

TESTIMONY OF RHONDA M. MORRA RE: HB 5505  
BEFORE THE JUDICIARY COMMITTEE, MARCH 11, 2015

Senator Coleman, Representative Tong and Members of the Judiciary Committee,

My name is Rhonda Morra and I offer the following as testimony in opposition to Committee Bill Number 5505. The effect of this bill would be to significantly limit the Court in exercising its responsibility to serve the best interest of the children caught in the middle of their parents' conflict, as well as limit the courts ability to function with judicial independence.

No attorney, judge, GAL, AMC, Family Relations Officer or litigant that could reasonably argue that continuing to put children in the middle of the parents' disputes is in a child's best interest. If nothing else, everyone should be able to agree that what is most needed is first removing the children from the conflict and second removing the conflict. Unfortunately, HB 5055 not only does not achieve either of these goals, but in many facets works contrary to these goals. As an attorney serving as a GAL, I offer the following:

Specifically, Section 1 adds nothing to the already existing statutory factors that the Court must consider in fashioning orders relative to parenting time. At the same time this bill hampers the Court's ability to reach its ultimate goal – the protection of children and the promotion of their best interest relative to the controversy before the Court – in many situations such as addiction and substance abuse issues, risk of flight issues, domestic violence situations, and many other issues that are presented to the Court in these very troubling cases.

Section 2 is a vehicle to circumvent current case law, *Carrubba v. Moskowitz*, 274 Conn. 533 (2005), and at the same time promote and encourage the continuation of vexatious, harassing, bullying and intimidating actions and tactics of some litigants. In addition to being an attempt to allow intimidation of professionals utilized to determine and protect the best interest of children on the litigation level, it then attempts to remove a court's ability to afford those whose independent interest is the best interest of children the same protection it affords every other civil litigant – the ability to recoup costs and fees for frivolous litigation or litigation intended to harass, threaten or coerce an individual simply fulfilling their obligation to the children they represent. Further, Section 2 would simply act as another vehicle to allow some litigants to continue to promote delay as a litigation tactic with interlocutory court actions used to delay the family court matter.

Section 3 is another attempt to circumvent the needs of many to serve the views of few. In addition to not providing any qualifications for the "evaluators", the provision allows litigants to "evaluator" shop without any regard for the end result or the harm caused to the parents or child. Finally, it creates a situation where two or more qualified or unqualified professionals would be providing information to the court that may add little value at exorbitant cost. I clearly envision a situation where one parent's therapist would be selected by that parent to "evaluate" them, the other parent selects their therapist to "evaluate" them, and someone else is selected to "evaluate" the child or children. These reports would thus include often an inherent bias on the part of the "evaluator" (evaluating their own patient with whom they have a professional relationship) as well as providing a number of reports from a number of sources with no commonality in "evaluating". These providers would then all be called as witnesses, the patient/therapist privilege would be impacted and the end result would not only be unhelpful to the Court but also tremendously expensive to the litigants. Once again, this proposed section does not even attempt to address the most important persons involved in these disputes - the children. Perhaps most important to consider is the potential for future harm to children if Section 3(c) is enacted. By requiring submission to the court, these "evaluations" would become accessible by the public. This would

mean that a child's (and parent's) personal and sensitive information would be available for use on social media, by future employers, college admissions personnel, lenders, etc.

Section 4 also fails to offer any protection to children in these disputes, and evidently was not intended to do so. In fact, there is no viable assessment of the impact of the existing provision given the short period of time that it has been in effect. Section 4 builds in yet another delay tactic in that medical and other health care providers would be required to provide in person testimony at expense to the litigants and themselves.

This Proposed Bill is not intended to, nor does it, go to a child's best interest. All provisions attempt to circumvent current case law and statutory provisions that were designed in part to protect children, litigants and witnesses. It allows and often builds in additional periods of delay, which not only contravene a child's best interest, but also contravenes the Court's ability to resolve these conflicts for those impacted most – the children.

Please, consider the children who would be permanently impacted if this bill would be approved. Please feel free to contact me if I can be of further assistance to the Committee.

Respectfully submitted,

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