

Minutes
Family Support Magistrate Rules Subcommittee
March 9, 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 9, 2009.

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

Congratulations were extended to Judge Alvord on her nomination to the appellate court.

1. Review and Approval of Minutes

The minutes of the meeting of the subcommittee held on February 2, 2009 were approved unanimously by the members in attendance.

2. Continue Rule Consideration

The standard interrogatories provided by Attorney Grossman with the modifications made by the Subcommittee and by Attorney Ziobro were adopted unanimously. However, standardization of terms and plain language changes must be made. Attorney Grossman will standardize the language and then Judge Munro will send the document to Attorney Daniel Horwitch for plain language changes. The document will then be re-circulated to the Subcommittee to ensure that the intended meaning of the items in the document were not changed as a result of these revisions.

The Subcommittee began its examination of the General Provisions of the Practice Book as to which rules should apply to Family Support Magistrate court:

Chapter 1

Rule 1-1(c) It will be unanimously recommended that "Judicial Authority" be defined to include Family Support Magistrates to the extent that the Family Support Magistrates will be referenced in the rules. There should also be commentary added expressing that Judicial Authority includes Family Support Magistrates where applicable only.

It is the unanimous vote of the Subcommittee that the rest of Chapter 1 remain as-is.

Chapter 2

There will be no changes recommended (unanimous).

Chapter 3

The only recommended changes are as follows:

3-2(b) Add Family Support Magistrate matters because they have no return date. (unanimous)

Note: It was also recommended that this be discussed at the Family Commission for cases on the regular family docket that have no return date.

3-9(f) Attorney Vitale will draft a proposal for appearances being deemed withdrawn in Family Support Magistrate cases including a provision that the Assistant Attorney General remains in the case.

Judge Munro will look into the assignment of numbers that are like juris numbers to non-attorney entities such as Support Enforcement Services.

Chapter 4

There will be no changes recommended (unanimous).

Chapter 5

There will be no changes recommended (unanimous).

Chapter 6

There will be no changes recommended (unanimous).

Chapter 7

7-19 It will be recommended to change the word “judge” to “judicial authority” in the two relevant places (unanimous).

Judge Munro will ask Charisse Hutton and David Iaccarino about the origin of the clerk in UIFSA cases being Support Enforcement Services.

It is the unanimous vote of the Subcommittee that the rest of Chapter 7 remain as-is.

Chapter 8

8-1 and 8-2 should be included for Family Support Magistrate matters, but the rest of Chapter 8 does not apply (unanimous).

Chapters 9, 10 and 11 will be discussed at the next meeting, however, 9-2 has already been considered and is inapplicable to Family Support Magistrate Matters (unanimous).

Chapter 12

All of Chapter 12 should be included in its entirety (unanimous).

Chapter 13 was previously reviewed.

Chapter 14

14-1 Yes to the extent that federal law requires, otherwise it is discretionary (unanimous).

14-2 Yes (unanimous).

14-3 Yes (unanimous).

14-4 No (unanimous).

14-5 No (unanimous).

14-6 No (unanimous).

14-7 No (unanimous).

14-7A No (unanimous).

14-8 Will be passed for further discussion.

14-9 Yes (unanimous).

14-10 No (unanimous).

14-11 No (unanimous).

14-12 No (unanimous).

14-13 No (unanimous).

14-14 No (unanimous).

14-15 Yes (unanimous).

14-16 No (unanimous).

14-17 Yes (unanimous).

14-18 Yes (unanimous).

14-19 No (unanimous).

14-20 No (unanimous).

14-21 No (unanimous).

14-22 No (unanimous).

14-23 No (unanimous).

14-24 Yes (unanimous).

14-25 Yes (unanimous).

Chapter 15

15-1 No (unanimous).

15-2 No (unanimous).

15-3 Yes (unanimous).

15-4 Yes (unanimous).

15-5 Yes (unanimous).

15-6 Yes (unanimous).

15-7 Yes (Judge Pellegrino voted no).

15-8 Yes (unanimous).

Chapter 16

It is the unanimous vote of the Subcommittee that Chapter 16 is not applicable to Family Support Magistrate matters.

Chapters 17 will be discussed at the next meeting, however, 17-4 and 17-20 have already been considered and will be recommended to be included for Family Support Magistrate Matters (unanimous).

Note: It was also recommended that this be discussed at the Family Commission for cases on the regular family docket that have no return date.

Chapter 18

The only recommendation for change is to change judge to judicial authority in 18-19 (unanimous).

Chapter 19

19-19 should be included for Family Support Magistrate matters, but the rest of Chapter 19 does not apply (unanimous).

Chapter 20

Judge Munro assured the Subcommittee that to the extent that the Family Commission recommends that other parts of Chapter 20 be incorporated into the Family Chapter (25) that they be incorporated for Family Support Magistrate matters as well.

20-1 Yes (unanimous).

20-2 No (unanimous).

20-3 Yes with a language change to say judicial authority (unanimous).

20-4 No (unanimous).

20-5 No (unanimous).

20-6 No (unanimous).

Chapter 21

It is the unanimous vote of the Subcommittee that Chapter 16 is not applicable to Family Support Magistrate matters.

Chapter 22

It is the unanimous vote of the Subcommittee that Chapter 16 is not applicable to Family Support Magistrate matters.

3. Such other matters that may come before the Subcommittee

A brief discussion was had regarding the appropriate way to challenge an acknowledgment of paternity pursuant to C.G.S. § 46b-172, particularly when there is a pending support case, but no paternity case. This will be discussed at a later time as to whether anything can be accomplished by rule change or, perhaps, statutory clarification which has been discussed previously in other settings.

4. Next Meeting

The next meeting will be on March 23, 2009 at the same location. Outstanding topics include reviewing Chapters 9, 10, 11, 23 and 24 as well as the rest of Chapter 25 (from 25-65 on) and any items that are not in any preexisting rule that are needed.

Judge Munro adjourned the meeting at 4:25 p.m.