

March 31, 2014

Re: Senate Bill Nr. 494. JUD.testimony@cga.ct.gov

Dear Judiciary Committee Members:

Fifteen years ago, it was rare to have a GAL assigned to a case, but now GALs are routinely forced upon families. I can only give my perspective as to what happened to me by being court ordered to have a GAL and the financial and emotional devastation it had on my family.

My court-appointed GAL, Attorney Haley Veller, took it upon herself to create as many possible charges for phantom fees as she could. Between my ex-husband and me, we have spent \$80,000 for GAL fees. We are middle class; I am a school teacher, and my ex-husband is currently on disability, but he was a salesman. During our several year court experience, there was no one to complain to, and there was no limit as to how much time the GAL spent charging us. Further, we were forced to spend more money by being court ordered to go to co-parenting classes (PEACE), have psychological evaluations, and also have our children see Dr. Sidney Horowitz, all of whom make large sums of money from the court referral system. We were forced to withdraw money from our savings, sell our home, take out loans, and take money out of retirement and education funds for GAL fees, PEACE co-parenting classes, psychological evaluations, attorney and court fees. I have spent over \$200,000 for the entire process, and my ex-husband has also spent over \$200,000. I went from affording things for my children to wondering how I would afford the basic necessities of food, clothing, and shelter in order to pay for these court fees. No one can logically claim that this was in the "best interest of the children" and most of the fees were completely unnecessary as the current system encourages conflict and litigation with more and more fees.

Why were the costs so high for the GAL? GAL Attorney Haley Veller charged us for all sorts of things including for filing Motions even though CT state statutes state that she cannot do this, but we were forced to pay for it anyway by the court. One of the Motions that the GAL had filed was a Protective Order, so that we would not get a copy of her notes. A GAL does not have attorney work product privilege, but we were forced to pay for her researching her Motion, filing her Motion and then going to court to argue her Motion, which was denied. However, this not only cost us in GAL fees, but it cost us further money in our own attorney fees - all totaling in the thousands of dollars, all a total waste of time and money due to the actions of the GAL, who was acting contrary to the law.

GAL Attorney Haley Veller also filed a Motion to Produce in order to get my records of attorney payments, income tax returns, statements from checking and savings accounts, money markets, credit card bills, loans, check registers, and mortgages. She attempted to function as some sort of extended arm of the IRS. One of the reasons she wanted all my financial information is because she wanted to see how much money was available for her to take. The filling of Motions is something a GAL should not do, but it is something that an attorney would definitely do. That is one of the reasons that an attorney should **not** be a GAL.

The GAL figured out quickly how to maximize the most amount of money for her financial benefit and for no other logical reason. For example, when it was time for our depositions, the GAL wanted to get as much money as she could. We were charged fees for her to prepare for our depositions (even though she was not being deposed, and not giving the deposition), for her to attend our depositions including be charged for her time at the lunch break and other breaks, travel time to the depositions, and then to read the deposition transcripts. It would have sufficed if she just charged for reading the transcripts especially since she was only sitting there observing, but then again, she wouldn't have made much money from just charging for that. There were constant charges of "review of file", "telephone calls," etc. which kept mounting to thousands and thousands and tens of thousands of dollars. It was simple to just put down "review of file" with no other explanation and get a lot of money for doing that.

GAL Attorney Haley Veller told us that she wanted to get a copy of every e-mail from us, and she wanted us to e-mail each other and the GAL at least weekly. That was convenient for her because it was another way for her to make money. We were charged more money for her to "review e-mails".

The GAL continued charging her exorbitant GAL attorney fees by then unnecessarily pushing herself into our lives and charging us for this unwanted intrusion and for her unnecessary recommendations, even though she has never been married and has never had children. To demonstrate, I received an e-mail from the GAL telling me that she was thinking about an upcoming trip that I was taking with the children to New York, and she thought it would be a great idea to leave my son at home with his father. I never asked or wanted her unsolicited advice. It was my parenting time, and my son wanted to go. She had no authority to tell me what to do about this trip, but she had no problem charging me money for this recommendation and for the e-mails regarding it. When I was going on a trip to Tennessee, I received an e-mail from the GAL claiming that I was driving with friends of mine because that is what my ex-husband had said. When I told her she was wrong and that I was taking a flight, the GAL then began suggesting certain search engines and airlines and yet again charging me money for this as though she was some sort of overpriced travel agent.

There were yet even more and more recommendations that kept coming from the GAL, and with those recommendations, the bills kept coming and coming and there was no way to stop it. GAL Attorney Haley Veller felt that my children and I should no longer speak in the Albanian language in our home, while we were still living with my ex-husband. Being bilingual was considered wrong by my GAL, and she was going to try to stop it with the children. She grew up in Vermont where there is not a lot of diversity and she felt threatened by having people speaking in another language. There were several calls regarding the GAL's "English only" recommendation and also a written proposal by the GAL for not speaking in Albanian. Of course, then came along the bill for that.

GAL Attorney Haley Veller testified that my parents had a finished basement where I could live with the children, even though no such finished basement existed. The GAL believed my ex-husband who had contrived the story even though I provided her with pictures of the basement, which has concrete floors and stud walls. GAL Haley Veller continued to misrepresent to the court that it was a suitable place for me to live with the children. Time was being spent arguing with the GAL that there was no phantom finished basement, but the GAL didn't care and misrepresented this to the court even though she had never been to this imaginary basement. Yet again, another bill.

GAL Attorney Haley Veller did not like that I was close with my family - my parents and 2 sisters. The GAL agreed with Family Relations Officer, Noel Breg in Waterbury Superior Court, who claimed "**having too many family members is alienating in and of itself**". Having strong family values and being close with my family was being held against me, but I'm not sure how she expected me to remedy the situation of having "**too many family members.**" The GAL refused to speak with any of my family members; however, she chose to only speak with my ex-husband's family. How is this fair? There was no one to complain to. When I questioned the GAL about this, she stated that she is the only one who decides who she will speak with. Also, in the 7 1/2 years we had the unfortunate experience of having GAL Attorney Haley Veller on our case, she rarely spoke with the children, but instead wasted time on things that are irrelevant and untrue, which created more bills for her.

All of the GAL's unnecessary intrusions and untrue claims resulted in more and more fees for us. Interestingly, I had come to find out that the GAL worked with my ex-husband's best friends. Often at court, the GAL would be by my ex-husband's side laughing and joking with him, while having no interaction with me. Once I learned about the GAL's connection with my ex-husband, things became much clearer as to why she was making her recommendations and claims.

I filed a Grievance against GAL Attorney Haley Veller because there was nowhere else to have my complaints heard. I listed these complaints and more and even provided my cell phone bills and attorney bills because GAL Haley Veller claimed to have made telephone calls to us on certain dates, but the phone bills indicated no such calls were made. The Grievance was stamped denied with no explanation and no inquiry. The Grievance angered GAL Attorney Haley Veller. She went from recommending joint

custody to recommending that my ex-husband be awarded sole custody of the children after the Grievance. Her new recommendation was clearly done in retaliation for the Grievance.

I knew that things would be getting much worse for me because the GAL was biased and incapable of being impartial. I filed a Motion to Remove the GAL, but it was denied. I found out later it is near impossible to have a GAL removed. My attorney at that time told me if I file another Grievance against the GAL, he would no longer represent me because I was sabotaging my case by filing a Grievance.

The most egregious event occurred in July 2010, when my ex-husband was involved in a serious motor vehicle accident. He was in a coma and was given last rites by a priest. He survived, but unfortunately, he has had lasting physical and some mental injuries. In the midst of these tragic events, GAL Haley Veller, took me to court for a Motion for Contempt in order to get her fees paid and blatantly refused a payment plan. I told her that I didn't have any money; I was not working in the summer, and I had the children 100% of the time with no child support. The GAL told me to get a job to pay her, and she didn't care that I would have to leave the kids, who were emotionally distraught, in order to do this. Judge Bozzutto gave me 2 weeks to come up with the money, or I would be put in jail. The court threatened one parent with jail while the other parent was in a coma in order to pay the GAL - all above the best interest of the children. I was told by the Court that I had money in my pension, which I could use to pay the GAL, even though my pension is in lieu of social security, and I have never heard of a judge telling *an* individual who only gets social security to take that money out prior to retirement to pay a GAL.

After the the GAL's Motion for Contempt, she pushed her way back into the case even though she was not needed and she was never re-instated. I found out later, the same GAL is always in the case and can begin billing any time she wants. I decided I could not afford to speak with the GAL in any manner because her motto was fighting for the best interest of her wallet and not for the children. However, after this court appearance, the GAL figured out a way to continue billing even though I would not contact her. She billed an additional \$1,800 most of which consisted of visiting my ex-husband in the hospital, visiting him at his home, charging for her travel time costs for these visits, talking to his family, and talking to his doctors, but at no time did she ever speak with or even ask about the children. GAL Haley Veller wanted to continue profiting from a tragic situation, and I was outraged by this and told my attorney I wanted to fight the bill. My attorney told me it would cost me more money to fight her bill and that the judge would most likely just approve it, so I reluctantly paid it.

When I have questioned the GAL about her bills, GAL Attorney Haley Veller verbally and in e-mail refused to answer questions and did not provide all the bills to the Court. I know of no other profession or job where you can simply refuse to answer questions regarding billing, while the billed person is forced to pay for illegitimate charges. One time, the GAL called my attorney and asked him to get me to stop questioning her bill, and then charged me for calling him. The GAL's practices and secretive nature regarding her bill is suspect, although there is no one that I can complain to and the court automatically just orders payment of her bill.

Finally, in November 2013, my ex-husband and I reached another Agreement about custody. My ex-husband could no longer have custody of my daughter for several reasons. The GAL never investigated the events leading to this and never spoke to my daughter or to my son even though my ex-husband was acting erratically and angrily after his accident. I was able to have my ex-husband agree to the GAL's removal, and I had her successfully terminated from her position as GAL by Agreement. The court ordered that all funds in her retainer needed to be returned "promptly" to us. After 10 days of not receiving my money, I sent the GAL an e-mail requesting the money. The GAL claimed that she did not know about the order, even though she had been aware of the court date regarding custody and she had received \$80,000 in fees from us including thousands of dollars for reviewing the file, so she should know about court orders.

I have been so disappointed, disillusioned, and disgusted by my GAL experience. I have been forced to spend large sums of money for no reason but to enrich this GAL (Attorney Haley Veller). I am sure that there are honest and good GALs in the system, but to date I have not heard of any. Many people I know have complained about their GALs and the exorbitant and unnecessary fees they have been forced to

pay. I also know of many people who are afraid to speak out against their GAL because of the enormous power that a GAL has and the detrimental repercussions of doing so. I learned first-hand about the GAL's unbridled power especially after filing my grievance. I firmly believe that attorneys should not be Guardian ad Litem; GALs need to have a mental health background and should only be appointed if there is neglect or abuse and fees should be controlled and limited.

I was surprised to learn that the state hires GAL attorneys at \$500 for start-up costs and then only allows \$50/hr. The State GAL's bills are limited, and their bills are reviewed and scrutinized. The average person should be allowed to have the same rights the State has for their GALs. We, in the state of CT, deserve better protection by our laws. The current system is devastating families financially only to enrich self-serving and self-profiting GALs and psychologists. We deserve to have laws which protect our children and families; the current system blatantly does not.

. These are the changes I would like to see to the law:

- **There should be a 3 month waiting period for GAL appointment & only for abuse or neglect cases.**

- Currently GALs are automatically assigned whether they are needed or not. GALs should only be assigned if there is abuse or neglect in a case. GALs do the same thing that that a Family Relations Officer (FRO) does and most of the actions are repetitive and cost the parents unnecessary money. For example, GALs and FROs both require signed authorizations and both get copies of the medical records and school records of the children and both speak with third party individuals. The GAL and the FRO do the same thing, but it costs the parent money for the GAL to do this.

- **Attorneys should not be GALs, but they need to have a mental health background.**

- Attorneys do not have the background needed to make recommendations and deal with family and children matters. The GALs I know who are attorneys behave as attorneys because that is what they are trained to do, and they often encourage the fighting and litigation.

- **Parents can choose their GAL.**

- Parents should be able to have a choice as to who they can have as a GAL and the amount charged by a GAL should be known upfront. There are currently a lot of unscrupulous GALs that are forced upon families for no reason and there is no recourse in dealing with them.

- **GALs should not have full immunity**

- Having full immunity invites abuse. There needs to be a checks and balance system and a way to discipline a GAL that is acting inappropriately, immoral or unprofessional.

- **GALs shall be terminated after an Agreement or Trial and the same GALs shall not be presumed to always be a part of a case.**

- Currently even though there are no Motions pending, a GAL can begin incurring bills at any point even though the GAL's service is not needed. Also, once you are assigned a specific GAL, that GAL remains on your case even though they are acting inappropriately.

- **Parties should not have to pay for an attorney to represent the GAL.**

- Currently in some jurisdictions, parents are being forced to pay for an attorney for a GAL; so now the parent pays for an attorney for the attorney doubling the cost. This becomes ludicrous and has nothing to do with the best interest of the child. If a GAL thinks he/she needs an attorney, they should pay for one themselves just as anyone else would.

- **There should be a cap on GAL fees (\$10,000/case) -- & the same hourly fee as the State pays.**

- There needs to be a cap because the current system allows unlimited billing and this allows for enormous abuse. A GAL should not charge more than the State rate (currently \$50/hr) and no more than \$10,000/case total.
- **GAL scope should be clearly defined & limited - no charges for reviewing letters/e-mails, travel costs & attorney calls, certain court dates, etc.**
 - It is not enough for there to be a checklist of things to do because the current checklist is very broad, which allows the GAL to abuse the system by charging for anything. There needs to be a list for things that a GAL cannot bill for. For example: Billing should not be allowed for reviewing a file & e-mails. GALs should not attend party depositions. GALs should not attend court for things not related to custody or that do not require their attendance. GALs shall not file any Motions. GALs should not be paid for travel costs.
- **Oversight Committee (not consisting of attorneys) needs to be established that can hear complaints about GALs from parents & the complaints shall be publicly accessible by internet.**
 - Parents should submit complaints on-line and then the Oversight Committee could review the complaints and have a hearing with the parent. These records shall be accessible to the public by internet so that the public is able to review this information before choosing a GAL. It is important to have transparency regarding GAL complaints.
- **Parents should have a mechanism for Removal of a GaAL through an Oversight Committee**
 - An Oversight Committee should have the power to remove a GAL for just cause. Currently only a presiding judge has this power and it is rarely done.
- **GALs need to file all fees with the Court & GALs cannot get paid until the parties involved are given the opportunity to question/refute the bill, and then are paid only after consideration by an Oversight Committee.**
 - The Courts have no idea how much money a GAL is getting for being on a case. GALs need to have their bills filed in the case so that it is publicly accessible. Parents need to have somewhere to refute the bill and have their voices heard prior to a bill being ordered to be paid. Currently bills are automatically approved by a judge.
- **GALs need to be licensed or certified, and attend training yearly.**
 - A license/certification with a specific code of professional responsibility needs to be established. Expectations of GALs need to be clearly defined. Training needs to be done yearly.
- **GALs shall be evaluated by parents, and results publicly accessible by internet.**
 - There needs to be transparency regarding a GAL. At the conclusion of a trial or an Agreement regarding custody, parents should be allowed to evaluate their GAL. This will allow other parents to see what others have said about their GAL, and then they can use this information in deciding which GAL to choose.
- **The Court needs to have a public database indicating all GAL fees that have been collected in each case & the fees that parents/insurance companies paid for court ordered psychologists, & therapy/co-parenting programs.**
 - Courts need to keep better records of how much GALs are making from the current Court Referral System. This collection of data should also include the amount of money that psychologists and therapy programs received from parents (PEACE, FOCUS on KIDS, etc)

- **Courts cannot order pension funds, retirement funds or education funds to be liquidated to pay for a GAL.**
 - Retirement funds and pension funds should not be allowed to be taken from the parent as these have serious tax consequences. Education funds benefit the children directly and should never be liquidated for GAL fees. GAL fees should be allowed to be dismissed by bankruptcy court, just as attorney fees are allowed to be dismissed from bankruptcy. Often these GALs are the cause of the financial devastation to the families and many times GALs have filed their own personal bankruptcies.
- **Parties cannot be incarcerated for non-payment of GAL fees and GAL fees can be dismissed by bankruptcy court.**
 - It is not in the children's best interest to have their parents incarcerated for GAL fees, which 95% of the time are attorney fees. It is important to have parents provide the essentials for their children and to provide for things that directly benefit the children.
- **GALs need to be fingerprinted, and a criminal background check needs to be done on each GAL.**
 - Due to the close proximity that GALs have with children, this should be done. Teachers are fingerprinted as are some other professions.
- **Courts should assign psychological evaluations only in cases of neglect and abuse and the parents should be able to choose the psychologist.**
 - Psychological evaluations are often ordered, and they are not needed. This is very costly to parents because these evaluations are not covered by insurance.
- **Parental notification of rights regarding GALs, AMCs, Family Services, court ordered therapy, evaluations and other divorce proceedings needs to be provided to parents.**
 - Parents need to know what their rights are regarding the entire process. There is misinformation and inaccurate information currently provided to parents. Notification of rights should be put on a judicial website and parents should be notified of its existence.

Thank you for taking the time to read my letter and for your consideration in making changes to the law. As I stated, I have had a horrible experience with my GAL (Attorney Haley Veller), but there are so many more instances of abuse by many individuals in the state of CT. You have the power to make things right with the GAL system. It is important that there be transparency in the GAL system so that these abuses can stop. The strongest voices against these reforms are obviously those who unscrupulously profit from the current system. I hope CT has the courage to make the changes needed to help families and children instead of helping the current professionals such as GALs and psychologists who financially benefit greatly from the current court referral system as they leave behind the most helpless of all – the children.

Sincerely,

Linda Demirali
 15 Pinecrest Drive
 Prospect, CT 06712
 lindademirali@yahoo.com
 (203) 706-9616