

TESTIMONY OF DOUGLAS E. MORROW
CONCERNED CITIZEN
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S.B. 494, An Act Concerning Guardians Ad Litem and Attorneys for Minor Children in Family Relations Matters

The State, as a whole, has consistently misused the familiar notion of “the best interest of the child”, when no reasonable clarity exists to place any United States citizen on fair notice as to what exactly that vague and ambiguous phrase means.

Further, Constitutional law regarding custody of children is based on parental rights. This is to protect children, as minors are not capable of properly representing, or even knowing, their interests, and the natural parents are always best to do so, absent a strongly compelling reason.

Strict scrutiny has two components: due process and equal protection.

The due process component consists of two parts. The first is that there must be a compelling State interest present for the State to invade, in any way, the privacy and liberty of the parent-child relationship.

A wall exists between government and the parent-child relationship that can only be breached when the child is in harm to the level of substantial child abuse or neglect.

If the child is first found to actually be in such substantial harm, or imminent danger of such harm, then the second due process part, narrowest intervention, still applies, and the State must refrain from invading the sacred parent-child relationship, excepting only in the least intrusive way.

Further still, before invading any natural parents' right to custody, care, and management of his or her child, the second strict scrutiny component, equal protection, requires that the parents cannot be put into separate classifications of “custodial” and “non-custodial”, regarding either physical (residential) or legal (decision-making) rights to their children.

I believe that most people are good natured and they really did what they thought was best to protect children in family court

There are groups of individuals that have abused the system acting as GALS and this is what needs to change.

I believe oversight, fee caps, audits and transparency, etc. should be implemented to protect children and families from the current system which allows GALS to charge excessive fees without any type of consideration to the families current financial status. I fully believe Retirement Accounts along with a family home, a child saving account should all be off the table when making considerations as to how much someone is pay for this type of service, professional GALS should be from the medical field with degrees not from Law Schools , and please don't misunderstand I have numerous friends that are great lawyers but for a GAL to have been in the medical profession this probably would have ended my case within a few months instead of 2.5 years, which ended up ultimately costing my family and children over \$50,000 It was not high conflict on my part it was forced upon me. I only wished to have a family and time with our children, I wanted them to have time with both parents in a peaceful fashion. A stranger should never be allowed to be allowed to out vote a parent. The wall needs to be restored keeping lawyer GAL attorneys from having more decision making power than an actual flesh and blood parent or relative. Proof of actual harm, danger or other emergency is the only time such power should be temporary until bestowed upon another blood relative, I have submitted evidence which demonstrates how the system could easily become manipulated . There needs to be a mechanism in place to allow a parent to have a GAL removed—no questions asked, there needs to be accountability for their actions and they should not be immune to such charges as gross negligence, a family is paying court fees they deserve time in front of a Judge, most times I was in court I was intimidated that Judges are mean and I should sign what was in front of me or else. The system needs to have the criteria in place for a presumed shared physical custody in place from the very start. If one parent is looking for sole custody, absent abuse or neglect the court should mandate that parent to complete an extensive shared parenting program to work hand in hand with the family. Less Money should be going to these GALS and more money should be allocated Family Services to have programs and staff to fund such a program.

It is time to start protecting the families and children from this crazy system ...Imagine at one point I just wanted to be able to give my children a few modest presents for their birthday in order to do so I would have to pay him \$300.00 wow . Stop the abuse from these GALS and also do something to stop immediately any sign of parental alienation and you will ultimately start to fix this system.

If someone aspires to be a great GAL and they truly enjoy doing this work then there should be no motivation of a family's money/set rates will attract the right folks for the job not ones complaining they need to make a living/

Thank you for this very important first step to meaningful reform