

Minutes
Family Commission
August 3, 2011

The Family Commission met in courtroom 5A at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on August 3, 2011.

Those in attendance: Hon. Lynda Munro (Chair), Hon. Holly Abery-Wetstone, Hon. Sandra Sosnoff Baird, Attorney Steven Dembo (arrived late), Hon. Stephen Frazzini, Attorney Constance Frontis, Johanna Greenfield, David Iaccarino, Attorney Maureen Murphy, Attorney Thomas Parrino, Hon. Barry Pinkus.

Also in attendance was Attorney Joseph Del Ciampo and Attorney Nancy Porter from the Judicial Branch's Legal Services Unit.

The meeting was called to order at 2:06 PM by Judge Munro.

I. Review and approval of minutes

The minutes of the meeting held on June 22, 2011 were approved by the members of the Commission who were in attendance.

II. Finalize GAL protocol to bring matters to the court's attention; continue discussion of the duration of the GAL's appointmentJudicial Review complaints and disqualification

GAL protocol – Two proposed forms were distributed for review, a shorter form and a longer form.

Attorney Murphy pointed out that the Commission members intended to add whether the request pertained to fees.

The question was raised as to whether the longer form was sufficiently particular as to notice. There may not be a need for concern as it is a request for a status conference and adequate notice, if additional court activity was required, could be addressed at the conference itself. It was suggested that the longer form is preferable as it tells the judge more about how quickly to act.

There were concerns regarding the proposed certifications, and it was therefore suggested that the standard Judicial Branch form certification be applied to this form.

The Commission members in attendance voted unanimously in favor of the longer form with a box added to indicate that the matter pertains to fees and with the standard certification.

It was suggested that perhaps this form could also be used if the issue was a party's failure to pay the fee.

Attorney Nancy Porter and Attorney Joseph Del Ciampo were asked to look at the issue of whether there could be authorization, via a proposed rule, for a GAL to file motions with the court regarding establishing and enforcing fees.

Judge Munro would prefer that the form be an official Judicial Branch form. At the appropriate times, she plans to send it to the judges and then to the bar.

The matters of duration of appointment and Judicial Review complaints (which was intended to be a separate agenda item) were not reached at this meeting.

III. Revisions to Financial Affidavit form

A poster-sized version of the current financial affidavit was used for purposes of discussion, and it was noted that such a version was previously distributed to the Commission members who are specifically working on the financial affidavit (Magistrate Sosnoff Baird, Attorney Dembo, Judge Dranginis, David Iaccarino, Attorney Murphy, and Attorney Parrino).

Magistrate Sosnoff Baird reported that the group had not yet met, but that there are four new family support magistrates.

Just Munro suggested that for the meeting's discussion, the Commission members walk through the different sections of the current form and brainstorm. It was also suggested to keep the Massachusetts form in mind while doing so.

Suggestions included (note – these were not decisions made):

- Somewhere after the heading but before the instruction line, insert the criteria for using the form.
- Use a single column format like the Massachusetts form.
- Create both hard copy and electronic versions of the form.
- Include a place for cash income.
- Ask if income is hourly and ask for the number of hours.
- In the income section add questions:
 - i. Is this for the last 12 months? Y/N. If no, explain.
 - ii. Do you expect the amount to change? Y/N. If yes, explain.
- Include a second job.
- Make plain language updates (e.g., "in-kind" – what does that mean?)
- Ask if the amount differs from the W2 and if so, ask for an explanation.

- If the 13-week amount does not match the average over the year, ask for the average annual income and for an explanation as to why it is more or less (this was discussed as being too complex).
- Include something like the Massachusetts schedules A and B.
- Ask if current income is reflective of last year's and if not, ask for an explanation.
- Include tax refund information.
- Incorporate the changes discussed at the last meeting from the Massachusetts form.
- Ask about dependency exemptions made.
- Address the overpayment of counsel fees.

Questions/concerns included:

- Weekly or monthly?
- What is the intended function of this form? What is the basis for it? That would help determine what to ask.
- Defining "current income" pursuant to the rule (25-30).
 - Does it mean a 12 month rolling average?
 - Does it mean the last 13 weeks? – some members expressed a concern that this does not give a complete enough picture.
 - Does it mean year-to-date?
 - Does it mean the last 12 months?
 - Does it mean year-to-date plus last (calendar) year?
- What is the best way to achieve getting reliable information?
- There should be a match-up with current expenses however current income is defined.
- The party would not need to include last year if it was the same as year-to-date.

More discussion included: whether there should be a focus group to ask if participants prefer the current form or the proposed form (that is being developed); whether the National Center for State Courts knows who has looked at this issue already (the group was reminded that NCSC was consulted at the outset); and whether there is an ABA standardized form.

It was suggested that deductions should be carried forward.

This topic will appear again on the next agenda.

IV. Self-represented parties filing appearances "in lieu of" attorneys

This topic was not reached, but will carry over to the next agenda.

V. *Ex Parte* motions for custody

Judge Munro will put this on the priority list for the next meeting.

Judge Boland was working on this issue and will be reminded of it.

VI. Such other matters that may come before the Commission

--Judge Munro would like to raise the issue of administrative divorce to the Commission again. She will remind members of where the group left off in its discussion, and re-circulate the chart prepared by Attorney Murphy when this topic was first raised to the Commission. It was noted that it would require a statutory change. For purposes of discussion, a location will be selected, along with some criteria, to present an idea of the percentage of cases that might qualify for administrative divorce.

--It was noted that one of the new practice book sections that addresses custody evaluations should have said "private" custody evaluations as it was not intended to relate to family relations evaluations. The rules committee is aware of this issue.

VII. Next meeting

The next meeting date is September 14, 2011.

Items on the agenda with priority will be Ex parte custody motions, financial affidavits, administrative divorce and self-represented parties filing in lieu of attorneys.

Judge Munro adjourned the meeting at 4:00 p.m.