



**ROBERT J. KOR, ATTORNEY AT LAW**

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March 10, 2015

Re: Raised Bill No. 5505

Dear Representative,

I am writing to you to express my opposition to Raised Bill No. 5505: An Act Concerning Family Court Proceedings. This bill is bad for several reasons.

Court ordered supervised visitation does not happen in the absence of a judicial hearing. Likewise in the absence of a high conflict divorce, a court does not need and does not order parties to participate in a child custody evaluation. Sections 1, 3 and 4 of the bill would be bad for children in high conflict divorce cases. Those sections would dramatically change for the worse the current practices regarding a judicial determination of supervised visitation, the selection of a mental health evaluator, and the confidentiality of a child's medical records. However, I will leave such explanation to others and focus my attention on ¶ 2 of Raised Bill No. 5505.

It is only parents in high conflict divorce cases that require a court appointed Attorney for the Minor Child (AFMC) or a Guardian ad Litem (GAL). In such cases courts may choose to appoint an AFMC or a GAL to insulate a child at issue from his/her warring parents and to provide the court with impartial guidance of a child's interests, if the child is sufficiently mature, or what is in the child's best interest, if the child is young and not sufficiently mature.

Lawyers who accept court appointments as an AFMC or a GAL in high conflict cases put themselves at substantial risk, in that their position will invariably draw the ire of one parent, and sometimes both. In the case of Carrubba v Moskowitz, 274 Conn. 533 (2005)<sup>1</sup>, our Supreme Court extended absolute, quasi-judicial immunity from subsequent civil law suits to attorneys appointed by the courts to represent children. The Court recognized that these court appointed attorneys were "integral to the judicial process." In the absence of such immunity, court appointed attorneys might be subjected to harassment or intimidation that would interfere with the performance of their duties. The court also determined that sufficient procedural safeguards were already in place to prevent improper conduct by court appointed attorneys. In granting the AFMC and GAL judicial immunity, the Court found that just as they are appointed at the discretion of the court, they can be removed at any time at the discretion of the court. Furthermore granting such attorneys immunity from a civil suit did not bar the Statewide

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<sup>1</sup> The undersigned was the attorney for the defendant in Carrubba v Moskowitz and has represented both AFMC and GALS in grievance proceedings.

Grievance Committee from investigating claims that an AFMC or a GAL had violated any provision of CT's Rules of Professional Conduct.

Eliminating immunity from subsequent law suits, as Raised Bill No. 5505 does, will only result in lawyers refusing to accept appointment in high conflict cases. Why would anyone be willing to be an AFMC or a GAL if it opened the door to suit from a disgruntled parent, upset about the judicial outcome of their case? In fact this bill encourages a parent unhappy with a recommendation of an AFMC or a GAL to sue by awarding the parent attorney's fees and costs if they prevail, but **prohibits** the court from ordering the parent to pay the same attorney's fees and costs to the AFMC or a GAL, if said parent does not prevail.

Raised Bill No. 5505 is a bad bill that will negatively impact the role of the court, the lawyers who accept appointments in high conflict divorces, and most importantly the children whose interests are well served by the current system.

I urge you to join me in opposing Raised Bill No. 5505: An Act Concerning Family Court Proceedings.

Sincerely,

A handwritten signature in cursive script that reads "Robert J. Kor". The signature is written in black ink and is positioned to the right of the typed name.

Robert J. Kor