

STATE OF CONNECTICUT LEGISLATURE – JUDICIARY COMMITTEE

Public Hearing – 31 March 2014

***TESTIMONY IN OPPOSITION TO S.B. (RAISED) 494 –
AN ACT CONCERNING GUARDIANS AD LITEM AND ATTORNEYS FOR MINOR
CHILDREN IN FAMILY RELATIONS MATTERS***

My name is **Daniel M. Lynch**, born and raised in Waterbury and having now also lived in Trumbull for the last twenty years. I am a divorced father of two daughters, now 20 and 17 years old. While I have only been married once, I have already endured two divorce trials, as well as scores of post judgment hearings.

I do not support the bill as being proposed and **urge you to VOTE NO**. The language is flawed in numerous areas and while there is tremendous pressure during this particular election year, the wording of this bill appears to be a step backwards rather than forward. Had the language, overall, been closer to something that represented a positive step for families of divorce, I might consider support with further refinements and would also detail my specific concerns here. Sadly, I am of the opinion that the language is so flawed in both concept and wording that any passage through committee hoping for refinements by the House and Senate is a critical mistake. One would certainly not begin construction of a new building without a proper blueprint from which to work – that is what we need.

PRESUMPTION FOR EQUAL SHARED PARENTING

It is my firm belief that ANY proposed bill addressing child custody matters much at long last include a legal presumption of equally shared physical and legal custody – absent documented cases of abuse or neglect.

MAY, SHALL, MUST

As we have just recently learned in an important meeting before the Judiciary Committee in the matter of Ms. Charla Nash vs. the Claims Commissioner, use of the words may, shall, and must within our statutes are critical. There are currently many statutes involved in dissolution of marriage and custody which use the word “shall,” but rather than be considered mandatory, it is viewed as directory and therefore discretionary. This results in inconsistencies and prolonged, unnecessary litigation which further harms parties and their children.

CRIMINAL ENTERPRISE

The broad discretion allowed by our current statutes has resulted in nothing short of a criminal enterprise operating within the Connecticut Family Court system. I fully recognize these are strong words, but there is clear and convincing evidence of such conduct in hundreds of cases throughout our state.

While the current GAL and AMC abuses are among the most obvious aspects of this enterprise, equally as troubling are the long-standing and consistent failures of the Statewide Grievance Committee and Judicial Review Council in addressing properly filed and detailed complaints about the underlying conduct.

Continued litigation, pre and post-judgment, as well as appeals and certification may help drive revenue for a host of attorneys, but it wrongfully strips divorcing parents and their entire families of assets that are critical for the future of these children. In a public hearing on January 9, 2014, the Task Force charged with evaluating the issues and formulating recommendations heard testimony from scores of parents, as well as a smaller number of grandparents. It is clear that

entire families – multi-generational wealth – is being siphoned from the accounts of families by less-than-ethical insiders who conspire to fuel conflict and leverage the nuances of the legal ease found within our statutes, as well as their relationships with certain family court judges, counselors and others.

JUDICIARY MUST TAKE ACTION

I respectfully suggest that the judiciary must take immediate action under its inherent authority to prioritize the formulation of a truly independent panel to investigate the claims brought forth regarding the underlying fraud, corruption, and conspiracy which is ongoing in our family court system.

These activities being experienced by a great number of families are a violation of rights provided for in the Constitution of the United States, as well as our state Constitution. Unlike those insiders – including the heads of our Supreme Court and Connecticut Bar Association – this is not a rare occurrence being experienced by just a select few “disgruntled litigants” unhappy with a specific result.

The Judiciary should get the numbers and look at what is going on, in close detail. Only then would it make sense to move forward with a bill that purports to provide oversight and protection, but actually codifies the financial drain and provides a further mechanism for parental alienation and continued conflict.