

Minutes
Standing Committee on Guardians Ad Litem and Attorneys
for the Minor Child in Family Matters
June 15, 2017

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 June 15, 2017.

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

Also in attendance was Attorney Damon Goldstein from the Judicial Branch's Court Operations Unit.

The meeting was called to order at 2:03 PM by Judge Bozzuto.

I. Welcome and Introduction of Standing Committee Members

Judge Bozzuto welcomed everyone to the meeting and thanked them for agreeing to serve on the Standing Committee. Each Committee member was given an opportunity to introduce themselves and explain to the other members what they do.

II. Review of Practice Book Rule 25-61A, 25-62, 25-62A and the Standing Committee's Charge

Judge Bozzuto reviewed the contents of Practice Book Rules 25-61A, 25-62, and 25-62A. She also explained the role of a guardian ad litem. There was also an explanation of the broadened role of CSSD-Family Services in assisting parties to resolve conflict outside the courtroom. Christine Rapillo explained how attorneys on the active list of persons eligible to serve as a GAL/AMC can contract with the Division of Public Defender Services to serve as assigned counsel. Only attorneys who contract with the Division of Public Defender Services are eligible to be appointed in cases where payment is ordered at state rates paid by the State of Connecticut.

Finally, Judge Bozzuto reviewed the Standing Committee's charge. The purpose of the Standing Committee is to approve the curriculum for the training required for guardians ad litem and attorneys for the minor child; establish and administer a process by which an individual may be removed from the list of

those deemed eligible for appointment as a guardian ad litem or attorney for the minor child; annually review and approve a list of individuals deemed eligible for appointment as a guardian ad litem or attorney for the minor child; and adopt procedures to carry out its functions.

III. Statistics and Process

Judge Bozzuto shared some statistics that had been provided to the General Assembly's Judiciary Committee earlier this year. The number of individuals eligible to serve as a GAL/AMC decreased 67% between 2014 and 2016. The number of GALs/AMCs appointed by judges dropped 44% between 2013 and 2016. 83% of the appointments of a GAL/AMC made by a judge in 2016 were of a person agreed upon by the parties. Finally, during the 2016 fiscal year, 76% of all appointments made involved cases where the GAL/AMC was ordered paid at state rates by the State of Connecticut or according to the sliding fee scale, which does not exceed \$225/hour.

IV. Topics to Address:

A. Process for Removal

There was a discussion among the members of the Standing Committee about how best to accomplish this part of its charge. A process exists to remove a GAL or AMC from a case, but a process must be developed to remove a person from the active list of persons eligible to serve. It was decided that it would be helpful for the Standing Committee to see what the removal process is in other states. Damon Goldstein will research the issue and compile information for the Standing Committee members. Justine Rakich-Kelly indicated that the Children's Law Center may have some information on the subject and that she would provide it. Also, the final report of the Legislative Task Force to Study Disputes Involving the Care and Custody of Minor Children may contain information on the subject.

Michael Cronin raised the issue of whether or not any removal process would be subject to the Uniform Administrative Procedures Act of the Connecticut General Statutes. Damon Goldstein will consult with the Branch's Legal Services Unit to find out whether or not the Act applies to the Judicial Branch. Attorney Cronin also inquired as to whether members of the public would be able to make complaints directly to the Standing Committee. Wendy Furniss indicated that the Department of Public Health distinguishes between felonies and misdemeanors when considering whether a licensed mental health professional remains in good standing. Practice Book Rules 25-62 and 25-62A preclude a person

from being a GAL or AMC if they have any criminal record. Christine Rapillo will provide the contract language regarding cancellation of the contracts with assigned counsel used by the Division of Public Defender Services. Specific criteria will need to be developed for removal.

Danielle Rado suggested that it may be beneficial to come up with two processes for removal. It may be easier to come up with one process for administrative removal based on an individual's failure to comply with the requirements of Practice Book Rules 25-62 and 26-62A and a separate process for removing a person for cause. It is likely that an entire upcoming meeting will need to be devoted to coming up with a removal process.

B. Training

Liza Andrews, Christine Rapillo, Justine Rakich-Kelly, and Judge Bozzuto will meet to discuss training and report back to the Standing Committee at a later date. Training had been offered in both the fall and the spring for a period of time when it was previously held. The previous training had been 40 hours long and was handled administratively by the Division of Public Defender Services. The members of the Standing Committee do not feel that training needs to be offered on an annual basis, but that a training offered within the next year would be beneficial. Judge Bozzuto will double check with the family judges around the state to see if there is a more urgent need for more GALs.

C. Requests from previously trained/qualified GALs

Since January 1, 2017, when Practice Book Rule 21-61A went into effect, four attorneys had requested to be placed back on the active list of persons eligible to serve as a GAL/AMC. These attorneys had previously completed the training required by Practice Book Rules 25-62 and 25-62A prior to January 1, 2017. The four attorneys were removed from the active list because they did not respond to an email sent to them 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.

The Standing Committee members engaged in a discussion as to how to best handle the four requests for reinstatement to the active list. Justine Rakich-Kelly stated that she had a conflict as one of the attorneys requesting reinstatement was scheduled to begin working for the Children's Law Center shortly and recused herself from further discussion

of this topic. The other members agreed that the Standing Committee should conduct an individual review of each request as opposed to handling all four requests at the same time. Each attorney will be asked to submit a letter to the Standing Committee stating why their name was removed from the active list. In this letter, each attorney will also be required to state whether they meet the requirements of Practice Book Rule 25-62(b)(1-6), whether they would be willing to be appointed to cases where payment is ordered according to the sliding fee scale, and whether they would ever be willing to be appointed to cases where payment is ordered at state rates paid by the State of Connecticut. The letters are to be received no later than June 30, 2017 and the Standing Committee will consider each request for reinstatement at its July 25, 2017 meeting.

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 July 25, 2017 at 9:00 am. The meeting will be held at a location to be determined. Committee members will have the option of participating via conference call. The Standing Committee will also meet on Wednesday October 4, 2017 at 9:30 am. The meeting will be held at a location to be determined.

Judge Bozzuto adjourned the meeting at 3:20 PM.