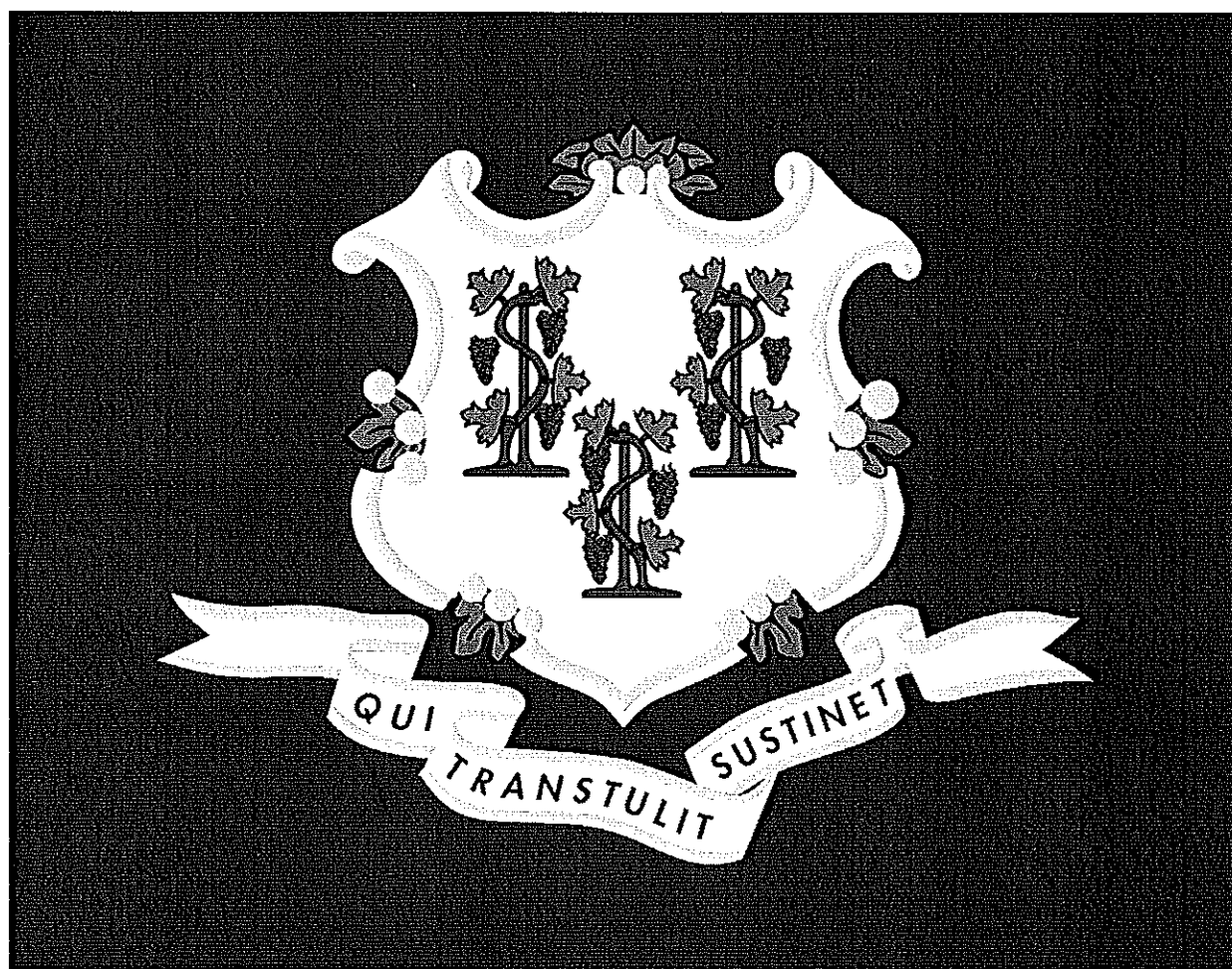


TASK FORCE TO STUDY LEGAL
DISPUTES INVOLVING THE CARE &
CUSTODY OF MINOR CHILDREN
REPORT AND RECOMMENDATIONS



JANUARY 31, 2014

TASK FORCE TO STUDY LEGAL DISPUTES INVOLVING THE CARE & CUSTODY OF CHILDREN

TASK FORCE MEMBERS

Sue A. Cousineau, Esq., co-chair

Sharon Wicks Dornfeld, Esq., co-chair

Representative Minnie Gonzalez, 3rd Assembly District

Representative Edwin Vargas, 6th Assembly District

Linda Allard, Esq.

Joseph DiTunno

Robert Horwitz, Ph.D.

Elizabeth Thayer, Ph.D.

Jennifer Verraneault

Thomas Weissmuller.

TASK FORCE CHARGE

Substitute House Bill No. 6685

Special Act No. 13-24

AN ACT ESTABLISHING A TASK FORCE TO STUDY LEGAL DISPUTES INVOLVING THE CARE AND CUSTODY OF MINOR CHILDREN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

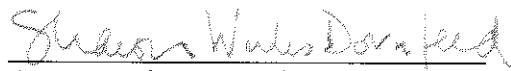
Section 1. (Effective from passage) (a) There is established a task force to study (1) the role of a guardian ad litem and the attorney for a minor child in any action involving parenting responsibilities and the custody and care of a child, (2) the extent of noncompliance with the provisions of subdivision (6) of subsection (c) of section 46b-56 of the general statutes and the role of the court in enforcing compliance with said subdivision, and (3) whether the state should adopt a presumption that shared custody is in the best interest of a minor child in any action involving the custody, care and upbringing of a child. Such study shall include, but not be limited to, an examination of state statutes applicable to an action involving the custody, care and upbringing of a child, and the costs associated with contested divorce actions, including, but not limited to, expert witness fees and attorneys' fees including the fees of guardians ad litem and attorneys for the minor children. Such study may include recommendations for legislation on matters studied by the task force.

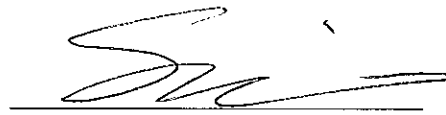
The following report is the product of the work of the Task Force over a four month period. Thank you for the opportunity to serve as co-chairs of this Task Force. Given the issues that were within our charge, it was not unexpected that there would be disagreement and enthusiastic debate among the members of the Task Force. Despite our diverse positions, you will find there are a number of items that we are recommending by consensus. Where there was not consensus, we will provide the majority recommendations. The minority has offered the attached report. (See: Minority Report attached hereto)

We commend all of the members of the Task Force for their commitment to the issues before the Task Force. We thank all of the members of the public who spoke at the public hearing for their patience and their testimony and those who submitted written testimony for our review.

We thank the invited witnesses who volunteered their time and expertise to assist the Task Force. Additionally, we thank the following individuals who offered us tireless assistance: Deborah Blanchard, Senior Administrator, Judiciary Committee, William F. O' Shea, Esq., Chief Attorney, Judiciary Committee, Alex Tsarnov, Al Ippolito, Jr., Pooja Shah, Cindy Dunne, Kaitlin Faticoni, David Kaplan, Sue Keane, Brandon McCall, Angel Morales Jemar Smith and Quinn Kess.

We are hopeful that this report is helpful to the Judiciary Committee.


Attorney Sharon Wicks Dornfeld


Attorney Sue A. Cousineau

The task force held thirteen (13) meetings, including a 15 hour public hearing. The meeting topics were as follows:

October 2, 2013:	Discussion of Task Force objectives and scheduling of future meetings
October 24, 2013:	Planning Session
October 31, 2013:	Role of Guardian <i>ad litem</i> and Attorney for the Minor Child
November 7, 2013:	Role of Guardian <i>ad litem</i> and Attorney for the Minor Child
November 26, 2013:	Extent of noncompliance with Conn. Gen. Stat. § 46b-56(c)(6)
December 10, 2013:	Extent of noncompliance with Conn. Gen. Stat. § 46b-56(c)(6)
December 12, 2013:	Should the state adopt a presumption of shared custody?
December 19, 2013:	Office of Chief Public Defender AMC/GAL Appointments for Indigent Families
January 9, 2014:	Public Hearing
January 16, 2014:	Should the state adopt a presumption of shared custody?
January 23, 2014:	Discussion
January 28, 2014:	Discussion, voting and review of draft report
January 30, 2014:	Discussion and voting

The Task Force heard from the following:

Attorney Sarah Stark Oldham re: Applicable Statutes and Custody Case Procedures

Keith Roeder, Psy.D. re: Research Regarding Parental Gatekeeping

Stephen M. Humphrey, Ph.D. re: Research Regarding Custodial Arrangements

Attorney Christine Perra Rapollo, The Division of Public Defender Services re: Assigned Counsel Contracts

Approximately 60 members of the public who testified at the public hearing.

The Task Force also reviewed relevant Connecticut statutes and Practice Book provisions, learned legal and psychological literature, case law, comparative information from sister states, and the recommended standards of practice for the representation of children

promoted by the American Bar Association, American Academy of Matrimonial Lawyers and Uniform Laws Commissioners. Additionally, the Task Force members reviewed approximately 460 pieces of correspondence from the public

In December 2002, The Governor's Commission on Divorce, Custody and Children reported:

Conflict between parents during and after separation presents a major risk to children and a major challenge to the system. The majority of divorcing and separating parents recognize their personal responsibility to meet the financial, emotional, and developmental needs of their children. These parents, with some assistance from the Family Services Unit, private mediators or therapists, do their best to work out arrangements for the future life of their children within the changed family.

However, a small minority of parents engages in persistent conflict because of anger, characterological or mental health problems, or the force of personality. These families over consume system resources pursuing their conflict and frequently harm their children in the process. The ability of this population to use the constitutional right of access to the courts as a means for revenge or punishment against the other parent is an unintended negative consequence of the legal process. The court has the responsibility to manage these high conflict cases in ways that pass constitutional muster, and protect and respect the interests of children, without rewarding high conflict parents with inappropriate availability of the court. The system's role is to help these families establish parenting plans and otherwise make arrangements that work well for their children. The system also has a responsibility to help keep both parents involved in parenting, where that is consistent with the children's best interest, and at the same time help these families reduce conflict for the benefit of the children. These are all very difficult tasks. Even in a perfectly designed system with unlimited resources it is recognized that some families will end-up taking their conflict all the way through to a trial.

Another challenge is the growing prevalence of self-represented parties, or Pro Se's. Pro Se's attempt to navigate a legal process without the assistance of an attorney. Not only do Pro Se's risk being overwhelmed by the complexity of the legal and factual issues, but they also enter the process without the counseling that lawyers give to clients before, during, and after the divorce and custody determination process. Their sense of confidence in the process is many times adversely affected by their lack of knowledge and help through the process.

Taking these and other factors into account, the Commission identified five broad challenges facing the system, which, if addressed, would improve how the process works for children. They are:

1. CHILDREN NEED THE INVOLVEMENT OF BOTH OF THEIR PARENTS. *Too many divorces end-up with an uninvolved or under-involved parent which research shows to produce less favorable outcomes for children. There are families in which one or both parents engage in physical, emotional, or substance abuse and other behavior harmful to children. These cases warrant limiting the involvement of one parent, but in cases where these harmful factors are not present, the system should promote and protect children's need for the balanced and meaningful involvement of both parents during and after divorce.*

2. THE DIVORCE AND CUSTODY DETERMINATION PROCESS OFTEN TAKES TOO LONG AND COSTS TOO MUCH. *Children are particularly vulnerable to harm during the divorce and custody determination process and often suffer afterwards from its economic and emotional costs. Assuring that divorces do not last too long, particularly in high conflict cases, will reduce the length of time children remain in this vulnerable period and should reduce the overall economic and emotional costs of divorce.*

3. THE DIVORCE AND CUSTODY DETERMINATION PROCESS IS TOO STRESSFUL FOR PARENTS AND CHILDREN. *Divorce is stressful for parents and for children. Uncertainty and conflict during divorce pose direct and indirect harm to children. The stress of divorce can distract parents and make them emotionally unavailable for fulfilling their parenting roles. If stress and conflict can be reduced during and after divorce, all parties, but particularly children, will benefit.*

4. SOME PARENTS AND THEIR ADVOCATES ABUSE THE DIVORCE AND CUSTODY DETERMINATION PROCESS. *Some parties abuse the system wasting valuable system resources, prolonging the conflict and cost of divorce, or undermining parenting arrangements. More resources would be available to families who need them if families and/or their representatives who inappropriately over-consume system resources could be discouraged. Children would also benefit if compliance with agreements and court orders was improved and if opportunities for parents to inappropriately prolong their dispute were diminished.*

5. CONNECTICUT'S ALREADY EXCELLENT JUDICIAL BRANCH AND PRIVATE SECTOR SERVICES REQUIRE EXPANSION AND ENHANCEMENT IN ORDER TO CONTINUE TO PROTECT CHILDREN AND FAMILIES. *Opportunities exist to improve the system, principally in the areas of more education of parents and children about the divorce process, more continuing education and skill development for professionals in the system, and continued enhancement of systems and coordination within the Judicial Branch.*

While many of the Commission's recommendations have been implemented and are helping alleviate some of the concerns of the Commission, this Task Force found that families engaged in the family court system today face those same challenges.

The first charge to the Task Force was to study **the role of the guardian *ad litem* (hereinafter GAL) and attorney for the minor child (hereinafter AMC) in any action involving parenting responsibilities and the custody and care of a child.** The Task Force makes the following recommendations:

The Task Force agreed **by consensus** to recommend the following (only absences and abstentions noted):

- Recommend that the Judicial Branch examine whether to publish information on-line and by hard copy for self-represented individuals describing the role, duties, and compensation of GALs and AMCs and availability of state-paid GALs and AMCs in eligible cases
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to promulgate general standards of conduct for AMCs and GALs
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to expand AMC/GAL Training to include presentations by parents who have both positive and negative experiences with AMCs/GALs
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules requiring annual Continuing Education for AMCs and GALs
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules to require criminal and child protective services background checks with annual updates of all persons holding themselves out as available to accept appointments as AMCs, GALs and psychological evaluators
 - Absent: Gonzalez, Weissmuller

- Recommend that the Judicial Branch examine whether to establish a mentoring program for newly-qualified AMCs and GALs
 - Absent: Gonzalez, Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules to include the hourly billing rate of all such persons, updated annually, on the list of Individuals Qualified to be Appointed as GALs or AMCs in a Family Matter
 - Absent: Weissmuller
 - Abstained: Gonzales
- Recommend that the Judicial Branch examine whether to establish rules to require a judicial finding that the appointment of a second AMC or GAL where one is already appointed to represent a minor child/ren of the parties is necessary to protect the minor child/ren
 - Absent: Weissmuller
 - Abstained: Gonzales, DiTunno
- Recommend that the Judicial Branch examine whether to establish procedures, including a checklist, to specify the case-specific duties of AMCs and GALs at the time of appointment
 - Absent: Gonzalez, Weissmuller
- Recommend that the Judicial Branch examine whether to establish procedures to permit AMCs and GALs to request a modification of the initial designation of duties as the case evolves
 - Absent: Gonzalez, Weissmuller
- Recommend that the Judicial Branch examine whether to establish a procedure to permit a parent to have standing to bring a motion to remove an AMC or GAL for cause
 - Absent: Gonzalez, Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules to provide for a hearing by a judge not involved in the family case if a motion is brought by a parent to remove an AMC or GAL for cause
 - Absent: Gonzalez, Weissmuller
- Recommend that the Judicial Branch examine whether to establish a procedure for parties and counsel to evaluate AMCs and GALs at the conclusion of each case, similar to the Judicial Evaluation procedure
 - Absent: Gonzalez, Weissmuller
- Recommend that the Judicial Branch examine whether to establish a supervisory unit to receive complaints about, oversee and evaluate AMCs and GALs
 - Absent: Gonzalez, Weissmuller

- Recommend that the Judicial Branch examine whether to establish a procedure to remove an AMC or GAL from the list of persons eligible for appointment when good cause is found
 - Absent: Gonzalez, Weissmuller

The **majority** of the Task Force voted to recommend the following:

- Recommend that the Legislature allocate increased funds to the Office of Chief Public Defender to raise the pay of AMCs and GALs under contract for family matters cases with indigent parties,
 - Aye: Allard, Cousineau, Dornfeld, Horwitz, Thayer
 - Nay: Vargas, Verraneault
 - Abstained: DiTunno
 - Absent: Gonzalez, Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules to require that only licensed attorneys, licensed mental health professionals and individuals with a demonstrated background in conciliation and/or mediation services be admitted to the AMC/GAL training program
 - Aye: Cousineau, Dornfeld, Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Allard
 - Abstained: DiTunno
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules to require a minimum level of experience in family matters in order for licensed attorneys, licensed mental health professionals and individuals with a demonstrated background in conciliation and/or mediation services to be eligible for appointment as AMCs and GALs
 - Aye: Cousineau, DiTunno, Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Allard
 - Absent: Dornfeld, Weissmuller
- Recommend that the Judicial Branch examine whether to establish procedures requiring AMCs and GALs to demonstrate completion of assigned duties in each case or reason for failure to complete
 - Aye: Allard, DiTunno, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Cousineau, Dornfeld
 - Absent: Gonzalez, Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules to specify whether AMC and GAL appointments terminate at the entry of judgment, 180 days after entry of judgment in accordance with P.B. §3-9(c), continue throughout the minority of the children, or continue until further court order
 - Aye: Allard, Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Nay: Vargas, Verraneault
 - Absent: Gonzalez, Weissmuller

- Recommend that the Judicial Branch examine whether to establish rules to specify that if custody matters return to the court, the same AMC or GAL will be re-appointed for the children absent good cause shown
 - Aye: Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Nay: Allard, Vargas, Verraneault
 - Gonzalez-out
 - Absent: Weissmuller

The second charge to the Task Force was to study **the extent of noncompliance with the provisions of CGS §46b-56 (c)(6) and the role of the court in enforcing compliance.** The Task Force was unable to study the role of the court in enforcing compliance with the provisions of CGS §46b-56 (c)(6) since CGS §46b-56 has no compliance requirements. However, the Task Force considers the provisions of CGS §46b-56 (c)(6): “the willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including compliance with any court orders” to be of critical importance to the best interest of a minor child and offers the following recommendations regarding this issue:

The Task Force agreed **by consensus** to recommend the following (only absences and abstentions noted):

- Recommend that the Judicial Branch examine whether to establish a procedure for post-judgment proceedings similar to the pre-trial Case Management Agreement process, including interim scheduling orders
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules for dissolution proceedings involving children which are comparable to P.B. §§ 25-5 and 25-6 providing for show cause hearings within 30 days in custody actions between never-married parents,
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish a rule or procedure to permit parents to enlist the assistance of the Family Services Unit immediately after service of a dissolution (with children) complaint, custody application, or motion to modify existing orders for assistance in arranging a parental contact schedule and resolving parenting issues.

- Recommend that the Judicial Branch examine whether to establish procedures to prioritize and expedite the resolution of motions alleging interference with parental access
- Recommend that the Judicial Branch examine whether to establish rules to set compliance dates to monitor compliance with parental access orders

The **majority** of the Task Force voted to recommend the following:

- Recommend that the Judicial Branch examine whether to establish a procedure requiring that a hearing be held within 15 days of a claimed interruption of parental access.
 - Aye: Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Allard, Cousineau, DiTunno, Dornfeld
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules to require a Show Cause hearing before granting a continuance of a scheduled hearing on a motion alleging an interruption of parental access
 - Aye: Cousineau, DiTunno, Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Allard, Dornfeld
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules to require a Show Cause hearing for why a parent alleged to have interrupted parental access should not be held in contempt
 - Aye: Cousineau, DiTunno, Dornfeld, Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Allard
 - Absent: Weissmuller
- Recommend that the Legislature amend Civil Restraining Order and Criminal Protective Order statutes (including CGS §§ 46b-15, 46b-38c, 53a-40e, 54-1k, 54-82q and 54-82r) to address continuing parental access, where regular access is established, with or without supervision, absent good cause shown
 - Aye: Cousineau, Dornfeld, Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Allard, Weissmuller
 - Abstained: DiTunno
- Recommend that the Judicial Branch examine whether to establish a procedure similar to the Support Enforcement procedure to monitor and enforce compliance with parental access orders
 - Aye: DiTunno, Dornfeld, Gonzalez, Horwitz, Thayer, Vargas, Verraneault, Weissmuller
 - Nay: Allard, Cousineau

- Recommend that the Judicial Branch examine whether to establish schedules of sanctions for non-compliance with parental access orders, which may include increasing fines and/or community service requirements, posting of a bond, financial sanctions, loss of parenting time, and ultimately loss of custody, as well as remedies to prevent further non-compliance.
 - Aye: Cousineau, DiTunno, Dornfeld, Gonzalez, Horwitz, Thayer, Vargas, Verraneault, Weissmuller
 - Nay: Allard
- Recommend that the Judicial Branch examine whether to encourage orders that, where “reunification” counseling of a parent and child is ordered, both parents share the cost in an equitable fashion
 - Aye: Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Nay: Allard, Gonzalez, Vargas, Verraneault
 - Abstained: Weissmuller

The third charge to the Task Force was to study **whether the State should adopt a presumption of shared custody.**

The majority of the Task Force voted to recommend the following:

- Recommend that the Legislature make no changes to Connecticut General Statutes §46b-56a(a)
 - Aye: Allard, Cousineau, Dornfeld, Horwitz, Thayer
 - Nay: Gonzalez, Vargas, Verraneault, Weissmuller
 - Abstain: DiTunno

Regarding the **issue of cost**, as the 2002 Governor’s Commission stated, “The divorce and custody determination process often takes too long and costs too much.” This Task Force agrees and makes the following recommendations regarding this concern:

The Task Force agreed **by consensus** to recommend the following (only absences and abstentions are noted):

- Recommend that the Judicial Branch examine whether to publish, online and by hard-copy, a standardized explanation of the payment procedure for AMCs and GALs and require that it be provided to the parents by each AMC/GAL upon appointment
 - Absent: Gonzalez, Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules to provide for the payment of an initial retainer allocated between the parents as is equitable at the time of appointment of an AMC or GAL
 - Absent: Gonzalez, Weissmuller

- Recommend that the Judicial Branch examine whether to establish rules to provide that all charges of AMCs and GALs be specifically itemized and that copies of all bills be provided within a reasonable period of time to all counsel and parties in the case and to the Court
 - Absent: Gonzalez, Weissmuller
- Recommend that the Judicial Branch examine whether to establish a requirement that indigent parents seeking the appointment of an AMC or GAL provided at state expense meet the same eligibility standards and follow the same application procedure as persons seeking the appointment of a public defender in a criminal proceeding.
 - Absent: Gonzalez, Vargas, Verraneault, Weissmuller
- Recommend that the Judicial Branch examine whether to encourage AMCs and GALs to accept sliding-scale and “low-bono” fee assignments.
 - Absent: Gonzalez, Vargas, Verraneault, Weissmuller
- Recommend that the Legislature amend Connecticut General Statutes §46b-62 to provide that *“In determining whether to order the payment of attorney’s or GAL’s fees in a proceeding concerning the custody, care, education, visitation or support of a minor child, the court may consider any unnecessary delays or the use of any obstructionist or other unnecessary tactics by one or both parents or their attorneys.”*
 - Abstained: DiTunno

The **majority** of the Task Force voted to recommend the following:

- Recommend that the Judicial Branch examine whether to establish a rule requiring the disclosure on every Financial Affidavit of the total amount of fees and disbursements billed and the amounts paid by or on behalf of each party to each party’s attorney, AMC, GAL, and court-appointed mental health professionals as of the date of the Financial Affidavit
 - Aye: Cousineau, DiTunno, Dornfeld, Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Allard
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules to require that all persons holding themselves out as available to accept appointments as AMCs and GALs accept one eligible pro bono case each year if requested by the Court
 - Aye: Cousineau, DiTunno, Dornfeld, Gonzalez, Thayer, Vargas, Verraneault
 - Nay: Allard, Horwitz
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules prohibiting the appointment of attorneys to represent AMCs or GALs at the parents’ expense
 - Yea: DiTunno, Dornfeld, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Cousineau
 - Abstained: Allard
 - Absent: Gonzalez, Weissmuller

- Recommend that the Judicial Branch examine whether to establish rules to provide that all charges of AMCs and GALs be reviewed by the Court and allocated between the parents as is equitable before payments are required to be made to AMCs and GALs whenever one or both parents object to the charges
 - Aye: Cousineau, DiTunno, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Allard, Dornfeld
 - Absent: Gonzalez, Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules to provide for a maximum amount of fees which may be charged by an AMC/GAL, after which the AMC/GAL must request authorization to charge additional fees
 - Aye: Cousineau, DiTunno, Dornfeld, Thayer, Vargas, Verraneault
 - Nay: Allard
 - Abstained: Horwitz
 - Absent: Gonzalez, Weissmuller
- Recommend that the Legislature amend section 46b-69b of the general statutes to require that parties attend the parenting education program within 60 days after service of the dissolution (with children) or custody action or face sanctions.
 - Aye: Allard, Cousineau, Dornfeld, Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Weissmuller
 - Abstained: DiTunno

The Task Force makes the following **general recommendations by consensus** (only absences and abstentions are noted):

- Recommend that the Legislature allocate increased funds to non-profit agencies providing ADR programs for parents, such as Focus on Kids and Families in Transition
 - Abstained: DiTunno
 - Absent: Weissmuller
- Recommend that the Legislature allocate funds to the Judicial Branch to expand and support Early Intervention Programs in each judicial district
 - Abstained: DiTunno
 - Absent: Weissmuller
- Recommend that the Legislature allocate funds to establish non-profit Supervised Visitation centers in each judicial district
 - Abstained: DiTunno
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish an Early Intervention Program, similar to the existing EIP in Hartford, in each judicial district and encourage referrals to said program
 - Absent: Weissmuller

- Recommend that the Judicial Branch examine whether to establish rules to seal the contents of Psychological Evaluations and Family Relations Reports submitted to the court in a manner comparable to the existing procedures for sealing of Financial Affidavits in P.B. § 25-59A(h)
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish a “Fast Track” procedure to assign trial dates upon the filing of a case involving children, with interim scheduling orders
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to include training for judges and all other professional participants in family civil court on the importance of alternative dispute resolution models for parents early in the divorce/custody case process
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to include training for judges and all other professional participants in family civil court on effective techniques for managing cases in which parenting time has been disrupted
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to edit its website to substantially expand and highlight the information available about Family ADR programs, including information about how to arrange for Family Services mediation
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to create and make available hard-copy information about Family ADR programs, including information about how to arrange for Family Services mediation
 - Absent: Weissmuller
- Recommend that the Legislature amend Connecticut General Statutes §46b-56(c) to read “In making or modifying any order as provided in subsections (a) and (b) of this section, the court shall consider the best interests of the child, and in doing so may shall consider, ~~but shall not be limited to, one or more~~ all of the following factors: The court is ~~not~~ required to ~~assign any weight to any~~ weigh all of the factors that it considers.”
- Recommend that the Judicial Branch examine whether to consider issuing sanctions when it is determined that a person has lied under oath in family court matters.

The majority of the Task Force voted to make the following general recommendations:

- Recommend that the Legislature allocate increased funds to the Judicial Branch to hire and train additional Family Services personnel and provide for increased ADR services
 - Aye: Allard, Cousineau, Dornfeld, Horwitz, Thayer
 - Nay: Gonzalez, Vargas, Verraneault
 - Abstained: DiTunno
 - Absent: Weissmuller
- Recommend that the Legislature allocate increased funds to the Judicial Branch to provide for additional judges to hear family matters more expeditiously
 - Aye: Allard, Cousineau, Dornfeld, Horwitz, Thayer
 - Nay: Vargas, Verraneault
 - Abstained: DiTunno
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish procedures to enable the collection of data regarding the number of cases in which AMCs, GALs, and Psychological Evaluators are appointed annually
 - Aye: Allard, Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Nay: Gonzalez, Vargas, Verraneault
 - Absent: Weissmuller
- Recommend that the Judicial Branch establish procedures to enable the collection of data regarding the number of days elapsed between the filing of each motion and the entry of an order resolving that motion
 - Aye: Allard, Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Nay: Gonzalez, Vargas, Verraneault
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish procedures to enable the collection of data regarding, in particular, the number of days elapsed between the filing of a motion alleging interference with parental access and the entry of an order resolving that motion
 - Aye: Allard, Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Nay: Gonzalez, Vargas, Verraneault
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish procedures to enable the collection of data in cases involving GALs to track length of engagement, number of days from filing to appointment, number of days from appointment to disposition, settlement rate, number of cases which require trial/hearing, length of trials/hearings, number of state rate vs. private pay cases, average hourly rate of private-pay GALs involved, average total cost of private-pay GALs involved
 - Aye: Allard, Cousineau, DiTunno, Dornfeld, Horwitz
 - Nay: Gonzalez, Vargas, Verraneault
 - Absent: Weissmuller

- Recommend that the Judicial Branch examine whether to eliminate the inefficient and time-consuming “short calendar” motion procedure in favor of specially-assigned times for hearing motions in family matters cases
 - Aye: Cousineau, Dornfeld, Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Allard, DiTunno
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to implement procedures to ensure that individual family matters cases are assigned to a single judge throughout their pendency
 - Aye: Cousineau, Dornfeld, Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Allard, DiTunno
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to encourage judges to consistently enforce court orders and impose penalties upon findings of contempt
 - Aye: Cousineau, Dornfeld, Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Allard, DiTunno
 - Absent: Weissmuller
- Recommend that the Judicial Branch examine whether to establish rules requiring that each dissolution (with children) complaint, custody application, and motion to modify existing orders regarding parental access include a proposed parental responsibility plan consistent with JD-FM-199, and that a responsive pleading be filed by the other parent including the same.
 - Aye: Cousineau, DiTunno, Dornfeld, Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Nay: Allard
 - Absent: Weissmuller

RECOMMENDATIONS CONSIDERED BUT NOT ADOPTED

- Recommend that the Legislature amend the general statutes to require that parents participate in custody mediation prior to filing a dissolution (with children) or custody action
 - Aye: Gonzalez
 - Nay: Allard, Cousineau, Dornfeld, Horwitz, Thayer, Vargas, Verraneault
 - Absent: DiTunno, Weissmuller
- Recommend that the Legislature amend the general statutes to require that parents participate in a minimum of six (6) custody mediation sessions prior to filing a post-judgment motion to modify custody or access orders
 - Aye: Thayer
 - Nay: Allard, Cousineau, Dornfeld, Gonzalez, Horwitz, Vargas, Verraneault
 - Absent: DiTunno, Weissmuller

- Recommend that the Judicial Branch examine whether to establish procedures to limit the time each case may be negotiated by a Family Services Counselor on a short calendar day
 - Aye: Cousineau, Dornfeld
 - Nay: Allard, DiTunno, Gonzalez, Horwitz, Thayer, Vargas, Verraneault
 - Absent: Weissmuller

- Recommend that the Judicial Branch examine whether to edit its website to substantially expand and highlight the information available about Family ADR programs, including information about how to arrange for Family Services mediation and links to both private and non-profit providers organized by judicial district with or without a disclaimer regarding the providers
 - Aye: Allard, Gonzalez, Vargas, Verraneault
 - Nay: Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Absent: Weissmuller

- Recommend that the Judicial Branch examine whether to create and make available hard-copy information about Family ADR programs, including information about how to arrange for Family Services mediation and contact information for both private and non-profit providers organized by judicial district
 - Aye: Allard, Gonzalez, Vargas, Verraneault
 - Nay: Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Absent: Weissmuller

- Recommend that the Judicial Branch examine whether to establish rules to require that AMCs and GALs be licensed as attorneys or mental health professionals to ensure the existence of established ethical standards and a process to review compliance with those standards
 - Aye: Cousineau, Dornfeld, Horwitz, Thayer
 - Nay: Allard, DiTunno, Gonzalez, Vargas, Verraneault
 - Absent: Weissmuller

- Recommend that GALs be required to submit a written report to the Court, parties and counsel following completion of the limited scope of investigation
 - Aye: Vargas, Verraneault
 - Nay: Allard, Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Absent: Gonzalez, Weissmuller

- Recommend that the Judicial Branch examine whether to establish rules to require that the appointment of AMCs and GALs be made only on a rotating basis from the list of eligible persons
 - Aye: Vargas, Verraneault
 - Nay: Allard, Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Absent: Gonzalez, Weissmuller

- Recommend that the Judicial Branch examine whether to establish a procedure to reduce the fees charged by a private-pay AMC or GAL as the parents' financial resources are reduced
 - Aye: Vargas, Verraneault
 - Nay: Allard, Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Absent: Gonzalez, Weissmuller

- Recommend that the Judicial Branch examine whether to establish a procedure requiring private-pay AMCs and GALs to enter into contracts with the Judicial Branch similar to the contracts used by the Office of Chief Public Defender for AMCs and GALs assigned in cases with qualifying indigent parents
 - Aye:
 - Nay: Allard, Cousineau, DiTunno, Dornfeld, Horwitz, Thayer,
 - Absent: Gonzalez, Vargas, Verraneault, Weissmuller

- Recommend that the Judicial Branch examine whether to require all private-pay AMCs and GALs to enter into Assigned Counsel contracts with the Office of Chief Public Defender
 - Aye:
 - Nay: Allard, Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Absent: Gonzalez, Vargas, Verraneault, Weissmuller

- Recommend that the Legislature amend Connecticut General Statutes §46b-62 to establish that the hourly rate of AMCs and GALs may not exceed the hourly rate then in effect (currently \$50/hour) for AMCs and GALs with OCPD contracts for indigent matters
 - Aye: Vargas
 - Nay: Allard, Cousineau, Dornfeld, Horwitz, Thayer
 - Abstained: DiTunno
 - Absent: Gonzalez, Verraneault, Weissmuller

- Recommend that the Legislature allocate funds to a Parental Access Magistrate division of the Superior Court similar to the Support Enforcement Magistrate division to monitor and enforce compliance with parental access orders
 - Aye: Allard, Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Nay: Weissmuller
 - Absent: Gonzalez, Vargas, Verraneault

- Recommend that the Judicial Branch examine whether to encourage orders that, where supervised visitation is ordered, both parents share the cost.
 - Aye: Cousineau, DiTunno, Dornfeld, Horwitz, Thayer
 - Nay: Allard, Gonzalez, Vargas, Verraneault, Weissmuller

- Recommend that the Legislature amend section 46b-56a(a) of the general statutes to provide for a presumption of shared custody on an equal time and decision-making basis except in the case where there has been a judicial determination after an evidentiary hearing by at least a preponderance of the evidence that one party has engaged in domestic violence.
 - Aye: Gonzalez, Vargas, Verraneault, Weissmuller
 - Nay: Allard, Cousineau, Dornfeld, Horwitz, Thayer
 - Abstained: DiTunno

- Recommend that the Legislature amend section 46b-56a(a) of the general statutes to provide for a presumption of shared custody on an equal time and decision-making basis unless a parent is deemed to be unfit or except in the case where there has been a judicial determination after an evidentiary hearing by at least a preponderance of the evidence that one party has engaged in domestic violence. The burden of proof that the 50/50 shared parenting time is not in the best interests of the child/ren shall be on the parent challenging the presumption.
 - Aye: Gonzalez, Vargas, Verraneault, Weissmuller
 - Nay: Allard, Cousineau, Dornfeld, Horwitz, Thayer
 - Abstained: DiTunno

- Recommend that the Legislature amend section 46b-56a of the general statutes to provide for a presumption of shared parental shared decision-making authority and equal parenting time except in the case where there has been a judicial determination after an evidentiary hearing by at least a preponderance of the evidence that one party has engaged in domestic violence, and that sole legal custody and/or reduced parenting time should not be ordered based on a lack of communication and/or high conflict between the parents.
 - Aye: Gonzalez, Vargas, Verraneault, Weissmuller
 - Nay: Allard, Cousineau, Dornfeld, Horwitz, Thayer
 - Abstained: DiTunno

- Recommend that the Legislature amend section 46b-56a(a) of the general statutes to provide for a presumption of shared parental shared decision-making authority and each parent having physical custody for substantial periods of time but not necessarily an equal sharing of time.
 - Aye: Gonzalez, Vargas, Verraneault, Weissmuller
 - Nay: Allard, Cousineau, Dornfeld, Horwitz, Thayer
 - Abstained: DiTunno

- Recommend that the Legislature amend Connecticut General Statutes §46b-56a(a) to read “For the purposes of this section, “joint custody” means an order awarding legal custody of the minor child to both parents, providing for joint decision-making by the parents and providing that physical custody shall be shared by the parents in such a way as to assure the child of substantial continuing contact with both parents. The court may award joint legal custody without awarding joint physical custody where the parents have agreed to merely joint legal custody.”
 - Aye: Gonzalez, Vargas, Verraneault, Weissmuller
 - Nay: Allard, Cousineau, Dornfeld, Horwitz, Thayer
 - Abstained: DiTunno
- Recommend that the Legislature amend Connecticut General Statutes §46b-56 substantially consistent with the language of Exhibit B, attached
 - Aye: Gonzalez, Vargas, Verraneault, Weissmuller
 - Nay: Allard, Cousineau, Dornfeld, Horwitz, Thayer
 - Abstained: DiTunno
- Recommend that the Legislature amend Connecticut General Statutes §46b-56a substantially consistent with the language of Exhibit C, attached
 - Aye: Gonzalez, Vargas, Verraneault, Weissmuller
 - Nay: Allard, Cousineau, Dornfeld, Horwitz, Thayer
 - Abstain: DiTunno
- Recommend that the Legislature adopt statutory provisions regarding the training, appointment, removal of, supervision of, statement of qualifications of, duties of, and compensation of GALs in custody, neglect, abuse and adoption matters substantially consistent with Exhibit D, attached.
 - Aye: Gonzalez, Verraneault, Weissmuller
 - Nay: Allard, Cousineau, Dornfeld, Horwitz, Thayer, Vargas
 - Abstained: DiTunno
- Recommend that the Legislature amend Connecticut General Statutes Title 46b, Chapter 815j, substantially consistent with the language of Exhibit E, attached, as a substitute for all recommendations of the Task Force approved heretofore.
 - Aye: Gonzalez, Vargas, Verraneault
 - Nay: Allard, Cousineau, Dornfeld, Horwitz, Thayer, Weissmuller
 - Abstained: DiTunno

MINORITY REPORT

Task Force to Study Legal Disputes Involving the Care and Custody of Minor Children

I. The Role of the Family Services Office

That title 46b of the general statutes be amended to provide that:

- Absent allegations of abuse or neglect, no motion involving the care and custody of a minor child shall be heard by the court until the parties have had the opportunity to meet with a family services officer concerning the issues contained in such motion.
- The parties meeting with the family services office shall be scheduled for a date and time certain. At such meeting the parties, with the assistance of the family services officer, shall attempt to reach an agreement on the issues set forth in the motion.
- Following the meeting with the family services officer, the parties shall (1) report their agreement to the court, or (2) report to the court that there was no agreement in which case the court shall advise the parties on the process to be used to resolve the issue. In the absence of an initial agreement, the court may recommend that the parties again meet with a family relations officer to resolve any outstanding issues.

II. The Role of GALs/AMCs in Family Matters

That title 46b of the general statutes be amended to provide that:

- No GAL/AMC may be appointed by the court in any matter involving the care and custody of a minor unless: (1) the parties have met with a family services officer to discuss outstanding parenting issues, (2) the court is presented with evidence of acts of parental neglect or abuse that has been reported to, and substantiated by, a state child protection agency and (3) the family services officer who met with the parties recommends to the court that a GAL and/or an AMC be appointed.
- The Office of the Chief Public Defender (OCPD) shall be responsible for the oversight of all GALs/AMCs appointed in a family matter.
- OCPD shall be responsible for: (1) investigating all complaints involving the services provided by GALs/AMCs, including but not limited to billing complaints, (2) conducting periodic audits concerning the services provided by GALs/AMCs, (3) monitoring the appointment of GALs/AMCs in the state's judicial districts, and (4) resolving disputes in which a party alleges that a GAL/AMC should no longer be able to serve in a matter in family matter because of misconduct or bias.
- Prior to ordering the appointment of a GAL/AMC in a family matter, the court shall provide the parties with the names of 5 persons who could serve as a GAL/AMC in the matter. All persons named by the court as a possible GAL/AMC for the matter shall maintain an office that is close geographic proximity to the residence(s) of the parties. Not later than two weeks after the date on which the court provides the 5 names to the parties, the parties shall inform the court of the name of the GAL/AMC who they have jointly selected for their matter. In the absence of an agreement between the parties, the court shall appoint the GAL/AMC.
- In private pay cases, no GAL/AMC or other professional appointed to assist the parties may bill for any service provided on behalf of a minor child unless he or she has entered into a written agreement with the parties. The written agreement shall minimally include: the scope of the services to be provided, the types of services for which a party will be billed, the costs incurred by the GAL/AMC that may be billed to a party and the process by which a party may dispute charges set forth in the bill of the GAL/AMC or other professional.
- In private pay cases, the fees paid to a GAL/AMC shall be as follows:
Retainer: Not to exceed the sum of \$1000.00. Hourly Rate: Not to exceed \$150.00 per hour.
Maximum fee per case: Not to exceed the sum of \$10,000.00, except that, in the event that a

GAL/AMC is required to participate in a fully contested matter involving parenting issues, the court may enter orders for the payment of fees exceeding \$10,000.00.

Portion of retainer to be paid to OCPD: The first \$200.00 of any retainer paid to a GAL/AMC shall not be paid directly to the GAL/AMC, but instead shall be paid to OCPD to defray the administrative costs incurred when assuming oversight of GALs/AMCs appointed in family matters.

III. Adoption of Presumption that Shared Custody Is in the Best Interests of a Minor Child

That section 46b-56a of the general statutes be amended to provide that:

- There shall be a presumption affecting the burden of proof that "shared custody" is in the best interests of a minor child. The adoption of a presumption of shared custody requires that parenting time shall be split equally between the parties, unless the parties agree otherwise. The presumption of shared custody may be rebutted by evidence demonstrating that acts of parental neglect or abuse have been committed by a parent and such acts have been brought to the attention of a state child protection agency or raised in a judicial forum.

IV. Court's Limited Authority to Enter Orders of Supervised Visitation

That section 46b-56 of the general statutes be amended to provide that:

- No court may enter an order that requires parental visitation with a minor child be restricted to supervised visitation, unless there is evidence before the court showing that acts of parental neglect or abuse have been committed by a parent and such acts have been brought to the attention of a state child protection agency or raised in a judicial forum.

V. Limitation on Court's Authority Concerning Payment of Fees to GALs/AMCs

That section 46b-62 of the general statutes be amended to provide that:

- In a proceeding concerning the custody, care education, visitation or support of a minor child, the court shall not have the authority to order: (1) Any third person, except the spouse of a party to the action, to be responsible for payment of fees to the GAL/AMC; or (2) that a party to the proceeding utilize financial assets established for the benefit of a minor child (such as a child's bank account, proceeds from a life insurance policy or moneys contained in a college fund) to pay the fees of the GAL/AMC.

VI. Expedited Enforcement of Existing Child Custody and Visitation Issues

That section 46b-87a of the general statutes be amended to provide that:

- The Judicial Branch shall establish a procedure requiring that an expedited hearing be held not later than ten days following the date of the filing of a motion that alleges an interruption of parental access.

VII. Statutory Prohibition Against GALs filing motions in Family Matters

That title 46b of the general statutes be amended to provide that:

A person appointed to serve as a guardian ad litem in any matter involving the care and custody of a minor child shall have no authority to file a motion in the matter, nor may such guardian ad litem challenge the admissibility of any report to the court from the Family Services Office or any private Physicians or Therapists.

Rep. Minnie Gonzalez, Rep. Edwin Vargas, Jennifer Verraneault

EXHIBIT B

Legislative Reform Related to Shared Parenting Provisions

Please see the proposed additions and revisions to existing law.

46b-56

(a) In any controversy before the Superior Court as to the custody or care of minor children, and at any time after the return day of any complaint under section 46b-45, the court may make or modify any proper order regarding the custody, care, education, visitation and support of the children if it has jurisdiction under the provisions of chapter 815p. Subject to the provisions of section 46b-56a, the court may assign parental responsibility for raising the child to the parents jointly, or may award custody to either parent or to a third party, according to its best judgment upon the facts of the case and subject to such conditions and limitations as it deems equitable. The court may also make any order granting the right of visitation of any child to a third party to the action, including, but not limited to, grandparents, provided that the standard for awarding custody or visitation to a third party has been established by clear and convincing evidence.

(b) In making or modifying any order as provided in subsection (a) of this section, the rights and responsibilities of both parents shall be considered and the court shall enter orders accordingly that serve the best interests of the child and provide the child with the active and consistent involvement of both parents commensurate with their abilities and interests and in accordance with the burden of proof defined in 46a-56a. Such orders may include, but shall not be limited to: (1) Approval of a parental responsibility plan agreed to by the parents pursuant to section 46b-56a; (2) the award of joint parental responsibility of a minor child to both parents, which shall include (A) provisions for residential arrangements with each parent in accordance with the needs of the child and the parents, and (B) provisions for consultation between the parents and for the making of major decisions regarding the child's health, education and religious upbringing; (3) the award of sole custody to one parent with appropriate parenting time for the noncustodial parent where sole custody is in the best interests of the child; or (4) any other custody arrangements as the court may determine to be in the best interests of the child.

©) In making or modifying any order as provided in subsections (a) and (b) of this section, the court shall consider the best interests of the child, and in doing so may consider, but shall not be limited to, one or more of the following factors: (1) The temperament and developmental needs of the child; (2) the capacity and the disposition of the parents to understand and meet the needs of the child; (3) any relevant and material information obtained from the child, including the informed preferences of the child; (4) the wishes of the child's parents as to custody; (5) the past and current interaction and relationship of the child with each parent, the child's siblings and any other person who may significantly affect the best interests of the child; (6) the

willingness and ability of each parent to facilitate and encourage such continuing parent-child relationship between the child and the other parent as is appropriate, including

compliance with any court orders; (7) any manipulation by or coercive behavior of the parents in an effort to involve the child in the parents' dispute; (8) the ability of each parent to be actively involved in the life of the child; (9) the child's adjustment to his or her home, school and community environments; (10) the length of time that the child has lived in a stable and satisfactory environment and the desirability of maintaining continuity in such environment, provided the court may consider favorably a parent who voluntarily leaves the child's family home pendente lite during the pendency of the action, in order to alleviate stress in the household; (11) the stability of the child's existing or proposed residences, or both; (12) the mental and physical health of all individuals involved, except that a disability of a proposed custodial parent or other party, in and of itself, shall not be determinative of custody unless the proposed custodial arrangement is not in the best interests of the child; (13) the child's cultural background; (14) the effect on the child of the actions of an abuser, if any domestic violence has occurred between the parents or between a parent and another individual or the child; (15) whether the child or a sibling of the child has been abused or neglected, as defined respectively in section 46b-120; and (16) whether the party satisfactorily completed participation in a parenting education program established pursuant to section 46b-69b. The court is not required to assign any weight to any of the factors that it considers.

(d) Upon the issuance of any order assigning custody of the child to the Commissioner of Children and Families, or not later than sixty days after the issuance of such order, the court shall make a determination whether the Department of Children and Families made reasonable efforts to keep the child with his or her parents prior to the issuance of such order and, if such efforts were not made, whether such reasonable efforts were not possible, taking into consideration the best interests of the child, including the child's health and safety.

(e) In determining whether a child is in need of support and, if in need, the respective abilities of the parents to provide support, the court shall take into consideration all the factors enumerated in section 46b-84. If the court makes a finding that the parents enjoy equal or near equal parenting time and they earn equal or near equal earnings, the court may enter an order declaring both parents to be the primary custodian during their respective parenting time, deviate from the standard award, and enter a lesser award or a zero award of child support.

(f) When the court is not sitting, any judge of the court may make any order in the cause which the court might make under this section, including orders of injunction, prior to any action in the cause by the court. Within 30 days of the initiation of any action under this title, the court shall enter a preliminary parenting schedule, acknowledging the presumption identified in 46b-56a and the basis to overcome said presumption.

(g) A parent not granted custody of a minor child shall not be denied the right of access

to the academic, medical, hospital or other health records of such minor child, unless otherwise ordered by the court for good cause shown.

(h) Notwithstanding the provisions of subsections (b) and ©) of this section, when a motion for modification of custody or visitation is pending before the court or has been decided by the court and the investigation ordered by the court pursuant to section 46b-6 recommends psychiatric or psychological therapy for a child, and such therapy would, in the court's opinion, be in the best interests of the child and aid the child's response to a modification, the court may order such therapy and reserve judgment on the motion for modification. In any order directing an investigation, the court shall give due consideration to the use of service providers in any healthcare plan and order the investigations to be performed by those providers. In the event the parties have no healthcare plan, the court shall direct that the investigation be performed by providers within the state of Connecticut who accept Connecticut Healthcare Plans provided by the state are reasonable cost.

(I) As part of a decision concerning custody or visitation, the court may order either parent or both of the parents and any child of such parents to participate in counseling and drug or alcohol screening, provided such participation is in the best interests of the child and is prescribed as necessary to any medical diagnosis and consistent with any medical prognosis.

EXHIBIT C

Legislative Reform Related to Shared Parenting Provisions

CGS 46b- 56a

(a) For the purposes of this section, "joint custody" means an order awarding legal custody of the minor child to both parents, providing for joint decision-making by the parents and providing that physical custody shall be shared by the parents in such a way as to assure the child of the maximum continuing contact with both parents, after due consideration of safety and logistical concerns, including the respective parents' agreement or demonstrated willingness to comply with court orders. The court may award joint legal custody without awarding joint physical custody where the parents have agreed to merely joint legal custody or where the presumption referenced in paragraph (b) of this section has been overcome by the preponderance of evidence relative to the factors identified in 46b-56c (1-16).

(b) There shall be a presumption, affecting the burden of proof, that joint custody is in the best interests of a minor child ~~where the parents have agreed to an award of joint custody~~ or so agree in open court at a hearing for the purpose of determining the custody of the minor child or children of the marriage. If the court declines to enter an order awarding joint custody pursuant to this subsection, the court shall state in its decision the reasons for denial of an award of joint custody.

©) If only one parent seeks an order of joint custody upon a motion duly made, the court may order both parties to submit to conciliation at their own expense with the costs of such conciliation to be borne by the parties as the court directs according to each party's ability to pay.

(d) In any proceeding before the Superior Court involving a dispute between the parents of a minor child with respect to the custody, care, education and upbringing of such child, the parents shall file with the court, at such time and in such form as provided by rule of court, a proposed parental responsibility plan that shall include, at a minimum, the following: (1) A schedule of the physical residence of the child during the year; (2) provisions allocating decision-making authority to one or both parents regarding the child's health, education and religious upbringing; (3) provisions for the resolution of future disputes between the parents, including, where appropriate, the involvement of a mental health professional or other parties to assist the parents in reaching a developmentally appropriate resolution to such disputes; (4) provisions for dealing with the parents' failure to honor their responsibilities under the plan; (5) provisions for dealing with the child's changing needs as the child grows and matures; and (6) provisions for minimizing the child's exposure to harmful parental conflict, encouraging the parents in appropriate circumstances to meet their responsibilities through agreements, and protecting the best interests of the child.

(e) The objectives of a parental responsibility plan under this section are to provide for the child's physical care and emotional stability, to provide for the child's changing needs as the child grows and to set forth the authority and responsibility of each parent with respect to the child.

(f) If both parents consent to a parental responsibility plan under this section, such plan shall be approved by the court as the custodial and access orders of the court pursuant to section 46b-56, unless the court finds that such plan as submitted and agreed to is not in the best interests of the child.

(g) The court may modify any orders made under this section in accordance with section 46b-56. In modifying orders under this section, the court must ensure that a parental responsibility plan remains in effect, including any amendments, and it must enforce compliance with the parental responsibility plan, including compliance with parental access provisions.

Please see the proposed additions to existing law.

GAL Reform:

Establishment of Training, Registry and Use, Conflicts and Appearances, Special Training and Sub-Registry; Notice of Qualifications and Duties; Volunteer CASA Agents; Appointments of All, Generally; Removal for Ex Parte Communications

Rotating Registry of Paid Guardians ad litem to serve in Child Custody Cases - Appointment of guardian ad litem - Neglect and Abuse Provisions and the Role of CPS - Family Services Recommendations - GAL Service: Independent investigation - Court-appointed special advocate (CASA) program - Background information - Review of appointment

Training - Rotating Registry of Paid Guardians ad litem to serve in Child Custody Cases: All compensated guardians ad litem appointed under this title must hold a professional license under the authority of any state and swear an oath to comply with the ethical standards of the equivalent licensing authority of Connecticut and the standards for guardian ad litem service as those standards may be adopted by Connecticut or any judicial district wherein they receive an appointment. All guardians ad litem shall comply with the training requirements established under applicable laws, prior to their appointment in cases under this Title, except that volunteer guardians ad litem or court-appointed special advocates (CASA) may comply with judicially approved alternative training requirements, on a case by case basis, that meet or exceed the statewide requirements. State approved judicial training programs shall be video taped and released to the public as needed, complete with current training materials.

Special Training in Neglect or Abuse, Including but not limited to Domestic Violence, Methods of Control, and Alienating Behavior: In cases pertaining to custody, involving allegations of limiting factors, such as neglect or abuse resulting from, but not limited to, chemical dependence, domestic violence, or controlling behavior by either parent over another biological parent or a biological child of both parents, including acts involving efforts by one parent to alienate the affections or physical presence of another parent in the life of a biological child, the guardians ad litem appointed under this title must have additional relevant training, or equivalent experience as judicially approved on a case by case basis. A finding that the appointed guardian ad litem has received the Statewide GAL Training (offered since 2010) and additional training or professional experience related specifically to allegations, (e.g., chemical dependence, domestic violence, alienating behavior, etc.), and included in the Statement of Qualifications as define under this title, shall serve to comply with this section.

Use of Registry to Avoid Actual Conflicts of Interest and Appearances of

Impropriety: Each judicial district shall establish a rotational registry system for the appointment of paid guardians ad litem under this title. If a judicial district does not have a guardian ad litem program for compensated guardians or a rotational registry system, the court shall use qualified guardians ad litem who appear on the state rotational registry system and reside or maintain an office within the subject judicial district. Guardians ad litem under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court in written findings. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry when exceptional circumstances are alleged, but the court need not appoint the recommended guardian ad litem. The court shall make a determination that a recommendation will not create a conflict of interest or the appearance of impropriety in light of the parties or attorneys appearing on the case.

In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information record for each guardian ad litem as specified under this title, including their published hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed. The guardians ad litem who are not chosen shall be returned to the list with priority for appointment in accordance with the rotating scheme anticipated under this title. The guardian ad litem appointed to serve on a particular case shall be placed at the end of the rotation.

If a party reasonably believes that the appointed guardian ad litem is inappropriate do to appearances, is unqualified, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the office of assigned counsel. Guardians ad litem on such a sub-registry shall be selected and appointed in state-initiated paternity cases, neglect or abuse cases that are referred to the civil court family division, or when the court reasonably believes neither party is qualified to parent, the division of child protective services has declined involvement, and the parties cannot afford to pay for the appointed guardian ad litem. A judicial finding that parties continue to retain legal counsel, by any means, shall overcome a finding of indigent. State appointed guardians ad litem shall serve for 90 days unless ordered, within the term of their appointment, to serve for an extended period. In no circumstances shall a judicially appointed guardian ad litem serve for longer than 180 days without the agreement of the parties.

Statement of Qualifications as a Prerequisite to Service / Appointment: Each guardian ad litem program for compensated guardians ad litem and each court-appointed special advocate program shall maintain a background information record for each guardian ad litem and special advocate in the program. The background information record shall include, but is not limited to, the following information: Level of formal education; General training related to the guardian ad litem's duties; Specific training related to issues potentially faced by children in dissolution, custody, paternity, and other family law proceedings; Specific training or education related to child disability or developmental issues; Number of years' experience as a guardian ad litem; Number of appointments as a guardian ad litem and county or counties of appointment; The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; Founded allegations of abuse or neglect as defined under this title; The results of a criminal conviction history, for the period covering ten years prior to the appointment. The background information record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person appointed as guardian ad litem shall provide the background information record to the court. Upon appointment, the guardian ad litem, court-appointed special advocate program or guardian ad litem program, shall provide the parties or their attorneys with a copy of the background information record. The portion of the background information record containing the results of the criminal conviction history shall not be disclosed to the parties or their attorneys. The background information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

Appointment of Guardian ad litem Generally: The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child, and at least one party or one a minor child has requested the appointment. The court may, on its own motion, appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child, and the court has received allegations of neglect or abuse and, after an evidentiary hearing, concludes the child may reasonably suffer emotional or physical harm due to the allegations, in the event they are deemed unfounded, or due to facts that have prompted the allegations, upon the entry of evidentiary findings. The evidentiary findings may be entered after due notice to both sides and oral argument and the presentation of opposing affidavits or live testimony.

Appointment of Guardian ad litem Pertaining to Neglect and Abuse Provisions - Role of Child Protective Services (CPS): Upon a finding by the preponderance of the evidence of actual physical or emotional neglect or abuse to a child, by one or both parents, the court shall not immediately appoint a compensated guardian ad litem, but shall appoint a guardian ad litem from the office of assigned counsel to facilitate referral of the matter to the Department of Child Protective Services for investigation and processing by that state office in accordance with the standards prescribed for neglect and abuse cases. This provision is enacted to ensure full compliance with parental rights in actions by the state against biological parents and ensure that judges do not prosecute or permit a guardians ad litem to prosecute a matter against a biological parent; this role is reserved for the executive office and delegated to Child Protective Services. In the event Child Protective Services declines to pursue the matter within 10 days of receipt of referral, the court shall retain the guardian ad litem from the office of assigned counsel and inquire whether said guardian ad litem shall be compensated for additional services at state expense or serve at private expense in accordance with relevant laws. The parties shall have five days from the entry of an order directing retention of a state contracted guardian ad litem under this paragraph to submit a motion to disqualify the guardian ad litem as permitted under this title.

Appointment of Guardian ad litem upon Family Court Service Recommendation of Special Needs: The family court services professionals may make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. In the instance when family court services recommends the appointment of a guardian ad litem and no other paragraph under this title applies, the court shall appoint a guardian ad litem from the volunteer court-appointed special advocate (CASA) program, if that program exists. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs.

Guardian ad litem, special advocate, or investigator - Ex parte communications - Removal A guardian ad litem, court-appointed special advocate, or investigator shall not engage in ex parte communications with any judicial officer involved in the matter for which he or she is appointed during the pendency of the proceeding, except as permitted by court rule or statute for ex parte motions. Ex parte motions shall be heard in open court on the record. The record may be preserved in a manner deemed appropriate by the judicial district where the matter is heard. The court, upon its own motion, or upon the motion of a party, may consider the removal of any guardian ad litem, court-appointed special advocate, or investigator who violates this section from any pending case or from any court-authorized registry, and if so removed may require forfeiture of any fees for professional services on the pending case.

Service as Compensated or State Compensated GAL

GAL Service: Independent investigation: The guardian ad litem's role is to investigate and report factual information regarding the issues ordered to be reported or investigated to the court. The guardian ad litem shall always represent the best interests of the child. Guardians ad litem under this title may make recommendations based upon his or her investigation, which the court may consider and weigh in conjunction with the recommendations of all of the parties. If a child expresses a preference regarding the parenting plan, the guardian ad litem shall report the preferences to the court, together with the facts relative to whether any preferences are being expressed voluntarily and the degree of the child's understanding. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation as well as a report on parenting arrangements and modifications to a parenting plan. The guardian ad litem shall file his or her report at least sixty days prior to a final trial and at least 10 days prior to a pre-trial hearing or mediation.

The parties to the proceeding may file with the court written responses to any report filed by the guardian ad litem. The court shall consider any written responses to a report filed by the guardian ad litem, including any factual information or recommendations provided.

Discovery Issues

Guardian ad litem, special advocate, or investigator - Information discoverable -

Confidentiality: All information, records, and reports obtained or created by a guardian ad litem, court-appointed special advocate, or investigator under this title shall be discoverable pursuant to statute and court rule. The guardian ad litem, court-appointed special advocate, or investigator shall not release private or confidential information to any nonparty except pursuant to a court order signed by a judge. The guardian ad litem, court-appointed special advocate, or investigator may share private or confidential information with experts or staff he or she has retained as necessary to perform the duties of guardian ad litem, court-appointed special advocate, or investigator. Any expert or staff retained are subject to the confidentiality rules governing the guardian ad litem, court-appointed special advocate, or investigator. Nothing in this section shall be interpreted to authorize disclosure of guardian ad litem records in personal injury actions.

Volunteer Guardians ad litem and Special Advocates

CASA Service Generally and CASA Program Management / Oversight: If the guardian ad litem appointed is from the court-appointed special advocate (CASA) program, which trains and approves unlicensed volunteer advocates and guardians ad litem, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate (CASA) program shall be entitled to notice of all proceedings in the case. The legislature, in conjunction with the judicial branch, may

authorize creation of a court-appointed special advocate (CASA) program and may adopt rules of eligibility for court- appointed special advocates that are not inconsistent with this section. When a court-appointed special advocate (CASA) or volunteer guardian ad litem under the CASA program is requested on a case, the program shall give the court the name of the person it recommends. The court shall immediately appoint the person recommended by the program.

Removal of CASA Advocate Through the CASA Program: If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified. A court appointed special advocate need not be a licensed professional. The state and or any judicial district may, from time to time, promulgate rules pertaining to court appointed special advocates, including rules of appointment, ethics, review, removal, and retention that are not inconsistent with this title.

Status as Mandatory Reporter of Abuse or Neglect

Guardians ad litem and CASA Advocates: Mandatory Reporters of Child Abuse and Neglect: The reporting requirements for abuse and neglect established by the state of Connecticut shall apply to guardians ad litem, including court-appointed special advocates, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

Matters Pertaining to Fees, Excluding Expert Fees and GAL as Expert

Designation of Fee by the Court: Except for guardians ad litem appointed by the court from the sub-registry created under this title, the court shall specify the hourly rate the guardian ad litem or investigator under this title may charge for his or her services, *and shall specify the maximum amount the guardian ad litem or investigator under this title may charge without additional court review and approval.* The court shall specify rates and fees in the order of appointment or at the earliest date the court is able to determine the appropriate rates and fees and prior to the guardian ad litem billing for his or her services. This section shall apply except as provided by local court rule.

Approval, from time to time, of Costs & Fees: The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the state shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the state authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month, along with an affidavit defining how the fees and services relate to guardian ad litem duties prescribed in any order of appointment or continuing appointment. Guardians ad litem shall not be compensated for travel outside the judicial district unless the court makes a specific finding that travel outside of the district is necessary to facilitate the appointment and service of a guardian ad litem on the case.

Costs of Suit Upon Specific Judicial Findings and Conclusions Pertaining to Fairness, Equity, or Abuse of Process: The court may order reasonable fees of experts and the child's guardian ad litem, and other costs of the action, including blood or genetic test costs, to be paid by the parties in proportions and at times determined by the court as reasonable and fair to ensure payment and in recognition of any abuse of services by any party. The court may order that all or a portion of a party's reasonable attorney's fees be paid by another party, except that an award of attorney's fees assessed against the state or any of its agencies or representatives shall be made only as prescribed by laws or exceptions to policy crafted by the court after notice and an opportunity to be heard by the state agency. A Guardian ad litem removed for cause may be directed to forfeit fees and costs, in whole or in part, upon entry of specific judicial findings. A Guardian ad litem accepts the potential for removal and fee forfeiture as a limitation associated with service as a quasi-judicial officer.

Qualified Judicial Immunity: A Guardian ad litem shall enjoy qualified, as opposed to absolute judicial immunity.

Reports to Establish or Amend Parenting Plans

Parenting Arrangements - Investigation and Report of Family Services Officer, Guardian ad litem or CASA Advocate

Report to Serve as Testimony: The court may order an investigation and report concerning parenting arrangements for the child(ren). The investigation and report may be made by any court appointed investigator, such as the guardian ad litem, court-appointed special advocate, the staff of the juvenile court, or other professional social service organization experienced in counseling children and families.

Investigators: An investigator is a person appointed as an investigator under this title or any other third-party professional ordered or appointed by the court to provide an opinion, assessment, or evaluation regarding the creation or modification of a parenting plan.

Substance of Report to be Sworn: In preparing the report concerning a child, the investigator or person appointed under subsection (1) of this section may consult any person who may have information about the child and the potential parenting or custodian arrangements. Upon order of the court, the investigator or person appointed under subsection (1) of this section may refer the child to professional personnel for diagnosis, *provided due consideration is made to use the services of qualified health plan providers in the first instance, providers within the state of Connecticut who are not certified by the subject's health plan and providers outside the state of Connecticut may only be used if compelling evidence demonstrates a need for these services and no other provider is available within the health plan and / or the state.* The investigator or person appointed under subsection (1) of this section may consult, *after due consideration of the cost and use of existing service providers within an established health plan,* may consult with and obtain information from medical, psychiatric, or other expert persons who have served the child in the past without obtaining the consent of the parent or the child's custodian; but the child's consent must be obtained if the child has reached the age of twelve, unless the court finds that the child lacks mental capacity to consent. If the requirements of subsection (3) of this section are fulfilled, and the investigator swears to the substance of the method of investigation and report, the report by the investigator or person appointed under subsection (1) of this section may be received in evidence at the hearing.

Reasonable Notice of Report: The investigator or person appointed under subsection (1) of this section shall provide his or her report to counsel and to any party not represented by counsel at least ten days prior to the hearing wherein the report is to be introduced unless a shorter time is ordered by the court for good cause shown. The investigator or person appointed under subsection (1) of this section shall make available to counsel and to any party not represented by counsel his or her file of underlying data and reports, complete texts of diagnostic reports made to the investigator or appointed person pursuant to the provisions of subsection (2) of this section, and the names and addresses of all persons whom he or she has consulted. Any party to the proceeding may call the investigator or person appointed under subsection (1) of this section and any person whom the investigator or appointed person has consulted for cross-examination. A party may not waive the right of cross-examination prior to the hearing. If an investigator has been discharged from service prior to any evidentiary hearing but has been recalled to testify relative to a report that is received into evidence, the investigator shall be deemed reappointed and compensated for appearing as a witness, subject to the restrictions for fees / costs as prescribed under this title. The investigator shall not be compensated for watching a trial unless the court makes a judicial finding that the investigator, such as a guardian ad litem, must participate in order to fulfill the obligation of his / her appointment. If the court enters this finding, the investigator need not be sequestered.

Guardians ad litem and Investigators as Experts on the Child or Family: If the appropriate evidentiary foundation may be established, the investigator may testify as an expert on the child and / or family that formed the subject of the report, and the investigator may offer opinion testimony relative to that report. The investigator shall be sequestered from other witnesses during trial unless the obligations of his / her trust

dictate otherwise, and, in the event the investigator is not sequestered, the investigator may not offer *opinion testimony* about testimony offered by other witnesses; he / she may offer closing argument if invited to do so by the court.

Costs / Fees Provisions Pertaining to Investigators as Experts: If an investigator is certified to receive compensation from an insurance plan and compensation to offer testimony is not permitted under said plan, the court may define or approve a reasonable hourly fee request for testifying in accordance with the cost / fee provision of this title.

Adoption

Appointment of guardian ad litem in Cases of Minor Parents in Adoption Proceedings - When required - Payment of fees

The court shall appoint a guardian ad litem for any parent or alleged father under eighteen years of age in any proceeding under this chapter. The court may appoint a guardian ad litem for a child adoptee or any incompetent party in any proceeding under this chapter. The guardian ad litem for a parent or alleged father, in addition to determining what is in the best interest of the party, shall make an investigation and report to the court concerning whether any written consent to adoption or petition for relinquishment signed by the parent or alleged father was signed voluntarily and with an understanding of the consequences of the action. If the child to be relinquished is a dependent child, as that term is defined under Connecticut law, and the minor parent is represented by an attorney or guardian ad litem in the dependency (neglect or abuse) proceeding, the court may rely on the minor parent's dependency court attorney or guardian ad litem to make a report to the court as provided in this subsection.

The court in the judicial district in which a petition is filed shall direct who shall pay the fees of a guardian ad litem or attorney appointed under this chapter and shall approve the payment of the fees. If the court orders the parties to pay the fees of the guardian ad litem, the fees must be established pursuant to the procedures established under this title.

Abuse and Neglect Distinguishable and Separate from Custody Inquiry

Guardian ad litem, appointment Upon Allegations of Abuse / Neglect of Children - Examination of Child and Person(s) Having Legal Custody - Hearing - Procedure - Privileged Communications Between Child and Examiner

Appointment of Guardian ad litem in Cases of Abuse and Neglect: In any judicial proceeding in which it is alleged that a child has been subjected to child abuse or neglect, the court shall appoint a guardian ad litem for the child within the proceeding to adjudicate abuse and neglect and shall refrain from appointing a guardian ad litem within a custody proceeding. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by counsel in the proceedings and the court has made a determination that the child is of suitable age and discretion to direct legal counsel

Hearings on Abuse and Neglect: At any time prior to or during a hearing in such a case (to adjudicate abuse or neglect), the court may, on its own motion, or the motion of the guardian ad litem, or other parties, order the examination by a physician, psychologist, or psychiatrist, of any parent or child or other person having custody of the child at the time of the alleged child abuse or neglect, if the court finds such an examination is necessary to the proper determination of the case. The hearing may be continued pending the completion of such examination. The physician, psychologist, or psychiatrist conducting such an examination may be required to testify concerning the results of such examination and may be asked to give his or her opinion as to whether the protection of the child requires that he or she not be returned to the custody of his or her parents or other persons having custody of him or her at the time of the alleged child abuse or neglect. Persons so testifying shall be subject to cross-examination as are other witnesses. No information given at any such examination of the parent or any other person having custody of the child may be used against such person in any subsequent criminal proceedings against such person or custodian concerning the alleged abuse or neglect of the child.

Essential Parties in Abuse and Neglect Cases: A parent or other person having legal custody of a child alleged to be abused or neglected shall be a party to any proceeding that may impair or impede such person's interest in and custody or control of the child. Within such a proceeding only, the parent shall not have the right to waive medical privilege that may exist between the child and examining physicians or psychologists.

Privileged Communications / Waiver: Waiver of privileged communications shall rest instead with the judge overseeing the case, after due consideration of objections that may be raised by any party, the child, or the guardian ad litem for the minor child.

Task Force to Study Legal Disputes Involving the Care and Custody
of Minor Children

REVISED LEGISLATIVE RECOMMENDATIONS

I. The Role of the Family Services Office

That title 46b of the general statutes be amended to provide that:

- Absent allegations of abuse or neglect, no motion involving the care and custody of a minor child shall be heard by the court until the parties have had the opportunity to meet with a family services officer concerning the issues contained in such motion.
- The parties meeting with the family services office shall be scheduled for a date and time certain. At such meeting the parties, with the assistance of the family services officer, shall attempt to reach an agreement on the issues set forth in the motion.
- Following the meeting with the family services officer, the parties shall (1) report their agreement to the court, or (2) report to the court that there was no agreement in which case the court shall advise the parties on the process to be used to resolve the issue. In the absence of an initial agreement, the court may recommend that the parties again meet with a family relations officer to resolve any outstanding issues.

II. The Role of GALs/AMCs in Family Matters

That title 46b of the general statutes be amended to provide that:

- No GAL/AMC may be appointed by the court in any matter involving the care and custody of a minor unless: (1) the parties have met with a family services officer to discuss outstanding parenting issues, (2) the court is presented with evidence of acts of parental neglect or abuse that has been reported to, and substantiated by, a state child protection agency and (3) the family services officer who met with the parties recommends to the court that a GAL and/or an AMC be appointed.

- The Office of the Chief Public Defender (OCPD) shall be responsible for the oversight of all GALs/AMCs appointed in a family matter.
- OCPD shall be responsible for: (1) investigating all complaints involving the services provided by GALs/AMCs, including but not limited to billing complaints, (2) conducting periodic audits concerning the services provided by GALs/AMCs, (3) monitoring the appointment of GALs/AMCs in the state's judicial districts, and (4) resolving disputes in which a party alleges that a GAL/AMC should no longer be able to serve in a matter in family matter because of misconduct or bias.
- Prior to ordering the appointment of a GAL/AMC in a family matter, the court shall provide the parties with the names of 5 persons who could serve as a GAL/AMC in the matter. All persons named by the court as a possible GAL/AMC for the matter shall maintain an office that is close geographic proximity to the residence(s) of the parties. Not later than two weeks after the date on which the court provides the 5 names to the parties, the parties shall inform the court of the name of the GAL/AMC who they have jointly selected for their matter. In the absence of an agreement between the parties, the court shall appoint the GAL/AMC.
- In private pay cases, no GAL/AMC or other professional appointed to assist the parties may bill for any service provided on behalf of a minor child unless he or she has entered into a written agreement with the parties. The written agreement shall minimally include: the scope of the services to be provided, the types of services for which a party will be billed, the costs incurred by the GAL/AMC that may be billed to a party and the process by which a party may dispute charges set forth in the bill of the GAL/AMC or other professional.
- In private pay cases, the fees paid to a GAL/AMC shall be as follows:
 - Retainer: Not to exceed the sum of \$1000.00.
 - Hourly Rate: Not to exceed \$150.00 per hour.
 - Maximum fee per case: Not to exceed the sum of \$10,000.00, except that, in the event that a GAL/AMC is required to participate in a fully contested matter involving parenting issues, the court may enter orders for the payment of fees exceeding \$10,000.00.
 - Portion of retainer to be paid to OCPD: The first \$200.00 of any retainer paid to a GAL/AMC shall not be paid directly to the

GAL/AMC, but instead shall be paid to OCPD to defray the administrative costs incurred when assuming oversight of GALs/AMCs appointed in family matters.

III. Adoption of Presumption that Shared Custody Is in the Best Interests of a Minor Child

That section 46b-56a of the general statutes be amended to provide that:

- There shall be a presumption affecting the burden of proof that "shared custody" is in the best interests of a minor child. The adoption of a presumption of shared custody requires that parenting time shall be split equally between the parties, unless the parties agree otherwise. The presumption of shared custody may be rebutted by evidence demonstrating that acts of parental neglect or abuse have been committed by a parent and such acts have been brought to the attention of a state child protection agency or raised in a judicial forum.

IV. Court's Limited Authority to Enter Orders of Supervised Visitation

That section 46b-56 of the general statutes be amended to provide that:

- No court may enter an order that requires parental visitation with a minor child be restricted to supervised visitation, unless there is evidence before the court showing that acts of parental neglect or abuse have been committed by a parent and such acts have been brought to the attention of a state child protection agency or raised in a judicial forum.

V. Limitation on Court's Authority Concerning Payment of Fees to GALs/AMCs

That section 46b-62 of the general statutes be amended to provide that:

- In a proceeding concerning the custody, care education, visitation or support of a minor child, the court shall not have the authority to order: (1) Any third person, except the spouse of a party to the action, to be responsible for payment of fees to

the GAL/AMC; or (2) that a party to the proceeding utilize financial assets established for the benefit of a minor child (such as a child's bank account, proceeds from a life insurance policy or moneys contained in a college fund) to pay the fees of the GAL/AMC.

VI. Expedited Enforcement of Existing Child Custody and Visitation Issues

That section 46b-87a of the general statutes be amended to provide that:

- The Judicial Branch shall establish a procedure requiring that an expedited hearing be held not later than ten days following the date of the filing of a motion that alleges an interruption of parental access.

VII. Statutory Prohibition Against GALs filing motions in Family Matters

That title 46b of the general statutes be amended to provide that:

A person appointed to serve as a guardian ad litem in any matter involving the care and custody of a minor child shall have no authority to file a motion in the matter, nor may such guardian ad litem challenge the admissibility of any report to the court from the Family Services Office or any private Physicians or Therapists.