

March 31, 2014      **In Support of Raised Bill 494 with Amended Language**

Testimony by: Jerry Mastrangelo - Authorized for public viewing

Actors in the Mastrangelo v. Mastrangelo case:

GAL Lynn Pellegrino, AMC Anne Epstein, Dr. Sidney Horowitz, Dr. Michael Pines and Dr. Don Heibel

Thank you to the Judiciary Committee for holding this public hearing. My family has been involved with the CT family court system since July 2005 with dissolution in December 2007. I am a proud father of 14 year old triplets whom I love dearly. I was a very involved father enjoying a joint legal physical custody parenting plan. My children and I spent approximately 40% of our time together doing things we enjoyed doing together.

In April 2010, this all began to change; my children's mother filed multiple motions; motion for sole custody, reduced parenting time, psychological testing and an increase in child support. Although I tried to convince their mother we should not go back to court and try to work things out, she declined. In June 2010 in front of Judge Whetstone, I advocated for family therapy and objected to psychological testing as it would damage our children and our family. I was granted co-parenting therapy and my children's mother was granted psychological testing for all five of us. After subjecting our children to such invasive testing and a \$15,000 bill, Dr. Sidney Horowitz recommended no change in custody. He also stated that unlike what my ex portrayed to the court, my children and I have a close bond and enjoy our time together. However, it was also noted that our children were being coached by their mother and felt the need to protect her. These were all the signs of parental alienation, which I have been pointing out to our GAL since 2006. In fact, after a very extensive Family Relations Evaluation by Andrew Spurrier, in 2006, our GAL still didn't do anything to help the situation. Andrew Spurrier identified the excessive involvement with our children and my soon to be ex's boyfriend during our high conflict divorce proceedings was not in the best interest of our children. Our GAL was aware of this and she didn't do anything. In fact, when I filed a motion to prevent my ex and her boyfriend from going on family vacations with my 7 year old children, our GAL testified in court that she was fine with the vacation because my children were looking forward to it and they would be disappointed if they didn't go. I don't understand why we had a very extensive family evaluation conducted on taxpayers' dollars but yet a court-appointed individual ignored this evaluation. In fact, fast forward to 2011 when I disclosed that I would have Andrew Spurrier testify as to his findings during his three evaluations; the

second court-appointed individual, AMC Anne Epstein overzealously argued that Andrew Spurriers evaluations would not prove beneficial since they were from 2006 and 2007. Needless to say, Judge Gould agreed with the AMC. This proved to me that the GAL, AMC and the Judge either didn't understand alienation or it was not about the best interest of my children but winning at all costs. Needless to say, when Dr. Sidney Horowitz made his recommendation for no change in custody, my children no longer wanted to see me, talk to me or have anything to do with my side of the family.

Examples of my GAL failing my family and contributing to a need for GAL Reform:

1. Ignored family relations recommendations and observations
2. Never visited my home
3. Never saw me with my children
4. Lack of morals
5. Never met with anyone in my family
6. When my girlfriend contacted the GAL to share her perspective, GAL Lynn Pellegrino didn't talk to her nor did she make any attempt to meet with Jennifer. In fact, when Jennifer asked her why she didn't want to talk to her, Pellegrino lied and told her they did speak. Actually, Pellegrino charged me \$30 for her paralegal calling Jennifer to find out why she wanted to meet with Pellegrino.
7. Never told me when she met with my children, only learned once I received her bill
8. GAL would not heed any recommendations or feedback from the Reunification Therapy; the therapist testified that the GAL was bias.
9. GAL never made the court aware of court orders not being followed by my ex-wife
10. GAL never reported back to the court after the Psychological Testing was complete
11. GAL didn't have any sense of urgency once contact stopped between me and my children; she made us wait 6 weeks before she could attend a meeting
12. She didn't have any idea about alienation
13. She was more interested in what I did to contribute to the alienation
14. Testified on June 29, 2010 that our family was beyond counseling and didn't recommend it, however, the Judge didn't follow the recommendation
15. Once my ex-wife stopped attending co-parenting therapy, which was a court order, the GAL didn't do anything to bring this to the courts attention. GALs have one form to complete and provide to the court but yet she didn't do this.

The only forms my GAL completed was for authorizations to add more individuals to the payroll and motions for her fees.

16. When my ex-wife couldn't get our children to Reunification Therapy, the GAL didn't alert the court that court orders were not being followed.
17. I suspect our GAL wanted to prove her June 29, 2010 testimony was correct so she didn't do anything to help my family.
18. When my ex-wife's counsel filed a last minute motion on October 24, 2011 for an AMC, I objected as a self-represented party but when Judge Gould asked the GAL her opinion, she stated that my 12 year old children should have their own attorney. The GAL didn't give any reasons and the Judge didn't inquire. When I tried to communicate the reasons why I objected, he didn't want to hear from me. Whatever the GAL wants the GAL gets.
19. Our GAL went on home visits with the AMC on a regular basis
20. My GAL took a lot of notes, billed over \$60,000

I could show many more examples of how a GAL should not have so much power over the outcome of any proceeding. A GAL should only assist the court in gathering facts without adding their recommendations. High conflict cases are hard cases and a GAL should not be allowed to make any recommendations; they're not experts. In my opinion, they should act as an investigator and this is what they should be called. I understand a judge can't possibly take court time trying to ascertain all the facts of a case, therefore appointing an "investigator" to obtain the facts and report back to the court. It appears as if GALs have more power than judges. The fact that our judicial system doesn't have any oversight, accountability or caps on what a GAL can charge is very disturbing. The higher the assets on a financial affidavit the higher the credit card limit is for the GAL.

My recommendation is to implement the following:

1. GALs are *appointed by the Judge*, not lawyers. Lawyers should be able to file a motion for a GAL but the Judge should review the reasons, even if both parties agree to a GAL before granting. The Judge should explain to both parties the financial burden a GAL will be regardless of financial means. A fact sheet should be handed to the parties regarding the GAL along with *five names* of eligible GALs. All eligible GALs should have their credentials on the Judicial Branch website so that parents can investigate the names provided by the Judge. Before a Judge grants a motion for a GAL, parents should be well informed of the pros and cons of having a GAL. A Judge could also make recommendations to avoid the parties from employing a GAL.

2. When a Judge appoints a GAL, the Judge will give an *assignment* to the GAL with a *report back* date. Once the GAL has completed the task at hand, the assignment is complete. If another assignment comes up, the GAL will be requested to investigate another issue if need be.
3. *Immunity* should only apply to assignments ordered by the Judge. If a GAL goes outside the scope of his or her assignment, immunity does not apply. As long as the GAL follows the direction of the court, immunity will apply.
4. GALs do not need to attend hearings or trials once the report back is completed. The purpose of having an *independent investigator or expert* is to conduct their work outside of the court not inside the court. If cross examination needs to take place, the GAL is to be the first witness so that the parties are not paying for a GAL to sit in court listening to testimony. If a GAL is a witness, I am not sure why he/she would be part of the proceedings.
5. GAL fees: \$75 per hour with a 30 hour cap for more involved investigations
6. *Implement oversight, accountability and a valid system to have a GAL removed.*

Financial Burden:

- Spent nearly \$300,000 since 2005 with the majority of this money spent in an attempt to be an active father to my children
- GAL - \$300 per hour - \$60,000 in total
- AMC - \$300 per hour - \$90,000 in total
- Dr. Sidney Horowitz - \$375 per hour - \$15,000 testing - \$25,000 in total
- Dr. Michael Pines - \$190 per hour - \$26,000 - out of network provider
- Dr. Jeff Zimmerman - \$250 per hour - \$3000 - does not consider himself as a family therapist therefore all out of pocket expenses - considers himself a "consultant" although therapy was requested in my motion and granted.
- Dr. Don Heibel - \$200 per hour - \$20,000
- My attorneys - \$300 per hour

It cost an average of \$1915 per hour to employ the above, with my portion averaging \$1550 per hour.

All the above were employed by my family over the course of our family court experience. This does not include my ex-wife's expenses. As much as I was fighting to see my children, my ex-wife and her husband were fighting to keep them away from me.

In my opinion, issues facing Connecticut families/residents such as the budget, education, taxes, gun control and minimum wage are no more important than

protecting our children and families. I believe our children deserve more; families deserve more. We need to make significant changes to our family court system but we need to start with GAL Reform. Guardians Ad Litem and even Attorneys for Minor Children have too much power and they're not experts. Parents are experts when it comes to their children, not strangers. I appreciate the goodwill and dedication of the legislative body when the GAL system was designed nearly 20 years ago; however, we have people abusing the system. Our GAL system needs to be Reformed today.

Sincerely,

Jerry Mastrangelo

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