Committee Bill No. 5505 LCO No. 4691 *04691HB05505JUD*

My name is Geraldine Ficarra, and I have practiced family law for over 30 years. My office is located at 3 Scholes Lane, Essex, Connecticut 06426.

****

Not satisfied with the constraints placed on AMCs and GALs by last year's legislation, the drafters of this Bill now seek to tie the hands of the judiciary as well. Furthermore, those AMCs and GALs who are still taking appointments can look forward to being sued with impunity if this Bill passes.

This Bill's exclusive list of four specific conditions justifying supervised visitation removes any judicial discretion in situations where the offense does not fit squarely into the arbitrary enumerated conditions. Tying supervised visitation to a DCF finding for neglect and abuse reduces the judiciary to a rubber stamp for decisions made by DCF, a department of the Executive Branch. This is not only a violation of the separation of powers but also an insult to our family jurists.

Those AMCs and GALs who have not been scared away from service by last year's law will think twice about serving when they know they can be sued by any aggrieved party--and there will potentially always be one in every case. Our jurisprudence on this issue was settled by *Carrubba vs. Moskowitz,* 274

Conn. 533 (2005). In that case, our Supreme Court set out the sound reasoning for the immunity accorded to AMCs and GALs.

This Bill also requires a perversion of the English system for awarding counsel fees. The disgruntled parent has everything to gain by prevailing and no monetary penalty for losing the case against the AMC or GAL. Such legislation, if enacted, would necessarily have a substantial impact on liability insurance premiums for those who continue to practice in this field.

The mental health component of this Bill is extremely convoluted. The Bill puts into the hands of a parent requiring treatment the absolute choice of treatment provider. In extreme cases, this is akin to the fox guarding the henhouse. In more benign cases, the parent may not get the appropriate treatment due to bad choices related to the parent's existing impairment.

This Bill's language to keep the GAL from testifying as to any medical recommendations has the unintended consequence of increasing the parents' fees by having to pay the health care provider to testify in court. The legislative history regarding these purported reforms harps on the high cost of litigation only to have this Bill increase the costs exponentially.

For all these reasons, I respectfully request that this Committee vote down this Bill.

***