

Task Force to Study Legal Disputes Involving the Care and Custody of Minor Children

(1) the role of a guardian ad litem and the attorney for a minor child in any action involving parenting responsibilities and the custody and care of a child,

(2) the extent of noncompliance with the provisions of subdivision (6) of subsection (c) of section 46b-56 and the role of the court in enforcing compliance, and

(3) whether the state should adopt a presumption that shared custody is in the best interest of a minor child in any action involving the custody, care and upbringing of a child.

The study shall include, an examination of statutes applicable to an action involving the custody, care and upbringing of a child, and the costs associated with contested divorce actions, including, expert witness fees, attorneys' fees including the fees of guardians ad litem and attorneys for the minor children. The study may include recommendations for legislation on matters studied by the task force.

TESTIMONY FOR PUBLIC HEARING

The Task Force to Study Legal Disputes Involving the Care & Custody of Minor Children
Connecticut Legislature
c/o Legislative Judiciary Committee Office
Legislative Office Building/Office 2500
Hartford, CT 06106
Thursday, January 9, 2014

Dear Task Force Members:

Good Morning / Afternoon to the panel and Thank you for providing the opportunity to speak on these important matters.

I am grateful for this opportunity. Just as important, I am grateful this issue has risen to this level and has prompted change.

"The mother" is shrewdly aware of his vulnerability and is an expert archer. My brief experience with "the Mother" left me with the impression that she is the architect of the majority of their perpetual feuds. In my professional experience I often see mothers with "this mothers" degree of influence tell their children to go to school when they are anxious and avoidant so they do not develop a pattern of "sanctioned" school avoidance. Healthy mothers instruct their children to have parent-child relationships with the estranged parent even when the two parents no longer love one another, knowing that the love between a parent and child is different from what became corrupted between the individuals who were the source of their creation. "This mother" doesn't promote that type of alignment between the children and their father.

As highlighted above, and in prior sessions between son and Peter, it is clearly evident that the the mother does not believe in or support the concept that the biological father has a right to regular and unfettered access to their children.

That is an excerpt of a letter (with names withheld) written by the court approved therapist and provided to the GAL on my case. The letter was written in September 2011. The letter went on to on to recommend a normal parenting plan of weekend and weekday overnights, something that I enjoyed for many years with my children. It also provided monetary penalties if the mother continued to violate access. This therapist's ability to make a recommendation was stipulated several months prior to this letter to the GAL, as part of a court order for me to reunify with my children through a therapeutic process.

The GAL, Attorney Tom Fiorentino of Manchester CT has been on my case since May 2010, a year and four months prior to the therapist's letter. At the time of the GAL's appointment, I was seeing both of my children on a regular basis. As I stand before you today, I have only seen my children for a few hours since May 2011, despite the therapist's recommendation and despite various court orders providing a parenting plan. My family has not seen my children for over 3 years.

The GAL has been unwilling to address the apparent Parental Alienation and the mother's unwillingness to abide by court orders and the parenting plan. The GAL has willfully ignored these issues, neglecting his role and duty to assess the Best Interest of the minor children.

When brought to the attention of a Judge, I was told the GAL had no obligation to adhere to a therapist's recommendations, despite the orders for the therapist to make such recommendation.

Based on my experience and not just limited to list short testimony, GALs are protected, they have such extensive immunity, to the point where they have the ability to exploit parents; and Judges support and endorse these actions. There is no accountability on the activities of a GAL. A parent has nobody to turn to, nobody to complain to. There is no supervision and no evaluation of the job a GAL is doing or in many case, not doing.

Often, there has been no accountability on non compliance of court orders when one parent is unwilling to abide by those orders.

Per Dr. Roeder a parent's non compliance can be detrimental to the child and possibly that child's relationship with one parent. I believe the panel's questions to Dr. Roeder on how to deal with a parent restricting assess was appropriate.

However, given the criteria of Best interest of a Child, it is the GALs responsibility to bring light to the court if a parent is non compliant. However, the courts are not holding that person responsible or accountable. Nor are the courts requiring GALs to follow CT Statute 46b-56(c), Best Interest of a child

The court is creating some of the problems that have prompted the need for this task force by backing the GALs lack of willingness and ability to bring a parent's non compliance to light.

Sadly, this exploitative practice by many GALs is driven by greed, the benefit of increased billings and is done at the expense of family relationships, college funds and the well being of the children they are being paid to protect. With extensive immunity and nobody for parents to turn to, many GALs continue this highly unethical practice.

Something that was mentioned during the panel's hearings, Post judgment matters drag on, there is no case management. There is no consistency and no controlling judicial personnel to monitor a case. Although some of my peers may disagree, there needs some judicial control of a case, at a minimum, a summary should be provided to each case file for the next judge to have the ability to pick up a file and be equipped with what has happened in prior hearings. Rehashing or the inability for cases to have a history provides an opportunity for those not complying with orders to continue that trend.

Regarding Shared Custody; Although the task force has yet not had the opportunity to cover this matter at length.... I fully support shared custody as well as relevant access to both parents. If both parents are taking responsibility for a child or children and are willing to care for these children, shared custody should be a given. I believe there are plenty of studies available, and as Dr. Roeder testified, children positively thrive when they maintain full and healthy relationships with both parents.

Thank you very much.

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