

## JUDICIARY COMMITTEE

# Oppose Committee Bill 5505

## AN ACT CONCERNING FAMILY COURT PROCEEDINGS

### TESTIMONY OF ATTORNEY EDITH F. MCCLURE

Senator Coleman, Representative Tong, and Members of the Judiciary Committee:

My name is Edith McClure. I have practiced in the area of Family Law for over 30 years. I am a member of the Family Law Section of the Connecticut Bar Association. I serve as a Special Master in Hartford.

I was out of town on March 11, 2015 and missed the opportunity to testify in opposition to Committee Bill 5505

I write now to emphasize the very serious flaws in Bill 5505.

Section 1. This section ignores the fact that the existing statute permits visitation under supervision in situations where the alternative could well be a denial of any visitation. The purpose of supervised visits is to permit children to visit with a parent in a safe environment. This bill if enacted would actually delay the process of establishing visitation and impact significantly a judges discretion to create individualized decisions.

Section 2. The Connecticut Supreme Court in Carrubba v. Moskowitz, 274 Conn. 583 (2005) has established absolute quasi-judicial immunity in the performance of the functions of AMC's and GAL's in the performance of their duties. Those of us who practice in the area of Family Law have witnessed the extent to which parents going through the divorce process act in ways that are often not in the best interest of their children. This section is an invitation to unhappy disgruntled

parents to sue the AMC or GAL and essentially leave unprotected the children of parents involved in a high conflict divorce. Parents are already pursuing a policy of suing GALs in Federal Court under Section 1983 and/or the RICO statute. These lawsuits have been, or are in the process of being, dismissed. Unfortunately, these lawsuits have had the effect of driving qualified attorneys from GAL work. If section 2 is passed, there will be no GALs, which would certainly not be in the best interest of children.

Section 3. This section would allow a parent who is subject to court ordered therapy or evaluation to select the individual who would provide that service. While it would be appropriate to allow a parent to select his or her own therapist it would be counter productive to allow a parent to select the evaluator. If parents are permitted to select a licensed health care provider as an evaluator the purpose of providing impartial information to the court would be totally negated.

Section 4. This section would prohibit an AMC or GAL from presenting to the court matters pertaining to a medical diagnosis or conclusion made by a health care profession treating a minor child. In 2014, the legislature passed Public Act 14-3 and 14-207 which established very specifically that an AMC or GAL may testify as to a diagnosis or conclusion of a health care professional treating the minor child of the parties. The proponents of this bill are apparently not concerned with the violation of the child's own rights of confidentiality that would likely result if the child's therapist, for instance, were required to take the stand and be cross examined.

In conclusion, I submit that parents going through a divorce often behave in ways that are not in their children's best interest. Bill 5505 would condone such behavior thereby increasing the risk to children of divorce and would lengthen the duration and complexity of custody cases. I urge you to oppose the passage of this Bill.

Respectfully Submitted,



Edith F. McClure