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February 22, 2011

The Select Committee on Children

RE: HB 5661 An Act Concerning Court Interviews in Child Custody Cases

Dear Committee Members,

I am writing to request you not approve House Bill 5661 and offer the following in support of that position:

1. Sufficient opportunities already exist for courts to determine the wishes of children.

In any family relations matter (defined in § 46b-1) the Connecticut General Statutes authorize the court to conduct investigations (§ 46b-6), receive reports on those investigations (§ 46b-7) and appoint counsel for minor children (§ 46b-54). Domestic relations officers and counsel for minor children are authorized to, indeed charged with, determining the desires and interests of children. These tools are more than sufficient for the court to fulfill its task of "considering . . . any relevant and material information obtained from the child, including the informed preferences of the child . . . (§ 46b-56(c)(3)).

2. Children should not be placed at the center of custody conflicts.

Exposing children to the courtroom process places them *squarely* at the center of their parents' disputes. Any child who meets with a judge under this scheme will have the perception of influencing his/her custody decision. Nevertheless, the court cannot base its decision on only this input. The tension present between parents and children will be aggravated, not alleviated, by this disjointed process. Our existing body of law has developed to protect children from precisely this result and should not be altered.

Thank you for your kind attention. I welcome questions and further discussion on this bill, should it be of assistance to the Committee.

Sincerely,

Jane Grossman, Staff Attorney
On Behalf of the New Haven Legal Assistance Family Law Unit