

# Legal Assistance Resource Center of Connecticut, Inc.

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## **H.B. 6710 -- Visitation orders**

Judiciary Committee Public Hearing -- March 26, 2009  
Testimony of Raphael L. Podolsky

**Recommended Committee action: DELETION OF  
SECTION 22 FROM THE BILL**

Section 22 of this bill requires that all visitation orders include "a detailed statement on the conditions and obligations of the noncustodial parent with respect to such visitation." Requiring such a statement in all cases is neither desirable nor workable. The section should be removed from the bill.

Section 22, it should be noted, is not about establishing a detailed visitation schedule but rather about the way in which the noncustodial parent is to behave during visitation. This is simply not an issue in most divorce or custody cases, nor does it lend itself easily to a detailed statement. In reality, it invites one parent to try to control the behavior of the other and is likely to lead to conflict and further litigation, probably in the context of motions for contempt. In effect, it will create problems where none exist now. In addition, it is likely to promote a counterattack in which the court is asked to enter a detailed statement of the conditions and obligations of the custodial parent, not only in regard to visitation but in regard to that person's care of the child. None of this detail is desirable in the overwhelming percentage of cases involving children.

In contrast, the courts are fully capable of entering detailed behavioral orders when there is reason to believe that they are necessary, and courts indeed do so. Family matters are sensitive and stressful for the parties, and judges need to have room to exercise discretion and good judgment in deciding what orders to issue. It is impossible in the divorce context to eliminate judicial discretion, nor should we want to. There is no simple bright-line rule for what is in the best interests of the child. Section 22, by demanding that the court micro-manage visitation in every case, will do far more harm than good. We urge the Committee to remove it from the bill.