

Minutes  
Standing Committee on Guardians Ad Litem and Attorneys  
for the Minor Child in Family Matters  
December 6, 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 December 6, 2017.

Those in attendance: Judge Elizabeth Bozzuto (Chair); Ms. Liza Andrews, Policy Director, CT Coalition Against Domestic Violence; Attorney Michael Cronin; Mr. Samuel S. Gray, Jr., President and CEO, Boys & Girls Clubs of Hartford; Attorney Danielle S. Rado; Attorney Christine Perra Rapillo

Those participating by telephone: Ms. Wendy Furniss, Branch Chief, Department of Public Health

Absent: Judge Edward Graziani; Attorney Justine Rakich-Kelly

Also in attendance were Attorney Michael Bowler, Statewide Bar Counsel; Attorney Susan Hamilton from the Child Protection Unit of the Division of Public Defender Services; and Attorney Damon Goldstein from the Judicial Branch's Court Operations Unit.

The meeting was called to order at 9:37 AM by Judge Bozzuto.

I. Review and Approval of Minutes

A motion was then made by Wendy Furniss and seconded by Liza Andrews to approve the minutes from the meeting held on October 4, 2017. The motion passed unanimously and the minutes were approved.

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

Attorney Michael Bowler, Statewide Bar Counsel, was invited by the Committee to attend today's meeting and he joined the Committee members for this discussion. Attorney Bowler indicated that complaints to the Statewide Grievance Committee about attorneys for the minor child are rare, but that the Rules of Professional Conduct do apply to AMCs. Attorney Bowler is going to share some materials regarding different removal processes with the Committee that he will forward to Judge Bozzuto. One important thing to note is that the Statewide Grievance Committee has a staff to investigate complaints and the Committee does not. Also, in order to impose discipline, the Grievance Committee must prove allegations against an attorney by clear and convincing

evidence. The clear and convincing evidence standard is used, and not a preponderance of the evidence standard, because an individual's ability to practice law is involved. Being on the list of persons that can serve as a GAL/AMC does not rise to the same level of interest.

The Committee continued to engage in a discussion of the removal process. The development of a standard for removal was discussed as well as what the process itself might look like. The Committee also discussed topics such as the ability to take emergency action when necessary and who has standing to bring a complaint to the Committee. Finally, the Committee discussed what remedies it should have available when action is taken against an individual on the list of persons eligible to serve as a GAL/AMC. Possible remedies could include a written reprimand, a requirement that an individual take additional training, a suspension from the list of persons eligible to serve, and removal from the list of persons eligible to serve.

Judge Bozzuto is going to working on developing an initial draft framework for the removal process and the Committee will revisit and review the issue at its next meeting.

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

#### A. Attorney Jennifer Davis

On November 15, 2017, an email was sent out to all individuals on the active list of persons eligible to serve as a GAL/AMC. The email asked each individual to submit updated information to assist the Committee with its annual review of the active list of persons eligible to serve as a GAL/AMC. Attorney Davis submitted her reply to the email in which she requested that she be removed from the active list at her request. After a brief discussion, the Committee directed that Attorney Davis be removed from the active list pursuant to her request.

#### B. Attorney Brendan Holt

Attorney Holt was removed from the active list because he 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. 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 Holt emailed a request to be reinstated to the active list on October 10, 2017.

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Danielle Rado seconded, that Attorney Holt be reinstated to the active list. The Committee approved his reinstatement by an 7-0 vote with two Committee members absent.

C. Attorney Scott Sandler

Attorney Sandler was removed from the active list because he 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. 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 Sandler emailed a request to be reinstated to the active list on November 29, 2017.

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Michael Cronin seconded, that Attorney Sandler be reinstated to the active list. The Committee approved his reinstatement by a 7-0 vote with two Committee members absent.

D. Attorney Margaret Bozek

Attorney Bozek was removed from the active list because she 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. 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 Bozek 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 Michael Cronin seconded, that Attorney Bozek be reinstated to the active list. The Committee approved her reinstatement by a 7-0 vote with two Committee members absent.

E. Attorney Bradford Barneyes

Attorney Barneyes is currently on the active list of persons eligible to serve as a GAL/AMC. On September 19, 2017, pursuant to court order, Attorney

Barneys was suspended from the practice of law for a period of six years retroactive to April 11, 2017.

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Danielle Rado seconded, that Attorney Barneys be removed from the active list. The Committee ordered his removal by a 7-0 vote with two Committee members absent.

#### IV. Report of the Training Subcommittee

Judge Bozzuto reported that the work of the Training Subcommittee continues to progress. An application has been made to reserve space at the Legislative Office Building in Hartford to hold pre-service training from June 13-15, 2018. Judge Bozzuto indicated that Family Services has agreed to present on their role and the services that they provide. Judge Bozzuto has also reached out to the Branch's Advisory Committee on Cultural Competency about presenting on the issue of cultural competency. The Committee has offered to present at the training.

Susan Hamilton indicated that she is still waiting to hear back from representatives at DCF about speaking on the topics of family dynamics and trauma, mental health, and addiction. Susan Hamilton also inquired as to whether the ethics portion of the training should be three hours long instead of two hours long. Two hours of instruction is required annually for MCLE, but Practice Book Sections 25-62 and 25-62A require three hours of ethics instruction every three years in order to remain a GAL/AMC. This issue will be discussed in more detail at the next meeting of the Training Subcommittee.

Liza Andrews reported that Dr. Damion Grasso is interested in presenting on the topic of child development. He is checking his schedule and, if he is not available, he will ask a colleague to do it. Liza Andrews also reported that the Connecticut Coalition Against Domestic Violence will present on the topic of domestic violence.

Finally, Judge Bozzuto reported that Justine Rakich-Kelly had spoken to Dr. Suzanne Sgroi and she has agreed to present on the topic of interviewing children, understanding the language of children in a developmental context, and how to assess a forensic interview. Justine Rakich-Kelly has also spoken to Robert Madden, JD, LCSW, about speaking on the topic of ethics. Dr. Madden is checking on his availability.

Another meeting of the Training Subcommittee will be scheduled to continue planning for the pre-service training in June.

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 Wednesday January 24, 2017 at 9:30 am. The meeting will be held at a location to be determined. The next meeting of the Training Subcommittee will be held on Wednesday January 10, 2017 at 9:30 am. The meeting will be held at a location to be determined.

Judge Bozzuto adjourned the meeting at 11:06 AM.