

Minutes
Family Commission
February 20, 2013

The Family Commission met in courtroom 5A at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on February 20, 2013.

Those in attendance: Hon. Lynda Munro (Chair), Hon. Holly Abery-Wetstone, Hon. Sandra Sosnoff Baird, Attorney Michael Blanchard, Hon. John Boland, Attorney Steven Dembo (arrived late), Hon. Anne Dranginis, Attorney Constance Frontis, Johanna Greenfield, David Iaccarino, Hon. Maureen Murphy, Hon. Barry Pinkus, Hon. Elliott Solomon.

Also in attendance were Attorneys Joseph Del Ciampo and Attorney Nancy Porter from the Judicial Branch's Legal Services Unit.

The meeting was called to order at 2:06 PM by Judge Munro.

I. Review and approval of minutes

The minutes of the meeting held on November 14, 2012 were approved by the members of the Commission who were in attendance.

II. Discussion re P.B. Sections 10-50 and 61-11

This topic was not reached.

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

Judge Dranginis circulated proposed rule revisions as discussed at previous Commission meetings. With regard to Practice Book Section 3-8 Magistrate Sosnoff Baird would like to exclude Family Support Magistrate court.

It was recommended that the language "accepted by the clerk" of the proposed revision to Section 3-9 be deleted.

Comments that were drafted by Joseph Knight, an assistant clerk in Middletown, were also circulated to Commission members.

Judge Munro then discussed Limited Scope Representation and put this agenda item on hold until the next meeting.

IV. Limited Scope Representation – Status & Appearance Issues

Limited Scope Representation is a topic before the Rules Committee on Monday. In the current proposal is an automatic withdrawal provision upon the filing of a certification by the attorney.

If the Limited Scope rule passes, the possible rule about self-represented parties filing “in lieu of” attorneys would not be necessary, so it was recommended that the Commission put that topic on hold until the next meeting.

There will be individuals from Massachusetts at Monday’s Rules Committee meeting to discuss their experience.

V. Revisions to Financial Affidavit form

It was noted that this process began 2 ½ years ago and that there have likely been 25 or more meetings on it. The group examining the financial affidavit has met 4 times since the last Commission meeting. It was pointed out that they looked not only at our own financial affidavit in drafting, but also those of other states. The draft, if used online, does the calculations. The Commission members made some suggestions with regard to some of the language, but overall the draft was received very positively.

The survey of IV-D users was also discussed briefly. At the next Commission meeting the threshold for use of the short form will be discussed. The group that created the draft indicated that it would like to use their draft as the foundation for creation of the short form for consistency.

VI. Automatic orders in custody/visitation cases

This topic was not reached.

VII. Fee waiver form – dependents or size of family unit (Federal Poverty Level Chart)

This topic was not reached

VIII. Such other matters that may come before the Commission

Proposals were submitted to the legislature that would be of interest to the Commission regarding:

- Ex parte custody applications. Judge Munro will let the Commission members know if she is asked to testify.
- Restraining order hearings when court is closed on the hearing date (it was recommended that language be added to include orders for hearing that had no ex parte relief).
- Procedures for dissolution of civil union to be same as dissolution of marriage.

The Commission members unanimously agreed that the restraining order brochure that is given to applicants should be amended to say that service of a motion to extend may be delivered by first class mail to respondent's last known address. Feedback was mixed as to whether clarifying language in the statute would be helpful or necessary with regard to situations in which respondent has appeared.

Judge Munro asked the Commission members how long they felt electronic files should be kept. The retention schedules of Practice Book Sections 7-10 and 7-11 were discussed. Most members felt that the retention schedule of 5 years for restraining orders was too short. There was a vote put to the members as to whether it should be 50 years from the date of expiration. 10 members voted yes, 2 voted no and 1 abstained. It was mentioned that with regard to URESA and UIFSA, SES should be consulted.

The rule regarding personal identifying information & issues revolving around documents containing sensitive information was raised. It was noted that it is not contemplated that family files would have generalized worldwide web access.

Conceptually, the members agree with the concerns. Some issues with regard to family matters were raised with regard to:

- exhibits, which generally should be submitted as evidence, but would need to be looked at further to be sure as there is at least one practice book rule (10-29) that refers to exhibits being part of a pleading, and

- affidavits which are necessary or required in many instances in family matters.

IX. Next Meeting

The next meeting date is scheduled for April 3, 2013.

Judge Munro adjourned the meeting at 3:55 PM.