

VIA EMAIL

**Joint Commission on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106**

Testimony of Lisa M. Vincent, Esq.

In Opposition to S.B. 494

I am a private practice attorney practicing primarily as a child protection attorney. I accept family cases only if DCF is or has been involved with the family. I have a contract with the Office of the Public Defender to represent both parents and children in our juvenile courts in child protection and delinquency matters. In addition, I have been appointed to act as a GAL for children in a small number of juvenile court cases.

In my limited experience in our family court arena, I have seen nothing but problems with the GAL system. It serves as a shorthanded way of interfering with the rights of fit parents to raise their own children and results in large sums of money being expended by parents who are not in a position to pay. I have seen parents deprived of all access to their children and I have seen parents threatened with incarceration for non-payment of fees. I have seen parents ordered to spend large sums of money on psychological and psychiatric treatment and evaluation. I have seen parents deprived of their parental rights to a degree that would NOT occur in our juvenile court system even if the parent were accused of actual physical abuse of children. I have seen parents rights essentially terminated without the level of due process that would be afforded to that parent in our juvenile court system. I have seen judges in both juvenile and family courts make decisions based on non-sworn testimony of GAL's without any opportunity for cross-examination, and I have seen attorneys laugh about it.

I am relatively new to our system, in practice since 2011. But I am not new to life – I am a lifelong resident of Connecticut, married and divorced in our state, a foster and adoptive parent in our state, and a long-term advocate on behalf of both adults and children with mental health conditions. I

have watched with sadness the level of animosity that lawyers have for many of our family court and juvenile court litigants. Everyone wants to claim they are acting to protect children, forgetting that parental rights are some of the most fundamental rights we have. It is too easy to judge, and too many attorneys are in the family kitchen. Serious limits need to be imposed before any more harm is done.

S.B. 494 starts with the wrong assumption. Merely filing for a divorce in the state of Connecticut should not expose families to the loss of their fundamental parental rights. In addition to a constitution, we have some very strong case law about third parties wanting access to children over the objection of fit parents. The notion that a judge would be given discretion to grant child custody and visitation to intervening third parties over the objection of fit parents based merely on vague concepts of equity is simply offensive. For that reason alone, this bill should fail.

But clearly the larger issue surrounds the use of GALs in family cases. This bill simply does not go far enough to address the problems, and passage of the bill would result in further harm to innocent families. First, there is nothing about attorneys that make them particularly adept at assessing the needs or interests of minor children. The notion that only attorneys act as GAL's is at the root of the problem. If we are going to use GAL's in our courts, we should be seeking applicants from a variety of backgrounds. We should then be teaching them about fundamental parental rights and the concept of a minimum standard of parental fitness and the premise that every child needs to have contact with both of their parents except in the most extreme circumstances. This bill does nothing to achieve these ends.

Second, the bill does not qualify the type of case where a GAL would become involved. It appears that a GAL could be appointed to any family case, without clear cause or purpose. The bill appears to call for a "appoint first, determine reason later" approach. That is an invitation for continuing abuse of the process. Any appointment of a GAL should be for a set cause, and that cause

should dictate the nature and duration of the job assignment. Anything less leaves vulnerable families exposed to harm.

Lastly, the bill does not go far enough to protect the financial interests of families. There is no sound reason for an attorney to charge an attorney's rate for guardian ad litem work. Fees into the hundreds of dollars per hour for GAL work are outrageous and reflect poorly on the integrity of our system. Solid limitations are needed.

In conclusion, S.B. 494 should fail because it leaves the door wide open for violation of fundamental parental rights while failing to adequately protect the interests of children who may truly need some limited service of a GAL or AMC during their parents' divorce.

Respectfully,

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