

Minutes
Standing Committee on Guardians Ad Litem and
Attorneys for the Minor Child in Family Matters
March 27, 2018

The Standing Committee on Guardians Ad Litem and Attorneys for the Minor Child in Family Matters met in Courtroom 400 of the Hartford Judicial District Courthouse located at 95 Washington Street, Hartford, CT, on March 27, 2018.

Those in attendance: Judge Elizabeth Bozzuto (Chair); Ms. Liza Andrews, Policy Director, CT Coalition Against Domestic Violence; Mr. Samuel S. Gray, Jr., President and CEO, Boys & Girls Clubs of Hartford; Judge Edward Graziani; Attorney Danielle S. Rado; Attorney Justine Rakich-Kelly; Attorney Susan Hamilton (designated by Attorney Christine Perra Rapillo)

Those participating by phone: Ms. Wendy Furniss

Absent: Attorney Michael Cronin

Also in attendance were Attorney Damon Goldstein and Mr. Samuel Bruder from the Judicial Branch's Court Operations Unit.

The meeting was called to order at 11:06 AM by Judge Bozzuto.

I. Review and Approval of Minutes

A motion was then made by Liza Andrews and seconded by Susan Hamilton to approve the minutes from the meeting held on January 24, 2018. The motion passed unanimously and the minutes were approved.

II. Process for Removal of Individuals from List of Persons Qualified to Serve as a GAL/AMC

The Committee members present continued their discussion from the January 24, 2018 meeting of various aspects of the removal process.

A. Burden of Proof

The members of the Committee had previously agreed that a panel should use a probable cause standard to determine whether a complaint should be recommended to the Committee for a full hearing on the merits. At today's meeting, after some discussion, the members agreed that a separate panel hearing the merits of the complaint should base their decision on a fair preponderance of the evidence.

B. Process

The Committee discussed being able to hold a probable cause hearing or a hearing on the merits with a panel consisting of 2 members in the event that a third member is not available to be empaneled for whatever reason. The findings of a 2 member panel would need to be unanimous.

The panel tasked with finding whether or not probable cause exists will have 15 days, instead to 10, to forward their recommendation to the full Committee.

If there is a finding of probable cause by the full Committee, the individual that is the subject of the complaint will be required to file a response within 10 business days. A hearing on the merits of the complaint would then be scheduled within 30 days of receipt of a response. Also, the individual complained of may be placed on interim suspension preventing them from accepting any new cases. Interim suspension and/or other remedy will not be automatic upon a finding of probable cause.

The panel hearing the complaint on the merits will have the ability to request additional information and/or conduct further investigation, if deemed necessary. If a complaint is not dismissed, the panel will issue a written decision for the full Committee with its findings and recommended action.

C. Remedy

The members of the Committee had a brief discussion and agreed that if it is found a GAL/AMC presents “an imminent risk of significant harm to the health, safety, or welfare of the public”, that the following remedies should be available:

1. Reprimand
2. Suspension
3. Removal of the individual from the active GAL/AMC list
4. Such other remedies/sanctions deemed appropriate by the Committee

III. Changes to the Active List of Persons Qualified to Serve as a GAL/AMC

A. Attorney Sharon Friel

Attorney Friel was removed from the active list because she did not respond to an email sent to her on November 15, 2017. Attorney Friel emailed a request to be reinstated to the active list on March 21, 2018. Attorney Friel meets all of the requirements of Practice Book Section 25-62.

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Danielle Rado seconded, that Attorney Friel be reinstated to the active list. The Committee approved her reinstatement by a 7-0 vote with one Committee member absent. Justine Rakich-Kelly abstained from voting.

B. Attorney Robert McLaughlin

Attorney McLaughlin was removed from the active list because he did not respond to an email sent to him on November 15, 2017. Attorney McLaughlin emailed a request to be reinstated to the active list on February 6, 2018. Attorney McLaughlin meets all of the requirements of Practice Book Section 25-62.

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Danielle Rado seconded, that Attorney McLaughlin be reinstated to the active list. The Committee approved his reinstatement by an 8-0 vote with one Committee member absent.

C. Attorney Sharon Peters

Attorney Peters was removed from the active list because she did not respond to an email sent to her on November 15, 2017. Attorney Peters emailed a request to be reinstated to the active list on March 20, 2018. Attorney Peters meets all of the requirements of Practice Book Section 25-62.

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Danielle Rado seconded, that Attorney Peters be reinstated to the active list. The Committee approved her reinstatement by an 8-0 vote with one Committee member absent.

D. Attorney Kate Kowalyshyn

Attorney Kowalyshyn was removed from the active list because she did not respond to an email sent to her on November 15, 2017. Attorney Kowalyshyn emailed a request to be reinstated to the active list on March 23, 2018. Attorney Kowalyshyn meets all of the requirements of Practice Book Section 25-62.

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Danielle Rado seconded, that Attorney Kowalyshyn be reinstated to the active list. The Committee approved her reinstatement by a 7-0 vote with one Committee member absent. Justine Rakich-Kelly abstained from voting.

E. Attorney Alexander Cuda

Attorney Cuda was removed from the active list because he did not respond to an email sent to her on November 15, 2017. Attorney Cuda emailed a request to be reinstated to the active list on February 2, 2018. Attorney Cuda meets all of the requirements of Practice Book Section 25-62.

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Danielle Rado seconded, that Attorney Cuda be reinstated to the active list. The Committee approved his reinstatement by an 8-0 vote with one Committee member absent.

F. Attorney MariAn Gail Brown

Attorney Brown was removed from the active list because she did not respond to an email sent to her on November 15, 2017. Attorney Brown emailed a request to be reinstated to the active list on March 19, 2018. Attorney Brown meets all of the requirements of Practice Book Section 25-62.

After a brief discussion by the participating Committee members, Judge Bozzuto moved, and Danielle Rado seconded, that Attorney Brown be reinstated to the active list. The Committee approved her reinstatement by an 8-0 vote with one Committee member absent.

IV. Report of the Training Subcommittee

Liza Andrews reported that the work of the Training Subcommittee to put together pre-service training for perspective new GALs/AMCs continues to

progress. The training is scheduled to take place at the Legislative Office Building on June 13-15. Speakers of the various topics that will be covered are in the process of being finalized. A full report will be made to the Committee at the next scheduled meeting.

V. Schedule of Future Meetings

The next meeting of the Standing Committee on Guardians Ad Litem and Attorneys for the Minor Child in Family Matters will be held on Tuesday May 15, 2018 at 9:30 am. The meeting will be held at a location to be determined.

Judge Bozzuto adjourned the meeting at 12:19 PM.