

Minutes
Family Commission
June 22, 2011

The Family Commission met in courtroom 5A at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on June 22, 2011.

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

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

The meeting was called to order at 2:07 PM by Judge Munro.

I. Review and approval of minutes

The minutes of the meeting held on March 30, 2011 were approved by the members of the Commission who were in attendance.

II. Revision to Application for Waiver of Fees

Attorney Frontis has pointed out a mistake in the family Application for Waiver of Fees form. Though food stamps is now included, it erroneously appears in two places (as income, and as something that the cost of food should be reduced by in expenses). It is suggested that it be taken out of income because it is not a cash source, but that in expenses, the food expense should be minus food stamps.

It was discussed that qualifying governmental programs that create a presumption that the applicant is indigent (e.g., TANF) could have checkboxes on the form, but the members voted unanimously instead to ask "which one(s)?" with regard to government programs in bold, in lieu of the current "specify source" as the solution.

It was mentioned that the statute does not provide for a hearing on a denial of a fee waiver for the parenting education program. This issue will be placed on the next agenda to discuss whether the members think a statutory change should be pursued.

III. Judicial Review complaints and disqualification

Judge Munro asked the members of the Commission to review Practice Book § 1-22. She indicated that in some locations, there are complaints to Judicial Review and motions to disqualify for every family judge in the judicial district. The question is whether

there was an unintended consequence from the rule. This topic will be carried over to the next meeting for discussion at which time members may also make any suggestions they may have.

IV. Revisions to Financial Affidavit form

Attorney Murphy circulated the Massachusetts “short form.” And two of the Michigan forms were distributed as well. The Massachusetts form is in Excel and does the computations for the person filling it out. Massachusetts has a \$75,000 income cutoff to use the short form. It was noted that even though it appears long, it is easy to fill out. Their long form is more detailed in terms of items such as assets and creditors. Judge Munro indicated a preference for a long form for every trial.

The “attorney statement” was discussed. It was suggested that it should conform to our Practice Book rule and be strong and in bold.

Some questions were raised with regard to accountability for perjury/false statement. It was suggested that perhaps there could be a discussion with the Chief State’s Attorney with regard to perjury along with the broader issue of referrals from judges and the path that they take. Judge Munro indicated that she will invite the Chief State’s Attorney to a meeting in the fall.

Review of the Massachusetts short form began, and many possible changes were noted for the Connecticut form including: conforming the header to our other forms, deletion of personal identifying information, adding items that are not included on the Massachusetts form and breaking out into greater detail items that are included. Questions about what the triggers might be to use the long or short form were also raised, but were put on hold to discuss later.

An alternative approach was suggested to look at the Connecticut form and make revisions to that, rather than look at the Massachusetts form and adapt it to Connecticut’s needs. It was further suggested that there is more detail needed on the income side and that perhaps drop-down menus could be made available like those in the “Family Law Software,” but that the form would have to continue to be hand-writable as well.

The workgroup on the financial affidavit form, which will now include Judge Pinkus, Judge Dranginis and Attorney Dembo in addition to Magistrate Sosnoff Baird, David Iaccarino and Attorney Murphy, will get poster-sized versions of the form to work with.

V. Finalize GAL protocol to bring matters to the court's attention; continue discussion of the duration of the GAL's appointment

Judge Munro would like to finalize the request for a status conference form. At the next meeting, three versions will be presented. One simple form asking for a status conference; one that asks for a status conference, but where it can be indicated that it is/is not an urgent matter; and the one with more detailed information. They will be presented for consideration along with a possible certifications. This will be placed as the number 1 item on the next agenda.

The issue of duration of the appointment was not reached.

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

This topic was not reached.

VII. *Ex Parte* motions for custody

This topic was not reached.

VIII. Such other matters that may come before the Commission

Judge Munro reported that Judge Jon M. Alander has resigned from the Commission and that Judge Barry C. Pinkus has taken his seat.

She also reported that the judges approved the proposed rules at their annual meeting, and that in the pre-nup provision regarding notice pleading, it was amended and voted to include post-nup as well. It was noted that some of the rules will take effect on 8/15/2011.

IX. Next meeting

The next meeting date is August 3, 2011.

Judge Munro adjourned the meeting at 4:13 p.m.