

Minutes
Family Commission
December 7, 2011

The Family Commission met in courtroom 5A at the Middlesex Judicial District Courthouse located at 1 Court Street, Middletown, CT on December 7, 2011.

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

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 2:17 PM by Judge Munro.

I. Review and approval of minutes

The minutes of the meeting held on October 26, 2011 were approved by the members of the Commission who were in attendance.

II. *E filing* and the practice book

Judge Munro has not received any suggestions from other judges for rule revision to accommodate e-filing for family matters. There may not be any necessary, but the Commission members were asked to consider it and let her know as soon as possible whether there are any recommended changes.

III. Revisions to Financial Affidavit form

The discussion revolved around the cutoff for use of a short form. The Commission members working on this recommended a decision tree. Unless otherwise ordered by the court, one of the following applies: 1) If your income is above \$75,000, go to the long form, or 2) If your assets are above \$75,000, go to the long form. The Commission members discussed and ultimately concluded that the income number should be gross and the assets number should be net. The consensus was to continue to work with the decision tree.

It is contemplated that both the long and the short forms would have a summary sheet which resembles the summary section that appears at the bottom of the current financial affidavit form.

The goal of the Commission members working on the financial affidavit was to create a short form document that takes care of 95% of the attorneys and parties. They also recommended that the

“certification” language be specifically made a part of rule 25-30 so that all financial affidavits, whether they be on the form or manuscripted, contain that language.

The suggestion was made that there be a question on the form asking each party if he/she believes that the other party meets the threshold.

Attorney Del Ciampo expressed the importance of developing these two forms such that use of the short form garners the same disclosure as use of the long form.

An e-filing concern was raised that the judges may have a number of documents that they need to review side by side. This concern will be shared with others involved in the e-filing project.

Some data collection was suggested. Perhaps information from DRS could be obtained regarding income numbers taking into consideration the percentage of households that do not file returns. Census information may also be helpful.

IV. Self-represented parties filing appearances “in lieu of” attorneys

The question was posed whether there are problems associated with this worth addressing in a rule or if any action is required. When a party is filing “in lieu of” an attorney because he or she genuinely wants to do so, there is no issue. The concern is that this may sometimes be pushed by the attorney.

Perhaps the rules of professional conduct could address this or an amendment to an appearance rule.

One suggestion was that the “in lieu of” appearance must be filed within a certain number of days from being signed. Another was not permitting it if there is a hearing scheduled within a certain number of days. The question was raised as to what constitutes a hearing and one solution was to use language similar to that in the withdrawal rule regarding a hearing on the merits. Another suggestion was a statement that no appearance “in lieu of” may be procured prior to the actual intent to file. It was also suggested that perhaps there could be a statement that an attorney cannot file an appearance in lieu of himself or herself for a party.

The Commission can begin work on a draft, but it was mentioned that it would not likely make it in time for this June.

V. Guardians Ad Litem

The members of the Commission were shown a prototype of the draft form to request a status conference.

An issue that was raised more generally was circumstances where GALs remain in a case indefinitely or the GAL is no longer in the case, but has fee issues outstanding and the he/she does not know how to address them. Training may be needed.

Judge Munro updated the Commission on the new rule regarding training for GALs. The rule takes effect January 1st. It is contemplated that the clerks and judges will have a list of people who have completed the training. It is hoped that it will also include the districts they prefer for their appointments and any languages in which they are proficient.

There is another training session starting in January that ends in March. It can accommodate 200 participants. There were a number of individuals who did not complete the training. If an individual did not complete day 1 or 2, he/she can watch a video of the presentations. If an individual missed any other day or missed three days or less, he/she can reserve the January session to make up those days. If he/she missed more than three days, he/she must reapply, but will be credited for the days that were completed.

The hope is to do one training session per year after that. Those who are already appointed stay in the case.

VI. Meeting Schedule for 2012

The meeting schedule for 2012 is as follows with all meetings at 2 PM:

January 18, February 29, April 11, May 23, July 11, August 22, October 3, and November 14.

There will be no Family Commission meeting in December of 2012.

VII. Such other matters that may come before the Commission

No other items were raised before the Commission at this meeting.

VIII. Next meeting

The next meeting date is January 18, 2012.

Judge Munro adjourned the meeting at 3:46 PM.