

Moniz-Carroll, Rhonda

From: Atty. Bruce S. Gordon <attygordon@myfamilylawyer.com>
Sent: Tuesday, March 10, 2015 2:46 PM
To: JudTestimony
Subject: HB 5505 Written testimony I ask this be added to the record, Thank You

I am writing to you on proposed house bill 2015 - 5505 This bill is counter-productive. It ignores the fact that most AMC/GAL's help people solve problems and avoid hearings. Most are working at very low rates, the kind that help pay bills for an office, but without a profit or payment to the attorney themselves. Add to that the likely hood of further costs and we are going to lose a lot of good people

Opening up the gate of litigation against a GAL or AMC is mind blowing enough, the way I read the proposed statute it allows attorney fees for the litigant who is successful UNLESS it is the GAL or AMCI Why so one sided. Though I agree with the GAL having immunity, if the legislature is going to allow suit, whoever wins should get their fees and costs, if any

1. Getting good GALs is hard enough, adding this layer of problems opens up the likely hood that the AMC or GAL now will be looking over their shoulder to which party might sue, leading to fewer experienced people willing to be one.
2. While one hopes this would have no effect on the actions of an AMC or GAL we are only human, allowing a party pressure to bring to bear is asking for problems.
3. The real issue presented by opponents of the current system is the runaway costs. This bill does nothing to stop that indeed it likely inflates those costs due to the extra issues it creates.
4. Regarding the proposed section 3) does the court get to determine the type of provider. A MFT may be suitable for some things, but for others only an M.D. would be suitable.
5. Item 46b-54 if changed seems to allow one parent to refuse to pay for a report the GAL could report on, forcing the parties to pay for an expensive hearing with a medical provider. If I am reading this correctly it creates a situation where one party can use financial coercion to control the action. Many divorces or post judgment actions have one party in a better position financially than the other. Medical experts are expensive for most people. Unless it is free or both sides have sufficient funds to pay for lawyers and a medical expert.

Also why remove the court's power to hear from the GAL if it so chooses. The GAL is in the best position to not only see the medical condition AND the effect it is having on other aspects of the child's life.

6. The new section (b) makes no allowance for an emergent situation, where care provided quickly may avoid serious consequences.

Further it allows either parent to veto mental health care for a child. I have been in far more cases where mental health care was opposed by one or the other parent, where that parent was part of the problem than the other way around. Thus a parent who gets help for a child not only has to pay for the entire service themselves, the choice becomes that or a potentially very expensive court battle.

This is exactly the sort of thing a GAL can and does solve often without court or family relations intervention.

The problem as I see it is the proponents of these changes are acting like the system itself is a runaway. They fail to acknowledge how many cases we settle using the GAL system as it is.

The courts will lose many people who will no longer take state rate cases, as the risk of being sued by one or the other party will make it a losing proposition. Getting good GAL/AMC's will become harder for all cases, but especially for the middle class and those just above the guidelines for state payment. I have on occasion been told if i don't agree with one party or the other they will sue me. usually an idle threat but with this statutes it becomes a cudgel for a party to try to control the GAL/AMC, but most especially the GAL.