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From: Elizabeth A. Richter <earichter@aol.com>
Sent: Monday, March 16, 2015 8:58 PM
To: JudTestimony
Subject: Testimony in Support of Bill 5505

TO: Senator Coleman, Representative Tong and Members of The Judiciary Committee
FROM: Elizabeth A. Richter
RE: In Support of Raised Bill No. 5505: An Act Concerning Family Court Proceedings
DATE: March 16, 2015

Note: This testimony is intended for public viewing

I am writing to support Raised Bill No. 5505: An Act Concerning Family Court Proceedings which is written to eliminate some of the worst abuses going on in family court today. The following explains my position:

Section 1: Supervised Visitation

This bill would specifically dictate fundamental conditions which must be in place prior to imposing orders of supervised visitation on a parent. Currently, many judges are imposing supervised visitation as a form of punishment or based upon grounds that are vague, frivolous, and unsubstantiated. Furthermore, supervised visitation often ends up as a means for one or the other parent to gain an advantage during divorce.

Item (4) of Section 1 is a violation of Federal ADA law which prohibits discrimination based upon disability; it is not proper to single out citizens with a specific disability for less than equal treatment under the law. The language should be readjusted to state that any individual whose behavior, for which there is credible documentation, presents a potential risk to the safety or well-being of a child should be placed on supervised visitation. It should be noted that psychopaths, for instance, are perfectly sane, however, their behavior could still place children at risk.

Section 2: AMC/GAL Civil Actions, Elimination of Judicial Immunity

Currently, GALs and AMCs believe that they are above the law and that they will never be held accountable for their wrongdoing. In addition, Statewide Grievance and Family Court Judges are colluding with GAL/AMC shenanigans, so parents have no recourse. This means the vast majority of GALs and AMCs are drunk with their power, bullying and arrogant. On the rare occasions they get caught, GALs and AMCs label parents as "disgruntled" to divert attention from their own wrongdoing and succeed in doing so.

The two GALs in my family court case failed to protect two of my children who have a disability from medical neglect which has caused them permanent physical damage. This is not frivolous.

Also, the first GAL in my case, Charlotte J. Stamos, submitted a six page double spaced report to the custody evaluator and billed it in her invoice as "a letter" to the custody evaluator so I was unaware its existence until 3 years after it had been submitted. This meant that I was unable to defend myself from her false accusations because she had effectively hidden them from my knowledge.

For a year, the second GAL in my case, Attorney Jeff Mickelson, insisted that I obtain therapy from Dr. Donald Hiebel, despite my report that Dr. Hiebel's behavior was inappropriate. Last year, two former clients reported that he had sexually molested them, and he is now under investigation .

Parents may be angry at each other, but this does not mean they are incapable of acting in the best interests of their children. Too often, GALs and AMCs are directly responsible for stirring up the animosity between parents by pitting them against each other. When this wrongdoing occurs, both parents and children deserve a legal remedy for this kind of GAL abuse.

Section 3: Evaluations & Therapy

A person's mental health status should not be used as a weapon to bludgeon a fit parent in a family court matter and deny him or her custody. Too often mental health data is misused in this way.

In my case, the opposing counsel made slurs regarding my mental health based on an incident that occurred 30 years prior to the court action. As a result, everyone in my case from the GAL, to the attorneys, to the custody evaluator ignored my concerns and mishandled the case from beginning to end. It did not matter that a psychologist and two psychiatrists cleared me of any mental health concerns that could interfere with my parenting.

I have also seen judges, attorneys, and GALs in family court cases coordinating together in order to obtain the mental health results they want as a means to insure an agreed upon outcome in a case.

This includes refusing to allow a mental health professional from out of state, or outside the AFCC magic circle, treat or evaluate a family court litigant because it means the Court will be unable to exert pressure on that professional to obtain the kind of pre-agreed upon results they want.

It also includes refusing to accept statements from a family court litigant's therapist into evidence because it does not go along with the predetermined outcome which the judge, the GAL/AMC and opposing attorney have already decided upon.

Finally, we must require that evaluators submit their reports 30 days upon completion because so many of these evaluators deliberately hide their reports from the party who has been predetermined to lose, while at the same time giving the reports to the winning party well in advance. Often, the predetermined losing party in a case will receive a copy of the report just as they walk into the courtroom on the first day of trial. This is an outright violation of the due process right to have advanced notice of what you will be accused of. This happens all the time and must be stopped.

Section 4: GAL Testimony

It is well known that in custody disputes GALs will suppress or distort their report of the mental health or medical issues related to children. Some of this is deliberate, but frequently this arises simply because the majority of GALs are attorneys and are not qualified to provide testimony in regard to medical or mental health issues. Further, GALs do not have the experience or knowledge base to respond accurately to technical questions in regard to medicine and psychiatry and to pretend they do is absurd. This is why GALs must not be allowed to provide their own hearsay testimony as a substitute for the direct testimony of the medical professionals in a custody case.

Opponents of this bill have expressed concern regarding the children's confidentiality and therapeutic relationships. Simply put, minors do not have a right to either—only adults do, and even those the Court does not always respect. It is also important to note that if this legislation is passed, this does not mean that

medical and psychiatric professionals always have to come to court in every case; such experts would only be required to appear if there were a dispute as to their testimony. What this does do is eliminate any attempt a GAL or AMC might make to distort or misrepresent that testimony and then hide that wrongdoing behind privilege.

Finally, it is vital that legislators take steps to limit outrageous GAL/AMC fees which often result when such professionals sit around doing nothing for day after day of hearings when they aren't contributing or benefitting their child clients one single bit with their presence in court.

Thank you very much for allowing me the opportunity to contribute to your thinking in regard to Bill 5505. If you have any further questions or concerns, don't hesitate to get in touch using the contact information below.

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