

My understanding is that the role of AMCs and GALs in Connecticut divorces is being discussed with an eye towards potential legislation.

Preliminarily, I have been a member of the Connecticut Bar for 47 years; all of it specializing in Divorce and Family Law. Attached is my CV.

Although I believe that the appointment of AMCs and/or GALs in **some** cases is not only called for but imperative, I believe that in the vast majority of cases where they are presently employed they are unnecessary and an expense that is neither warranted nor in the family's best interest. Moreover, their roles are not completely or satisfactorily defined nor are their credentials for such roles honed by any realistic or meaningful training.

The initial problem was caused by our Supreme Court in *Yontef v Yontef*, 185 Conn. 275 (1981) which encouraged, BUT DIDN'T MANDATE, Superior Court judges to appoint AMCs in seriously contested parenting disputes, stating, **"For the future, we suggest that, in the absence of strong countervailing considerations such as physical urgency or financial stringency, the better course is to appoint independent counsel whenever the issue of child custody is seriously contested."** Although the decision didn't mandate such appointment, it has been universally employed in virtually ALL parenting issues matters, not merely "seriously contested ones.

Attorneys for minor children (AMCs) are only infrequently necessary:

Too many times they serve to gang up on one of the parents and/or to serve as highly paid mediators. Their existence, supposedly, is to, among other facets of their "representation" to "represent" the wishes of the child, providing the child is of sufficient age to have his/her wishes made known. This used to be within the domain of counsel on behalf of the parent and it is submitted, ought to be within the parent's domain. This is the fundamental flaw of such appointments, as in most cases counsel for the parties are more than capable of bringing out all relevant evidence with respect to the parenting issues. When the child is NOT of sufficient age or maturity for his/her desires to be taken into account, the AMC's presence is justified by having that counsel make sure the Judge is presented with all the material and substantive facts to aid the court's decision making process. That the parents' counsel won't make sure that all the facts are presented to the court has never been properly explained to me. All too often the AMC is permitted by the Judge to make a "recommendation" on behalf of the underage child, the AMC presumably having formed an opinion as to his/her "client's" best interest, thereby making the AMC an "expert" in reaching this opinion, but an "expert" that is not subject to the same rules as a real expert, namely to be cross examined. Although it is improper for any counsel to opine, courts are too often prone to listening to the child's attorney "recommendation".

Although a valuable procedure has been effected by the court system requiring education of the AMC or GAL, the fact is that this person is not an expert in childhood development and would presumably not pass the general requirements of attaining expert status for purposes of giving testimony in the court room.

GALs are supposed "mouthpieces of the child, standing in the shoes of the child. They can testify and impact a court's decision. This, to me, is a totally improper role, which, undoubtedly, is some times merited but is too often an added and unnecessary expense to an already financially distressed family. Other than the aforementioned Judicial department education, what is the GALs expertise? Does this person have to be an attorney? Should it matter if this person were an attorney?

The cost of AMCs and GALs:

I am sure that you will hear a great deal about the cost of the AMC and GAL. My information is obviously anecdotal but I hear of cases where those fees are enormous, in fact in too many instances exceeding \$100,000.

I recommend that the standard for appointing be changed to state that the court should only appoint counsel for the minor child or a guardian ad litem when the court finds that neither parent has the child's best interests at heart or when one or both of the parents is not represented by capable counsel.

In summary, I believe that the appointment of AMCs and GALs should be severely restricted to those cases where such appointment is really necessary as opposed to what has become the habit, virtually all cases where there is a parenting issue.

