

Testimony of Melissa E. Osborne, Member, Legislative Subcommittee,  
Family Law Section of the Connecticut Bar Association  
**Raised Bill 494**  
**An Act Concerning Guardians ad Litem and Attorneys**  
**For Minor Children in Family Relations Matters.**  
Judiciary Committee  
March 31, 2014

My name is Melissa Osborne. I have been an attorney for sixteen years. My current practice is devoted exclusively to family matters. I am on the Legislative Subcommittee of the Family Law Section of the Bar, and I am also a divorced parent and custodial stepparent. I believe my perspective on these issues is valuable as I have personally experienced the issues Raised Bill 494 is trying to address from all sides: parent, stepparent, attorney and GAL. The comments that I provide today on 494 are mine, and mine alone.

No one can dispute that the Family Court needs reform. However, the tone of the conversation has become so divisive, that the divisiveness itself is becoming the issue. And that it is inexcusable because we have real problems and real work to do. What hope is there of resolving this problem if we are interested only in talking, screaming and threatening, and never in listening?

A return to civility and respect by everyone is critical if we are to be successful in undertaking this work, and we must be successful because nothing is more important to Connecticut residents than their children and families.

Raised Bill 494 is a good first step but I highlight a few opportunities for improvement.

**Section 1** addresses concerns about the appointment, fees, and oversight of AMCs and GALs. However, in solving one problem, Raised Bill 494 creates another. Specifically, the 2-step appointment process takes five weeks between the identification of the need for an AMC or GAL and the appointment. That is just too long.

In family court cases time is of the essence. The emotional and financial harm that is caused by the mere length of time a family case takes to resolve is real. Already heart-broken by the dissolution of their families, the divorce process itself inflicts an additional trauma, and the longer it goes on the worse it gets. The families are held in emotional limbo, unable to heal and move on. Families whose problems have risen to a level that requires a GAL or AMC are *especially* vulnerable to the emotionally traumatizing effects of these delays. Moreover, in volatile cases the speedy appointment of a good, experienced GAL who can intercede between the parties in emotionally charged situations can mean the difference between police involvement – which can really mark the point of no return – and détente. Revisions can and should be made to this Section to minimize the delay caused by these new requirements.

My comments on **Section 3.** concern provisions that already existed with the statutes that Raised Bill 494 amends, provisions that invite delay and complexity. Specifically, Section 46b-57 permits third party intervention for the purpose of seeking custody or visitation. That is appropriate in Family Court cases about custody and visitation. However, Section 46b-57 also permits these interventions in complaints under Section 51-348a, which allows cases about failure to pay child support to be heard in GA court. A criminal court prosecution about child support is the wrong place for third parties to intervene about custody or visitation.

Likewise, Section 46b-57 currently permits third party intervention not just in cases that concern the children of both parties, but when either party has a minor child – even if that child is not a child of both the parties in the case. A divorce action between John and Jane is the wrong place for the grandparents of Jane’s child from her marriage to Sam to intervene. What we are trying to do here is simplify and find ways to reduce the time and expense associated with divorce and custody actions. These provisions do the opposite. Raised Bill 494 should be revised to correct these existing problems.

My time is limited. Raised Bill 494 is a good start, but issues remain which require attention from this legislature, including the vast underfunding of the Judiciary: Connecticut families need more judges, family relations officers, and alternative dispute resolution programs. We’ve all heard the stories – parties wait for hours and hours just to see a family relations officer or judge, only to be told to report back in four weeks. The emotional and financial costs to the parties and their children are staggering. Judges, family relations officers, and alternative dispute resolution programs won’t solve the problems that are faced in every case, but it will help in a lot of them.

Choices regarding the allocation of our limited resources were necessary during the financial crisis and sometimes you, our legislators, were only able to choose between the lesser of two evils. I get all of that. But these choices had very real and profound effects on Connecticut families. I urge you to consider and weigh the needs of Connecticut families when you consider the budgets you will vote on this year and in the years to come as we continue to address changes needed in our family court system.

Thank you for allowing me the opportunity to comment on Raised Bill No. 494. **I respectfully request that the Judiciary Committee consider redrafting the bill to address the concerns I have raised before favorable reporting on it.**

I am happy to answer any questions that you may have.