

STATE OF CONNECTICUT GENERAL ASSEMBLY

JOINT COMMITTEE ON JUDICIARY

TESTIMONY IN SUPPORT OF H.B. # 6685, H.B. # 6688, & S.B. # 1155

SUBMITTED BY DANIEL M. LYNCH, TRUMBULL CT

The following is respectfully submitted as written testimony in support of three bills slated for discussion by the Judiciary Committee on Friday, April 5, 2013. While it is my intention to be present at the hearing to give testimony in person, I also understand that time is limited and a great many others are planning to be on hand to share their views. Please support these bills for the reasons noted herein.

H.B. No. 6685 (RAISED) AN ACT CONCERNING THE PRESUMPTION OF SHARED CUSTODY IN DISPUTES INVOLVING THE CARE AND CUSTODY OF MINOR CHILDREN.

H.B. No. 6688 (RAISED) AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO THE AWARD OF ALIMONY.

S.B. No. 1155 (RAISED) AN ACT CONCERNING REVISIONS TO STATUTES RELATING TO DISSOLUTION OF MARRIAGE, LEGAL SEPARATION AND ANNULMENT.

Overview

The current statutes and rules of practice which govern the resolution of various marital disputes are out-dated, inadequate, and actually work against the public policy that the "best interest of the children" should remain paramount.

Further, in spite of common knowledge of widespread abuse and fraud occurring throughout Connecticut Family Courts, it appears the financial incentives for some working within the system are too great a temptation to resist.

Related Matters Pending Review

On September 19, 2012, I attended oral arguments at the Connecticut Supreme Court in the matter of *Simms v. Seaman* (S.C. 18839). This case has a tortured history with roots dating back nearly thirty (30) years. Although no decision has been issued as of yet, it will likely be among the most important decisions released by the Supreme Court as it pertains to Connecticut Family Courts and the conduct of attorneys practicing within.

While I have no personal connection to this case, I have studied publicly available documents, including an amicus curiae brief, and cannot help but realize that the three bills now being considered, had they been in place several years ago, may have helped to avoid much of the underlying controversy in this case.

Each week, as the Appellate and Supreme Court release their decisions, it is instructional to study those that deal with dissolution of marriage, legal separation, and issues of custody, alimony, and other similar rulings. An increasing number of reversals, as well as the detailed analysis supporting the decisions, demonstrate the lack of consistency and clarity in existing statutes.

More and more litigants, especially those who are self-represented, are demanding fair and equitable resolution. The volume of discontent will only increase until the underlying problems are addressed.

“Our lives begin to end the day we become silent about things that matter.”

— — Dr. Martin Luther King, Jr.

H.B. No. 6685 – Presumption of Shared Custody

Absent documented issues of abuse and/or other behaviors that are unsafe for children, where two caring, involved, and nurturing parents have come to the conclusion that their lives are better apart than together as a couple (whether it be separation or dissolution of marriage), there must be a presumption of shared custody. First and foremost, it is best for the child(ren) to have two parents (and two extended families) involved in their lives. This “legal starting point” would likely reduce a significant amount of conflict, reduce an over-crowded docket, reduce over-burdened family relations case loads, and help preserve family assets for the benefit of the parties and their children.

Sadly, there are many who recognize that some (not all) family law attorneys thrive on prolonged controversy and, in some cases, contribute to same in order to derive increased billings, as well as referrals to others who may be appointed as GALs or AMCs. This “referral network” seems well entrenched within each judicial district and the source of significant current controversy, especially in light of the “absolute immunity” that attorney’s enjoy as a cloak of protection, depending upon their role in a particular case.

H.B. No. 6688 – Revisions to Statutes re: Alimony

I have little to add here that hasn’t already been clearly articulated by others during 2012 when this bill was first proposed and discussed. The time has certainly come to end “jackpot justice” and to revise this long out-of-date statute.

S.B. No. 1155 – Revisions to Statutes re: Dissolution of Marriage...

Prior to drafting this testimony, I have had the opportunity to review the separate submissions from Attorney's Arthur E. Balbirer and Gaetana Ferro. As a litigant with no legal background or training, there is little I can add to the thoughtful analysis of these experienced family law practitioners.

I support the suggested revisions and also believe a proactive effort should be made to ensure that statutes remain current with societal and economic trends as they may change in the coming years.

Personal Experience

The circumstances of each divorce are as unique as the people impacted by this life changing event. For the last five years, I have been embroiled in litigation which, in all likelihood, could have been completely avoided had current proposals been in place. Certainly, a presumption of shared custody (H.B. No. 6685) at the onset would have established an immediate certainty and framework which would have been most beneficial to both children involved.

Instead, I have had to endure two lengthy trials, incarceration in Bridgeport's North Avenue prison, and have a second appeal now pending. My first appeal resulted in a reversal of virtually all financial orders issued by the trial court judge who, it was found, had abused his discretion. (*Hon. Howard T. Owens, Jr., JTR*)

It took two and one-half years¹ to reach that appellate decision.¹ During that time, three decades of retirement savings had been wiped out and no court can ever undo the indignity of being strip searched and processed as a criminal.

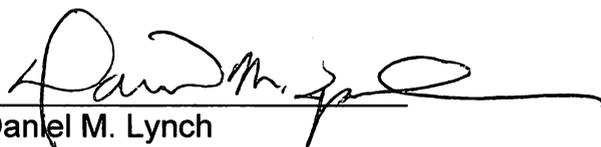
My crimes? Questioning the rulings of an abusive judge and exercising my right to an appeal; pursuing a complaint with the Judicial Review Council; and similarly pursuing a complaint of attorney misconduct against opposing counsel with the Statewide Grievance Committee.² In spite of his extensive disciplinary history, findings of probable cause of misconduct, and other pending complaints, the State quickly and quietly disposed of the matter between Christmas and New Year's 2012 by accepting this attorney's resignation and waiver, simultaneously closing all pending disciplinary matters in exchange for said resignation and waiver.³

Conclusion

At the annual judges meeting in June 2012, Chief Justice Chase Rogers outlined the most pressing issue facing Connecticut's judicial system – the growing number of self-represented litigants appearing in Connecticut court rooms.

It is my firm belief that by addressing, at minimum, the underlying issues raised in these three bills, the dockets will begin to experience immediate relief as the statutes will reflect the social and economic realities of today's families.

Respectfully submitted,

By: 

Daniel M. Lynch
50 Quality Street, #40
Trumbull, CT 06611-0040
Phone: (203) 520-2020
Email: dan@danlynch.net

¹ *Lynch v. Lynch*, 135 Conn. App 40 (2012), decision officially released April 24, 2012.

² *Daniel M. Lynch v. Stanley M. Goldstein*, Grievance Complaint #11-0889

³ *Disciplinary Counsel v. Stanley Goldstein*, Bridgeport Superior Court Docket FBT-CV12-6031744-S