

WRITTEN TESTIMONY OF ELAINE S. AMENDOLA RE: COMMITTEE BILL NO. 5505

I, Elaine S. Amendola of Amendola & Amendola, LLC in Fairfield, Connecticut have been a member of the Connecticut Bar for over fifty years, specializing in family law. I am a long-standing member of the American Academy of Matrimonial Lawyers. The proposed legislation, **Committee Bill No. 5505 (2015 HB-05505-R01-HB) titled *An Act Concerning Family Court Proceedings***, regarding supervisors, guardians ad litem (GAL's), attorneys for minor children (AMC's) and mental health providers would constitute a major step backward in our family law statutes, which were developed to protect the best interests of children of divorce in Connecticut. Moreover, the proposed changes fly in the face of modern philosophy regarding children and are in direct opposition to current policies, legislation and court decisions throughout this entire nation.

As to supervised visitation, there are many situations in which a parent's conduct may not be criminal or amount to a situation covered by the criteria set forth in the proposed bill so as to warrant supervision, yet a parent's conduct may be so disgusting, offensive, abusive, intimidating or harmful to a child that supervision is necessary. We should leave it to the courts to determine the necessity of supervision rather than restricting their authority to order supervision by imposing strict criteria.

The section allowing an aggrieved parent the right to bring suit against an AMC or GAL would dissuade many practitioners from representing children. No one would or should accept an AMC or GAL appointment because of the high risk that he or she would be sued, the defense of which is not likely to be covered by his or her malpractice insurance. As a result, the child's voice will not be heard and the court will have no independent participant to speak to the best interest of the child.

The proponents of this bill claim that GAL's and AMC's amplify litigation costs and create discord between parents. It is extremely rare for a family case to result in fully contested litigation today, which is, in large part, thanks to the invaluable help of AMC's and GAL's. In my experience, the vast majority of AMC's and GAL's attempt to foster understanding between the parents and generate agreements governing custody and parenting. They frequently assist in resolving financial issues, thereby leading to global settlements of all issues and cutting litigation costs. Without GAL's and AMC's, litigation costs would go up and the burden on our judicial system would become insupportable.

The section of the proposed bill that would allow litigants to choose their own mental health experts to treat or evaluate the children and/or parents involved is faulty. The proposed bill encourages each parent to hire an expert whose views coincide with his/her own, which would create a "battle of the experts" and cause litigation costs to skyrocket and further burden our courts.

Finally, eliminating the GAL's ability to report information about a child's mental health directly to the courts without the necessity of calling the child's therapist is wrong on so many levels: Who will protect the child's privilege? If a parent objects to the testimony of the child's therapist on the basis of privilege, how will the court learn about the child's mental health? Who would ever agree to treat a child in need of help knowing full well that,

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as the child's therapist, he or she is going to have to appear in court when such costs will not be covered by insurance?

The proposed legislation is backward in its reasoning and would be extremely costly to most litigants. A handful of disgruntled parents should not be allowed to destroy the protections for children – protections that have been so thoughtfully developed by our legislators, our judges and our family practitioners in recent years.