



State of Connecticut
 JUDICIAL BRANCH
 COURT SUPPORT SERVICES DIVISION
 POLICY AND PROCEDURES

POLICY NO.
3.1

EFFECTIVE DATE:
January 13, 2021

PAGE 1 of 9

SUPERSEDES:
November 12, 2014

APPROVED BY:

Gary A. Roberge, Executive Director

TITLE:

**FAMILY SERVICES
 CIVIL COURT NEGOTIATIONS**

1. **Policy** The Family Relations Counselor (FRC) will be available to provide dispute resolution services to the Court, clients and attorneys in all Family Matters.

2. **Definitions** – see [Exhibit I](#)

3. **Procedures**

A. Court Negotiation Administrative Functions

- (1) Each Family Services Office will have an established procedure to provide negotiation services for all family matters at the time of the court hearing. Such procedure shall not differentiate between represented and non-represented parties, and will ensure that all cases are called on a first come, first serve basis unless otherwise directed by the court, deemed essential by the FRC or the case is Pro-Bono.
- (2) The FRC will negotiate Pro-Bono cases first, whenever possible.
- (3) The FRC whenever possible will accept referrals for negotiations and schedule an appointment in advance of the court hearing date.
- (4) The FRC will maintain and submit statistical information concerning all cases that were negotiated as necessary. The FRC will enter into CMIS all necessary information regarding each case that was negotiated by the next business day.

B. Court Negotiation Sessions

- (1) Prior to conducting a negotiation, the FRC will canvas each party separately regarding their concerns of any history or current domestic violence, fear, intimidation, the existence of Court Orders prohibiting contact, and the level of comfort each has towards the other.



Links for this policy:

[JD-FM-172](#)
[JD-FM-194](#)
[JD-FM-230](#)
[JD-FM-231](#)
[JD-FM-284](#)
[JD-FM-290](#)

[JD-FM-291](#)
[CSSD Policy 3.13](#)
[FRC I](#)
[FRC II](#)
[FSS I](#)
[FSS II](#)



State of Connecticut
JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION
POLICY AND PROCEDURES

POLICY NO.
3.1

EFFECTIVE DATE:
January 13, 2021

PAGE 2 of 9

SUPERSEDES:

November 12, 2014

TITLE:

**FAMILY SERVICES
CIVIL COURT NEGOTIATIONS**

- (2) The option of whether the negotiation will be held with the parties jointly or individually will be determined by the following factors:
 - a. If there are No Contact Protective Orders, No Contact Civil Restraining Orders, or No Contact Standing Criminal Restraining Orders in effect the parties will be seen separately;
 - b. If one or both parties indicate they have concerns regarding current or prior domestic violence or are fearful or intimidated by the other party, they will be seen separately;
 - c. If one or both parties indicate(s) they are not comfortable being in the same room as the other party, the FRC will assess the depth of that discomfort and the impact it would have on their ability to negotiate. If it is deemed by the FRC that the level of discomfort would have a debilitating effect on the efficacy of the negotiation process, the parties will be seen separately;
 - d. The FRC should consider any other circumstances that contraindicate bringing the parties together for the negotiation.
- (3) At the onset of the negotiation, the FRC will inform the client that the discussions occurring in a negotiation are privileged communications pursuant to the Practice Book Rules for Settlement Conferences.
- (4) The FRC will assist self-represented clients when necessary, in completing the required paperwork to facilitate the resolution of the contested issue before the Court, (i.e., financial affidavits, child support guidelines worksheet, custody affidavits, etc.). In addition, the FRC will provide or direct the client to the appropriate forms and to the Court Services Center when necessary.
- (5) The FRC will meet with the clients and/or their attorneys to discuss the contested issues. This discussion will entail listening to each client's presentation of the facts and reviewing relevant information before making a recommendation on the contested issues in the case.



State of Connecticut
JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION
POLICY AND PROCEDURES

POLICY NO.
3.1

EFFECTIVE DATE:
January 13, 2021

PAGE 3 of 9

SUPERSEDES:

November 12, 2014

TITLE:

**FAMILY SERVICES
CIVIL COURT NEGOTIATIONS**

- (6) If the FRC is requested by the Court to conduct a negotiation in regard to the appointment of a GAL/AMC, the FRC will assist the clients in an attempt to resolve the referred matter without making any endorsement of or acknowledging any opposition to a specific GAL/AMC.
- (7) If the FRC is requested by the Court to conduct a negotiation in regard to the removal of a GAL/AMC, the FRC will attempt to resolve the matter with the appropriate parties. The FRC will not offer any opinion regarding the removal of an appointed GAL/AMC.
- (8) If there is an agreement and the clients are self-represented, the FRC will prepare the written agreement the Agreement Form, [JD-FM-231](#), for the clients to review and sign. The FRC will direct each party to retain a copy of the agreement and to provide the original to the Court. The FRC will direct the clients back to Court to have the agreement entered as an order.
- (9) If the FRC is negotiating a Final Settlement and an agreement is reached, the FRC, when time permits, will assist the parties in the completion of the Dissolution/Legal Separation Agreement, [JD-FM-172](#), or the Custody Agreement and Parenting Plan, [JD-FM-284](#). The FRC will not prepare a final settlement stipulation unless it is on one of these aforementioned forms.
- (10) In the event that parties have reached agreement without Family Services input, the FRC when requested will review the written agreement before it is presented to the court.
- (11) If the State of Connecticut has a legal interest in the case, the FRC will not knowingly recommend or approve a settlement which impinges upon the State's interest.
- (12) If no agreement is reached, the FRC will direct the client(s) back to Court, for appropriate action.



TITLE:

**FAMILY SERVICES
CIVIL COURT NEGOTIATIONS**

C. Resolution Plan Date (RPD) Screening

- (1) As part of the RPD Screening, Family Services will follow all previously detailed General Procedures and applicable provisions under Court Negotiation Sessions;
- (2) Family Services will be available to conduct RPD Screens as directed by the Court, as scheduled/docketed by the Judicial Authority, or as directed by CSSD Administration;
 - a. The Screening will be the **initial meeting** for a family entering the system. It will be the forum for parties to obtain information about the process and the most effective pathway to resolution.
 - b. The role of the FRC is to explore the areas of a particular filing in a global fashion. Negotiation is part of the process, but it is more than attempting to settle the case. The Screening is not to be considered a pre-trial but rather an opportunity to explore the parties' positions related to the resolution of the issues within a particular situation.
 - c. As part of the Screening, the FRC will lead a global and educational discussion with the litigants relative to the case/filing (not motions) and whether the parties have communicated about the major components of the case.
 - d. The Screening will not be directive in nature, but rather an educational conversation regarding how the parties view the matter and what the individuals indicate are areas of general or final agreement.
 - e. During the Screening process, the FRC will gather information from the parties and review the [JD-FM-291](#), Family Services Screening Questionnaire (FSSQ), for newly filed actions. For both newly filed actions and Post Judgment matters, the Screening process should also include but be not limited to: 1) a discussion with the parties regarding the current filing, 2) a review of the historical parenting relationship, 3)



TITLE:

**FAMILY SERVICES
CIVIL COURT NEGOTIATIONS**

areas of common ground, and 4) the nature of the pending parenting and/or financial disputes.

- f. The FRC, during the Screening process, will strive to accurately predict the Court resources necessary for the litigants to exit the system. Once this determination is made, every recommendation for subsequent services will correlate with any pending dispute before the court.
- g. The FRC will discuss and educate the parties regarding the different pathways/Track placement. The determination and ultimate recommendation to the Court of a specific track will be based upon the level of dispute and complexity of a case.
- h. At the conclusion of the Screening, the FRC will provide the parties with a clear direction as it relates to next steps in the process. This will include an identified pathway: An A Track case with either an agreement or likely agreement on all issues (including a Family Services Pre-Trial or EIP to complete), a B Track case with minimal Court resources needed (ADR Track), or a C Track designation which means there will be significant Court resources required, including a Comprehensive Evaluation if necessary.
- i. At the conclusion of the Screening, the FRC will submit to the Court the Memorandum of Resolution Screening form, [JD-FM-290](#). The associated Resolution Plan will include the recommended track and whether a referral to Family Services is necessary to resolve disputed issues.
- j. If the parties are able to arrive at temporary or final agreements during the screening process, the FRC will assist the litigants in finalizing the agreements and will provide information regarding the steps to enter orders.



State of Connecticut
JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION
POLICY AND PROCEDURES

POLICY NO.
3.1

EFFECTIVE DATE:
January 13, 2021

PAGE 6 of 9

SUPERSEDES:

November 12, 2014

TITLE:

**FAMILY SERVICES
CIVIL COURT NEGOTIATIONS**

D. Referral to Family Services

- (1) In any case where a referral to Family Services is contemplated, the FRC will administer the Family Civil Intake Screen (FCIS), [JD-FM-194](#), to assist in determining the appropriate service. The administration of the Family Civil Intake Screen will be done in accordance with [CSSD Policy and Procedure 3.13, Family Civil Intake Screen](#). After completing the FCIS the FRC will request a referral from the court for the indicated service by submitting [JD-FM-230](#), Request for Referral by Family Services, to the Court. If the requested service is for an Issue Focused Evaluation or a Comprehensive Evaluation, and the case has had a prior Family Services evaluation referral with a completed non-agreement report, the FRC will check the box on the Request for Referral requesting access to prior sealed Family Services reports.
- (2) For any case that is referred to Family Services, the FRC will provide a verbal description of the service to the clients, and provide brochures and questionnaires related to the recommended/ordered service. The FRC will also have the parties sign authorization of release forms when appropriate.
- (3) If the matter is referred to Family Services, the FRC will notify the Family Services Supervisor of the referral in a timely manner.

E. Professional Conduct

- (1) The FRC will conduct himself/herself in a professional manner, treating clients with courtesy and respect throughout the Court Negotiation process. FRCs will strive to be accurate, objective, fair and independent in their work. They will treat all participants and weigh all data, opinions, and hypotheses thoroughly and impartially. They will assess all information that is provided to them in a balanced manner. The process will be an open one in which all participants will be offered the opportunity to respond.
- (2) During the course of the Court Negotiation process, the FRC shall not have substantive ex-parte communications about the case with the Court, the attorney's representing the parties or children, or the Guardian Ad Litem except of an administrative nature or with mutual consent of all parties.



State of Connecticut
JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION
POLICY AND PROCEDURES

POLICY NO.
3.1

EFFECTIVE DATE:
January 13, 2021

PAGE 7 of 9

SUPERSEDES:
November 12, 2014

TITLE:

**FAMILY SERVICES
CIVIL COURT NEGOTIATIONS**

- (3) The FRC will not offer legal advice nor conduct any therapeutic intervention with anyone involved in the Court Negotiation process.

4. **References** – No references.

5. **Exceptions** Any exception to this policy will require prior written approval from the Division's Executive Director.



TITLE:

**FAMILY SERVICES
CIVIL COURT NEGOTIATIONS**

EXHIBIT I

Definitions

- A. Attorney for the Minor Child (AMC) A Court appointed attorney who represents the child's legal interests and supports the child's best interests.
- B. Family Civil Intake Screen (FCIS) (JD-FM-194) A screening instrument that is administered at the time a case is being referred. The screen assists the Family Relations Counselor / Family Services Supervisor in determining the most appropriate service offered by Family Services.
- C. Family Relations Counselor (FRC) A CSSD employee with the qualifications and training who performs the functions outlined in the job description for [Family Relations Counselor I](#) or [Family Relations Counselor II](#).
- D. Family Services Screening Questionnaire (FSSQ) (JD-FM-291) A screening instrument that is administered at the time of the Resolution Plan Date. The screen assists the FRC/FSS in determining the most appropriate track for a case as well as the most appropriate service offered by Family Services.
- E. Family Services Supervisor (FSS) A CSSD employee with the qualifications and training who performs the functions outlined in the job description for [Family Services Supervisor I](#) or [Family Services Supervisor II](#).
- F. Final Settlement The comprehensive elements of a final judgment (i.e., distribution of financial assets and property, custody and access).
- G. Guardian Ad Litem (GAL) A Court appointed individual who represents the child's best interest.

[Back to Top](#)



TITLE:

**FAMILY SERVICES
CIVIL COURT NEGOTIATIONS**

- H. Memorandum of Resolution Screening (JD-FM-290) An official Judicial Branch form that the FRC completes at the conclusion of a RPD. The form will include a recommended track and whether a referral to Family Services is necessary to resolve disputed issues.
- I. Negotiation A conflict resolution process in which the FRC meets with the attorneys, self-represented litigants and/or the clients to the action with respect to the legal actions pending before the Court. The role of the FRC is to facilitate discussions and to assess and recommend potential solutions.
- J. Pro Bono Cases Cases in which attorneys are representing (indigent) clients without charging legal fees.
- K. Resolution Plan Date (RPD) Screening A scheduled meeting with Family Services for litigants entering the Family Civil Court system. The goal of the screening is to provide the parties with information about the process and the most effective pathway to resolution.
- L. Self-Represented Litigant A person who files an appearance to represent him or herself.
- M. Stipulation A legal document that details the provisions of an agreement.

[Back to Top](#)