

Minutes  
Family Commission  
May 23, 2012

The Family Commission met in courtroom 5A at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on May 23, 2012.

Those in attendance: Hon. Lynda Munro (Chair), Hon. Holly Abery-Wetstone, Hon. Sandra Sosnoff Baird, Attorney Michael Blanchard (arrived late), Hon. John Boland, Attorney Gaetano Ferro, Attorney Constance Frontis, Hon. Elaine Gordon (arrived late), Johanna Greenfield, David Iaccarino.

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

The meeting was called to order at 2:12 PM by Judge Munro.

I. Review and approval of minutes

The minutes of the meeting held on April 11, 2012 were approved by the members of the Commission who were in attendance.

II. Standing Orders and Sanctions

It was raised that lawyers are unwilling to ask for sanctions for violation of standing orders and that judges may be reluctant to enforce the standing orders. The standing orders already indicate that sanctions might issue for violation. It was suggested that educating the bench and bar on that might be the solution.

III. Self-represented parties filing appearances "in lieu of" attorneys – next steps

Judge Munro indicated that one attorney suggested that there be a hearing if the appearance is filed a certain number of days before *any* hearing. She asked the Commission members what the benefits are for not having a hearing. They included that the attorney can more easily get out where the relationship has truly broken down, reduced expense, judicial time (at least on the front end). There was also some discussion about the potential prejudice to the other side.

The Commission members generally agreed that it makes a difference if there is a trial coming up and that a hearing would be appropriate for that.

A suggestion for starting to draft a proposed rule was as follows: If a dissolution of marriage or dissolution of civil union trial date is set, if a party is seeking to file a self-represented appearance in lieu of an attorney, there must be a hearing.

Another suggestion was that the party notify the attorney who would file a motion to withdraw before the in lieu of appearance became effective.

The word "trial" would need to be defined. Custody and visitation cases were raised as they tend to have earlier trial dates than dissolution cases. Language such as "if a trial date is scheduled 90 days or sooner" was suggested.

The issue of court-appointed counsel from the Office of the Chief Public Defender was raised. They continue to have an issue regarding getting out of the case at the conclusion of the contempt and the issue still remains with regard to motions to modify that are filed when there is a simultaneous contempt proceeding.

#### IV. Revisions to Financial Affidavit form

A focus group of people in family support magistrate court was suggested. It was also suggested that the fee waiver application form be reviewed for applicability as a financial affidavit for family support magistrate court.

The draft of the workgroup will ultimately need to have a plain language review.

When to use which form was discussed. The concept of an income threshold of \$75,000 (income and assets) was revisited. The question was raised as to whether the current financial affidavit could serve as a short form or a summary form.

With regard to the workgroup's draft, breaks would need to be at logical places from a formatting perspective.

When family documents are in the e-filing system, the judges will need to be able to bring up more than one financial affidavit at a time and be able to look through them while continuing to be able to see which affidavit belongs to which party.

Attorney Del Ciampo indicated that he would like to see every user of the form being able to view the same information as any other user.

Judge Munro indicated that she would like to find out what the different users of the form would want. What are the individual users looking at and using the form for? What are their goals? Inquiry will be made and the comments will be noted and kept separate by user for purposes of input.

V. Ex Parte motions for custody

The research from Judicial's Legal Services will be distributed and this item will be moved up on the next agenda. It was noted that the volume is dramatically increasing and so is the potential for conflict between ex parte custody orders and restraining orders. Judge Munro will contact Krista Hess with regard to the role of the Court Service Centers in regard to ex parte custody applications.

VI. Such other matters that may come before the Commission

There were no other matters raised before the Commission at this meeting.

VII. Next meeting

The next meeting date is scheduled for July 11, 2012. Commission members were asked to stay tuned, as that meeting may need to be postponed.

Judge Munro adjourned the meeting at 4:01 PM.