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**TO: Judiciary Committee Public Hearing re: Committee Bill 5505  
“An Act Concerning Family Court Proceedings”**

Members of the Judiciary Committee:

I support Committee Bill 5505 and thank Representatives Gonzalez and Fritz for sponsoring it.

I come here today to address Sections 1, 2, and 3 of Committee Bill No. 5505.

**Sec. 1 – When a Court May Order Supervised Visitation.**

I agree with the notion that absent certain situations such as abuse and neglect and criminal behavior that poses a danger to the child, that supervised visitation should be rarely instituted. However, I caution against the carte blanche attempt to unilaterally categorize mental illness, in and of itself, as a sole criteria for supervised visitation. Such would be a blatant violation of the ADA and quite possibly would be a flagrant exhibition of discriminatory bias and animus. Those with mental illness should not be shown disparate treatment solely on that basis absent other sufficient underlying reasons that have indicated they have presented a danger to the child. These parents must have parity in access to their children. Likewise, the children of the mentally ill must have parity in access to their parents. That is not to say that support systems cannot be put in place to assure that happens, but not in a way that undermines the natural relationship that should be encouraged and fostered. This population is a vulnerable population that suffers from the stigma of mental illness, and may be reticent in coming forward for help as a result of the label assigned to them. It is time to afford parents with mental illness accommodations to assist them in fully participating in the parenting experience and not deprive their children of their love and affection . . . and this needs to be done early on in the process.

**Sec. 2 - Civil Suits by the Aggrieved Parent Against a Guardian Ad Litem (GAL) or Attorney for Minor Child.**

This section removes absolute, quasi-judicial immunity. This is a very necessary step if the State of CT wishes to ensure the utmost ethical conduct by those most critical to protecting the best interest of the child.

To those who say GALs will flee rather than be harassed by unwarranted civil suits aimed to remove or retaliate against the GAL, I say the best interest of the child, not the GAL, must always come first. If the GAL operates beyond his scope of authority or with malfeasance, the harm done to a child can be immeasurable. To allow such GALs to operate with impunity is to allow an environment of corruption to flourish. It can mean relationships of the child with the parent are severed or greatly restricted – time which can never be retrieved or replaced. The harm to a GAL is simply that he will not continue to engage in a case in which he may have derived many benefits, none the least of which is financial.

EXAMPLE: My son and the mother of his child both underwent psych evaluations after couples counseling failed to produce a mutual agreement as to visitation. The evaluator put forth her recommendations, and the GAL who was not a licensed mental health provider and had minimal GAL training of less than 30 hrs in the behavior health field downgraded those recommendations significantly and offered his findings to the judge WITHOUT EVER introducing the evaluator’s recommendations. Three to four thousand dollars spent on evaluations by the parents just to have an unlicensed mental health professional significantly alter the recommendations of the evaluator by drastically slowing the pace of the phased in visitation and stripping all the holidays given by the evaluator to my son. These are egregious deprivations by some GALs who self aggrandize their own expertise and knowledge in the field to the detriment of the child.

### **Sec. 3 - Evaluations of Licensed Health Care Providers.**

Currently, parents check their constitutional rights at the door of the family court when it comes to selecting and contracting with licensed providers of their own choosing. They usually are led to their evaluator through the GAL or their own attorney. Herein lies the problem:

- 1) In 2013-2014, the Task Force to Study the Legal Disputes Involving the Care and Custody of Minor Children took note of the fact that of approximately 1,100 trained GALs, routinely only about 100 are repeatedly used. The reason given was that for the more complex cases, the judges prefer to see more seasoned professionals. Imagine if private industry operated under the same standard. There would be little credibility on the strength of programs and institutions licensing engineers, nurse practitioners, doctors etc.
- 2) The AFCC (American Family Conciliation Courts) is an international, multidisciplinary professional group of judges, lawyers, therapists, counselors, and social workers that offer professional education and training to their peers and other professionals. Often the very same judges and GALs and family law counselors who are members of this organization, including judges who have been on the Board of Directors of the AFCC, appoint or select other professionals that the court may deem necessary to the case. No disclosure of a conflict of interest or perceived conflict of interest is ever disclosed to the parents. The money is kept in the “family” of AFCC members by referring cases to these professionals. Some parents have described this as racketeering or the “*family court Mafioso*.” Some say it is an abuse of power. Some say it is dishonest. The CT Committee on Judicial Ethics in

their April 19, 2013 Informal Opinion # 2013-15 (attached) unanimously stated that when a judicial official serves on the board of directors of a nonprofit organization that provides services to court-involved clients, and receives the majority of its funding from Judicial Branch contracts, that it is a conflict of interest and unethical. Such is the case of some AFCC members who are members of the CT judiciary and who have appointed GALs and other professionals to CT family court cases without any disclosure to parents of their financial and professional affiliations.

Such was the case in our son's case when the judge (on the AFCC board of directors) appointed a GAL (also an AFCC member) as well as therapists and psych evaluators (also, AFCC members) - with total legal costs exceeding tens of thousands of dollars.

Such was the case of our son when the GAL selected a child therapist despite repeated, consistent, and numerous written requests by the father to be included in the selection and scrutiny of a child therapist. Ultimately, the GAL selected a child therapist and despite mutual releases signed by both parents to allow the therapist to share information on the child, the GAL asserted a veil of protection over the therapist protecting her from sharing the child's records. The failure to use due diligence in scrutiny of this therapist resulted in engagement of a child therapist who was under investigation by her own licensing board in MA and ultimately was in receipt of a "Show Cause" letter by her licensing board as to why her license should not be suspended for unprofessional conduct and breach of confidentiality. It was later discovered that his therapist also had an arrest record along with many inappropriate social media comments posted on the web. This therapist who was licensed in both MA and CT is now only licensed in CT and still operates on CT family court cases. The GAL never lifted this veil of protection. By the way, this is a GAL who despite being afforded a list of HUSKY providers for these two parents who were both indigent at the time, chose to go outside HUSKY citing 2 reasons:

- 1) the HUSKY panel of providers were of inferior quality
- 2) a waiting time of 6 months plus to get in to see them.

BOTH proved to be false statements, however the GAL preferred to stay with this selected provider and without ever including my son in the process.

Committee Bill # 5505 is a good bill that can provide much needed relief to families currently under a court system that has in many instances has destroyed family relationships due to the financial incentives currently engrained in the system that discourages timely resolution to problems.

Respectfully submitted,

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