

Minutes  
Family Support Magistrate Rules Subcommittee  
March 23, 2009

The Family Support Magistrate Rules Subcommittee met in room 607L at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on March 23, 2009.

Those in attendance: Hon. Bethany Alvord, Hon. Sandra Sosnoff Baird (Co-Chair), Paul Bourdoulous, Jane Grossman, David Iaccarino, David Mulligan, Hon. Lynda Munro (Co-Chair), Hon. Joseph Pellegrino, Laureen Vitale, Hon. Linda Wihbey, Lucia Ziobro.

Also in attendance were Attorney Joseph Del Ciampo and Johanna Greenfield.

The meeting was called to order at 2:05 PM by Judge Munro.

1. Review and Approval of Minutes

It was noted that some of the items marked for inclusion in the proposed Family Support Magistrate Rules are not included in the Family Rules chapter of the Practice Book. Magistrate Wihbey will identify those for the Subcommittee. The minutes of the meeting of the subcommittee held on March 9, 2009 were approved unanimously (as amended with the correction of a typographical error) by the members in attendance.

2. Continue Rule Consideration

The Subcommittee continued its review of the existing rules as to whether to include them in the proposal for Family Support Magistrate court.

Chapter 23

23-1 through 23-19 No (unanimous).

23-20 Yes (unanimous).

Note: It was also recommended that this be discussed at the Family Commission to be discussed as it relates to family matters.

23-21 through 23-66 No (unanimous).

23-67 Yes (unanimous).

23-67 Yes (unanimous).

23-68 Yes (unanimous).

#### Chapter 24

It was voted unanimously that Chapter 24 has no applicability to Family Support Magistrate court.

#### Chapter 9

9-1 No. However, the discussion of 25-65 will address this topic regarding anything unique to parties in Family Support Magistrate court (unanimous).

9-2 Already a unanimous vote not to include at the last meeting.

9-3 Yes (unanimous).

9-4 No. However, the discussion of 25-65 will address this topic with the jury language removed (unanimous).

9-5 No. However, this will also be addressed in the discussion of 25-65 (unanimous).

Note: It was also recommended that this be discussed at the Family Commission to be discussed as it relates to family matters.

9-6 through 9-17 No (unanimous).

9-18 Yes (unanimous).

9-19 Yes (unanimous).

9-20 Yes (unanimous).

9-21 No (unanimous).

9-22 Yes (unanimous).

9-23 through 9-25 No (unanimous).

#### Chapter 10

10-1 Yes (unanimous).

10-2 No (unanimous).

10-3 Yes (unanimous).

10-4 Yes (unanimous).

Note: It was also recommended that this be discussed at the Family Commission to be discussed as it relates to family matters.

10-5 Yes (unanimous).

10-6 No. However, the discussion of 25-65 will address the order of pleadings for Family Support Magistrate matters. Reviewing the order of pleadings that is currently in 25-11, it was decided that the order in Family Support Magistrate court should be recommended that the first item be changed from “the plaintiff’s complaint” to a petition for establishment of paternity and/or support. The rest of the order of 25-11 would apply to Family Support Magistrate court (unanimous). Some commentary will be drafted to emphasize that the action can begin via Paternity and/or Support petition.

A brief jump to sections that were previously passed in Chapter 25 took place. The following decisions were made:

25-9 Yes, with the removal of the reference to 10-19 and with the understanding that Attorney Ziobro plans to canvass other AAGs.

Note: It was also recommended that this be discussed at the Family Commission to be discussed as it relates to family matters.

25-10 Yes, but the “shall” will the amendment that the word “shall” will become “may” (unanimous).

25-11 Yes as amended and with the commentary, but as part of the discussion of 25-65 (see 10-6 above) (unanimous).

The Subcommittee then continued review of Chapter 10:

10-7 Yes (unanimous).

10-8 No. However, this will be addressed in the discussion of 25-65 with the concept of advancing one step every 14 days unless suspended by the Judicial Authority for good cause shown (unanimous).

10-9 No (unanimous).

10-10 Yes (unanimous).

10-11 No, however, Magistrate Sosnoff Baird and Attorney Ziobro will draft an impleader proposal for Family Support Magistrate court, to be available five days before the next meeting (unanimous).

10-12 No, However, this will be addressed in the discussion of 25-65. (a) will be included with Support Enforcement Services added in, (c) will be included with default taken out and (b) will be removed (unanimous).

10-13 Yes (unanimous).

10-14 Yes (unanimous).

10-15 No (unanimous).

10-16 No (unanimous).

10-17 Yes (unanimous).

10-18 through 10-25 No (unanimous).

10-26 Yes (unanimous).

10-27 No (unanimous).

10-28 Yes (unanimous).

10-29 No (unanimous).

10-30 No (unanimous).

10-31 through 10-34 Yes (unanimous).

10-35 through 10-38 No (unanimous).

10-39 Yes (unanimous).

10-40 No (unanimous).

10-41 through 10-45 Yes (unanimous).

10-46 through 10-49 No unanimous.

3. Such other matters that may come before the Subcommittee

The meeting schedule was revised as follows: April 13, April 27, May 11, and if needed, June 1.

4. Next Meeting

The next meeting will be on April 13, 2009 at the same location. The Subcommittee will resume discussion at section 10-50.

Judge Munro adjourned the meeting at 4:41 p.m.