

Minutes
Family Commission
August 7, 2013

The Family Commission met in courtroom 5A at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on August 7, 2013.

Those in attendance: Hon. Lynda Munro (Chair), Hon. Elizabeth Bozzuto (arrived late), Hon. Holly Abery-Wetstone, Hon. Sandra Sosnoff Baird, Hon. John Boland (arrived late), Hon. Anne C. Dranginis, Attorney Gaetano Ferro, Johanna Greenfield, David Iaccarino, Attorney Thomas Parrino, Hon. Barry Pinkus, Hon. Elliot Solomon (arrived late).

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 May 15, 2013 were approved as amended by the members of the Commission who were in attendance. The amendment corrects an error in the spelling of "Pinkus" in the text of the minutes.

II. Case Management Date in Custody & Visitation cases

The Commission members agree that having the case management date on custody and visitation case at 90 days is of questionable value when the show cause date must be assigned within 30 days by statute.

The question was raised as to whether the case management date and the show cause date should be the same.

A vote was taken as to whether a checklist of what the party needs to do would be of value.

7 members voted yes

4 members voted no

1 member abstained

Discussion followed about what a checklist might accomplish.

The following motion was made as to whether the existing practice for the case management date should be abolished for custody (F40) and visitation (F71) cases and instead,

- the case management date would be the same day as the citation date,
- if no judgment entered that day, the case would be assigned a date certain for an uncontested hearing.
- if there is no agreement on that date, the parties would fill out a case management form which would reflect the level of service needed and the case would be given a new date certain.

It was noted that any change would have to be made in January because the existing case management date chart has been published in multiple places through the end of December.

A vote was taken which carried with one dissenting vote.

It was discussed that a separate, simple case management form makes sense that includes such things as parentage of both parties and any other items specific to custody and visitation cases.

III. Limited Scope Representation – status & appearance issues

Judge Munro reported that the Hartford, New London (Norwich) and Waterbury Judicial District family court locations have been chosen for the pilot.

Commission members were asked for feedback on how to bring informational sessions to the bar. A brown bag lunch on the short calendar day (Wednesday in Hartford) was suggested. Judge Munro indicated that information dissemination via media would be coordinated out of Hartford.

IV. Revisions to Financial Affidavit form

Judge Munro indicated that the goal is to have the new forms completed by the end of August, but that the process should not be rushed. She would estimate the timing for implementation to be January. There will need to be education for bar groups, CSSD Family Services, the Family Law software would need to be updated, etc. It was noted that the form, if completed online, would make the calculations based on the numbers provided.

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

P.B. Section 10-50 does not apply to family matters and 25-11 makes no mention of special defenses. The Commission was not inclined to pursue this.

VI. Family standing orders - compliance

At the last meeting it was decided that trial management conferences would remain in the judges' discretion. There is concern by some attorneys that there is no remedy for failure to comply, and that by the time the matter makes it to a judge, it can be too late.

A brainstorming session may be helpful, as there does not seem to be an easy remedy. It was mentioned that perhaps the issue of standardizing trial management conferences should be re-visited.

There could be an amendment to the standing orders giving notice that noncompliance may result in sanctions or other remedies.

A motion was made for there to be a trial management conference for each case assigned for trial which will be the occasion for compliance with production, and there would be strong language in the order regarding sanctions for noncompliance. The Commission members voted unanimously in support of this. Judge Munro indicated that it will need approval of the Chief Court Administrator.

VII. Pre-trial orders in Family Support Magistrate Matters

A standing order from the Chief Administrative Judge may be needed addressing complicated Family Support Magistrate cases that would benefit from pre-trial orders and conferences. This topic will be carried over to the next meeting's agenda.

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

The poverty guidelines refer to "Persons in Family/Household" and the fee waiver application refers to the number of dependents. The definition of persons in family/household is left to the state and the program using the guidelines. The question has been referred to the Judicial Branch's Legal Services Unit as to whether

“dependents” adequately defines “family/household unit” for purposes of the fee waiver application. This topic will be carried over to the next agenda.

IX. Such other matters that may come before the Commission

Judge Munro announced that Judge Bozzuto will take over as Chair for the next Commission meeting.

Judge Munro also indicated that she would like the Commission to take a new look at Administrative Divorce on a future agenda.

Judge Munro reported out that the ex parte custody proposal passed with an effective date of October 1st and that the Judicial Branch is working on a form.

X. Next Meeting

The next meeting is scheduled for September 18, 2013. Included in the next agenda will be pre-trial orders in family support magistrate matters; estate plan & will changes; and appropriate disclosure of exhibits and refinements to the standing orders.

Judge Munro adjourned the meeting at 4:08 PM.