



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

**Testimony of Judge Lynda B. Munro
Chief Administrative Judge for Family Matters**

**Select Committee on Children Public Hearing
February 22, 2011**

**House Bill 5661, An Act Concerning Court Interviews
in Child Custody Cases**

Thank you for the opportunity to submit written testimony in opposition to **House Bill 5661, *An Act Concerning Court Interviews in Child Custody Cases***. The bill would require the court hearing a child custody matter to interview any child age twelve or older, and would permit such an interview for any child younger than twelve, if sought by any party. The Judicial Branch opposes this bill because it eliminates the discretion of the court to make an informed opinion as to whether this would be in the best interest of the child, it presents due process issues, and because it ignores the reality of familial conflict.

At the outset, the bill fails to take into account that not every child is emotionally capable of speaking to a judge about what he or she has been exposed to in their home. Setting the age of twelve as the age in which the court would be compelled to interview the child seems arbitrary; it does not take into account the child's maturity, developmental or mental health needs, their exposure to domestic violence and child abuse. In addition, it allows manipulative parents to perpetuate their conflict by directly using their children. Parents with ill-intent could fill their child's head with information that they would like to put before the court.

The bill also ignores due process considerations. Conversations between a judge and child cannot simply occur. Not only do parties have a right to hear what is being said, but parties would also be entitled to cross-examine the child. As one can readily

imagine, the possibility of emotional trauma is significant if the child is subject to questioning by lawyers, or in the case of self-represented parties, by their parents themselves.

Finally, the bill also fails to consider that the court already has the ability to ascertain the desires of children subject to custody proceedings; children are appointed attorneys are appointed for this very purpose, providing the court with an opportunity to hear and take into consideration the position of the child. In this fashion, the court can made aware of the child's position in a manner that does not have the potential of traumatizing the child.

Thank you for the opportunity to submit written testimony in opposition to this bill.