



**STATE OF CONNECTICUT
JUDICIAL BRANCH**

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**Testimony of the Honorable Patrick L. Carroll III
Judiciary Committee Public Hearing
March 31, 2014**

**S.B. 494, An Act Concerning Guardians Ad Litem and
Attorneys for Minor Children in Family Relations Matters**

Senator Coleman, Representative Fox, Senator Kissel, Representative Rebimbas and members of the Judiciary Committee, my name is Patrick Carroll and I am the Chief Court Administrator. Thank you for giving me the opportunity to talk to you about **S.B. 494, *An Act Concerning Guardians Ad Litem and Attorneys for Minor Children in Family Relations Matters***.

As I know you are aware, our family courts handle some of the most difficult cases to be found in Connecticut's court system. In family court, matters of the most personal nature are subjected to the scrutiny of attorneys, court personnel, judges, and others. It is a difficult process for the litigants to go through, and sometimes, both parties end up being unhappy with the resolution of their case.

It is important to note though that each year, many thousands of cases proceed through the system without difficulty and without complaint.

There are times when parents can agree upon what is in the best interests of their children and their cases routinely and quickly move through the system.

There are other cases where, with the minimal assistance and intervention of an already overburdened Family Relations Officer, the parents can get past their personal differences and agree upon what is in the best interests of their children, and collaboratively dispose of their cases.

And then, there are those cases where the differences between the parents are so significant, where the positions and feelings of the parties with respect to their children are so firmly held and so deeply believed, where the conflict is so high between the parties, that they will simply never be able to agree upon what is in the best interests of their children.

In those cases, the court needs to do something, to avoid the need to drag young children into a courtroom and require them to testify and subject them to cross examination by their own parents. None of us wants to put any child through that.

So, in those cases, a guardian is appointed. The vast majority of individuals who take on this demanding and difficult role, do so professionally and competently under difficult circumstances.

I understand that sometimes, parties who are engaged in these difficult and emotional disputes do not readily welcome the presence of a GAL in their lives. But the court relies on the GAL to provide critical information that Judges need in order to make decisions about the cases before them.

In considering the work of our family court system, I would acknowledge that we should never ignore an opportunity to make changes and improvements. But, I would note that we are fortunate in this state to have extremely capable judges who diligently and courageously perform the work of the family courts – always with the goal of doing what is in the best interests of the children.

We are also fortunate to have excellent lawyers and mental health professionals who have devoted their life's work to helping families get through these difficult time in their lives.

Over the past several months, concerns about GALs and the family court have been brought to your attention. The *Task Force on the Care and Custody of Minor Children* filed a report, which contained a large number of recommendations and a minority report. Many of the recommendations of the Task Force are included in this bill.

Much of what is in the bill address the concerns raised in the Task Force Report and can be introduced into the family court system, but we do have concerns with some of the provisions of the bill.

Section 4 would allow the parties to file a motion that seeks removal of the GAL. While we recognize the purpose of this change, it has the potential to allow a party to use this type of motion to delay the process and prolong the proceedings by filing repetitive motions for removal. We would suggest that there be a requirement that the moving party show cause that any motion to remove is based on some identified impropriety or deficiency on the part of the GAL and that any such motion to remove not be based solely upon a recommendation that has been made or a position taken by the GAL in the matter.

Section 5 (b) indicates that payment for the fees due to an AMC/GAL cannot be taken from a minor child's college savings account or qualified tuition program. This provision makes sense for the benefit of the child but there should be a provision that any such college savings account or qualified tuition program should have been created prior to the filing of the action in order to benefit from the protection this section provides.

The Judicial Branch stands ready to work with the legislature to implement meaningful and reasonable measures to help improve the system and the lives of the children and parents in Connecticut.

Thank you for your consideration.