

To Whom It May Concern:

My name is Effie Thieme. I am a stay-at-home mother of four young children. I am a litigant in multiple rounds of post-dissolution proceedings addressing, among other things, custody matters of my two older children.

I do NOT support HB 5505. I think it is vital that this legislature understand the positive impact of guardians ad litem, and understand the great potential harm HB 5505 can do to the family court system as a whole. Here is my story as to why:

In 2012, a guardian ad litem was appointed on behalf of my two older children when I sought sole legal custody to ensure their safety and health. A primary motivating factor that drove me to seek this custody was the presence of mental health challenges within the family.

When I first sought sole legal custody, the appointment of a guardian ad litem was requested. My ex-husband and I were so far apart on what we believed would be in our children's best interests that a third party who had the time and resources to evaluate the situation was necessary to sort through the many emotions and issues we faced. It was my understanding at the time – and continues to be my understanding today – that the GAL appointed to my case was not on “my side”, nor the “side” of my ex-husband. **This unbiased third party was not my friend. Rather, he was appointed for my children.** The best interests of my children would be evaluated by someone who was not personally experiencing the stress of difficult co-parenting matters, mental health concerns, etc. This was both a frightening and freeing proposition: how could I possibly trust this stranger with the welfare of my children? How could he possibly understand what was best for them? As their mother, don't I know what is best for them? In the same breath, I was thankful that there was someone who could view our tense family situation with **unbiased yet compassionate eyes.**

I believe that most parents strive to do the best we can for our children. However, parents often disagree on what this entails. And sometimes, regardless of whether mental health issues impact a family, it is incredibly difficult, if not impossible, to try to figure out what is “best” without an impartial third party stepping in to provide another perspective, with an eye specifically designed to protect our children. This is why guardians ad litem exist. In fact, this is why we have the Family Court system.

Our guardian ad litem was appointed to investigate and aid the court in determining what would be best for my children. If I felt so strongly that custody needed to be addressed by the courts, because my ex-husband and I were so at odds over our children's care, then I had to trust all of the third parties the judiciary brought to my case. If I was unwilling to settle, then I had to take the risks of being told that I was wrong – by my children's guardian ad litem, by the court, etc. I had to take responsibility for my own choices. By going to court, I was placing my parental rights in question, because I was asking the courts to determine what was best for my children, thereby removing my own control over the situation. Even if I am not the instigator of a motion for custody, I would still have to trust the courts. My other option, to retain any control, would be to settle.

Our guardian ad litem came in with no agenda other than to determine what would be best for my children. His first step was to try and ascertain areas in which my ex-husband and I may be in agreement about the children that may have been obscured by the high emotions hallmarking family litigation. I remember feeling so nervous, worrying that I would be found wanting, that all of my concerns would simply be seen as the rants of “that ex-wife”. And I calmed myself by realizing that I had to trust the judicial system and the guardian ad litem. This was what our judicial system was designed to do. **Guardians ad litem are an excellent example of how the judicial system uses private resources to enhance its functionality: an impartial third party with the time, resources, and energy to thoroughly evaluate a scenario and arrive at a recommendation.**

This brings me to another point: guardians ad litem are not the final arbiters of family matters. They are simply another source of data. To challenge the guardian ad litem as the source of all ills is to challenge the entire judicial system, and its process of gathering information and evidence to present to a judge.

As a direct result of my personal experiences, I have many, many concerns about HB 5505. It appears to me to be a misguided approach to make certain aggrieved parents feel better by undermining a thoughtful, albeit difficult, legal process. I have many things I could say to challenge the bill, but many of my concerns may be better addressed by psychiatric professionals and the guardians ad litem themselves. From my parental, litigant perspective, the essence of my objections to the bill is as follows:

(1) I find it hard to imagine any custody matter to which a GAL is appointed in which there will not be an “aggrieved” parent, someone who feels that they do not have more or enough time with their children, or missing out on some other element of their children’s lives. Hopefully, if a case settles, this sense of unfairness is lessened. However, I have my children a significant percentage of the year, and I still feel as if I do not have enough time with them. This is not the fault of anyone. This is divorce. I cannot take out my anger at my own situation on the guardian ad litem who attempted to minimize the harms of the divorce on my children.

(2) **HB 5505 would undermine the credibility of our judicial system**, and render the Family Court system something of a farce. **Family Court is precisely what its name represents: it is designed to try to ascertain what is best for the *family*.** It is to consider the rights of the entire family, not merely those of the parents. The children must be protected. Too often, children are pawns in their parents’ disputes. Removing their protections from these disputes is simply nonsensical, not to mention potentially dangerous.

I hear the pain and voices of parents who feel aggrieved. I understand the desire for protections to ensure against the potential abuses of a system, to ensure a parent’s rights are adequately protected. However, a focus on parental rights is not the purpose of the guardian ad litem; the appropriate focus is the rights of the children. This is where the guardian ad litem’s focus *should* be. And further, it is the duty of the Family Court

system to ensure that the legal rights of every family member are adequately protected. Guardians ad litem make this possible.

Family law is a difficult, emotional practice, more so than commercial or even criminal law. In an ideal world, every parent wants the best for his or her children. In custody matters, sometimes what is best becomes lost in the emotion and pain. Guardians ad litem stand apart from this emotion and pain, and they help the children to do so as well. Too often, the children cannot protect themselves. These children need a voice.

Guardians ad litem are a thoughtful, helpful mechanism open to the children of the State of Connecticut. HB 5505 would destroy this essential protection, and should not be passed.

I welcome any questions or concerns you may have. Thank you for your time and consideration.

Sincerely,

Effie Thieme
Weston, CT