

Minutes
Committee to Expedite Child Protection Appeals
Rules Subcommittee
November 23, 2010

The Rules Subcommittee met on Tuesday, November 23, 2010 at 1:00 pm at 75 Elm Street, Hartford.

Members in attendance: Hon. Alexandra D. DiPentima, Hon. Francis J. Foley, Atty. Christine D. Ghio, Atty. Paul Hartan and Atty. Benjamin Zivyon.

The meeting was called to order at 1:01 pm by Judge DiPentima.

1. Judge DiPentima welcomed the members of the subcommittee.
2. Committee unanimously approved the minutes of the October 28, 2010 meeting.
3. Judge DiPentima opened discussion beginning with Rule 79-1. Question was raised as to whether there should be a separate chapter for child protection appeals or juvenile appeals. After discussion, the Committee agreed that a separate chapter for child protection appeals is appropriate and that the chapter should include a definition of child protection appeals. Attorney Ghio raised concerns about unintended consequences of streamlining child protection appeals.

Discussion ensued about having sufficient time to brief the issues if time frames were reduced too drastically and how the quality of the briefs may be affected. Judge Foley reported briefing time schedules from other states as well as suggested time frames from the National Council of Juvenile and Family Court Judges and the American Bar Association. Discussion continued regarding Connecticut's time schedule for the life of a child protection appeal.

Information about who files child protection appeals was prepared by the Chief Child Protection Attorney and discussed. The internal policy changes made at the Appellate Court were discussed including the impact it has had in reducing the time for appeal.

After discussion on how best to present the ideas to the full committee, it was the consensus to present the suggestions to the full committee prior to drafting proposed changes.

The next area discussed was § 63-6 regarding the waiver of fees. Suggestions were made by Atty. Ghio, Atty. Zivyon and Atty. Hartan on how to change the process or whether time frames could be shortened. Section 66-1 was the next topic discussed. Discussion ensued about whether time frames should be set as to when motions to withdraw and appoint an appellate attorney should be filed. The subcommittee suggests this topic would be appropriate for the full committee with input from the Chief Child Protection Attorney's Office.

Section 63-8 regarding the ordering and filing of transcripts was raised next as a possible rule for revision. While the topic was discussed, the subcommittee decided to defer revising the rule and associated time frames until Justice Katz's report is released.

Judge Foley raised the next topic which was section 67-3 regarding the time for filing briefs. The total briefing time for child protection appeals is 95 days – 45 days for the appellant's brief, 30 days for the appellee's brief and 20 days for a reply brief. There is a 10 day window for counsel for the minor child and/or counsel for the guardian ad litem to file a brief (79-5). The ten days runs concurrent with the reply brief period. Judge DiPentima mentioned the internal policy changes that allows for assigning child

protection appeals as soon as the reply brief is filed. Discussion as to the possibility of making the internal policy changes into a rule was raised.

After discussion the following suggestions will be presented to the full committee:

New chapter for child protection appeals, ideas for shortening time to appeal, codifying the internal policy changes at the Appellate Court, motions to withdraw and appoint new counsel time frames, and the decision to defer any revisions of rules related to transcript time frames until after Justice Katz's report is released.

4. Meeting adjourned at 2:43 pm