

TESTIMONY FOR JUDICIARY COMMITTEE PUBLIC HEARING

Joint Committee on Judiciary
Room 2500, Legislative Office Building
Hartford, CT 06106
Wednesday, March 23, 2016

Dear Judiciary Committee Members:

Good day and thank you for affording me the opportunity to speak before you today. I am here to offer some comments on Bill SB 471 as it is currently written in the hopes that you will make some minor modifications. I feel these modifications are required to provide some safeguards against misuse of a bill, which although at face appears to be intended to help self-represented litigants, may be open to misuse by less than scrupulous persons, especially within the Family Court system.

As I stated in previous testimony on Bill HB 5366, similar to Bill HB 5366, this bill appears to be a knee jerk reaction to the Aaden Moreno incident. I believe that it is important that the Judicial Branch and legislature explore ways to mitigate that horrific incident from reoccurring. However, I am concerned that in their quest to prevent another tragedy like that one from reoccurring, that without studying the matter carefully, laws may be enacted that cause more harm than good.

As an example to support my concerns, I know a father whose ex-wife has tried several times to get a TRO on him. She has made claims that he committed some act of aggression at exchanges or that he has stalked her at her home to support her requests. I know the father well. His only desire is to maintain a presence in his child's life. He has absolutely no ill intentions towards his ex-wife. In her last attempt, she moved to a new venue. I pointed out to the father that her actions appeared to violate Practice Book Chapter 12. He brought this to the attention of the court clerk and the matter was subsequently dropped 2 weeks after the TRO was granted. But sadly, he lost 2 weeks of access with his child as there were no provisions in the TRO to address exchanges. In addition, he was not properly served with the TRO. Fortunately, he had a friend in the police department who informed him that his name appeared in the TRO registry. Had he not been informed, he would've violated the TRO when he went to pick up his child and most likely been arrested and charged with violating a TRO which is a Class D felony. I have heard of other instances of this occurring.

As such I am concerned that an attorney with questionable motives may take the opportunity to volunteer for a 46b-15 application and subsequently use it as a tactical advantage in Family Court. To further support my point, I know of a recent case in which a parent is currently on supervised visitation, for over a year after accidentally violating a baseless TRO. Both parents are parishioners of the same church and share many common friends so a TRO in that case would be very easy to violate. This parent is still on supervised visitation, DESPITE paying \$7500 for a psychological/custody evaluation, performed by an industry insider psychologist who has determined that the parent is no threat to their child or other parent. In addition, it is my understanding that my ex-wife's attorney, Ceil Gersten has openly bragged in court how she must be a good attorney to have stolen my children from me. That is not the intent of Family Court; that is to allow an overzealous attorney with questionable motives to destroy families for whatever reason. However, the sad reality is that Family Law is treated by some Family Attorneys as somewhat of a sport, a vicious sport where taking children from a

good parent is seen as a prize, rather than just protecting their client's rights. This is NOT something new. It has occurred for a long time.

As such, I implore the Judiciary Committee and/or the legislature to please add the following or similar language to the bill:

“Pursuant to this Section, all litigants must be advised of their right to obtain legal representation under this program. Should one party be afforded legal representation under this Section, the other litigant must be afforded the same opportunity.”

In addition, I would suggest you include some language in the bill to provide a positive incentive for lawyers to volunteer their services. As such, I recommend that the following or similar language be included in the bill.

“Pursuant to this section, attorneys who volunteer their time to assist litigants, may use the time they volunteer, on a one hour to one hour basis to fulfill up to a maximum of one half of their total yearly Continuing Legal Education requirements.”

Please do not misunderstand me. I am fully aware that there are many men who enjoy battering women and children. And I am fully aware that battered women typically need legal help as many times their batterer controls them financially and emotionally. For the past two years, I have been working with Patrice Lenowitz, an advocate who runs a number of non-profits that help women who are victims of Domestic Violence, to address failures of the court system. However, I am also very familiar with the reality of Family Law as exemplified in the Simms v Seaman ruling; the sad reality that certain Family Court attorneys feel it is their job to “win” at all costs regardless of whether or not it is in the best interests of the children involved.

In summary, although I commend the legislature in taking steps to address the Aaden Moreno incident, I am very concerned that any legislation that is enacted without properly studying the ramifications of that legislation may cause just as much harm as it is intended to prevent. I have spoken to dozens of litigants over the past few years so I have a very good perspective on “what if” scenarios. Therefore, I ask that you please do not dismiss my concerns merely because you do not share them and I implore the legislature to include safeguards in the bill.

Thank you for your time.

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