

March 19, 2012

Joint Committee on Judiciary
Rm 2500, Legislative Office Building
Hartford, CT 06106

MONICA FORE
TESTIMONY AND EXHIBITS

H.B. No. 5509 (Raised) – AN ACT CONCERNING THE PAYMENT OF ALIMONY AND CHILD SUPPORT

[(C)] (1) When one of the parties, or a child of the parties is receiving or has received aid or care from the state under its aid to families with dependent children or temporary family assistance program, Husky Plan, Part A, or foster care program as provided by Title IV-E of the Social Security Act, or when one of the parties has applied for child support enforcement services under Title IV-D of the Social Security Act as provided in Section 17b-179, such motion to modify shall be filed with the Family Support Magistrate Division for determination in accordance with subsection (m) of section 466-231.

(d) In determining whether a child is in need of maintenance and, if in need, the respective abilities of the parents to provide such maintenance and the amount thereof, the court shall consider the age, health, station, occupation, earning capacity, amount and sources of income, estate, vocational skills and employability of each of the parents, and the age, health, station, occupation, educational status and expectation, amount and sources of income, vocational skills, employability, estate and needs of the child. Upon determining that a child is in need of maintenance, the court may order that (1) a trust account be established for the benefit of a child, and (2) a portion of any support order be deposited in the trust account and made available for the maintenance of the child under such terms and conditions as the court considers just.

Dear Legislators,

On February 15, 2012, during the judiciary hearing for Reappointment and appointment of judges, Senator Kissel made a statement to Attorney Raheem L. Mullins regarding him taking care of his child. Senator Kissel said, "...First of all to have a child at such a young age, that child, I would guess 99% of the time remains with the mom and the guy is not to be found, not to take responsibility." My testimony is not meant to be disrespectful at all to Senator Kissell but to inform him and all of the judiciary committee and legislators that those statistical numbers given to the public are fraudulent numbers. All Black and Hispanic men are not "DEAD BEAT" dads.

Sadly, if you go by the statistical numbers of the Department of Social Services and the Attorney General's Office, the fraudulent numbers they present to the public and federal government are alarming. There is a serious concern regarding the language they use in their summons presented before the courts to make the public believe that everyone they are going after for child support is "refusing and neglecting" to care for their child. According to Attorney Rochelle Homelson, Attorney General's Office, "this is the form we use for everyone."

I seriously oppose H.B. No. 5509, due to the fact that government employees are using a fraudulent process, their support petition form, to attack innocent men of color. Attached you will find evidence to support my statements. ~~On or around March 2011, my son was hunted~~ down like an animal by a state marshal because Attorney Carolyn Ennis from the Attorney General's Office assisted Lydia Chilstrom, Department of Social Services and Stashia Luddy, my grandsons mother, claiming that my son was a "dead beat." They knew it was a lie, but, because of their position, power and the taxpayers money on their side, they blatantly lied to the court to say that my son was not involved in his sons' life. With a gross lack of respect for the law and no integrity, on April 19, 2011 they told the court that he refused and neglected to care for his child. See attached petition summons and court transcripts.

State employees Attorney Ennis and Lydia Chilstrom lied about my son being a dead beat dad to aid Stashia Luddy in attempting to get custody of her and my sons' child. Stashia is white and my son is Black. All state employees and court officials involved are white. FSMR Steele is white. Together they abused their government privileges to lie on a Black man. They went so far as to garnish his wages to ensure that Stashia would win custody of the child. Sadly, this monstrosity did not end there. What you will read in the April 19, 2011 transcripts, is my son telling them that they are violating his rights and discriminating against him. FSMR Steele got nasty with my son and lied in the judicial proceeding telling him "he can't appeal my order." Under fraudulent terms they garnished his wages and continued the hearing to June 24, 2011.

On June 24, 2011, in their attempt to cover up the illegal act, and knowing that I am making noise out in the public about the corruption, they use Attorney Rochelle Homelson to represent Stashia Luddy. Attorney Homelson and other government officials took my son to one of the side rooms. They intimidated him and told him that he was going to lose the case if he did not do what they told him to do. They told him he could lose his rights to his child. I was there fighting to protect his rights but they would not allow me to speak in the hearing. In the attached June 24, 2011 transcripts you will read from "THE VOICE..." that I am speaking out in the hearing telling them they are committing fraud on the court. They do not say my name in the transcripts nor do they let me testify because they know I would expose the corruption. Instead, to cover up their lie, you will read in the transcripts 6/24/11 p. 3, lines 11-27; p. 4, lines 1-3, "Your Honor there is an agreement that the State is not requesting, nor is mother requesting any past due support because there had not been any neglect or refusal to supply support for the child

on behalf of Mr. Fore. So we wanted to make it clear he has been contributing and we're not requesting any arrearages...p.4, so ordered." The Judiciary Committee should note that the case was brought into court because he was supposedly a "dead beat" dad.

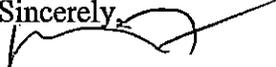
These state employees not only filed a malicious child support case against my son, they also abused the taxpayers money. They covered up welfare fraud against the state and federal government. And this is coming from our Attorney General's Office. And instead of dropping the case, they continued on with their malicious act. They asked the magistrate to spiral down a Superior Court Family Case to the level of the magistrate court to cover up their misconduct.

When my son appealed the 2011 case back up to Judge Pincus, Judge Pincus lied to protect them. At all times, Judge Pincus knew the truth and should have corrected the injustice. Judge Pincus knew about the abduction and that my son was actively trying to get his child back. Please compare the two attached judicial docket sheets. Please see that in the FA 09-4020946 case that on entry line 101.00 dated May 29, 2009 that Judge Pincus is involved in that case. Please review the parties involved. You will see a Guardian At Litem involved. You will also be able to see factually the hearings that took place in court. You will see that there is a defendant actively involved in the case. Therefore, how in the world in FA 11-4026468, Can the Attorney General's Office come after an innocent person for "refusing and neglecting" to care for their child?" My son could not afford an attorney and they knew that.

By granting this bill you will cause significant harm to other men of color. I ask our judiciary committee to seek an investigation into this matter and all other family cases that involves the Attorney General's Office as they have informed me that the form they are using is the form they use on everyone. The form they use to call men "dead beat dads" is illegal. You have been given evidence today that will support my statements. More importantly, as the committee is over the judicial system, you may also review the judicial website to see that the Superior Court is higher than the administrative courts. Knowing that a case was already open, the Attorney General's Office should have filed an appearance in that case if in fact they were telling the truth that my son is a dead beat dad.

As to the real facts of the case, with the help of a court appointed Guardian At Litem, Attorney Christopher Oakley (2009) both parties signed an agreement for fifty-fifty custody with no primary residence. Both parties agreed to do their own share. Judge Pincus granted that in the FA 09-4020946 case. However, in the FA 11-4026468 case FSMR Steele, Hutchinson make a new order now requiring my son to do his fifty percent plus pay the mother child support, pay medical expenses and other fees. My son is now struggling to care to care for the child when he has the child on his days because he has to provide solely for the child based upon this fraudulent act. Sadly, when he appealed back up to Judge Pincus, Judge Pincus lied for his friends to cover up the misconduct. He denied the appeal. My son now has an invisible rope around his neck.

They have stolen his freedom. The minute he loses his job and cannot afford to carry out their fraudulent act, they will pull that rope to lynch him. This is the new way men of color are being lynched in our society. All Black and Hispanic men are not dead beat dads.

Sincerely, 

Monica Fore
583 Prospect Avenue, Unit 24
West Hartford, CT 06105
860-206-1440



State of Connecticut
Judicial Branch



[Civil Inquiry Home](#) [Prev Page](#) [Site Help](#) [Comments](#) [Calendar Notices](#)

[Case Lock-up](#)

HHB-FA09-4020946-S LUDDY, STASHIA, M v. FORE, DERRICO, A
 Prefix/Suffix: [none] Case Type: F40 File Date: 05/29/2009 Return Date: 05/29/2009

[Case Detail](#) [History](#) [Scheduled Court Dates](#) [E-Services Login](#) [Screen Section Help](#)

Data Updated as of: 03/17/2012

Case Information

Case Type: F40 - FAMILY - CUSTODY
 Court Location: NEW BRITAIN
 List Type: FAMILY DIVERSE
 Trial List Claim: 05/29/2009
 Last Action Date: 06/20/2011 (Last Action Date is a data entry date, not actual date)

Disposition Information

Disposition Date: 06/15/2011
 Disposition: JUDGMENT WITHOUT TRIAL
 Judge or Magistrate: HON BARRY PINKUS, J

Parties & Appearances

Party Number	Plaintiff/Defendant		No Fee Party
01	P	STASHIA M LUDDY Self-Rep: 820 MATTHEW STREET #3 BRISTOL, CT 06010	Appear Date: 05/29/2009
50	D	DERRICO A FORE Self-Rep: 29 MOLZON PL BRISTOL, CT 06010	Appear Date: 06/04/2009
51	D	GAL Attorney: OAKLEY & CHIZINSKI LLC(427022) 516 MAIN STREET SUITE 7 MIDDLETOWN, CT 06457	Appear Date: 08/13/2009

Viewing Documents on Family Cases: Pleadings, orders and other documents in family cases are all paper-filed and can be viewed during normal business hours at the Clerk's Office in the Judicial District where the case resides.*
 * unless otherwise restricted

Motions / Pleadings / Documents / Case Status

Entry No	File Date	Filed By	Description	Arguable
100.20	06/01/2009		CLAIM FOR TRIAL LIST	
101.00	05/29/2009	P	CUSTODY APPLICATION RESULT: Order 6/15/2011 HON BARRY PINKUS, J	Yes
101.25	05/29/2009	P	ORDER TO SHOW CAUSE RESULT: Continuance 5/17/2010 HON HENRY COHN, J	Yes
102.00	05/29/2009	Court	ORDER OF NOTICE RESULT: Order 5/29/2009 BY THE CLERK	No
103.00	05/29/2009	P	EX PARTE APPLICATION FOR CUSTODY RESULT: Order 7/13/2009 HON LINDA PRESTLEY, J	Yes
103.25	05/29/2009	P	ORDER TO SHOW CAUSE RESULT: Continuance 6/29/2009 HON LINDA PRESTLEY, J	Yes
104.10	05/29/2009	P	MOTION TO WAIVE ENTRY FEE AND PAY COSTS OF SERVICE RESULT: Granted 5/29/2009 HON LINDA PRESTLEY, J	No
105.00	06/04/2009	D	OBJECTION	No

106.00	06/11/2009	D	NOTICE	No
107.00	06/12/2009	D	MOTION TO DISMISS RESULT: Order 7/13/2009 HON LINDA PRESTLEY, J	Yes
108.00	06/16/2009	Court	ORDER	No
109.00	06/16/2009	Court	ORDER	No
110.00	06/19/2009	D	MOTION FOR CONTINUANCE	No
111.00	06/23/2009		SUPPLEMENTAL RETURN	No
112.00	07/10/2009	D	REQUEST	No
113.00	07/31/2009	Court	ORDER	No
114.00	07/31/2009	Court	ORDER	No
115.00	07/31/2009	D	MOTION FOR CONTEMPT	Yes
116.00	08/24/2009	P	WITHDRAWAL OF MOTION	No
117.10	08/31/2009	D	MOTION TO WAIVE ENTRY FEE AND PAY COSTS OF SERVICE RESULT: Denied 9/1/2009 HON LINDA PRESTLEY, J	No
118.00	10/16/2009	Court	ORDER	No
119.00	12/23/2009	P	AGREEMENT	No
120.00	01/07/2010	Court	ORDER	No
121.00	01/07/2010	Court	MOTION FOR REFERENCE-FAMILY RELATIONS DIVISION RESULT: Continuance 5/17/2010 HON HENRY COHN, J	Yes
122.00	02/02/2010	Court	ORDER	No
123.00	03/01/2010	D	MOTION FOR CONTINUANCE	No
124.00	04/01/2010	P	MOTION FOR CONTINUANCE RESULT: Granted 4/5/2010 HON LINDA PRESTLEY, J	No
125.00	05/20/2010	P	MOTION FOR CONTINUANCE	No
126.00	06/23/2010	P	MOTION FOR CONTINUANCE RESULT: Granted 6/23/2010 HON LINDA PRESTLEY, J	No
127.00	04/14/2011	Court	ORDER	No
128.00	04/27/2011	D	EX PARTE APPLICATION FOR CUSTODY RESULT: Order 5/2/2011 HON BARRY PINKUS, J	No
129.00	04/28/2011	P	EX PARTE APPLICATION FOR CUSTODY RESULT: Order 5/2/2011 HON BARRY PINKUS, J	No
130.00	04/28/2011	P	MOTION FOR CONTEMPT RESULT: Order 5/2/2011 HON BARRY PINKUS, J	Yes
131.00	05/02/2011	Court	ORDER	No
132.00	06/15/2011	Court	ORDER	No
133.00	06/15/2011	Court	JUDGMENT WITHOUT TRIAL-GENERAL RESULT: 6/15/2011 HON BARRY PINKUS, J	

Individually Scheduled Court Dates as of 03/17/2012				
HHB-FA09-4020946-S - LUDDY, STASHIA, M v. FORE, DERRICO, A				
#	Date	Time	Event Description	Status
No Events Scheduled				

Note: Other court activity may be separately scheduled on short calendars.

Periodic changes to terminology may be made which do not affect the status of the case.

Disclaimer: For civil and family cases statewide, case information is displayed and is available for inquiry on this website for a period of time, one year to a maximum period of ten years, after the disposition date. To the extent that Connecticut Practice Book Sections 7-10 and 7-11 provide for a shorter period of time, this information will be displayed for the shorter period. In accordance with the Federal Violence Against Women Act of 2005, cases for relief from physical abuse, foreign protective orders, and motions that would be likely to publicly reveal the identity or location of a protected party may not be displayed and may be available only at the courts.

[Attorneys](#) | [Case Look-up](#) | [Courts](#) | [Directories](#) | [Educational Resources](#) | [E-Services](#) | [FAQ's](#) | [Juror Information](#) | [News & Updates](#) | [Opinions](#) | [Opportunities](#) | [Self-Help](#) | [Home](#)

[Common Legal Terms](#) | [Contact Us](#) | [Site Map](#) | [Website Policies](#)

Copyright © 2012, State of Connecticut Judicial Branch

APPEARANCE

JD-CI-12 Rev. 2/08
P.J. §§ 3-1 thru 3-6, 3-8

**STATE OF CONNECTICUT
SUPERIOR COURT**

www.jud.ct.gov

NOTICE TO SELF-REPRESENTED PARTIES (PRO SE)

A self-represented party is a person who represents himself or herself. It is your responsibility to inform the clerk's office if you have a change of address.

Note: If you are a self-represented party and have previously filed an appearance and you are filing this appearance only to change your address, check the box below:

<input checked="" type="checkbox"/> Judicial District	<input type="checkbox"/> Housing Session	<input type="checkbox"/> G.A.
---	--	-------------------------------

I am filing this appearance to provide change of address information only. My new address information is below.

INSTRUCTIONS

1. Type or print legibly.
2. **Judicial District Court Locations:** In any action returnable to a Judicial District court location, file only the original with the clerk. In criminal actions see instruction #4.
3. **Geographical Area Locations:** In any action returnable to a Geographical Area court location, except criminal actions, file original and sufficient copies for each party to the action with the clerk. In criminal actions see instruction #4.
4. **In Criminal and Motor Vehicle Actions:** Mail or deliver a copy of the appearance to the prosecuting authority, complete the certification at bottom and file original with the clerk. (Practice Book (P.B.) Secs. 3-4, 3-5)
5. **In Eviction (Summary Process) Actions:** In addition to instruction #2 or #3 above, mail a copy to the attorney for the plaintiff, or if there is no such attorney, to the plaintiff and complete the certification below. (P.B. Sec. 3-5(a))
6. **In Small Claims Matters:** File the original with the Small Claims area or Housing Session location. Mail or deliver a copy to the attorney or self-represented party and complete the certification below.
7. **For Appearance in place of (in-lieu-of) another attorney, law firm, or self-represented party:** Complete the certification below. (P.B. Sec. 3-8)
8. If a party who has been defaulted for failure to appear files an appearance prior to the entry of judgment after default, the default shall automatically be set aside by the clerk. (P.B. Sec. 17-20)
9. **In Juvenile Matters:** Do not use this form. Use form JD-JM-13 Appearance, Juvenile Matters.

ADDRESS OF COURT
(No., street, town and zip code)
20 Franklin Square
New Britain, CT 06051

DOCKET NO.
FA 094020946

RETURN DATE

SCHEDULED COURT DATE
(Criminal/Motor Vehicle Matters)
June 15, 2009

NAME OF CASE (FIRST-NAMED PLAINTIFF VS. FIRST-NAMED DEFENDANT)

Stashia Luddy v. Derrick Fore

PLEASE ENTER THE APPEARANCE OF

JURIS NO. OF ATTY. OR FIRM	NAME OF SELF-REPRESENTED PARTY (See "Notice to Self-Represented Parties" at top), OR NAME OF OFFICIAL, FIRM, PROFESSIONAL CORPORATION, OR INDIVIDUAL ATTORNEY
	Derrick Andario Fore

MAILING ADDRESS (No., street)	P.O. BOX	TELEPHONE NO. (Area code first)
4108 Grizzard Rd.		256 715-1253
CITY/TOWN	STATE	ZIP CODE
Huntsville	AL	35810
FAX NO. (Area code first)	E-MAIL ADDRESS	

In the above-entitled case for: ("X" one of the following)

- The Plaintiff (includes the person suing another person).
- All Plaintiffs.
- The following Plaintiff(s) only: _____
- The Defendant (includes the person being sued or charged with a crime).
- The Defendant for the purpose of the bail hearing only (in criminal and motor vehicle cases only).
- All Defendants.
- The following Defendant(s) only: _____
- Other (Specify) _____

Note: If other counsel or a self-represented party have already appeared for the party or parties indicated above, state whether this appearance is:

- In place of the appearance of the attorney or firm or self-represented party already on file (P.B. Sec. 3-8) OR
 - In addition to appearance already on file.
- (Name and Juris No.) _____

SIGNED (Individual attorney or self-represented party)	NAME OF PERSON SIGNING AT LEFT (Print or type)	DATE SIGNED
X <i>Derrick Fore</i>	Derrick Fore	6/9/09

CERTIFICATION		FOR COURT USE ONLY	
This certification must only be completed in eviction cases; for "in place of" appearances; in criminal cases; and in small claims matters.		2009 JUN -4 P 2:47 DEPARTMENT OF COURTS SUPERIOR COURT	
I hereby certify that a copy of the above was mailed or delivered to:			
<input checked="" type="checkbox"/> All counsel and self-represented parties of record as listed below and on any additional sheet(s). (For evictions (P.B. Sec. 3-5(a)), criminal actions (P.B. Sec. 3-5(c)) and small claims matters)			
<input type="checkbox"/> Counsel or the party whose appearance is to be replaced as listed below and on additional sheet(s). (For appearances in place of another attorney or firm (P.B. Sec. 3-8))			
SIGNED (Individual attorney or self-represented party)	DATE COPIES MAILED OR DELIVERED		
X	6/11/09		
NAME OF EACH PARTY SERVED *	ADDRESS AT WHICH SERVICE WAS MADE		

* If necessary, attach an additional sheet or sheets with the name of each party served and the address at which service was made.



State of Connecticut
Judicial Branch



[Civil Inquiry Home](#) [Prev Page](#) [Site Help](#) [Comments](#) [Calendar Notices](#)

[Case Lock-up](#)

HHB-FA11-4026468-S LUDDY,STASHIA(ST/CT) ET AL v. FORE,DERRICO
Suffix: IVD Case Type: F85 File Date: 03/10/2011 Return Date: 03/10/2011

[Case Detail](#) [History](#) [Scheduled Court Dates](#) [E-Services Login](#) [Screen Section Help](#)

Data Updated as of: 03/17/2012

Case Information

Case Type: F85 - FAMILY - SUPPORT PETITION
Court Location: NEW BRITAIN
List Type:
Trial List Claim:
Last Action Date: 09/19/2011 (Last Action Date is a data entry date, not actual date)

Disposition Information

Disposition Date: 06/24/2011
Disposition: JUDGMENT WITHOUT TRIAL
Judge or Magistrate: KATHERINE HUTCHINSON, Mag

Parties & Appearances

Party Number	Plaintiff/Defendant		No Fee Party
01	P	STASHIA LUDDY Self-Rep: 820 MATTHEW ST. NO. 3 BRISTOL, CT. 06010	Appear Date: 04/19/2011
02	P	CONN STATE OF Attorney: CAROLYN ENNIS(430271) AG-EMPLOYMENT RIGHTS 55 ELM ST PO BOX 120 HARTFORD, CT 061410120	Appear Date: 03/10/2011
03	P	BCSE Attorney: BUREAU OF CHILD SUPPORT ENFORCEMENT A(104030) DEPT OF SOCIAL SERVICES 30 CHRISTIAN LANE NEW BRITAIN, CT 06051	Appear Date: 03/10/2011
50	D	DERRICO FORE Self-Rep: 29 MOLZON PLACE BRISTOL, CT. 06010	Appear Date: 06/09/2011

Viewing Documents on Family Cases: Pleadings, orders and other documents in family cases are all paper-filed and can be viewed during normal business hours at the Clerk's Office in the Judicial District where the case resides.*
 * unless otherwise restricted

Motions / Pleadings / Documents / Case Status

Entry No	File Date	Filed By	Description	Arguable
101.00	03/08/2011	P	PETITION FOR SUPPORT RESULT: Continuance 4/19/2011 ALAN STEELE, Mag	Yes
102.00	04/19/2011	P	FINANCIAL AFFIDAVIT	No
103.00	04/19/2011	P	EXHIBITS	No
104.00	04/25/2011	D	MOTION TO REARGUE/RECONSIDER	Yes
105.00	06/09/2011	D	ANSWER AND SPECIAL DEFENSE	No
106.00	06/24/2011	Court	ORDER SEE FILE	No
107.00	06/24/2011	P	FINANCIAL AFFIDAVIT	No
108.00	06/24/2011	D	FINANCIAL AFFIDAVIT	No

109.00	06/24/2011	Court	JUDGMENT WITHOUT TRIAL-GENERAL RESULT: 6/24/2011 KATHERINE HUTCHINSON, Mag	
110.00	07/05/2011	D	APPEAL FROM FAMILY SUPPORT MAGISTRATE RESULT: Order 7/28/2011 HON BARRY PINKUS, J	Yes
111.00	07/28/2011	P	BRIEF	No
112.00	08/04/2011	D	BRIEF	No
113.00	08/10/2011	Court	MEMORANDUM OF DECISION	No
114.00	08/16/2011	D	MOTION TO REARGUE/RECONSIDER RESULT: Denied 8/30/2011 HON BARRY PINKUS, J	Yes
115.00	09/08/2011	D	MOTION FOR ARTICULATION RESULT: Denied 9/13/2011 HON BARRY PINKUS, J	No

Individually Scheduled Court Dates as of 03/17/2012				
HHB-FA11-4026468-S - LUDDY, STASHIA (ST/CT) ET AL v. FORE, DERRICO				
#	Date	Time	Event Description	Status
No Events Scheduled				

Note: Other court activity may be separately scheduled on short calendars.

Periodic changes to terminology may be made which do not affect the status of the case.

Disclaimer: For civil and family cases statewide, case information is displayed and is available for inquiry on this website for a period of time, one year to a maximum period of ten years, after the disposition date. To the extent that Connecticut Practice Book Sections 7-10 and 7-11 provide for a shorter period of time, this information will be displayed for the shorter period. In accordance with the Federal Violence Against Women Act of 2005, cases for relief from physical abuse, foreign protective orders, and motions that would be likely to publicly reveal the identity or location of a protected party may not be displayed and may be available only at the courts.

[Attorneys](#) | [Case Look-up](#) | [Courts](#) | [Directories](#) | [Educational Resources](#) | [E-Services](#) | [FAQ's](#) | [Juror Information](#) | [News & Updates](#) | [Opinions](#) | [Opportunities](#) | [Self-Help](#) | [Home](#)

[Common Legal Terms](#) | [Contact Us](#) | [Site Map](#) | [Website Policies](#)

Copyright © 2012, State of Connecticut Judicial Branch

COMMISSIONER OF SOCIAL SERVICES
(STASHIA LUDDY)
VS.

DOCKET NUMBER:
: SUPERIOR COURT
: FAMILY SUPPORT MAGISTRATE DIVISION
: JUDICIAL DISTRICT OF NEW BRITAIN
: AT NEW BRITAIN
: January 06, 2011

DERRICO FORE

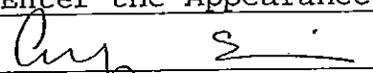
SUPPORT PETITION

Pursuant to C.G.S. Secs. 17b-745, 46b-215, and/or 46b-172, the petitioner, on behalf of the State, brings this action against the named defendant as he/she is the legally liable parent of a child(ren) receiving child support services from the State. Attached to this petition and incorporated by reference is a verified statement of facts prepared by the petitioner's duly authorized representative which sets forth the facts upon which this petition is based.

The petitioner requests that the family support magistrate order the defendant to provide financial and medical support and maintenance for such child(ren), including applicable fees, as provided by law. The petitioner further requests the enforcement of such orders, as provided by law, and payment of support to the State for disbursement to the child(ren)'s custodian and the State, as their interests may appear.

Petitioner ,
By: George Jepsen
Attorney General

Please Enter the Appearance Of:


CAROLYN E ENNIS
Assistant Attorney General
Juris No. 430271 (BCSE Juris No. 104030)
55 ELM STREET
HARTFORD, CT 06106

SUMMONS AND ORDER FOR HEARING AND
NOTICE TO DEFENDANT

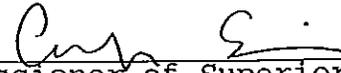
To Any Proper Officer:

By authority of the State of Connecticut you are hereby commanded to make service of this Petition, Order and Summons on the above named defendant at the address provided herein by leaving a true and attested copy in his hands, at his usual place of abode, or with his employer in accordance with C.G.S. Sec. 52-57(f). SERVICE AND RETURN TO THE CLERK SHALL BE ACCOMPLISHED NO LATER THAN _____ (21 days prior to court date).

To The Above-Named Defendant:

1. The State of Connecticut has instituted a support petition action against you claiming that you are the legally liable parent of the child(ren) named in these papers.

2. You are required to appear in court to raise any defense you may have to these claims. If you fail to appear in court for the hearing at the date, time and place listed below, a judgment and an order for a *capias mittimus* may enter in your absence. YOUR COURT DATE, TIME AND LOCATION ARE:

April 19, 2011 9:00 AM
COURT DATE TIME
 1/19/11
Commissioner of Superior Court (Date)

20 FRANKLIN SQUARE
SECOND FLOOR, NEW BRITAIN, CT 06051
ADDRESS OF COURT, ROOM NO.

VERIFIED STATEMENT OF FACTS (SUPPORT)

The individual signing this verified statement of facts states that he/she is authorized by the Commissioner of Social Services to provide the Attorney General's Office with the following sworn statements of fact, based on his/her best information and belief:

1. The Bureau of Child Support Enforcement, Department of Social Services, is providing child support services on behalf of the supervising relative and child(ren) listed below in No. 2, of the following type:

TANF	TANF/FC	<u>X</u> Medicaid	Non-TANF
------	---------	-------------------	----------

2. Support orders are requested for the following CHILD(REN) on whose behalf child support services are being provided:

Name of Child	Birth Date	Legal Status	Docket Number
JAIDEN FORE	08-16-06	ACKNOWLEDGED	

3. The full name, address and relationship of the DEFENDANT are:

NAME: DERRICO FORE
ADDRESS: 114 GREENE STREET
BRISTOL, CT 06010
RELATIONSHIP: ACKNOWLEDGED FATHER

4. The petitioner has determined the defendant's ability to make child support and arrearage payments, and the arrearages due, in accordance with the attached child support guidelines worksheet.

5. No order of judgment has been entered requiring such payments, and no proceeding has been brought or is pending seeking such payments.

6. The defendant has refused or neglected to support the child(ren) as provided by law and the Department of Social Services has requested that the Attorney General's Office institute support petition proceedings in order to establish financial and medical support obligations.

Dated at New Britain, Connecticut Dec 7, 2010.

Lydia Chilstrom
Investigator/Supervisor
Department of Social Services

Personally appeared, Lydia Chilstrom, Investigator/Supervisor, Department of Social Services, who being duly sworn, made oath that the facts stated in the foregoing verified statement of facts are true.

[Signature]
Commissioner of Superior Court
Notary Public (MCE 3/31/2011)
BCSE Investigator

TRUE AND CORRECTLY
7

NO: HHB-FA11-4026468-S

: SUPERIOR COURT

: JUDICIAL DISTRICT
OF NEW BRITAIN

LUDDY, STASHIA

V.

: AT NEW BRITAIN, CONNECTICUT

FORE, DERRICO

: APRIL 19, 2011

BEFORE THE HONORABLE ALAN E. STEELE, JUDGE

A P P E A R A N C E S :

Representing the State of Connecticut:

ATTORNEY CAROLYN ENNIS
Assistant Attorney General
55 Elm Street, P.O. Box 120
Hartford, CT 06141-0120

Representing the Defendant:

DERRICO FORE
Self-Represented Party

Recorded By:
Kathleen M. Prairie

Transcribed By:
Kathleen M. Prairie
Court Recording Monitor
20 Franklin Square
New Britain, CT 06051

1 ATTY ENNIS: Number sixty-two please, Stashia
2 Luddy and Derrico Fore, Fore, I'm sorry. Derrico
3 Fore, is that how you say it?

4 THE COURT: I'm sorry, what number is this
5 again?

6 ATTY ENNIS: Sixty-two.

7 THE COURT: Sixty-two.

8 ATTY ENNIS: If I could have the parties sworn
9 when you have a minute.

10 THE COURT: All right, swear them in please.

11 CLERK: Both raise your right hands please. Do
12 you solemnly swear or solemnly and sincerely affirm
13 as the case may be, that the evidence you shall give
14 concerning this case shall be the truth, the whole
15 truth, and nothing but the truth, so help you God, or
16 upon penalty of perjury?

17 THE PLAINTIFF: I do.

18 THE DEFENDANT: I do.

19 CLERK: Please state your full name and address
20 for the record, starting with you, ma'am.

21 THE PLAINTIFF: Stashia Luddy, 820 Matthew
22 Street, Number 3, Bristol, Connecticut, 06010.

23 CLERK: Thank you. Sir?

24 THE DEFENDANT: Derrico Fore, 29 Molzon Place,
25 Bristol, Connecticut.

26 CLERK: Thank you.

27 ATTY ENNIS: Okay. This is a support petition

1 for one child, if I may inquire?

2 THE DEFENDANT: Sure.

3 ATTY ENNIS: Ms. Luddy, you're the mother of
4 Jayden Derrico Fore, born August 16, 2006?

5 THE PLAINTIFF: Yes I am.

6 ATTY ENNIS: And I'm showing you an
7 acknowledgment of paternity, which means Derrico

8 Andurio Fore as the father of the child. Do you
9 recognize this document?

10 THE PLAINTIFF: Yes I do.

11 ATTY ENNIS: And is this your signature in the
12 left hand corner?

13 THE PLAINTIFF: Yes it is.

14 ATTY ENNIS: Okay, thank you. And, sir, I'm
15 showing you also the acknowledgement of paternity,
16 which names you as the father of the child, Jayden
17 Fore. Do you recognize this document?

18 THE DEFENDANT: Yes.

19 ATTY ENNIS: And this is your signature?

20 THE DEFENDANT: Correct.

21 ATTY ENNIS: Which you signed in 2006?

22 THE DEFENDANT: Correct.

23 ATTY ENNIS: Okay, thank you, State's Exhibit
24 please?

25 THE COURT: State's Exhibit A is a copy of an
26 acknowledgement of paternity where both parties have
27 verified their signatures thereon, that they are the

1 parents of the child, Jayden Fore, born August 16,
2 2006, in Bristol, Connecticut, and as such, there's a
3 finding of an obligation for the support of the
4 child.

5 ATTY ENNIS: Okay, thank you. If I can, Your
6 Honor, just give you some background. The parties
7 met with the investigator, Mr. Watson, this morning.

8 The defendant did not cooperate in filling out a
9 financial affidavit at that time. He argues that he
10 has a custody action that's either been filed, or is
11 going to be filed.

12 CLERK: I have that one--

13 ATTY ENNIS: But however, no financial orders
14 have been entered in that file, and the position has
15 always been that orders enter in Family and Support
16 Magistrate Court, and that any pending custody
17 shouldn't impact what we do here.

18 THE COURT: If, let me explain to you, if a
19 custody arrangement is finally decided, and right now
20 I assume the custody of the child, the child's living
21 with mother. Is that right? Right now, is that
22 right?

23 THE DEFENDANT: Living? No, he lives with both
24 of us.

25 THE COURT: What?

26 THE DEFENDANT: He lives with both of us.

27 THE COURT: Both places? How could he live in

1 two places?

2 THE DEFENDANT: Fifty-percent, that's what--

3 THE PLAINTIFF: No, Your Honor, that's not--he
4 works Monday through Friday. He never sees our child
5 during the week, and on the weekends, when he doesn't
6 have anything better to do, is when he's been seeing
7 him, and he got served with child support papers, so

8 the past three or four weeks it's pretty much been
9 every weekend, which has not been the case up until
10 this point.

11 THE COURT: Let me explain to you. If the child
12 support finding is any different, then they will send
13 it back to have the order changed. But right now,
14 I'm going to enter an order based on the fact that
15 the child spends most of the time with the mother.

16 THE DEFENDANT: Excuse me, Your Honor? I do
17 have some stuff I'm going to present to you.

18 THE COURT: No, no, no. What do you have?
19 Financial?

20 THE DEFENDANT: I have a couple things, because
21 my rights are being violated right now.

22 THE COURT: What?

23 THE DEFENDANT: If you're telling me that the
24 child lives majority with her, that's her word
25 against my word. There's no proven fact that her--
26 that my child lives with her.

27 THE PLAINTIFF: Your Honor, we can call the

1 schools, I mean, this is going to turn into a circus.

2 THE COURT: Do you have an attorney?

3 THE DEFENDANT: No, I do not. I represent
4 myself. But my--

5 THE COURT: You don't want an attorney?

6 THE DEFENDANT: I do have some stuff--

7 THE COURT: Because I'll set this down for a

8 hearing. I'm not going to take up the time today for
9 having a full hearing.

10 THE DEFENDANT: Okay, well, I would like a
11 hearing because--I do have stuff, like I say, I'm
12 going to present to the Court.

13 ATTY ENNIS: Your Honor, the plaintiff informs
14 me that the standing custody order in the file, which
15 we have, is basically a shared, fifty-fifty
16 arrangement.

17 THE DEFENDANT: Correct.

18 ATTY ENNIS: So I haven't looked at that file,
19 but we do have it, so--

20 THE COURT: We'll what I'm going to do, is I'm
21 going to wait until there's a judgment on this case.

22 I don't know what the situation is. The problem I
23 have here, he says that he does have the child more
24 often than what she says, so I'll have to have a
25 hearing, at least, he wants to have witnesses. He
26 wants to bring witness.

27 ATTY ENNIS: I mean, I think there's an

1 upstanding order in the custody file I'd like to look
2 at least at what that--

3 THE COURT: There is a standing support order?

4 ATTY ENNIS: Order for visitation. There are no
5 financial orders, no. But, who knows when there may
6 be financial orders or when that situation may
7 change, which is why it's always our practice to do

8 child support orders here.

9 THE COURT: I know. But he wants to have an
10 opportunity to do that.

11 ATTY ENNIS: This is just a delay--

12 THE DEFENDANT: Excuse me.

13 THE PLAINTIFF: Right, but he hasn't given me an
14 opportunity up until this point.

15 THE COURT: He's not delaying anything because
16 it would be retroactive. Any orders would be
17 retroactive.

18 ATTY ENNIS: He wants to have an opportunity for
19 what? I'm sorry, to hire an attorney?

20 THE COURT: No, he has some stuff that he wants
21 to present at people, at somebody--

22 ATTY ENNIS: He--well, I don't know what he has
23 to present--he has a motion--

24 THE DEFENDANT: I have a lot. I have one for
25 you too. This is yours. This is the Judge's, and
26 this is mine. It is my objection.

27 ATTY ENNIS: Your Honor, I think if you take a

1 look at this you can make a determination on it.

2 THE PLAINTIFF: You'll see that it's ridiculous.

3 THE COURT: I want to set this down for a
4 hearing.

5 THE DEFENDANT: I would like a trial.

6 THE COURT: He's requesting a hearing. I'll
7 give him a hearing.

8 ATTY ENNIS: So is it going on the special
9 hearing docket?

10 THE COURT: Yes, the special hearing docket, any
11 orders will be retroactive, so you won't be out any
12 monies, as far as that goes.

13 CLERK: The next one is June twenty-fourth.
14 Friday June twenty-fourth.

15 THE COURT: All right.

16 ATTY ENNIS: Can we at least do--the plaintiff's
17 just concerned because she is currently receiving
18 cash assistance, but that's going to be ending. She
19 needs some kind of support coming.

20 THE COURT: When is it ending?

21 THE DEFENDANT: Excuse me, Your Honor?

22 ATTY ENNIS: Excuse me!

23 THE COURT: One moment, one moment. Give people
24 a chance to talk.

25 THE DEFENDANT: I'm sorry.

26 ATTY ENNIS: It's going to be ending this month.

27 THE PLAINTIFF: Right.

1 ATTY ENNIS: And then she's not going to have
2 any support. I'm wondering if at least we can do a
3 temporary order while we wait to provide a special
4 hearing for the defendant.

5 THE COURT: Is there a financial affidavit?

6 ATTY ENNIS: There is, for the plaintiff. The
7 defendant refused to fill one out. So, what I
8 prepared is based on his DOL that I have, and it's
9 current. We're with DSS preparing--are his current.
10 He's consistently worked, but he did not cooperate
11 with the investigator.

12 THE COURT: Do you have any background on it?
13 How much he's earned before?

14 ATTY ENNIS: Yes, I do have the DOL--

15 THE COURT: All right, it says you refused to
16 fill out a financial affidavit.

17 THE DEFENDANT: No, Your Honor, I filled out.

18 THE COURT: Let me explain something to you
19 first before you start. You did not fill out a
20 financial affidavit. What? You have a financial
21 affidavit?

22 THE DEFENDANT: It's not correctly filled out,
23 but I did sign it and I did put a statement at the
24 bottom.

25 THE COURT: Did you fill out your financial
26 affidavit?

27 THE DEFENDANT: Not completely.

1 THE COURT: All right, then I don't want it
2 then. I want a complete affidavit. Based on that, I
3 will only enter orders based on your previous
4 earnings with Yard Metals, back in, last year. Based
5 on that, it is a temporary order of \$126 a week. I
6 will enter a temporary order of \$126 a week. I want
7 that to go into effect as of, when does your State

8 end?

9 THE PLAINTIFF: This month was the last month
10 that I received benefits, so starting May, I won't
11 receive anything from State anymore.

12 THE COURT: Effective May first. And I'll
13 continue the matter until June twenty-fourth is that
14 it?

15 CLERK: June twenty-fourth, Friday.

16 THE COURT: June 24, 2011, to have a hearing;
17 you can bring in all your witnesses, and all your
18 evidence at that time.

19 ATTY ENNIS: So that's a special hearing day?

20 THE COURT: That's a special hearing day.

21 ATTY ENNIS: And, Your Honor, can I just request
22 an income withholding be ordered for the temporary
23 order--a wage withholding.

24 THE COURT: Yes. I'll enter wage withholding on
25 the temporary order. Yes?

26 THE DEFENDANT: Excuse me, Your Honor, can I say
27 something because I was not able to speak at all.

1 Before you enter judgment--

2 THE COURT: I'm not making any judgment. This
3 is a temporary order.

4 THE DEFENDANT: I support, no, it's temporary.
5 It's temporary, but how can you find me guilty? I
6 take care of him, first of all, I take care of my
7 son.

8 THE COURT: I'm not finding anyone guilty. This
9 is not a matter, please; this Court is not a matter
10 of guilt or not-guilt. This Court is a matter of
11 supporting the child.

12 THE DEFENDANT: Correct.

13 THE COURT: All right, and it's your child, and
14 this is a temporary support order based on any
15 further information that you may have, and its not,
16 and if you bring in the information then the order,
17 the final order will be retroactive to the date that
18 this came in.

19 THE DEFENDANT: Your Honor, like I said, I do--

20 THE COURT: I'll order that, so you're not going
21 to be out anything. I don't want to argue now. I
22 don't want to take the time of the Court to argue
23 this.

24 THE DEFENDANT: I understand. I understand
25 that. Understood; but what I'm saying is, I take
26 care of my son, first of all.

27 THE COURT: I'm not saying you don't.

1 THE DEFENDANT: Now, you just granted her
2 something, based off her word right now.

3 THE COURT: Not off her word. I have
4 information here from DATTCO Inc., your former
5 employer.

6 THE DEFENDANT: Okay, is she going to pay me
7 child support when I have my son.

8 THE COURT: What?

9 THE DEFENDANT: Is she going to pay me child
10 support when I have my son fifty percent of the time?

11 THE COURT: That's what the Court is going to
12 determine.

13 THE DEFENDANT: But you just determined that.

14 THE COURT: Continued until June twenty-fourth.

15 THE DEFENDANT: Okay. My rights have been
16 violated.

17 ATTY ENNIS: And Your Honor, I would like to
18 request that that be, it's a final hearing date. He
19 should come prepared to fully present whatever issues
20 he wants to present. We're not prolonging this
21 anymore.

22 THE COURT: Yes, final hearing. All right.
23 Bring all your information you can regarding--bring
24 in everything. We'll have a full hearing on what
25 should be done on that date. So ordered.

26 CLERK: What would the retroactive date be? All
27 the orders are going to be retroactive to?

1 THE COURT: Retroactive to the date that this
2 was filed. I'm sorry, not filed, but the date that
3 he was served notice.

4 CLERK: The date of service?

5 THE COURT: Right.

6 THE DEFENDANT: Your Honor? Your Honor?

7 THE COURT: Yes?

8 THE DEFENDANT: Can I make one more statement on
9 file? On record?

10 THE COURT: You may. Yes, you may.

11 THE DEFENDANT: My rights have been violated.

12 THE COURT: What? Well, get an attorney.

13 THE DEFENDANT: I'm just letting you know I
14 will.

15 THE COURT: You can't appeal my order. But get
16 an attorney; I advise you to get an attorney.

17 THE DEFENDANT: I will.

18 THE COURT: Good.

19

20

21

22

23

24

25

26

27

NO: HHB-FA11-4026468-S

: SUPERIOR COURT

LUDDY, STASHIA

: JUDICIAL DISTRICT
OF NEW BRITAIN

v.

: AT NEW BRITAIN, CONNECTICUT

FORE, DERRICO

: APRIL 19, 2011

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of New Britain, Connecticut, before the Honorable Alan E. Steele, Judge, on the 19th day of April, 2011.

Dated this 26th day of April, 2011 in New Britain, Connecticut.



Kathleen M. Prairie
Court Recording Monitor

NO: HHB-FA11-4026468-S : SUPERIOR COURT
STASHIA LUDDY (ST/CT), ET AL : JUDICIAL DISTRICT
NEW BRITAIN
v. : AT NEW BRITAIN, CONNECTICUT
DERRICO FORE : JUNE 24, 2011

H E A R I N G

BEFORE THE KATHERINE Y. HUTCHINSON, MAGISTRATE

A P P E A R A N C E S :

Self-Represented Plaintiff:

STASHIA LUDDY
820 Matthew Street
No. 3
Bristol, Connecticut 06010

Representing the State of Connecticut:

ROCHELLE HOMELSON
Assistant Attorney General
Attorney General's Office
55 Elm Street
P.O. Box 120
Hartford, Connecticut 06141

Self-Represented Defendant:

DERRICO FORE
29 Molzon Place
Bristol, Connecticut 06810

A L S O P R E S E N T:

JAIME WATSON
Support Enforcement Officer

Recorded By:
Kate DiVito

Transcribed By:
Kate DiVito
Court Recording Monitor
20 Franklin Square
New Britain, Connecticut 06051

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

THE CLERK: Would you like the parties sworn,
Your Honor?

THE COURT: Yes, please.

THE CLERK: Both raise your right hands, please.
Sir?

ATTY. HOMELSON: Raise your right hands.

THE COURT: This is Number 2, right, Luddy

and --

THE CLERK: Yes.

THE COURT: -- Fore?

(The Court conferred with the clerk)

1 STASHIA LUDDY AND

2 DERRICO FORE:

3 Having been called as witnesses, were duly sworn, examined
4 and testified as follows:

5 THE CLERK: Do you solemnly swear or solemnly
6 and sincerely affirm, as the case may be, that the
7 evidence you shall give concerning this case shall be

8 the truth, the whole truth, and nothing but the
9 truth, so help you God or upon penalty of perjury?

10 MS. LUDDY: I do.

11 MR. FORE: I do.

12 THE CLERK: Please state your full name and
13 address for the record, starting with you, ma'am.

14 MS. LUDDY: Stashia Luddy, 820 Matthew Street,
15 Number 3, Bristol, Connecticut 06010.

16 THE CLERK: Thank you.

17 MR. FORE: Derrico Fore, 29 Molzon Place,
18 Bristol, Connecticut.

19 THE CLERK: And does the Department of Social
20 Service worker need to be --

21 MR. WATSON: Jamie Watson, Bureau of Child
22 Support Enforcement, investigator, New Britain,
23 Connecticut.

24 THE CLERK: If you could just state your name on
25 the record?

26 MS. LUDDY: My name.

27 THE CLERK: No.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

MS. LUDDY: Oh.

THE CLERK: The attorney general.

ATTY. HOMELSON: For the record
Rochelle Homelson, Assistant Attorney General. My
apologies.

THE CLERK: Thank you.

ATTY. HOMELSON: Your Honor I am submitting to
the Court the two financial affidavits and the child
support guidelines for the Court.

We have a partial agreement.

Your Honor there is an agreement that the State
is not requesting, nor is mother requesting any past
due support in this case because there had not been
any neglect or refusal to supply support for the
child on behalf of Mr. Fore.

So we wanted to make it very clear he has been
contributing and we're not requesting any arrearages.

Now the guidelines have been submitted together
with the financial affidavits. Your Honor should
have in front of you two files, one that's a custody
file and one that's a support file.

THE COURT: Yes.

ATTY. HOMELSON: What we would request so that
whenever one case comes up both files are present,
that the two files be companionized so that everybody
is aware of what's happened in both of the courts.

THE COURT: That's if I require that the file

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

become companionized, Madame Clerk?

THE CLERK: Yes.

THE COURT: So ordered.

ATTY. HOMELSON: Thank you, Your Honor.

And I believe we have a disagreement as to current support based on the fact that there's a 50/50 arrangement in the custody file. The

guidelines would indicate \$125 a week as a presumptive amount but that doesn't take into account custody issues. The -- it -- it -- there presently is cash assistance but the cash assistance will be ending as of June 30th. So that -- we would be asking that any order that the Court enters would be basically payable through to the mother as of July 1st.

There is presently a temporary order of \$126 a week that was entered by Magistrate Steele on April 19th. That had been entered with -- to be effective May 1st because there was a representation to the Court at that time that public assistance was going to end as of April 30th. It didn't end until June 30th.

But I wanted to put all of that before the Court before you hear from the parties.

THE COURT: So that would be then owed to the State for those two months?

ATTY. HOMELSON: Right. Exactly. It would be

1 paid to the State for the last two weeks and then as
2 of July 1st it would go to the mother.

3 THE COURT: Last two months.

4 ATTY. HOMELSON: The last two months have
5 been --

6 THE COURT: Yeah.

7 ATTY. HOMELSON: -- paid to the State.

8 THE COURT: Right.

9 ATTY. HOMELSON: And there is no arrearage on
10 that.

11 THE COURT: Okay.

12 ATTY. HOMELSON: He has paid it every week
13 faithfully, Your Honor.

14 THE COURT: So the -- the child was on public
15 assistant those two months and, so, --

16 ATTY. HOMELSON: Right.

17 THE COURT: -- that money would go to the State
18 because --

19 ATTY. HOMELSON: That's correct.

20 THE COURT: -- the child's now -- will no longer
21 be on public assistance starting the 1st of July.

22 ATTY. HOMELSON: Right.

23 THE COURT: Any orders would then be payable to
24 her.

25 ATTY. HOMELSON: That's correct.

26 THE COURT: Okay.

27 ATTY. HOMELSON: But there is that issue with

1 regard to the current support.

2 THE COURT: Okay.

3 ATTY. HOMELSON: And perhaps Your Honor wishes
4 to inquire of both the parties of where they stand on
5 that.

6 THE COURT: All right.

7 ATTY. HOMELSON: I'm not sure if Magistrate

8 Steele had entered medical orders on the last court
9 date.

10 THE COURT: I don't think so but let me review
11 the file. I'll take a quick look at it.

12 ATTY. HOMELSON: I discussed --

13 THE COURT: And I believe it was just the 126
14 plus income withholding order. Nothing else is
15 checked on the first page, second page.

16 ATTY. HOMELSON: I do -- I believe that this is
17 an agreement that both parties will agree to provide
18 medical insurance if available at reasonable cost.
19 The limitation of the cost for dad is seven and a-
20 half percent of his net income. Limitation for the
21 mom is five percent of the net income based on how
22 much they're earning. And that the -- that the
23 unreimbursed would be split 50/50 since they have a
24 50/50 arrangement as to the custody.

25 THE COURT: Regardless of whether or not the
26 order for child support is entered in -- regardless
27 of what the amount is?

1 ATTY. HOMELSON: That's correct.

2 Now -- so that's all the agreement I believe.

3 MR. FORE: Yeah.

4 ATTY. HOMELSON: Is that an agreement, ma'am?

5 (No verbal response)

6 ATTY. HOMELSON: Is that an agreement, sir?

7 MR. FORE: Well with the whole -- I can explain

8 like this: I was planning on putting my child on
9 my -- my insurance anyway. That's what I've been
10 talking to her about for the last couple weeks is
11 putting him on my plan, because it's a little -- we
12 got a new policy and it's a lot cheaper probably than
13 him being on state. So that was my agreement before
14 child support -- this whole child support case.

15 THE COURT: Okay. Somebody in the back wants to
16 say something. Is she a party to this?

17 MS. LUDDY: If she doesn't need to come up
18 here --

19 A VOICE: I'm his mother.

20 MS. LUDDY: -- she just caused a lot of
21 problems --

22 A VOICE: (Inaudible)

23 MS. LUDDY: -- in the room.

24 THE COURT: Okay.

25 A VOICE: And she -- this is fraud and --

26 THE COURT: Just a minute. Just a minute.

27 A VOICE: Your Honor --

1 THE COURT: Just a minute.

2 ATTY. HOMELSON: Your Honor --

3 THE COURT: Just a minute, ma'am.

4 ATTY. HOMELSON: Your Honor, because there are
5 only two parties to this the only way that anybody
6 else can provide evidence would be --

7 THE COURT: Call as a witness.

8 ATTY. HOMELSON: -- as a witness -- called as a
9 witness by one of the parties, Your Honor.

10 THE COURT: Yes. I had no idea who she was, I
11 had no idea when she came in I just thought I would
12 indicate since you had --

13 ATTY. HOMELSON: But there is --

14 THE COURT: -- your back to --

15 ATTY. HOMELSON: -- there is an --

16 THE COURT: -- her --

17 ATTY. HOMELSON: -- issue with regard to the
18 current support.

19 THE COURT: Okay.

20 ATTY. HOMELSON: The 50/50 order is in the
21 custody file concerning where the child is supposed
22 to be residing. There is a disparity between the two
23 incomes.

24 THE COURT: Incomes, yes.

25 ATTY. HOMELSON: Mother would like a support
26 order. I'm not sure where dad actually stands on it,
27 but Your Honor may wish to have a downward deviation

1 based on the custody order.

2 THE COURT: All right. Getting back to -- is --
3 everything Attorney Homelson has indicated she
4 understood was the agreement, is that the agreement?

5 I think you already said yes and you said yes
6 and then you gave me a bit of an explanation about
7 you may -- you will probably be adding the child to

8 your health insurance?

9 MR. FORE: Yes.

10 THE COURT: Okay. The way the health insurance
11 orders are generally phrased -- I use a little
12 different terminology because I use the terminology
13 of the statute and that is that in this case the
14 parties will maintain health insurance or benefits
15 carried by them or which is available to them at a
16 reasonable cost. In your case reasonable cost is
17 defined to be seven and a-half percent or less of
18 your net income and yours, ma'am, would be five
19 percent or less. So if it's available to you through
20 your place of employment or other benefit plan at a
21 reasonable cost.

22 ATTY. HOMELSON: That means if it costs more
23 than that you don't have to, it --

24 THE COURT: You certainly can --

25 ATTY. HOMELSON: -- would be your --

26 THE COURT: -- if you want.

27 ATTY. HOMELSON: -- choice, but you don't have

1 to.

2 THE COURT: Anybody have any questions about
3 that?

4 MS. LUDDY: No.

5 THE COURT: Okay.

6 A VOICE: Your Honor, he has an answer --

7 THE COURT: Okay.

8 A VOICE: -- that he filed. Can you read his
9 answer because he -- he's not (inaudible). It's a
10 trip on him.

11 THE COURT: Sir --

12 A VOICE: He's got to --

13 MS. LUDDY: Can -- can she --

14 A VOICE: He's got an answer in that file. He
15 filed --

16 MS. LUDDY: -- be escorted out?

17 THE COURT: Sir?

18 MR. FORE: Yes.

19 THE COURT: Is that your agreement or -- do you
20 have any questions?

21 I've read your -- I read your answer but what
22 I'm told now is this was done by agreement. There's
23 some things --

24 MS. LUDDY: Correct.

25 THE COURT: -- that aren't --

26 MR. FORE: Well that -- that's -- that's --

27 THE COURT: -- done by agreement.

1 MR. FORE: -- for medical. Medical is --

2 A VOICE: No (inaudible).

3 THE COURT: Yeah.

4 MR. FORE: No, the medical -- the medical is --
5 is perfectly fine, you know.

6 THE COURT: We're going to get onto the child --

7 MR. FORE: Child support that's -- yeah.

8 THE COURT: -- current child support in a
9 minute. Yeah.

10 MR. FORE: Yeah that's pretty much where I want
11 to --

12 THE COURT: Right.

13 MR. FORE: -- speak about. Insurance is no
14 problem.

15 THE COURT: Okay. And you under -- I think I
16 said it but let me -- and I just repeat what counsel
17 had -- Attorney General had indicated, if it costs
18 more than seven and a-half percent of your net income
19 neither one of you, in your case five, required to
20 but you certainly can choose to if you want to.

21 MR. FORE: Okay.

22 THE COURT: That's up to you over that; the
23 seven and a-half percent, five percent to her.

24 Okay. Order the financial affidavits unsealed.

25 All right. Next question I have is, does
26 anybody disagree with the incomes that were used on
27 the guideline worksheet that I have that resulted in

1 the presumptive support amount of \$125? Not agreeing
2 to the 125 but the figures that resulted in -- when
3 they were put on the worksheet the figure that ended
4 up at the bottom as the presumptive support amount?

5 MR. FORE: Yes.

6 MS. LUDDY: Yes.

7 THE COURT: All right. So what we need to do

8 now then is to determine whether or not the Court is
9 going to deviate, that is order something other than
10 the presumptive support amount, something other than
11 the 125.

12 ATTY. HOMELSON: Right.

13 THE COURT: That's where we're at at this point.
14 Okay.

15 The Connecticut Child Support Guidelines do
16 provide that the Court, and it's limited to the
17 Court, can deviate, that is order something other
18 than the presumptive support amount and that can be
19 either higher or lower, but if the Court does that
20 the Court has to first of all find what the
21 presumptive support amount is and then state on the
22 record that it would be inequitable or appropriate to
23 order that guideline amount and then state on the
24 record the reasons for the deviation. So that's
25 where we're at at this point.

26 Okay. Now starting with the easy one I think,
27 are you -- are you agreed to the presumptive support

1 amount of 125?

2 MS. LUDDY: Yes.

3 THE COURT: Okay. And you're not. Is that
4 correct, sir?

5 MR. FORE: I don't -- the money's honestly not
6 the issue. You know, I -- I'm going to take care of
7 my child regardless. What it is, is I have my

8 child -- I'm supposed to have my child fifty percent
9 of the time and she's supposed to have him fifty
10 percent of the time.

11 THE COURT: Mm-hmm.

12 MR. FORE: Right now I'm working second shift so
13 she does see him a little bit more, you know, right
14 at this moment until, you know, I go first shift.

15 THE COURT: Until what? You said right now she
16 has him until what?

17 MR. FORE: Well she -- she sees him, you know --

18 THE COURT: Yeah.

19 MR. FORE: -- during the day a little bit more.

20 THE COURT: Right.

21 MR. FORE: He's out of school, it's summertime
22 right now so, you know, we're really working on the
23 50/50.

24 MS. LUDDY: He's -- he's basically just saying
25 that he works during the week a lot so on the days
26 that he's supposed to have him I just take him
27 because I don't work at night. So I've been seeing

1 him --

2 MR. FORE: Instead of having a babysitter --

3 THE COURT: Okay.

4 MR. FORE: -- you know -- right. We kind of --

5 MS. LUDDY: Right. I -- I take him --

6 MR. FORE: It's flexible.

7 THE COURT: All right. So --

8 MS. LUDDY: -- instead of having him go
9 somewhere is what -- so what he's saying is it's
10 technically supposed to be --

11 MR. FORE: Can I speak?

12 MS. LUDDY: -- 50/50. We -- we work together.

13 THE COURT: Mm-hmm.

14 MS. LUDDY: When we work together we're fine,
15 when we're fighting it's not a good -- good
16 situation.

17 THE COURT: All right. Now this agreement with
18 regard to when the child is with whom and wherever
19 was just done. Were you working the second shift
20 when that was entered?

21 MR. FORE: Yes I was.

22 THE COURT: Okay.

23 MR. FORE: It was -- the judge ordered a
24 flexible -- it's flexible but if we can't make it
25 flexible it's -- we stick to the paperwork. You
26 know, which is -- which is --

27 THE COURT: If you can't agree --

1 MR. FORE: -- works pretty good.

2 THE COURT: -- then you have to --

3 MS. LUDDY: Then --

4 THE COURT: -- resort back to this, yeah.

5 MR. FORE: Yes.

6 MS. LUDDY: Exactly.

7 MR. FORE: Exactly.

8 THE COURT: Yeah.

9 MR. FORE: I don't object to the 125. It's not
10 the issue of the money. It's -- it's just the fact
11 that she knows I take care of my kid and she should
12 have never had to come to court to do this. I don't
13 know what she's getting out of it.

14 THE COURT: Well my guess is because the child
15 was on public assistance that's why --

16 MR. FORE: Yeah.

17 THE COURT: -- you're in court.

18 MR. FORE: Yeah.

19 THE COURT: That she didn't really have --

20 MS. LUDDY: And it is.

21 THE COURT: -- much to say about it.

22 MR. FORE: Yeah, pretty much.

23 MS. LUDDY: And that's exactly what happened.

24 THE COURT: One of the things that she does when
25 she signs the child up for public assistance is in
26 effect assign the support rights to the State. And,
27 so I suspect that's why --

1 MS. LUDDY: And that is what happened.

2 THE COURT: Yeah. That's your --

3 MR. FORE: But --

4 THE COURT: -- that's why you're here because it
5 started while she was -- the child was on public
6 assistance.

7 MR. FORE: Like I said, the 125 is not an issue
8 but, you know, if -- you know, I have to go through
9 the leaps and bounds because it is 50/50. You know,
10 she should be covering her half, I should cover my
11 half. You know, I understand the child has to be in
12 equal living environments.

13 MS. LUDDY: Can I just say something about that?

14 I unfortunately, like, am stuck working a
15 minimum wage job because it's convenient for me at
16 this point. My son goes to school in the morning
17 and, like, he's admitting I do have him a lot and
18 it's hard for me to maintain a job that I'm capable
19 of getting because I have babysitting issues. I
20 can't afford daycare. He goes to a state funded
21 school from 8:15 to 2:15 so that's when I work.

22 MR. FORE: I disagree.

23 MS. LUDDY: So it's not that it's what -- I
24 don't understand what he's -- he's trying to say.
25 Like he, you know, is a little better off than I am
26 right now but under my circumstances that I have to
27 work with I do the best that I can. And I do need

1 his help regardless of what it's going to be.

2 MR. FORE: Which I have no problem helping her.
3 That's no issue. I don't want her using that as an
4 excuse that the child -- because she's had good jobs.
5 She's quit or she's gotten fired due to stuff that
6 makes no sense.

7 Like I said, I have no problem with the money.

8 You know, of course she -- she's taking care of my
9 child, I hope she's good too, you know. But the
10 thing is I don't want to be forced into something
11 where say something happens to me down -- down the
12 road, I lose my job I could go to jail for not paying
13 child support.

14 THE COURT: You can always file a motion --

15 MR. FORE: I -- I know. She --

16 THE COURT: -- to modify, sir.

17 MR. FORE: -- she told me. She told me that.

18 But thing is -- it's like I still have it over my
19 head, you know. And if I got to do that much I ask
20 that she -- she do a little bit more too. You know,
21 if I'm giving 125 I ask she keeps receipts.

22 THE COURT: She what, I'm sorry?

23 MR. FORE: She keeps receipts.

24 THE COURT: Okay. Let --

25 MR. FORE: I'll agree to the 125 if she keeps
26 receipts, gives them to me at the end of the week.

27 THE COURT: What -- what do you mean keep

1 receipts?

2 MR. FORE: For what she purchases --

3 MS. LUDDY: I mean --

4 MR. FORE: -- for my son, or what gas, whatever
5 it be.

6 THE COURT: Okay. Because I was going to
7 explain and maybe -- I don't know if the attorney

8 general did or not -- the payment -- whatever the
9 payments are that you make don't go directly to her
10 they go through the state. Support enforcement keeps
11 track of everything.

12 MR. FORE: Yeah.

13 ATTY. HOMELSON: I think what --

14 THE COURT: So everything that comes in they --
15 they keep track.

16 Yes, ma'am?

17 ATTY. HOMELSON: I think what Mister --

18 THE COURT: He wants accounting, yes.

19 ATTY. HOMELSON: Yes. He wants an accounting of
20 basically where his money goes.

21 MR. FORE: I'll agree to the 125 if she could do
22 that. And I don't think that's a lot to ask, you
23 know.

24 THE COURT: Ma'am, you wanted to say something.

25 MS. LUDDY: Oh, no, I just -- I'm just -- it's
26 been a long day I'm starting to get upset. I really
27 don't have much to say. It's just too much.

1 THE COURT: You're going to get a chance to
2 regroup a bit because we have a telephonic hearing
3 set at 12 o'clock. And I don't know how long that's
4 going to take. So I'm going to ask you to have a
5 seat, however let me just say this, sir, so you can
6 be thinking about it, I cannot think of a case, and
7 I've been doing this for twenty-four and a-half

8 years, where the other parent has been ordered to
9 give an accounting. It just isn't usually done.

10 MR. FORE: Okay.

11 THE COURT: Generally because there are certain
12 everyday expenses, especially -- if you're talking
13 about where the orders going to be \$5,000 a week it
14 might be done, I don't generally see those. I
15 generally try to keep up with all the cases that have
16 gone up to the Appellate Court and I haven't seen the
17 Appellate Court order an accounting.

18 But anyway -- but at this level because say
19 whether it's -- whatever it is, whether its 125
20 that -- the child will have housing expenses and food
21 expenses and everything that goes with the housing;
22 electricity, you know, transporting the child around,
23 etcetera. So I think that's why we don't see
24 generally orders for an accounting.

25 MR. FORE: All right. - But the thing is --

26 THE COURT: Now -- and if -- particularly
27 because you have a custody and visitation action

1 pending if -- if she isn't taking care of the child
2 then you have a recourse, then you can get back to
3 the court on your custody and visitation pretty
4 quickly.

5 MR. FORE: Well we have 50/50. It's already
6 established. It's already --

7 MS. LUDDY: Yeah, it's final judgment.

8 THE COURT: Yeah, I understand.

9 MR. FORE: -- it's 50/50 right down the middle.

10 THE COURT: I understand. But you have the
11 vehicle. You already have a case pending to do with
12 custody and visitation. So you could -- you could go
13 back in that action and ask a judge to enter orders
14 saying she's not properly doing this or properly
15 doing that if it's part of what she's supposed to be
16 doing, just like she could to you.

17 MR. FORE: Okay.

18 THE COURT: And then there's always other
19 remedies which I doubt very much the two of you would
20 have to resort to. But if the child's not being
21 taken care of and is in danger you have other -- you
22 have other remedies.

23 So I think what you're really talking about --
24 you say 50/50 and -- and I understand what you're
25 saying. That's the structure that was set by the
26 Court and already that's not being followed because
27 you two have worked something out.

1 MS. LUDDY: Mm-hmm.

2 THE COURT: But on the other hand -- let me just
3 go on with the way I understand the guidelines work.
4 There is a deviation criteria that -- and that is for
5 a shared custody, but shared custody in itself is not
6 enough.

7 So even though -- and if you read the preamble
8 to the guidelines you'll see that a 50/50 share does
9 not necessarily mean that there isn't going to be a
10 child support order because there's not -- I think
11 the term the preamble uses is there's no bright line
12 cutoff. But there are other things that provide --
13 and I'm going to read them to you because we do have
14 to do this telephonic hearing because another state
15 is waiting for us.

16 We have a Court Services Center here, if you
17 want you can go grab a copy of the Connecticut Child
18 Support Guidelines. But let me read it to you --

19 MR. FORE: Okay.

20 THE COURT: -- when -- if there's going to be a
21 deviation based on shared custody there's certain
22 things that the Court has to find.

23 Special circumstances; in some cases there may
24 be special circumstances not otherwise addressed in
25 this section in which a deviation from the
26 presumptive support amounts may be warranted for
27 reasons of equity. Such circumstances are limited to

1 the following: The first one is shared physical
2 custody. When a shared physical custody arrangement
3 exists -- when it exists -- and the Court has to
4 first find that it exists -- deviation is warranted
5 only when such arrangement substantially reduces the
6 custodial parents or substantially increase the non
7 custodial parents expenses for the child, and
8 sufficient funds remain for the parent receiving
9 support to meet the basic needs of the child after
10 the deviation.

11 So be thinking about that. If you wanted to
12 borrow my copy because --

13 MR. FORE: I have a question.

14 THE COURT: Yeah.

15 MR. FORE: Would you do a hundred a week?

16 MS. LUDDY: That's fine.

17 MR. FORE: Do a hundred -- can we just --

18 MS. LUDDY: I just --

19 MR. FORE: -- do a hundred a week and we end it.

20 MS. LUDDY: I'm so tired of being here.

21 THE COURT: Just, ma'am, don't --

22 MS. LUDDY: I'm sorry, we just had a really,
23 like, bad experience. Like I'm fine with the \$100 a
24 week I just --

25 THE COURT: No, I'm not going to let you do it.
26 If you want to think about it a minute or for a few
27 minutes while we do this we'll still get back to this

1 before 1 o'clock. Okay.

2 MS. LUDDY: Okay.

3 THE COURT: Does anybody want to borrow a copy
4 of this?

5 (No verbal response)

6 THE COURT: Would you like a copy, ma'am?

7 MS. LUDDY: No thank you.

8 THE COURT: Sir, you want a copy? I'm going to
9 mark the page.

10 Okay. Have a seat and we'll get back to this
11 before lunch recess at 1 o'clock.

12 ATTY. HOMELSON: Thank you, Your Honor.

13 (The matter was briefly passed)

14 THE COURT: All right. Back on. . .

15 So both parties are. . .

16 ATTY. HOMELSON: And the parties had been sworn
17 in --

18 THE COURT: Yes.

19 ATTY. HOMELSON: -- previously.

20 So in essence the remaining issue I believe is
21 the current support.

22 THE COURT: Yes.

23 ATTY. HOMELSON: And in essence, Your Honor,
24 that's in the interest of the parties themselves
25 because mother has discontinued from public
26 assistance --

27 THE COURT: Right.

1 ATTY. HOMELSON: -- effective the end of this
2 month.

3 THE COURT: Okay. Did you get a chance to look
4 at the --

5 MR. FORE: Yes I did.

6 THE COURT: Did you want to be heard further,
7 sir, on your request that I deviate from the

8 guidelines? Because I believe he's basically
9 requesting a deviation because of the shared custody.

10 ATTY. HOMELSON: Yes, Your Honor.

11 MR. FORE: Just only -- I drop down to, you
12 know, a hundred a week and I'll still be able to, you
13 know, do fun stuff with my -- my kid, you know. She
14 has her mother helping her out at her house because
15 they stay together. I'm pretty much -- I have a
16 roommate and we split the rent. Where as I believe
17 125 is not bad but a hundred would be better that way
18 I could still, like I said, do activities with him
19 and, you know, not be so tight on a budget.

20 THE COURT: Do you have a separate room for him
21 when he comes there?

22 MS. LUDDY: No.

23 MR. FORE: No. We have two floors. We have a
24 pretty big apartment. I'm actually in the process of
25 looking for something better to get him his own room
26 because he does need his own room and stuff, you
27 know.

1 THE COURT: Okay. Well right now how does this
2 shared custody affect your expenses for him?

3 MR. FORE: I got to -- you know, me I work, you
4 know, so it's like I don't really buy too many
5 groceries but he -- he loves his -- there's certain
6 stuff that he has to have when he's over. She knows
7 the same thing. When he's at her house he has to

8 have certain stuff, you know. I believe that \$100
9 will help her out, you know, and it would help me out
10 because I'd be able to provide for him when he's at
11 my house, you know. Whereas -- I mean I'm not -- I
12 don't make a lot of money, I make decent money but,
13 you know, bills and stuff like that. I want to be
14 able to enjoy life too with my kid.

15 THE COURT: Ma'am do you want to respond?

16 MS. LUDDY: Yeah I do.

17 THE COURT: Particularly with regard to -- the
18 other part of it is how -- if it reduces your
19 expenses at all having the child be with him during
20 the time that's set forth.

21 MS. LUDDY: Well -- yeah, and that's what I was
22 going to say. Up to this point he does take him when
23 he can but, like, he's made it clear that he does
24 work during the week Monday through Friday so for the
25 most part he is with me all week. He takes him on
26 the weekends, you know, during the week if he can,
27 you know, if he doesn't have school during the day.

1 I had to work this week, he did take him on a
2 Wednesday which was technically my day. I picked him
3 up after -- after I got out of work. But for the
4 most part -- I mean it's -- it's hard on me. My mom
5 kind of does give me a break but I'm not able to pay
6 her what I'm supposed to be paying her. Like I said
7 I work a minimum wage job.

8 I thought about the hundred dollars and that's
9 seventy dollars less than what I was getting from
10 state. So the 125 would have brought me thirty
11 dollars over what I was getting for state but I'm
12 now -- if I agree to the hundred I'm getting seventy
13 dollars less than what I was getting from the State
14 on top of having him like I always do. And I don't
15 have a problem having my son more. I'm not saying
16 he's a deadbeat dad. He's having issues with me
17 saying things that, you know, I'm not saying. He is
18 a good father, he does try for the most part but yes
19 my son is with me, you know, a lot. And agreeing to
20 the hundred dollars is going to -- you know what I
21 mean -- I'm losing out on seventy dollars that I was
22 getting, that I've come accustomed to getting and I
23 have him just as much.

24 THE COURT: Okay. Tell me a little bit more
25 about the time you have him now. You mentioned you
26 now are limited to working when he's in school, is
27 that it?

1 MS. LUDDY: Right. Well I've always kind of
2 been limited to working. I've had a couple good jobs
3 that through relationship issues with me and him
4 I've -- I've lost. I've maintained assistant manager
5 positions, supervisor positions. I'm more than
6 capable of getting a really good job. Right now, at
7 this point I do stay at my mom's house. My mom is

8 able to bring my son to school in the morning. He
9 goes to school from 8:15 to 2:15. I got him into the
10 same summer program that he was going to throughout
11 the year so he will be attending school again
12 starting on Monday. So it'll be from 8:15 to 2:15.
13 But he works at 2:00 and he works until 11 o'clock at
14 night. And then I work mornings. I go to work -- I
15 wake up at 4 o'clock in the morning to go to work to
16 make sure I'm out in time to pick my son up from
17 school, because I don't have the resources that I
18 need to pay a babysitter or to pay a daycare because
19 I just can't afford it right now.

20 So I maintain the job that I'm capable of
21 keeping that works around everybody's schedule,
22 that's not the best beneficial situation for me or my
23 son but it works for everybody because my son gets to
24 see, you know, me. He doesn't really realize that
25 I'm at work. It's just -- it's hard. And losing --
26 you know, not having child support or state
27 assistance is really going to put me in a bad

1 situation. Like my moms kind of fed up with the
2 situation. She's been helping me out and it's not
3 her job to support me and my son.

4 THE COURT: Yes?

5 MS. LUDDY: It's -- I'm sorry. I'm all done.

6 MR. FORE: That leaves her --

7 THE COURT: No -- okay. Go ahead.

8 MR. FORE: -- her open for a whole first shift
9 position.

10 THE COURT: I'm sorry?

11 MR. FORE: That leaves her --

12 THE COURT: Wait a minute. Wait a minute.

13 MR. FORE: I'm sorry.

14 THE COURT: I didn't hear what you said at the
15 beginning, start over. It's what -- it means what?

16 MR. FORE: I'm sorry?

17 THE COURT: Tell me what you just said I didn't
18 hear it.

19 MR. FORE: Oh I was just saying that, like, that
20 leaves her open for a first shift position because my
21 sons in school in the morning, you know.

22 MS. LUDDY: Right, but if I get a 9:00 to 5:00
23 job and he's going to work at 2:00 --

24 MR. FORE: That's three hours we can --

25 MS. LUDDY: -- and my mothers --

26 MR. FORE: -- we can work out the --

27 MS. LUDDY: -- I have no --

1 MR. FORE: -- difference.

2 MS. LUDDY: -- no means to get him from school.

3 MR. FORE: Just.

4 MS. LUDDY: And I need to work --

5 THE COURT: Just a minute.

6 MS. LUDDY: -- and I found a job that is -- is
7 functionable (phonetic) and working for the moment.

8 MR. FORE: If she was looking for a job --

9 THE COURT: Okay. Just a minute.

10 MR. FORE: -- it'd be one thing.

11 THE COURT: Go ahead, sir.

12 MR. FORE: If she was looking for a job to go --
13 to get a better job it'd be one thing, that's not the
14 issue. It's not the issue that she's trying to go
15 out and look for a better job, you know. Like I said
16 we have a kid 50/50. I mean how much more can I
17 give? You know, and it's like, okay, a hundred
18 dollars -- like I said, I want to be able to enjoy
19 time with my son and buy him stuff, and take him
20 shopping and do stuff like that with my kid and not
21 just have his mother do it, you know.

22 I mean, I don't make -- I mean I make a few
23 dollars more. The State of Connecticut is really
24 expensive.

25 MS. LUDDY: Four times the amount of money that
26 I make.

27 MR. FORE: You know, with rent and everything

1 it's -- I have to pay for that. I have to foot the
2 bill I have no choice I can't just be like, well, can
3 you pay for this.

4 MS. LUDDY: He had said that he agreed to the
5 125 before, it wasn't an issue.

6 MR. FORE: It's not -- it's not an issue but --

7 THE COURT: Okay. All right. Both of you hold
8 on just a minute, please.

9 Just looking to see what your agreement provided
10 with regard to dependency exemptions for tax
11 purposes.

12 MR. FORE: We split taxes.

13 THE COURT: Needless to say if the incomes
14 remain as they do now it -- for this year anyway it
15 behoove -- it takes an accounting, a CPA to figure
16 out it would behoove to -- for him to be able to take
17 the exemption. But I'm not ruling on that I'm just
18 looking at --

19 MR. FORE: Yeah, it's already --

20 THE COURT: -- all --

21 MR. FORE: -- it's already in the file.

22 THE COURT: -- the big picture here is what she
23 has to support the child once she goes off
24 assistance.

25 Go ahead, sir.

26 MR. FORE: It's already in the system with like
27 exemptions and stuff, it's every other year. I think

1 she's even years --

2 THE COURT: If an accountant doesn't determine
3 that -- I forget the language he uses.

4 Parties shall confirm -- it says confirm -- with
5 a CPA to determine the most -- I think it should have
6 been confer with a CPA to determine the most cost
7 advantageous way to claim child as a dependant. The

8 money saved by this would be split otherwise it's --
9 you just --

10 MR. FORE: Even, odd, yeah.

11 THE COURT: -- as you indicated, yeah.

12 All right. Go ahead, sir, you started to say
13 something else.

14 MR. FORE: No, that was what I explaining.
15 Every other year if we can't work something out
16 pretty much, we can't come to an agreement to see who
17 would get back more for the child I believe the odd
18 years is me and the even years is her.

19 THE COURT: Anything else?

20 MR. FORE: No that's it.

21 THE COURT: Ma'am?

22 MS. LUDDY: I just want to say just with the
23 whole regards to the job thing, if he was taking him
24 50/50 and I had set days that I was able to work and
25 I wouldn't have to worry about picking him up from
26 school and doing this and the stuff that he's
27 supposed to be doing on his days that would leave me

1 more opportunity to go out there and find a better
2 job. Just like I said, under the circumstances and
3 the situation right now I'm not capable of doing
4 that. I found a situation that works. It's not best
5 situation, I don't make the best money but it's what
6 I -- I've had to do up to this point.

7 I mean I just wanted to say that because I --

8 I -- it would be great if I could find another job
9 I'm just -- right now I'm not capable of getting out
10 and finding another job because I do always have -- I
11 don't want to say always, but I do have him during
12 the week and I don't have a lot of opportunities to
13 get out there and find a type of job that I'm capable
14 of having.

15 MR. FORE: Your Honor, ask her why she's been
16 fired from her last previous jobs. It's not that
17 she -- it's been nonsense reasons why she lost jobs
18 she's had.

19 MS. LUDDY: I've been at this job for six --

20 THE COURT: Okay. Well --

21 MR. FORE: So don't use that.

22 MS. LUDDY: -- months and it --

23 THE COURT: -- lets -- lets look at what the
24 situation now is. You two have worked something out
25 and it's working.

26 MR. FORE: Yes.

27 THE COURT: And it sounds like the child at this

1 point has the best of all worlds because she's --
2 he -- he, right --

3 MS. LUDDY: Yeah, he.

4 THE COURT: -- he's with -- with you or her or
5 her mother in the morning when she has to leave.

6 MR. FORE: And like --

7 THE COURT: And it comes through to me that,

8 bottom line, even though you two don't necessarily
9 get along you both have the best interest of the
10 child at heart.

11 MR. FORE: Financially honestly we -- we try to
12 make -- you know, she still comes to me for a
13 couple -- like can I get this? I look at her like
14 you're not getting any money here and I give it to
15 her. I'm not -- I'm not a selfish person. I worry
16 about my kid. I want to make sure my son is happy.
17 You know, if I'm at work and I can't take him
18 somewhere she'll ask me can I take him to the movies
19 and I give them the money to go to the movies, which
20 I will still continue to do.

21 THE COURT: Well that's why I wanted to put on
22 the record that I see you two as both, when you're
23 not mad at each other, trying to do the very best you
24 can for this child and it looks like it's working at
25 this point. Right?

26 MR. FORE: Yes.

27 THE COURT: Anything else?

1 MS. LUDDY: That's all.

2 THE COURT: Based on a net income for her of 172
3 and for him of 520 guideline amount is 125.

4 Sir, I'm going to find -- I'm not going to find
5 it inequitable and appropriate to order the guideline
6 amount and deviate because of your shared custody. I
7 find as I read earlier from the guideline deviation

8 criteria under the shared physical custody that
9 the -- when a shared physical custody arrangement
10 exists deviation is warranted only when and the
11 second part of that was sufficient funds remain for
12 the parent receiving support to meet the basic needs
13 of the child after the deviation. And if I were to
14 deviate down from the 125 that there would still --
15 that there would not be enough money for her to meet
16 the basic needs of the child because -- if I add the
17 125 to her 172 it still brings it up to 297 for the
18 two of them. And it will leave you 395 for you and
19 the two of you when you have him. So it's still a
20 big --

21 MR. FORE: But I have to --

22 THE COURT: -- difference between --

23 MR. FORE: But I'm being punished for --

24 THE COURT: -- what -- just a minute -- let me
25 finish.

26 MR. FORE: Okay. I'm sorry.

27 THE COURT: -- what the -- the incomes that

1 you're going to have -- the two of you are going to
2 have to take care of the child.

3 Yes, sir?

4 MR. FORE: I mean, I feel like for me working
5 harder and actually pursuing something I'm being
6 punished for it so she can sit back and relax. You
7 know, she doesn't have the same bills as me.

8 THE COURT: Okay. Let me just say this, if you
9 have -- if there's a substantial change in
10 circumstances she -- but even if she went to work
11 fulltime at minimum wage she's only going to gross
12 330, which is less than half of what you gross a
13 week. So that's for the future.

14 We determined the --

15 ATTY. HOMELSON: The medical orders.

16 THE COURT: Yeah. It's now 126 was it? The --
17 wasn't the temporary --

18 ATTY. HOMELSON: The temporary order was 126.

19 THE COURT: -- order was 126.

20 So permanent -- terminate the temporary status
21 based on those incomes, modify the order from the 126
22 to the 125 effective --

23 ATTY. HOMELSON: July 1st.

24 THE COURT: I don't know when the charge date
25 is. When do you usually do the charge dates here?

26 ATTY. HOMELSON: When was the order first --

27 MR. FORE: Might as well keep the extra dollar.

1 It's a dollar more you might as well keep --

2 THE COURT: One twenty-six. Fine.

3 ATTY. HOMELSON: Oh, it's on a Tuesday.

4 MR. FORE: That way you don't got to --

5 THE COURT: I find best interest of the child to
6 be 126. Fine.

7 By agreement then it's -- terminate the

8 temporary status of the order, find the best interest
9 of the child that he pay 125 -- 126. And income
10 withholding is modified accordingly. No past
11 support.

12 You asked me if the medical orders have been
13 entered and I think I said no.

14 THE CLERK: I think you did or they were
15 discussed.

16 THE COURT: Yeah.

17 THE CLERK: And I never -- because people were
18 talking I did not catch the actual (inaudible).

19 THE COURT: I don't think there was any. Let me
20 just check.

21 THE CLERK: No, the effective date.

22 THE COURT: Oh.

23 THE CLERK: No you didn't, I'm sorry.

24 THE COURT: I don't think I did because it's --
25 yeah, just terminate the temporary status of the
26 order because he was gracious enough to say okay
27 leave it at the 126.

1 THE CLERK: Okay.

2 THE COURT: So I did. And there's not going to
3 be any order on the arrearage.

4 Sir -- both of you -- it was an agreement for
5 both; right?

6 ATTY. HOMELSON: Yes.

7 THE COURT: Both parties are ordered to provide

8 the medical and dental insurance or benefit plan
9 carried by them or which is available to them at a
10 reasonable cost pursuant to 46b-84e of the statutes
11 as set forth. For her reasonable cost is being five
12 percent or less of her net income. Sir, for you it's
13 seven and a-half percent or less of your net income.

14 Ma'am, you're ordered to pay forty-three percent
15 of any unreimbursed medical expenses. Sir, you're
16 ordered to pay fifty-seven percent of any
17 unreimbursed medical expenses and fifty-seven percent
18 of any qualified childcare costs.

19 MR. FORE: How much -- how much was that again?

20 MS. LUDDY: It's just a percentage.

21 THE COURT: It's the percentages that if there
22 are any unreimbursed medical expenses -- and the
23 child's still going to be on HUSKY at least for
24 awhile. Correct, Madame Attorney General?

25 ATTY. HOMELSON: Yes.

26 THE COURT: The child will be on HUSKY --

27 ATTY. HOMELSON: Yes.

1 THE COURT: -- so chances are there won't be
2 any. And if she incurs daycare costs your share is
3 fifty-seven percent.

4 MR. FORE: Now is there any way I could request
5 my son's social security number? Because she has his
6 card and --

7 MS. LUDDY: Well what had happened with that, I
8 lost his social security card and I haven't had a
9 chance to go down. He knows how to go down to the
10 social security office and request it. I don't have
11 to do that for him he's more than capable of going
12 down there and just requesting it. All you have to
13 do is go down there and just request a card. Because
14 I don't have it, it was lost.

15 My mom needed it for energy assistance and we
16 ended up misplacing all of that paperwork. So I
17 don't need it for anything right now, I didn't want
18 to make an extra trip down there because I don't need
19 it. So I just told him he -- what to do and how to
20 do it because all you have to do is just request it.
21 It takes like a day to get.

22 THE COURT: All right. She doesn't have it.

23 MR. FORE: I know, obviously.

24 THE COURT: All right. Recess till 2 o'clock.

25 COURT MARSHAL: All rise. Court stands in
26 recess.

27

*

*

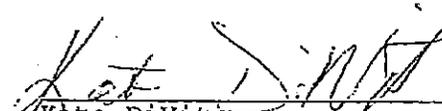
*

NO: HHB-FA11-4026468-S : SUPERIOR COURT
STASHIA LUDDY (ST/CT), ET AL : JUDICIAL DISTRICT
NEW BRITAIN
V. : AT NEW BRITAIN, CONNECTICUT
DERRICO FORE : JUNE 24, 2011

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of New Britain, Connecticut, before the Honorable Katherine Y. Hutchinson, Magistrate, on the 24th day of June, 2011.

Dated this 27th day of June, 2011 in New Britain, Connecticut.


Kate DiVito
Court Recording Monitor