

Minutes
Standing Committee on Guardians Ad Litem and
Attorneys for the Minor Child in Family Matters
January 24, 2018

The Standing Committee on Guardians Ad Litem and Attorneys for the Minor Child in Family Matters met in Courtroom 409 of the Hartford Judicial District Courthouse located at 95 Washington Street, Hartford, CT, on January 24, 2018.

Those in attendance: Judge Elizabeth Bozzuto (Chair); Ms. Liza Andrews, Policy Director, CT Coalition Against Domestic Violence; Judge Edward Graziani; Attorney Danielle S. Rado; Attorney Justine Rakich-Kelly; Attorney Christine Perra Rapillo

Absent: Attorney Michael Cronin; Ms. Wendy Furniss, Branch Chief, Department of Public Health; Mr. Samuel S. Gray, Jr., President and CEO, Boys & Girls Clubs of Hartford

Also in attendance were Attorney Susan Hamilton from the Child Protection Unit of the Division of Public Defender Services; Ms. Doreen Del Bianco from the Judicial Branch's External Affairs Division; and Attorney Damon Goldstein and Mr. Samuel Bruder from the Judicial Branch's Court Operations Unit.

The meeting was called to order at 11:14 AM by Judge Bozzuto.

I. Review and Approval of Minutes

A motion was then made by Liza Andrews and seconded by Christine Rapillo to approve the minutes from the meeting held on December 6, 2017. The motion passed unanimously and the minutes were approved. Judge Graziani and Justine Rakich-Kelly abstained from voting as they were not present at the December 6, 2017 meeting.

II. Process for Removal of Individuals from List of Persons Qualified to Serve as a GAL/AMC

The Committee members present engaged in a discussion of various aspects of the removal process.

A. Standing

The members of the Committee present agree that a judge, a litigant, a member of the bar, or a licensed mental health professional should have standing to bring a complaint against a GAL/AMC requesting that the individual be removed from the list of persons qualified to serve.

B. Standard

The members of the Committee present agree that the standard should be that the GAL/AMC presents an imminent risk of significant harm to the health, safety, or welfare of the public.

C. Burden of Proof

The members of the Committee present agree that a probable cause standard should be used in conducting an initial review of a complaint. There was a discussion among the Committee members present as to what the burden of proof should be when a full hearing is conducted. Those present discussed whether a standard of clear and convincing evidence or a fair preponderance of the evidence should be used. The issue of what the burden of proof should be was deferred until all the Committee members could be present for the discussion.

D. Statute of Limitations

The members of the Committee present agree that there should be a 1 year statute of limitations for any complaint filed with the Committee. Anything longer than 1 year between the conduct complained of and the filing of any complaint would not be considered to meet the standard that the GAL/AMC poses an imminent risk.

E. Process

The Committee members present agree that the complaint process should begin with some form of verified complaint or a complaint that includes an affidavit that would be sworn to. A form can be developed to assist those filing a complaint with the process. Upon receipt of a complaint, a copy will be sent to the GAL/AMC who is the subject of the complaint.

A review of the complaint will then be conducted by a 3 member panel made up of members of the Committee. The makeup of the panel would rotate on an annual basis. The panel will review the complaint and make a recommendation to the full Committee as to whether probable cause exists and, if so, that the matter should be referred for a full hearing. If no probable cause is found, then the Committee can only recommend that a complaint be dismissed. In determining what its recommendation should be, the panel will have the ability to request additional information from the complainant and investigate any allegations, if necessary. Also, the panel can ask the GAL/AMC to submit a written response to the complaint. The panel

will have 10 business days to forward their recommendation to the full Committee.

Once a recommendation is made, it will be considered by the full Committee. A vote will be taken as to whether or not to accept the recommendation of the 3 member panel. If the 3 member panel recommends a finding of probable cause and that recommendation is accepted by the Committee, the GAL/AMC who is the subject of the complaint will be placed on interim suspension and will not be able to accept any new cases as a GAL/AMC pending the outcome of a full hearing. The family judges and family support magistrates will be notified whenever a GAL/AMC is placed on interim suspension. Once a removal process is approved and implemented, the Committee will establish a monthly meeting schedule to consider recommendations from the 3 member panel.

If probable cause is found, a full hearing on the complaint would be scheduled. The parties would be sworn in, offer testimony, and be allowed to conduct cross examination. The hearing would be conducted by a 3 member panel made up of 3 different Committee members than the panel that reviews complaints to determine if probable cause exists. The panel hearing the complaint would issue a decision following the hearing. The panel would have the ability to rule "from the bench" if they so choose.

F. Remedy/Sanctions

This topic was not discussed. It will be discussed at the next meeting.

III. Changes to the Active List of Persons Qualified to Serve as a GAL/AMC

A. Individuals Not in Compliance with Practice Book Sections 25-62(b)(1) and 25-62A(b)(1)

Effective January 1, 2017 and pursuant to Practice Book Sections 25-62(b)(1) and 25-62A(b)(1), no person may be appointed as a guardian ad litem or an attorney for a minor child in a family matter unless he or she "Is an attorney in good standing, licensed to practice law in the State of Connecticut by the judicial branch, or is a mental health professional, licensed by the Connecticut department of public health and in good standing, in the areas of clinical social work, marriage and family therapy, professional counseling, psychology or psychiatry".

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Justine Rakich-Kelly seconded, that any individual not in compliance with Practice Book Sections 25-62(b)(1) and 25-62A(b)(1) be

removed from the active list. The Committee ordered the removal of anyone not in compliance by a 6-0 vote with three Committee members absent.

B. Attorney Charlene Lynton

Attorney Lynton was removed from the active list because she did not respond to an email sent to her on June 30, 2015. The email requested updated information and stated that if no response was received by August 15, 2015 that the individual would be removed from the active list. At its June 15, 2017 meeting, the Committee asked each attorney requesting reinstatement to submit a letter stating why they did not respond to the email that was sent on June 30, 2015 and that they meet the criteria contained in Practice Book Rule 25-62(b)(1-6). Attorney Lynton emailed a request to be reinstated to the active list on December 27, 2017.

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Judge Graziani seconded, that Attorney Lynton be reinstated to the active list. The Committee approved his reinstatement by a 6-0 vote with three Committee members absent.

C. Attorney Adam Teller

Attorney Teller was removed from the active list because he did not respond to an email sent to him on June 30, 2015. The email requested updated information and stated that if no response was received by August 15, 2015 that the individual would be removed from the active list. At its June 15, 2017 meeting, the Committee asked each attorney requesting reinstatement to submit a letter stating why they did not respond to the email that was sent on June 30, 2015 and that they meet the criteria contained in Practice Book Rule 25-62(b)(1-6). Attorney Teller emailed a request to be reinstated to the active list on November 17, 2017.

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Justine Rakich-Kelly seconded, that Attorney Teller be reinstated to the active list. The Committee approved his reinstatement by a 6-0 vote with three Committee members absent.

D. Attorney Salvatore Ritacco

Attorney Ritacco was removed from the active list because he did not respond to an email sent to him on June 30, 2015. The email requested updated information and stated that if no response was received by August 15, 2015 that the individual would be removed from the active list. At its June 15, 2017 meeting, the Committee asked each attorney requesting

reinstatement to submit a letter stating why they did not respond to the email that was sent on June 30, 2015 and that they meet the criteria contained in Practice Book Rule 25-62(b)(1-6). Attorney Ritacco emailed a request to be reinstated to the active list on November 30, 2017.

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Judge Graziani seconded, that Attorney Ritacco be reinstated to the active list. The Committee approved his reinstatement by a 6-0 vote with three Committee members absent.

E. Attorney Fredric Brody

Attorney Brody is currently on the active list of persons eligible to serve as a GAL/AMC. By virtue of Attorney Brody's response, dated December 23, 2017, to an email sent to all persons on the active list on behalf of the Committee on November 15, 2017, the Committee finds that Attorney Brody is not in compliance with Practice Book Sections 25-62(b)(2) and 25-62A(b)(2)

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Judge Graziani seconded, that Attorney Brody be removed from the active list. The Committee ordered his removal by a 6-0 vote with three Committee members absent.

IV. Report of the Training Subcommittee

There was no discussion on this topic. An outline was distributed to the Committee members present providing the details known, as of this date, of the curriculum for the pre-service training for new guardians ad litem/attorneys for the minor child.

V. Schedule of Future Meetings

The next meeting of the Standing Committee on Guardians Ad Litem and Attorneys for the Minor Child in Family Matters will be held on Tuesday March 27, 2018 at 11:00 am. The meeting will be held at a location to be determined.

Judge Bozzuto adjourned the meeting at 12:53 PM.