

Reducing Contentious Family Court Cases Vital

OP-ED

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If members of the public want to see where some of the most difficult court cases in Connecticut are handled, they need only to visit Family Court, where painful and heart wrenching scenarios unfold every day. These cases, by their very nature, involve the breakdown of a relationship between two adults, the custody of their children and the division of their finances.

Quite simply, it does not get more personal than that.

So, it's not surprising that dissatisfaction with the outcome of some high-conflict Family Court cases has made its way to the General Assembly. As a result, lawmakers and the Judicial Branch are now considering possible changes to the guardian ad litem process used by Family Court judges in highly contested custody cases. The Judicial Branch will continue to work with the legislature to make improvements to the system — among them, the addition of family relations counselors dedicated to mediating higher conflict cases.

I disagree, however, with those who say the system is totally broken. To the contrary, we are fortunate in Connecticut to have extremely capable Family Court judges who work diligently toward one overarching goal: to do what is in the best interests of the children, without concern for how that decision may affect their reappointment. We are also fortunate to have many fine lawyers and mental health professionals devoted to family law, despite the oftentimes difficult circumstances of such emotional cases.

And statistics over a two-year period beginning in 2011 bear this out. Of the 11,556 cases that return to court because of ongoing parental disputes after the decision of a judge granting custody and access, 54 percent were resolved with only one court mediation session. The number rose to 77 percent after only two court mediation sessions. Clearly, resolving custody cases as quickly as possible — as reflected by these numbers — is in the best interest of the child and the parents.

Nevertheless, 23 percent remain unresolved after two sessions. These higher conflict cases are where we must redouble our efforts to reduce the turmoil and make the system work better.

How do we do this?

First, we are recommending that the legislature approve the necessary funding and statutory changes to establish a higher conflict case management pilot program in three

court locations. Family relations counselors would assist the parents with conflict resolution, monitor compliance with court orders and coordinate much needed services such as mental health evaluations and intervention; substance abuse testing, evaluation and treatment; supervised visitation and parenting skill building programs. These services will occur without any cost to the parties.

We have also spent a great deal of time reviewing the recommendations of the Task Force to Study Legal Disputes Involving the Care & Custody of Minor Children. The members of the task force deserve our thanks for the tremendous amount of time and energy that they invested to prepare a report that I have no doubt will result in many positive changes. Among the recommendations we stand ready to implement:

- Adopting advisory guidelines as to when judges should appoint guardian ad litem.
- Providing a clearer system of accountability for guardian ad litem including specifying the work that the guardian ad litem is to undertake, ensuring that the parties know the fees that the guardian ad litem will charge, and requiring periodic review of guardian ad litem's activities and bills.
- Providing a structured process for parents to request the removal of a guardian ad litem.
- Implementing a written code of conduct for guardian ad litem.

With these changes, we anticipate that higher conflict cases will be decided more expeditiously at less cost to families, thus reducing the understandable frustration experienced by some parents in court but, more important, restoring a sense of normalcy to a child's life.