

Minutes
Committee to Expedite Child Protection Appeals
May 24, 2011

The Committee to Expedite Child Protection Appeals met on Tuesday, May 24, 2011 at 3:00 PM at 75 Elm Street, Hartford.

Members in attendance: Hon. Alexandra DiPentima (chair), Hon. Christine Keller, Hon. Francis Foley, Atty. Jill Begemann, Atty. Paul Hartan, Atty. Ben Zivyon (on behalf of Atty. Susan Pearlman), Atty. Michael Taylor (on behalf of Atty. Christine D. Ghio)

The meeting was called to order at 3:03 PM by Judge DiPentima.

1. Judge DiPentima welcomed the members of the committee.
2. The committee unanimously approved the minutes of the April 8, 2011 meeting.
3. Judge DiPentima informed the committee that she would be distributing a draft of the report to the Chief Justice at a later time for comments. The report from the prior committee would be incorporated into this report. The proposed draft of Chapter 79a will also be included. In addition, the internal changes made at the Supreme and Appellate Courts will be included in the report. Statistics will be added to provide evidence of the success of the changes. Recommendations, such as changes to Superior Court rules, will be included in the report.

Judge Keller informed the committee that a draft of needed rules changes dealing with the elimination of the Chief Child Protection Attorney's Office and transfer of its functions to the Division of Public Defender Services has been provided to Justice Eveleigh. Judge Keller reported that the Division of Public Defender Services is not happy with the requirement of expedited transcripts in all child protection appeals. Judge Keller is hopeful that the pilot program at the Child Protection Session in Middletown may help.

Attorney Zivyon raised concerns that the new version of Chapter 79a that was drafted relied on the requirement of ordering expedited transcripts.

Attorney Taylor also stated that the committee should stress the importance of expedited transcripts in the report. The expedited transcript is pivotal in the time frames throughout the proposed rules.

Judge Foley echoes the concerns of the possible delays in receiving transcripts if they are not required to be expedited.

4. Judge DiPentima provided a copy of the revised Chapter 79a as approved by the Advisory Committee on Appellate Rules (ACAR). She thanked Attorney Hartan for his assistance with the drafting of the rules.

Judge DiPentima described the changes suggested by the ACAR to the proposed draft of chapter 79a. Judge DiPentima stated the ACAR initially raised concerns about the exclusion of delinquency cases from the draft but were satisfied that they would be covered under the regular rules concerning appeals.

The changes suggested by ACAR included:

- The heading of the chapter was revised from "Chapter 79" to "Chapter 79a".
- In Rule 79a-4, language referring to the merits of the appeal was removed.
- In Rule 79a-6, additional language "as set forth below" was added.
- In Rule 79a-7, the words "for review" were changed to "for determination".

In Rules 79a-9 and 79a-10, "self-represented parties" was removed because self-represented parties are already included within the definition of "counsel of record".

All references to the "Chief Child Protection Attorney" were modified to the "Division of Public Defender Services".

Judge Keller asked if there was time to make any changes that may be needed in connection with the transferring of duties from the Office of the Chief Child Protection Attorney to the Office of the Public Defender.

Judge DiPentima explained the next steps in the process for how the rules will be approved. The ARAC will distribute the rules to the Appellate Court for comment and vote. Once the Appellate Court approves the rules, then they will be sent to the Supreme Court for comment and vote. If the Supreme Court votes in favor of the rules, the rules will be approved. The voting will take place in the fall.

Attorney Hartan stated that Chapter 79a, once approved, will appear in the Law Journal.

5. Attorney Begemann presented statistical information on the significant improvement of timeliness for child protection appeals. Statistics for both the Supreme and Appellate Courts were provided. Judge Foley noted the improvement in timeliness and that the effectiveness of the internal process changes.

6. Judge DiPentima asked for recommendations to be included in the final report to the Chief Justice. Judge DiPentima thanked the members of the committee present for all their hard work and dedication. In addition, Judge DiPentima thanked Attorney Ghio, Attorney Pearlman, Attorney Cunningham and Attorney Signorelli for the participation as well.

Judge Foley also thanked Judge DiPentima for her leadership and the entire committee for their hard work and contributions.

7. The meeting adjourned at 3:40 PM.