

TESTIMONY RE BILL #494

By Elizabeth A. Richter

Thank you for allowing me to provide you with feedback in regard to Bill #494.

I want to thank the assembled Judiciary Committee for responding to the concerns people expressed on January 9, 2014 in regard to GAL/AMC abuse by proposing this bill. I think it goes a long way towards improving the GAL/AMC system in terms of:

1. Providing guidelines for the specific work GALs/AMCs will do and what will be the conditions of their employment.
2. Protecting some of children's assets from plunder by GALs/AMCs
3. Allowing for a sliding scale when it comes to payment of GALs and AMCs
4. Giving parties standing for challenging a bad GAL/AMC
5. Producing an explanatory booklet in regard to the GAL/AMC system

What we still require are the following:

1. In regard to Bill #494, Sec. 1, we need parameters for judges for making a determination as to when a GAL or AMC is needed. We don't need GALs or AMCs simply because there is a custody dispute as long as both parents are fit parents. GALs and AMCs should only be appointed given a DCF determination of abuse or neglect.
2. In regard to Section 1 (c) of Bill #494, there should be caps on GAL/AMC fees based upon income, and a determination of priorities in order of importance when it comes to tasks the GAL/AMC should be asked to do. Not everyone has the ability to pay for full services, or wants to or needs to—parents should have a voice in regard to options when it comes to levels of engagement, or prioritizing of tasks in order to limit charges. Some tasks may have to be left at the wayside because there is no money for them, and this is a reality many parents face. While we may want to provide unique and specialized care to each family, the economic reality is that this is a luxury many parents cannot afford, nor should they always have it.
3. In regard to Section #4 of Bill #494, we require specific guidelines regarding what GAL/AMC behaviors would justify a determination of fact that a professional has acted in such a manner as to warrant removal from his or her position. Such guidelines might be, for example, any one of the following misbehaviors: 1) failing to meet sufficiently with the child client; 2) lying about facts in the case; 3) hiding evidence in the case; 5) failing to investigate charges of PAS or DV; 6. Bias in favor of one or the other party; 7. Providing legal advice to one or the other party. 8. Acting outside the scope of representation as defined by the Judge, etc. Also, we need a definition of what level of severity of the wrongdoing of the complained

about behavior—annoying all the way down the range to egregious--is necessary, and we need to know whether evidence must rise to that of clear and convincing evidence or simply the preponderance of the evidence. The current lack of clarity in this bill could harm parties with legitimate grievances.

4. There should be a tracking system included in this Bill requesting that the CT Judicial Branch make a notation of when a GAL or AMC is assigned in a case and for what reason, and also tracking how frequently these GALs or AMCs are removed from a case and for what reason.
5. There should be an evaluation system put into place to track good GALs and bad GALs in the form of evaluation forms provided to the parties so that they can give feedback to the CT Judicial Branch and the Judges at the end of a case in regard to which GALs and AMCs are succeeding and which are not.
6. In regard to Sec. 6 requiring a publication describing the GAL/AMC system in the CT Judicial Branch, I request that one member of the public, and one non lawyer be assigned to the Committee writing that publication.
7. GALs and AMCs should be required to comply with ADA Law under Title II and title III and should not be allowed to discriminate on the basis of disability and they should be required to provide Notice of their intention to comply with the non-discrimination requirements of the ADA at the beginning of a case.

Thank you very much for your time. Please approve Bill #494 with the appropriate changes that I have suggested.

Submitted By,

Elizabeth A. Richter
P.O. Box 5
Canton, CT 06019
860-751-4668
earichter@aol.com