



Greater Hartford Legal Aid

Testimony of Atty. Shirley M. Pripstein  
Greater Hartford Legal Aid, Inc.

Re: Raised Bill 5505 **AN ACT CONCERNING FAMILY COURT PROCEEDINGS**

Judiciary Committee  
March 11, 2015

Recommended Action:	REJECT THE BILL
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My name is Shirley Pripstein I am an attorney who has practiced exclusively the area of divorce and family law for over 34 years. I am a past president of the Family law Section of the CBA. I am speaking today on behalf of Greater Hartford Legal Aid. We represent indigent persons, primarily domestic violence victims, in the family courts throughout Hartford County, which includes the Judicial District of Hartford as well as portions of the Judicial District of New Britain and the Judicial District of Tolland at Rockville.

This bill has four sections, each of which is seriously adverse to the interests of low income people and victims of domestic violence.

Section 4 – Section 4 of the bill would prohibit a Guardian ad Litem<sup>1</sup> from testifying as to a medical diagnosis or conclusion regarding the minor child. Ostensibly, this would allow the court to hear directly from the medical provider. However, medical providers must be subpoenaed to court and must be paid for their time. Preparation for testimony, travel time, and court time are not expenses covered by insurance. Therefore, not allowing a GAL to testify as to information gleaned from conversation with the child's health care provider would add an extra layer of cost to the parent who wanted that testimony, often the domestic violence victim. In many cases, that parent will simply not have the financial resources to produce the testimony, so the information will not be available to the judge at all. How is this in the best interest of children?

I should also note if one parent is not happy with the GAL's testimony as to information gleaned from the child's health care provider, that parent is certainly free to subpoena the provider him or herself and impeach the testimony of the GAL.

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<sup>1</sup> Attorneys for children may call and examine witnesses, but do not themselves testify  
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Section 1 – Section 1 of the bill would prohibit the court from ordering supervised visitation except in certain circumstances. The expanded list of circumstances include many, but not all of the situations would lead a judge to order supervised visitation, and fails to take into consideration that a judge must make orders at short calendar based only the brief testimony of the parents. Evidence as to DCF substantiations, police incident reports, and medical reports are rarely available. Frequently there are allegations of undiagnosed mental illness or substance abuse that must be investigated and evaluated. Similarly, the bill fails to take into consideration the time lag between a report to DCF and/or the police and the conclusion of the investigation. Children should be protected during periods of investigation and evaluation.

Rather than prohibiting the court from ordering supervised visitation, the legislature should be encouraging the court to order supervised visitation when appropriate to protect the health, safety, and well being of a children while ensuring the child's continued contact with both parents.

Section 2 – Section 2 of the bill would remove the absolute immunity provided to guardians ad litem (GALs) and attorneys for a minor child (AMCs) by *Carrubba v. Moskowitz*, 274 Conn. 533, 877 A.2d 773 (2005). Our concern is that without such immunity, qualified attorneys will refuse to serve. Our clients need GALs. The family relations process is effective but slow, and family relations officers do not visit the child's teacher or therapist, or spend time meeting with parents separately both in and out of court to encourage them to be flexible so that an agreement can be reached. Most importantly, if there is a dispute about whether a child's therapist should be permitted to testify and disclose the child's privileged information, a GAL or AMC is needed to guard the child's privilege.

Section 3 – Section 3 of the bill would allow each parent to choose their own evaluator if a custody or visitation evaluation is ordered. Such a procedure is in contravention of the standard and recommended practice of having one evaluator see each parent and each parent's interaction with the child. If each parent chose their own evaluator, any such evaluation would be essentially worthless.

This provision will have a severe impact on domestic violence victims because domestic violence is so frequently associated with mental illness.

  
Shirley M. Pripstein  
Attorney at Law