

March 31, 2014

Jennifer Verraneault – Permission provided for public viewing online

Raised SB 494 – Supportive but with Amended Language presented by Rep. Gonzalez and Senator Fasano

Dear Judiciary Committee Members:

Thank you for showing your support and dedication to improving our family court system. It was a year ago this week in which I sat before you expressing my concerns regarding parental alienation, child custody laws and our guardian ad litem system. I appreciate the Substitute Bill 13-24 this legislative body voted out of committee to form the infamous Task Force to Study the Care and Custody of Minor Children in Legal Disputes. I am also appreciative to Senator McKinney for appointing me as a member of the task force and I hope he appreciated the work of all members of the taskforce performed. The one individual I would like to highlight as the force behind all of our efforts is Representative Minnie Gonzalez. Her passion and dedication to family court issues is to be commended and appreciated by all those who are here today as well as children and families and future generations.

Serving on the task force further opened my eyes to a system that is counter-intuitive to the best interest of children and families. I commend the legislative body involved with implementing the guardian ad litem system nearly 20 years ago and I believe wholeheartedly that the intentions were to help children and families. However, things change and a system that worked 10-20 years ago is not working today. As we have seen by the outcry of families looking to you for help. Parents who have been extremely vocal have been accused of being angry and disgruntled because they didn't get their way in court, and this may be the case with some but the majority of these parents are smart and they have common sense; they've experienced the injustice our current system is responsible for and they are no longer being silent. They're no longer afraid to speak out. They no longer feel alone. This is what's motivating these parents for reform and it's not just in Connecticut, it's all across the country.

I appreciate your time and I have a list of situations, in which I believe you may be interested in as it relates to family court and the egregious behavior that has been allowed to continue for way too long. If you would like me to provide docket numbers or case names, I will be happy to do so.

Again, thank you for your time and the opportunity I was given to serve on the task force. I look forward to the many changes that will only help to strength families in Connecticut.

Sincerely,

Jennifer Verraneault

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Highlights of Family Court Decisions:

1. Judges have imposed 10% interest on guardian ad litem bills when parents were unable to pay
2. Judges have ordered 401K plans to be liquidated to pay GAL bills
3. Judges have allowed upwards of four GALs to be on a case at one time, however, Judge Solomen testified that there's no need to have more than one GAL; if anything more than one AMC could be possible.
4. Judges have used statute 46b-62 to force parents to pay GAL bills when the statute only mentions attorney fees
5. Judges identify when a party is not being truthful but yet no referral to Attorney General. This happened in Coleman v. Coleman and perhaps if the judge testified in the criminal trial, he would not have been convicted of a crime he did not commit.
6. Judges have appointed private pay GALs when one or both parties are on unemployment, food stamps and/or the child is on Husky.
7. Judges allow GALs, who are not experts in psychology to testify a parent's mental state. For example, one GAL testified that a parent was addicted to litigation, self-absorbed and egotistical. GALs have no training whatsoever to make these claims. In fact, these GALs routinely refer these parents to their network of friends for psychological evaluations, co-parenting therapy, reunification therapy and alike but all of these referrals claim they do not provide mental health benefits; they're acting only as consultants providing resources. Perhaps this is a place to start in family court reform; parents in high conflict and challenging cases need mental health providers not consultants at \$250 plus an hour. I believe this to be 100% abusive and not in the best interest of any family.
8. Judges give GALs the authority to monitor a family for periods of time after a trial or hearing. For instance, judges will allow a GAL to monitor Internet communications for 18 months at \$300 per hour.
9. Judges have allowed GALs and consultants to determine if and when a parent can introduce their significant other to his children after the dissolution and child custody dispute is completed in one court and then in another court, anything goes despite bringing the same concerns to the GAL and court. No consistency and too much discretion.
10. Judges act in the capacity of bill collectors for all the actors in family court. The actors have more rights than any parent or child in these cases.
11. After conducting an extensive legal search on cases in Connecticut with keywords GAL reasonable fees and GAL unreasonable fees; the research demonstrated that a few cases came up as unreasonable (which I will mention below) and hundreds came up with reasonable. It's very difficult to prove any judge stated any GAL or AMC fees were unreasonable.
12. Judge Boland and Munro rejected an agreement between parties and GAL in regards to the fees. In one case, Boland stated that the GAL does not need to charge \$40 per hour because of his JD therefore he increased the hourly fee to \$100 per hour and ordered the parents to pay. In Munro's case, she stated that the GAL would not receive \$50 per hour

because since the agreement, the parties retained their own counsel, therefore the GAL should be compensated at \$200 per hour. The explanation was that it was not fair to the GALs.

13. In the above Boland case, he also corrected the hours from 63 to 73 because he felt the GAL miscalculated his hours.
14. Contrary to Judge Solomon's testimony, in the Mastrangelo v. Mastrangelo case, the GAL agreed with the moving party to have an AMC appointed, not because the children expressed something different than what the GAL believed to be in their best interest, but just because. There was no valid reason other than a stall tactic to obtain a continuance. The AMC alluded to the fact that she thought this might have been the case but didn't do anything about it other than to charge this family over \$90,000.
15. GAL travels to Massachusetts to investigate whether a parent could relocate. This GAL Anne Epstein decided it was in the best interest of the minor children to investigate the community the parent wanted to move to. She investigated potential schools and potential contacts for the minor children. She gave her blessing once she reported back to court.
16. Grieving a GAL or AMC is not in the best interest of a child because these two actors have too much power and can use human nature tendencies to retaliate. Retaliation in child custody cases is very common. If a parent complains about a GAL or AMC, they will have to worry about the consequences. Parents have stated that they fear complaining about a GAL/AMC much more than a judge. There's no accountability and no oversight. They have too much authority.
17. When a GAL sits in a trial so that he/she can listen to all the testimony, in my opinion, the GAL and Judge are the two jurors in the courtroom. How is it that the GAL is the eyes and ears of the court but yet when the judge is present, the GAL is still collecting information so that her recommendations can be made? Wouldn't the true test as to the quality of work performed by the GAL is if the Judge concluded with the GALs recommendations after hearing all the evidence in court.
18. I do not believe a GAL should make any recommendations and the American Association of Matrimonial Lawyers agree with me. Please see attachment.
19. If a parent grieves a GAL, the GAL obtains an attorney and the parent gets both bills.
20. If a parent files an appeal and a GAL was part of the case, the GAL hires an attorney for all the appellate proceedings and the parent not only pays for the GALs time but the GALs attorney. This is the case even when the GAL is not the target of the appeal.
21. In the case above, the GAL will often times hire a partner in their law practice
22. GALs are charging \$250 to \$850 per hour; it has been stated in GAL training that GALs should charge the going rate for attorneys and bill accordingly. This is sanctioned practice by those who conduct the GAL training.
23. GALs will recommend no joint custody plan when parents don't get along. This is not in the best interest of the children. The solution is to be creative and ensure transitions are made in the absence of both parents.
24. GALs charge for travel time and even parking tickets.
25. After pulling the short calendar list for each JD in Connecticut (for one particular day), I found at least 20% of one JD either had a GAL or filed a motion for a GAL. This was a research project I just started so the final analysis is incomplete. I would like to provide this information to the committee once completed.

26. Judge sanctions a party with a \$1000 GAL fine
27. Case with \$155,000 in AMC fees
28. Case with \$240,000 in GAL fess
29. I do not believe these are simply parents who want to keep fighting; I believe the system is not addressing their emotional needs. The system is allowing multiple strangers (actors) to financial benefit from the temporary instability of two parents with high levels of anxiety and fear. When children are involved, parents don't want to give up on them and the way our court system works is to keep fighting. There's no incentive for the actors to make a concerted effort to end the fight. These parents need help not more resources.
30. There are very few situations whereby a GAL appointment is made after all other resources have been exhausted. This absolutely true.
31. We have full time GALs getting 100% of their business from the state but yet some of these GALs do not believe in paying their state or federal taxes. Perhaps these Connecticut Dept of Revenue and the IRS should use the same Superior Court Judges who collect GAL fees to collect debts from GALs; use the same techniques.
32. Best Interest of the Children should include all 16 Statutory Factors instead of being so subjective. These factors have been determined to be in the best interest of our children but yet our court system does not follow it. There should be a checklist and parents should be aware that these are all the factors a Judge is considering.
33. It's simply not true that only a small percentage of parents are high conflict and need GALs. In fiscal year 2013, the OCPD paid for 1450 GALs in cases absent abuse and neglect and the private sector appointed 1357 GALs. There are approximately 6,000 custody cases so this is a bigger problem than what the critics would like anyone to believe. If you look at the docket numbers for GAL Motions and Appointments, it very early on in the filing of a case. No mandatory parenting classes have been completed, no family relations report or case management.

Sincerely,

Jennifer Verraneault