

To the Judiciary Committee
Committee Bill No. 5505: An Act Concerning Family Court Proceedings

March 10, 2015

I am a family law professor, scholar, and former family law attorney in a law school clinic, and I write to oppose each and every provision of this bill. If this bill is passed, we would not be a leader in family law; Connecticut would become the laughing stock of the country. Others would undoubtedly think that we let the most disgruntled, angry divorce litigants with axes to grind to decide family law policy. And they would be right, of course.

Family law policy should be designed to REDUCE conflict between the parties and to make each and every decision in order to put the needs of the children of divorce and custody cases at the center of matter—to preserve their childhoods as much as possible. Family judges, when faced with warring parents, must have the greatest discretion to fashion a result that meets the needs of the particular child, and to do this, the judges need access to neutral, calm expert advice from mental health and other professionals.

First, we need to remember that Evaluators and Advocates for Children are only necessary in the most highly contested matters; many parents manage to resolve their issues calmly, peacefully, and in a manner that is best for their children. Accordingly, this bill will affect the most contentious matters.

This bill, which would affect families who have not been able to resolve their cases calmly, is the furthest from child-centered as I can imagine, and guarantees increased litigation, acrimony, cost, and strife. It makes it less likely that judges deciding the most highly contested matters would have the benefit of expert, neutral recommendations from mental health professionals and counsel for children. It turns litigation into a battle of the “bought partisan witnesses” rather than court-appointed professionals with no allegiance to any party.

The professionals who are appointed to represent the children caught in these war zones must be able to do their jobs without fear of harassment and law suits. Immunity is absolute necessary, as the Connecticut Supreme Court has already wisely recognized. No one will take on the responsibility of representing children if this bill is passed, and children in the most highly contested matters will suffer as a result. We must continue to assure excellent performance by GALs and Attorneys for Minor Children, but that is done by providing training, and a system for monitoring – not by subjecting them to litigation by parents whose judgment is clouded by pain, and rage from their own failed relationships.

Connecticut family law policy is in danger of being high-jacked by angry parents who have failed to protect their children in their own families, and now they seek to wreak havoc on the families of others. Proponents of this bill seek to turn tools of reason into more weapons with which to bludgeon the other parent. Children caught in the cross fire of their parents’ rage-fueled battle need independent non-partisan experts – evaluators, advocates, and judges – to help decide their fates when their parents cannot settle their own disputes, and instead, are bent on destroying the other parent. This bill fuels the fire, not calms the waters.

I urge you to reject this ill-advised Bill, #5505.

Carolyn Wilkes Kaas, Associate Professor of Law Quinnipiac School of Law
Director, Family Law Concentration, Co-director, Center on Dispute Resolution
Carolyn.kaas@quinnipiac.edu, 203 582 3234