GAL'S HAVE NO ACCOUNTABILITY AND HAVE THE LUXURY OF FULL IMMUNITY. I LEARNED HOW IT FELT FOR AN AMC TO ASK ME TO PULL OUT MY WALLET ON THE STAND TO SEE WHAT CREDIT CARDS I HAVE, WHAT THE LIMITS WERE AS

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WELL AS THE BALANCES. I ALSO LEARNED HOW A PARENT COULD EASILY BECOME EMOTIONALLY AND FINANCIALLY BANKRUPT IN ORDER TO GET COURT ORDERS ENFORCED SO THEY CAN BE A PART OF THEIR CHILDRENS LIVES. CONNECTICUT FAMILY LAWS NEED TO CHANGE. CHILDREN NEED BOTH PARENTS IN THEIR LIVES, IN THE ABSENCE OF ABUSE AND NEGLECT. CHILDREN NEED SHARED PARENTING AND PARENTS NEED INCENTIVES TO FOLLOW COURT ORDERS AND SANCTIONS WHEN THEY DON'T. PARENTAL ALIENATION CASES NEED TO BE HEARD QUICKLY AND ACTED UPON IMMEDIATELY. TIME WORKS AGAINST THE ALIENATED CHILD IN THESE CASES. IN MANY OTHER STATES, JUDGES WHO IDENTIFY PARENTAL ALIENATION WILL REMOVE THE CHILD FROM THE ABUSIVE AND NEGLECTFUL PARENT. THIS IS NO DIFFERENT THAN CASES INVOLVING SEXUAL AND PHYSICAL ABUSE; THE CHILD IS IMMEDIATELY REMOVED. I AM TESTIFYING TODAY ON BEHALF OF HUNDREDS OF FAMILIES THAT HAVE BEEN DESTROYED DUE OUR BROKEN FAMILY COURT SYSTEM. FAMILY LAWS NEED TO CHANGE. SAFEGUARDS NEED TO BE PUT IN PLACE SO THAT GAL'S PERFORM THEIR DUTIES ACCORDING TO CONNECTICUT STATUE.

PLEASE SUPPORT RAISED BILLS 6685, 6688 AND 1155.

THANK YOU.



**McCall, Brandon**

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**From:** Grace Cloutier <grace@gracecloutier.com>  
**Sent:** Thursday, April 04, 2013 6:40 AM  
**To:** Jud Testimony  
**Subject:** support for Bill 6685 on shared custody

**Categories:** Red Category

To the Judiciary Committee  
Chairs: Senator Eric Coleman, Representative Gerald Fox and members of the Judiciary Committee;

From: Grace Cloutier  
Orange, CT

Occupation: Professional musician

Aunt of four year old Juliette Alexandre Lebreton Cloutier, who does not have equal rights with her father, Nathan Cloutier.

I support this bill because I want to see my brother, and many other wonderful, loving, and worthy parents be given the right to have equal custody of their child/children.

Please realize that the Bills you are hearing about today are indicative that the Family Law / Divorce system in the State of CT is dramatically broken and needs reforms immediately. Mention that in all three of these Bills we are reducing conflict, litigation, and animosity between parents so that the lives of the children will not be irreparably harmed as they have been under the system today,our two Bills is not perfect and but it is a start that we can build upon. Mention your support for the changes in the statutes recommended by the Reform Commission that are in Bill 1155 and Bill 6688 as well as 6685 on Shared Custody.

Thank you for your time and consideration,

Grace Cloutier,  
Sister of Nathan Cloutier Who is fighting for 4 years to have equal rights for his beloved child.


 spc

**THE SHARED PARENTING COUNCIL  
OF CONNECTICUT**

Testimony before the Judiciary Committee, April 5, 2013  
 In favor of HB 6685 establishing the presumption of shared parenting  
 And in favor of HB 1155 and HB 6688 correcting some of the sexist language in the statutes

My name is John M Clapp, Chair of the Shared Parenting Council of Connecticut, Inc. The Mission of the Shared Parenting Council of Connecticut is to work for change in the legislative and judicial systems of Connecticut to improve outcomes for children in contested custody cases. To this end, we have joined forces with the National Parents Organization (NPO) to encourage shared parenting.

I am in favor of HB 6685 because it promotes the importance of shared parenting.

The 2002 governor's Commission on Divorce, Custody and Children recognized the importance of continuing involvement by both parents in a child's life. The Commission identified the continuing involvement of both parents as one of the five critical system challenges affecting outcomes for children. It reviewed the overwhelming evidence that children with an absent parent have lower grades, higher delinquency, higher school dropout rates and higher risk of incarceration.

As a result of the Commission's recommendations Sec. 46b-56 of the Connecticut Statutes now states that custody decisions should "provide the child with the active and consistent involvement of both parents commensurate with their abilities and interests." However, Sec. 46b-56 still fosters litigation and conflict with its ambiguous language. The law must insist on **the critical and primary role of shared parenting**.

Unfortunately, as the process is currently structured, it too often results in the unnecessary elimination of completely fit parents from an active role in their child's life. This leads directly to poor outcomes for the children. Even one case like this would be too many, but unfortunately there are many cases where Connecticut children are disadvantaged, often because they are caught between warring parents and their lawyers pursuing money and control through litigation.

This costly and destructive litigation must be discouraged by the presumption of substantially equal parenting time. To accomplish the goal of reducing litigation, you should amend HB 6685 to state that, **at the time of separation, before any court involvement, there is a presumption of substantially equal parenting time and responsibility**. This will shift the burden of proof appropriately in favor of the right that children have to active involvement by both parents, and discourage the parent who seek control through litigation.

I am in favor of HB6685 because it says that the State of Connecticut will favor the parent who encourages active involvement by the other parent. I.e., it makes a statement against destructive litigation and attempts to use the judicial system to gain control. By enacting HB6685, the State can improve the lives of many children.

Shared Parenting Council of Connecticut, Inc.  
 65 Auburn Road  
 Tel: (860) 983-3685  
 West Hartford, CT 06119  
 Fax: (860) 232-2183

PAGE 29  
LINE 9HB6685  
HB6688  
SB1155

MY NAME IS JENNIFER VERRANEALT AND I AM FROM EAST HAVEN. I WOULD LIKE TO SHARE SOME OF MY OBSERVATIONS AND EXPERIENCES WITH THE NEW HAVEN FAMILY COURT SYSTEM AND HOW ANY LEGISLATION WILL NOT WORK IF JUDGES, GUARDIAN AD LITEMS, AMC'S AND ALL FAMILY LAWYERS ARE NOT EDUCATED. I AM A CERTIFIED GUARDIAN AD LITEM FOR THE STATE OF CONNECTICUT. HAVING BEEN EDUCATED AS SUCH, I AM AWARE OF THE DUTIES OF A GUARDIAN AD LITEM, AS WELL AS THOSE OF AN ATTORNEY FOR THE MINOR CHILDREN. HOWEVER, I AM EXTREMELY DISAPPOINTED BY THE DESTRUCTION THE GUARDIAN AD LITEM HAS CAUSED THE MASTRANGELO V MASTRANGELO CASE. THE ROLE OF A GUARDIAN AD LITEM IS TO INVESTIGATE AND REPORT BACK TO THE COURT THEIR FINDINGS. THEY'RE TO VOICE THEIR UNBIASED OPINION TO THE COURT BASED ON THEIR OBSERVATIONS, SO THAT THE JUDGE IS ABLE TO MAKE A DECISION THAT'S IN THE BEST INTEREST OF THE CHILDREN. AS I LEARNED IN THE GAL TRAINING, LITIGATION IS NOT IN A CHILD'S BEST INTEREST. CHILDREN CANNOT THRIVE WHEN THE TWO MOST IMPORTANT PEOPLE IN THEIR LIVES ARE ENGAGED IN A CUSTODY WAR. THE ROLE OF A GUARDIAN AD LITEM IS TO PRESENT INFORMATION TO THE COURT SO THAT EACH CHILD CAUGHT IN THE MIDDLE IS PROTECTED AS MUCH AS POSSIBLE. WELL, THE GAL IN THE MASTRANGELO CASE DID NOTHING TO PROTECT CARLY, CHRISTOPHER OR ANTHONY; THE CHILDREN INVOLVED. IN FACT, THE GAL HAD AT

LEAST THREE OPPORTUNITIES TO BRING ATTENTION TO THE COURT THAT COURT ORDERS WERE NOT BEING FOLLOWED BY A PARENT RELATED TO THE CUSTODY AGREEMENT AND SUBSEQUENT COURT ORDERS, BUT SHE FAILED TO DO SO AS A RESULT, THREE CHILDREN HAVE BEEN UNNECESSARILY EXPOSED TO EMOTIONAL AND PSYCHOLOGICAL ABUSE THAT COULD HAVE BEEN AVOIDED IF THE GUARDIAN AD LITEM HAD DONE HER JOB SHE, ALONG WITH THE CONNECTICUT FAMILY COURT SYSTEM HAS FAILED THE MASTRANGELO CHILDREN. ALSO IN THE GAL TRAINING, WE LEARNED THAT THERE'S NO PLACE FOR BIASES. WE NEED TO KEEP AN OPEN MIND AT ALL TIMES. WE NEED TO INVESTIGATE, INTERVIEW THOSE INVOLVED IN THE CHILDREN'S LIVES, WE NEED TO VISIT BOTH PARENTS HOMES AND WE NEED TO LOOK TO COLLEAGUES IF WE FEEL WE'RE NOT "GETTING IT." LET ME TELL YOU HOW THE GAL IN THE MASTRANGELO CASE CONDUCTED HER INVESTIGATION AFTER 6 MONTHS OF THESE CHILDREN REFUSING TO SEE THEIR FATHER, TO SPEAK TO THEIR FATHER AND TO HAVE ANYTHING TO DO WITH ANYONE ASSOCIATED WITH THEIR FATHER, I CONTACTED THE GAL SO THAT I COULD SHARE MY PERSPECTIVE AND FIRST HAND KNOWLEDGE REGARDING THIS FAMILY AND SHE REFUSED TO RETURN MY CALL. WHEN I ASKED THE GAL WHY SHE MADE THIS DECISION NOT TO INTERVIEW ME, SHE LIED TO ME BY SAYING SHE DID RETURN MY CALL AND THAT SHE DID SPEAK TO ME. SUBSEQUENTLY, WHEN THESE STATEMENTS BECAME A BIG

ISSUE IN THE MEDIA, THIS GAL CHANGED HER STORY BY SAYING SHE NEVER SAID SHE CALLED AND THAT SHE DIDN'T FEEL IT WAS NECESSARY TO INTERVIEW ME IF SHE GAVE ME A CHANCE IN MARCH OF 2011, ONLY 6 MONTHS SINCE CONTACT STOPPED BETWEEN A GOOD FATHER AND HIS CHILDREN, PERHAPS I COULD HAVE MADE A DIFFERENCE. PERHAPS SHE COULD HAVE MADE A DIFFERENCE. ALL I KNOW IS THAT I WOULD HAVE SHOWN HER TONS OF VIDEOS AND PICTURES OF THREE CHILDREN WHO CLEARLY LOVED THEIR FATHER BUT WERE TAUGHT NOT SHARE THIS WITH ANYONE CONNECTED TO THEIR MOTHER. I WOULD HAVE SHARED WITH THIS GAL THAT THESE CHILDREN WANT TO BE WITH THEIR DAD BUT AFTER 5 YEARS OF LITIGATION AND PARENTAL ALIENATION, THEY HAD TO MAKE A CHOICE BETWEEN THEIR MOTHER AND FATHER SO IT WOULD END; THIS WAS THE ONLY WAY IN WHICH THEY COULD SURVIVE. THESE CHILDREN HAD TO MAKE A DECISION THAT NO CHILD SHOULD EVER HAVE TO MAKE AND ALL BECAUSE NO ONE WAS MAKING DECISIONS FOR THEM. THE GAL LEFT IT TO 11 YEAR OLD TRIPLETS TO DECIDE THEIR FATE THIS IS SO WRONG! THIS GAL WAS A VERY EXPENSIVE NOTE TAKER AND BENEFITTED GREATLY BY BILLING OVER \$50,000 TO THESE CHILDREN'S PARENTS THERE'S NO ACCOUNTABILITY WHEN IT COMES TO GAL'S OR AMC'S. ALTHOUGH A GAL IS REQUIRED TO PROVIDE ANY AND ALL INFORMATION IN HER FILE TO THE PARENTS, THE ONE INVOLVED IN THIS CASE HAS CONVIENLY MISPLACED NOTES IN WHICH SHE

INTERVIEWED THE PARENTS ONE BILL TOTALED OVER \$18,000 BUT YET THIS GAL COULD ONLY PROVIDE DOCUMENTATION FOR A FEW HOURS. CLEARLY, THERE'S NO ACCOUNTABILITY. I KNOW CERTIFIED GAL'S WHO GOT INTO THIS WORK TO HELP CHILDREN BUT THEY CAN'T HELP CHILDREN DUE TO THOSE LIKE THE MASTRANGELO GAL. I APPLAUD THE STATE OF CONNECTICUT AND JUDGE LYNDA MUNRO FOR IMPLEMENTING TRAINING FOR GAL'S AND AMC'S BUT UNFORTUNATELY THERE'S MANY WHO TAKE ADVANTAGE OF THE IMMUNITY AND LACK OF OVERSIGHT AT THE EMOTIONAL EXPENSE AND WELL-BEING OF OUR CHILDREN I HOPE THIS HEARING OPENS THE DOOR TO A SYSTEM THAT IS HORRIBLY BROKEN AND UNTIL WE ADDRESS IT AND FIX IT, WE WILL HAVE A LOT OF YOUNG CHILDREN GROWING UP TO BE ANGRY AND DYSFUNCTIONAL; AND I DON'T NEED TO TELL ANYONE WHAT HAPPENS TO ANGRY AND EMOTIONALLY STUNTED CHILDREN . . . THEY GROW UP TO BE ANGRY AND EMOTIONALLY UNSTABLE ADULTS.

THANK YOU.

PLEASE SUPPORT RAISED BILLS 6685, 6688 AND 1155

