

## Connecticut Reality:

### The Players

&

### The Places<sup>1</sup>

By Maureen Murphy

#### **The Basics:**

- A. **The Family courtroom:** Other than the parents' lawyers (unless the parents are representing themselves; i.e., *pro se*), the following people will probably be present in the court room: court marshal, court clerk, court reporter/court monitor and the judge. Some courtrooms are equipped with separate tables and microphones for the GAL/AMC. If not, the GAL/AMC will stand at the counsel table(s) with the parents and/or their lawyers.
1. **Marshals:** open and close court proceedings and courtrooms, ensure the safety of the court and persons within the courthouse and maintain order in the courtroom and in the court house. Court marshals are good sources of information and will assist you with courtroom procedures and decorum. In addition, their uniformed presence often has a calming effect if a parent or "other" is getting out of control. It is a good idea to alert the marshal if you have any concerns.
  2. **Court clerk:** usually sits closest to the judge, accepts filings and markings, and will have access to the file if you need to review any of the file contents prior to the judge entering the courtroom. The clerk is also a good source of information and can tell you about a particular judge's preferences and procedures.
  3. **Court reporter/monitor:** usually sits in front of the judge and records the testimony and court proceedings.

#### **The Places:**

- A. **Regional Family Trial Docket:** A special docket in the Middlesex Judicial District, 1 Court Street, Middletown, which handles contested custody and visitation matters referred to it from any Judicial District in the state. One judge presides over and manages the

---

<sup>1</sup> Much of the material included here was liberally borrowed (copied) from the Judicial Website.  
<http://www.jud.ct.gov>

docket. The goal is to handle contested cases involving children quickly and without interruption. Cases are referred to the Regional Family Trial Docket by the family presiding judge when they meet the program criteria: child focused issue; ready for trial; *family relations case study completed, and/or court ordered custody evaluation, and not more than six months old; and an AMC or GAL, or both, has been appointed for the children.*

- B. **The other courts:** There may be other courts involved in a particular case. Generally, the GAL/AMC will not have to appear in the other forums unless there is a specific request or unless the other forum may issue a ruling that the GAL/AMC feels requires his/her input to protect the ward/client.
1. **Family Support Magistrates:** Their jurisdiction extends to child support cases which include both welfare recipients and those who have applied for state help collecting child support. Family Support Magistrates establish, modify and enforce child and spousal support orders and hear paternity proceedings. This court does not address issues of custody and visitation- unless the parties reach an agreement' only then does the Magistrate have jurisdiction to accept the agreement. It is not uncommon to have matters going on in both Magistrate's court and Family court.
  2. **Juvenile Court:** Handles cases of child protection (abuse, neglect and termination of parental rights) and juvenile delinquency. The Department of Children and Families is generally the petitioner in child protection matters. The primary exceptions are the matters transferred from probate court that may have been initiated by a parent or third party. There may be overlap with Family court if there is a DCF matter pending. Generally, however, DCF does not get involved in matters involving parental disputes unless there is a report of abuse or neglect that generates DCF involvement.
  3. **Probate court:** A court with limited authority to hear certain kinds of cases, such as: removing unfit parents as guardians of their children; hearing the claims of paternity of unwed fathers; terminating the parental rights of parents who cannot fulfill their parental responsibilities; and granting adoptions. This court is not a part of the Superior Court system and does not handle disputes between parents unless one parent is the petitioner to remove the other parent as guardian, terminate the other parent's rights, or establish paternity. The probate court will normally refrain from acting on a petition for termination if there are motions for visitation or custody pending in Family court. All probate petitions and Family matters require a statement as to whether there is any matter pending in any other court that affects *the custody of the minor child to ensure that the court has notice of potential conflicting rulings.*

4. **Criminal court:** Handles criminal matters, including the domestic violence docket. The domestic violence dockets handle domestic violence cases using a vertical case management approach. Teams comprised of prosecutors, family relations counselors, domestic violence victim advocates, and representatives of law enforcement coordinate case processing through regular meetings. Defendants are required to return to court frequently to ensure that they are following court orders. If a parent has a criminal matter pending in the domestic violence docket or the regular criminal docket involving a threat or physical injury to the other parent or a child, the prosecutor usually will request, and the court will order, a protective order; i.e., a criminal court order issued by a judge to protect a family or household member. That protective order supersedes existing family court orders, however, some judges will issue a protective order specifying that the order may be modified by a Family court order.

#### **The Players:**

1. **Case-Flow Coordinators:** Are responsible for assisting in the selection of dates for hearings, trials, and pre-trial conferences. These individuals are invaluable resources and, like the marshals and clerks, are especially helpful if you are in an unfamiliar courthouse. They are usually located in an office near the Family courtrooms.
2. **Family Relations Counselors (FRCs):** Work within the judicial department, court services Division, Family Services Unit. Family Relations Counselors are assigned to the various courthouses and are available at the Family short calendar docket (and by appointment on other days). Contested matters will not be heard by the court on short calendar day unless the parties and their attorneys have first met with the assigned FRC to attempt to reach an agreement. In addition to short calendar assistance, FRCs utilize a screening tool with the parties to determine what level of service is necessary to help them resolve their parenting disputes. at the least intrusive level they will mediate parental disputes for up to three two-hour sessions and if unsuccessful, will, if ordered by the court, conduct a custody evaluation. There are also conflict resolution conferences [CRCs] and issue focused evaluations available. The full custody evaluations are in-depth assessments of the family. The FRC meets with the parents individually and jointly, meets with the children, observes parent-child interactions, and gathers relevant information from collateral sources. The information gathered by the counselor, the assessment of the family, and resulting recommended parenting plan is then shared with the parents and attorneys and the GAL/AMC. FRCs will

confer with the GAL at some point in the evaluation process before the recommendations are provided to the parents and their counsel. It can be very helpful to have the opportunity to share observations and information gathered to examine the consistency of the information. In the event that the parents are unable to agree after hearing the recommendations of the FRC, the FRC will write up a full report to be presented at trial.

3. **Private mental health professionals:** Psychiatrists (M.D.s), Psychologists (PhDs), Nurse Practitioners (APRNs), Social Workers (LCSWs), Marriage and Family Therapists (MFTs) and other licensed therapists perform in a variety of roles, most commonly as follows :

a) providing individual therapy for the parents and/or the children;

b) conducting court ordered custody evaluations that may include clinical assessments of the parents and the children, psychological testing of the parents and children, and observation of the parent-child interaction from a clinical perspective. The evaluator may or may not interview collaterals and/or review materials submitted by the parents. Generally, court ordered evaluations are ordered when there are mental health issues raised by the parties or the GAL. These court ordered evaluations MAY specify the nature of the evaluation, whether testing is to be performed, whether specific questions are to be answered by the evaluator, how payment for the evaluation will be allocated between the parents, and what type of contact the GAL may have with the evaluator. Often, it will be the GAL who is responsible for contacting the evaluator and providing the evaluator with the relevant pleadings and court orders;

c) providing co-parenting counseling to assist the parents in developing co-parenting skills;

d) providing individual evaluations of a parent when there is a specific mental health or substance abuse issue; and

e) providing reunification therapy or intervention therapy when there has been a significant disruption in the parent-child relationship.

4. **Regional Special Masters:** The regional docket sets aside a full day for settlement prior to trial for cases that meet the criteria for the regional docket. The special master team consists of a male and female master, one from the mental health profession and one who is an experienced family lawyer, each of whom volunteers their time for the day. Both have significant expertise in settling high conflict cases and have been trained for this setting. The day begins with the Judge addressing the parties on the effect of custody battles on children, followed by a film about the children of high conflict divorces, followed by the remainder of the day focused on mediation with the parents,

their lawyers, and the GAL/AMC. If the case settles, the agreement will be submitted to the court, if not, the matter will be set for trial in the very immediate future.

5. **Department of Children and Families (DCF) worker:** Investigator or social worker at DCF that may have had contact with the family if there was a previous DCF case or a complaint. DCF will not disclose information unless there are releases from both parents, and even then, there are certain portions of the file that may be governed by statute as to its availability.

6. **Assistant Attorney Generals (AAGs):** Any cases involving state assistance for a family or family member having a history of receiving state assistance (including Husky insurance) that has not been fully addressed require the appearance and participation of the Attorney Generals' office to ensure that the state's interests are protected. The case-flow coordinator or the clerk can help you locate the AAG. In addition, a separate department of AAGs represents DCF in juvenile court at the child protection docket.

## **Miscellaneous**

1. **Parenting Education Programs:** All parties involved in divorce, dissolution of a civil union, annulment, separation, custody or visitation cases involving any child under the age of 18, are required by statute to participate in a six-hour parenting education program within 60 days of filing a family case. The program is designed to educate parents about the many issues children face when their family situation changes. The program trains parents about how to help children adjust in a healthy way to divorce or living apart from a parent. Information about the program and locations of approved programs can be found on the judicial website.
2. **Video: Putting Children First** – An excellent video for parents by Judge Gordon on the impact of high conflict divorce on children and similar to the speech given at the Regional Special Masters program. Available at :  
<http://www.jud.ct.gov/videos.asp#Family>
3. **Court Service Centers:** The courthouses are equipped with centers that provide the following free services:  
Statewide Calendar and Docket Information (Civil and Family cases);  
Court Forms and Judicial Publications;  
Public Use Computers and Printers with Internet Access and Word Processing;  
Electronic Filing; Printers; Copier; Fax Machine; Phone; Work Space; Staff Assistance;  
and notary services.
4. **Temporary Restraining Orders:** A Family court order to protect a family or household member from physical abuse (See C.G.S. § 46b-15). The effect of the order is similar to the protective order with the following differences: it is a civil court order, the parties must be in the protected classes as dictated by the statute, must meet the statutory criteria of immediate physical danger or threat of immediate physical

danger, usually applied for ex-parte (without the other party present) and can only be extended for up to 180 days. If the ex-parte is granted, there must be a hearing within fourteen days to give the respondent an opportunity to be heard and to determine if the restraining order should be continued for up to the maximum 180 days. if not granted ex parte, the application may be set down for a hearing. generally, the hearing dates are within a week to ten days. if there is a pending Family case, the other side and the GAL/AMC are likely to be given notice, if possible, before the restraining order is acted upon.