

Minutes
Family Commission
May 15, 2013

The Family Commission met in courtroom 5A at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on May 15, 2013.

Those in attendance: Hon. Lynda Munro (Chair), Hon. Sandra Sosnoff Baird, Attorney Michael Blanchard, Hon. John Boland (arrived late), Hon. Elizabeth Bozzuto, Attorney Steven Dembo, Attorney Constance Frontis, Johanna Greenfield, David Iaccarino, Hon. Maureen Murphy (arrived late), Attorney Thomas Parrino, Hon. Barry Pinkus.

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

The meeting was called to order at 2:05 PM by Judge Munro.

I. Review and approval of minutes

The minutes of the meeting held on April 3, 2013 were approved by the members of the Commission who were in attendance.

II. Automatic orders in third party visitation cases

The question whether there should be automatic orders at all in third party/grandparent visitation cases was raised. The members considered the current automatic orders as well as whether there might be any that do not currently exist that would be appropriate for third party/grandparent visitation cases. The discussion included issues regarding standing and the possible impact on fundamental rights. The Commission members voted unanimously for a practice book rule proposal eliminating the automatic orders in third party/grandparent visitation cases.

It was further discussed that perhaps the case management date should be eliminated in all custody and visitation cases since the law requires a hearing date for those within 30 days, but that will be discussed at another meeting, though any rule proposal for this could be submitted at the same time.

III. Trial management orders and long hearings

This topic was discussed in conjunction with agenda item VII regarding compliance with the family standing orders.

In Hartford, there seems to be a difference of opinion as to whether trial management orders should apply to lengthy hearings.

Matters discussed included whether trial management orders would be appropriate in the pendente lite context and whether different relationships among the members of the bar at the judicial district level may warrant a different approach depending on the district.

The members voted unanimously to leave the issue of trial management conferences for hearings to the discretion of the judge.

IV. Limited Scope Representation – status & appearance issues

Judge Munro reminded the Commission that the outcome of this rule proposal will have an impact on the issue the Commission has been examining regarding self-represented parties filing appearances in lieu of attorneys. Therefore, this topic remains on hold.

V. Revisions to Financial Affidavit form

The short form draft was reviewed. It was noted that certain items were specifically incorporated for magistrate matters. It would be used where income is under \$75,000 and assets are under \$75,000. A judicial authority could require the filing of a long form. The instructions will be refined. It was noted that most other states have a short and a long form. The current draft uses a 10 pt. font. The Commission members voted unanimously to approve the short form. It will move on to the next channels. The members agreed that the electronic version does not need to come to the Commission for approval.

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

The question that was posed, but not yet fully discussed, is whether special defenses should be recognized and affirmatively pled in family matters.

VII. Family Standing Orders - Compliance

This topic was discussed in conjunction with agenda item III regarding trial management orders.

It was suggested that perhaps trial management conferences might help attorneys and self-represented parties comply with the standing orders. The members discussed whether automatic sanctions might help with regard to compliance. The issue was raised as to whether the parties even know about the orders. Judges Pinkus and Murphy described their experiences with the use of trial management conferences and views on an appropriate timeframe were expressed. This issue was not put to a vote, but it was generally thought that the timing should be left to the discretion of the judge, though there was one dissent expressed indicating that it should be the same day that compliance is due.

One question raised was whether if both sides fully comply, they would need to come in for a trial management conference. There could be different purposes for such a conference. One being to determine the likelihood of settlement, another being compliance. Depending on the purpose, the answer to the question could differ.

Judge Munro will raise this topic at her meeting with the family judges. It was noted that a trial management conference would need to be an event with a judge rather than one delegated to caseload.

The relation of these issues to family support magistrate matters will be placed on a future agenda.

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

This topic was not reached

IX. Such other matters that may come before the Commission

Judge Munro announced that Attorney Joseph Del Ciampo has been promoted to Deputy Director.

X. Next Meeting

The next meeting is scheduled for June 26, 2013.

Judge Munro adjourned the meeting at 4:10 PM.