

Minutes
Workgroup on Family Rules
December 10, 2008

The Workgroup on Family Rules met in room 301 at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on December 10, 2008.

Those in attendance: Hon. Lynda Munro (Chair), Hon. Holly Aberly-Wetstone, Hon. Sandra Sosnoff Baird, Hon. John Boland, Attorney Steven Dembo, Hon. Steven Frazzini, Attorney Constance Frontis, Hon. Elaine Gordon, Attorney Maureen Murphy, Attorney Thomas Parrino, Hon. Elliott Solomon.

Also in attendance were: Attorneys Joseph Del Ciampo and Nancy Porter from the Judicial Branch's Legal Services Unit, and Ms. Lisa Nkonoki from the organization Dads Do Make a Difference.

The meeting was called to order at 1:00 PM by Judge Munro.

I. Set Dates for Future Meetings

Judge Munro asked the group to set future meeting dates. The members of the Workgroup in attendance agreed that the next meeting will be held on January 14, 2009 at 2:00 PM and every six weeks thereafter.

II. Review and approval of minutes

The minutes of the meeting of the workgroup held on November 19, 2008 were approved unanimously by the members of the workgroup who were in attendance.

III. Review of a proposed revision of rule 25-11

The members reviewed and discussed proposed revisions to rule 25-11 drafted by Attorney Parrino. He explained his drafting method and that the purpose of special defenses is to avoid surprises at trial. The proposal permitted litigants to plead special defenses, which included a subsection on premarital agreements. After much discussion, the group decided not to add special defenses to rule 25-11.

IV. Review of a proposed notice provision for premarital agreements and draft of new premarital agreement section

The members reviewed and discussed a proposed notice provision for the enforcement of premarital agreements drafted by Judge Solomon. In a "straw vote" the majority preferred to address premarital agreements by a notice provision rather than in a special defense. After the vote, however, the members continued to discuss various ways in which to address premarital agreements, including a proposal by Judge Boland to amend rule 25-2 to address these matters.

Ultimately, the members of the group decided to draft a new rule on premarital agreements that provides an opportunity for both parties to seek enforcement or avoidance of such agreements. The members agreed that the new rule should contain all of the protections of pleading. Judge Munro drafted the new rule and the members in attendance approved it.

The next meeting will be Wednesday, January 14, 2009 at 2:00 p.m. in room 607L at Middlesex Superior Court, 1 Court Street Middletown, CT

Judge Munro adjourned the meeting at 3:45 p.m.