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Speaking of Family

CT task force spars with parents over billing fraud in family court

Life Family

by **Anne Stevenson** - Feb 1, 2014

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New Haven Court House

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CONNECTICUT, December 26, 2013 — Colleen Kerwick, Hector Morera, and Dan Lynch say they are fit Connecticut parents with open family court cases who are struggling to pay millions in questionable court ordered fees spanning several years.

This year, dozens of CT parents like Kerwick and Morera complained to the legislature that the court has misused the court appointment process to force parents into business relationships with unvetted and inappropriate court affiliated vendors who are bankrupting them through questionable billing practices. Despite a [2010 State auditor's report](#) showing millions misappropriated from the Judicial Branch's **\$500 million annual budget**, a legislative task force established to assess CT's broken family courts disagrees with parents who blame internal fraud for the court's issues and say an audit of the court's books and contracts is unnecessary.

In November 2013, Kerwick, a CT based entertainment attorney, told me about her "high conflict" divorce

from a well to do Connecticut businessman Kenneth Savino. Police reports show that Savino had previously been arrested for assaulting Kerwick, and in April 2012, Savino was **arrested again** on risk of injury to a minor charges in addition to charges that he interfered with police.

Kerwick says that collectively, the family has spent about \$610,000 on litigation costs. Although the guardian ad litem Karen Tarpey billed the family **more than \$40,000** to represent the best interests and wishes of Kerwick's and Savino's child, billing records show she spent very little time actually meeting with the child. Controversial child psychologist **Sidney Horowitz** also billed the family \$20,000 to perform a custody evaluation. Savino received custody of the child after both professionals failed to provide the court with information sufficient to end her custody.

Kerwick says that all of the professionals appointed to her case failed to warn her that Horowitz was **in business** with Judicial Branch officials who oversaw her case, and that other litigants had raised troubling questions about Horowitz's **controversial billing practices**. When Kerwick's savings began to dry up and she raised questions about the integrity of the billing practices of the professionals appointed onto the case, Kerwick says suddenly her lawyers had marbles in their mouths and the ink in their pens began to dry up.

"After paying \$110K in attorney's fees, I learnt that being pro se is more effective," says Kerwick. "That said, I'm only 2 years in so I may lose yet by attrition. My ex can outspend me."

Hector Morera's experience with the Connecticut courts was similar to Kerwick's. In 2012, Morera was facing outrageous **legal bills** when he lost custody of his children, despite the fact that he has no history of abuse or neglect. In October 2013, a court order severed Morera's access to his children after local media reports exposed the fact Morera was ordered to pay **a \$30,000 GAL bill** for services not clearly identified. The tab for all Morera's legal bills currently totals over \$52,000.



Dozens of parents like Morera and Kerwick say their life savings and retirement accounts have been wiped out by the family courts. They want an audit to assess the extent of internal fraud in the system.

Task Force Conflicted Over Whether to Audit State Vendor Payments to Family Court Professionals.

In 2013, the Connecticut legislature established the **Task Force to Study Legal Disputes Involving the Care and Custody of Minor Children** to evaluate complaints from dozens of affected parents. The task force will assess complaints that the family courts are not only mishandling cases, but also facilitating widespread taxpayer funded fraud. Affected parents say that unethical vendors appointed to their cases are padding the bills by creating unnecessary conflicts and forcing them to pay for evaluations and services the families do not need. Parents are forced to deal with these vendors, because they have immense power to influence the outcome of their family court cases.

Now complaints are surfacing that task force leaders have serious conflicts of interest. Insiders say these questionable professionals may also be blocking the efforts of honest task force members to meaningfully investigate and address the fraud and waste of State resources.

Pointing out discrepancies in the rates that both parents and the State are required to pay for identical services, task force member Jennifer Viranault contends that a financial audit is needed to determine how the family court and the Public Defender's office are funding guardian ad litem and expert OPD bankrolls on some **575 family court cases** annually. However, task force co-chair Susan Cousineau has thus far opposed efforts to obtain such billing records from the State.

Long time court reform advocates Michael Nowacki and Cheryl Martone have also raised concerns that none of the task force's members are parents who have experienced the family court's dysfunction first hand. They also say Connecticut legislators have appointed several family court industry officials who are affiliated with the Association of Family and Conciliation Courts (AFCC). Both Nowacki and Martone say it is a conflict of interest for AFCC members to oversee the task force charged with solving problems in the family courts created by the same questionable Judicial Branch vendor's **programs** and members. **AFCC affiliated** task force members include attorney Sharon Dornfeld, Justine Rakich Kelly of the **Children's Law Center**, and Judicial Branch administrator Joseph DiTunno who has helped oversee the court's problematic **grant programs** and operations for over a decade. Task force co-chair Susan Cousineau co-founded the AFCC's CT chapter with **several of the judges** whose decisions have been recently called into question by parents referenced in this article.

According to an article published in **Communities Digital News**, the Association of Family and Conciliation Courts (AFCC) and its CT chapter are Judicial Branch vendors founded and operated by the CT family court's own salaried State employees. Questions have arisen as to why the Judicial Branch paid the AFCC to perform many functions in the family courts when the organization's members and directors are the same court employees who already receive a State salary to perform the same essential services.

The Washington Times story focused on the AFCC's troubling past with the authorities and the organization's role in dozens of CT cases where parents were bankrupted by questionable bills. According to the IRS and various state offices, multiple AFCC chapters across the country have been repeatedly shut down by the IRS and authorities for violations of various laws and regulations.

Since the Washington Times Communities story was published in May 2013, there has been no indication

from law enforcement that they are investigating AFCC's activities. Although the corporation's sub regulatory activities in CT remain under investigation by the Secretary of State, the Secretary's office claims it has no duty or intention to report to law enforcement any information regarding the outcome of their investigation.

Prior State Audits Uncover Widespread Mismanagement of Judicial Branch Resources, Lack of Communication With Law Enforcement

This was not the first time **State authorities** had questioned the Judicial Branch's book keeping without filing a criminal case. In 2010, the Connecticut State Auditor released **a report** which detailed how the Judicial Branch's "lack of internal controls" resulted in severe mismanagement of the agency's \$200m budget and internal administrative operations. Auditors also identified tens of millions intended to reach the State's most at risk families through Judicial Branch vendors which remained missing or improperly accounted for. However, Auditors failed to refer their findings to law enforcement to determine whether criminal activity had played any role in the misappropriations.

The Connecticut State auditor confirmed in writing that their office chose not report to law enforcement any of the "discrepancies" or evidence of possible fraud and criminal activities discovered during the course of their review of the Judicial Branch. The auditor **wrote** that he determined that his office had no duty to report such findings because it went beyond stated scope of the audit:

"Our audit was focused on the Judicial Branch's lack of internal control, and therefore there was no follow up made with law enforcement."

Connecticut's Office of the Chief Public Defender has also been the subject of several scathing State audits which detailed similar widespread mismanagement of taxpayer resources. Each year, OPD oversees the representation of thousands of indigent defendants in criminal and child welfare cases, as well as bankrolls the attorneys and experts appointed onto them. According to their annual report, OPD also financed more than **575 GAL's** appointed onto family court cases.

At a September 2013 Connecticut Freedom of Information Act Commission hearing, the OPD disclosed the following facts at the hearing:

- (1) OPD has not consistently kept an accurate tally of payments made to court appointed professionals,
- (2) OPD and the Judicial Branch do not always formally vet such contractors or require competitive bidding or consumer protection contracts to obtain such [State sponsored] appointments in the family courts,
- (3) OPD often pays some of the contractors appointed onto cases at rates that are several times the legislatively mandated rate for the same professional services, and
- (4) OPD will not open their books to disclose how much money is spent or allow the public to review the administrative billing records for its office operations.

Despite these revelations, task force co-chair Tom Weissmuller says the State's bankrolling of GAL is done at reasonable State rates of about \$50 per hour with a cap of \$500 per case. While Weissmuller does sympathize with the complaints of parents about the **GAL system** as a whole, he notes that the task force is unable to conduct such an audit because no mechanism exists which would allow the task force to audit or assess privately bankrolled professionals.

Paul Boyne, a CT father whose rights were taken away after he questioned the integrity of the billing statements submitted by the taxpayer funded professionals appointed onto **his family court case**, disagrees with Weissmuller. Boyne says that an audit of OPD's books to document allegations of billing fraud is exactly what is needed. Yet instead of auditing the books, Boyne says some task force members are blaming victimized parents for the State's mismanagement of its' own multi-billion dollar family court industry.

Susan Skipp, another CT parent who says she was driven into bankruptcy and had her parental rights effectively severed after she raised concerns that her family had been targeted by a family court **billing fraud scam**, also says an audit of the Judicial Branch's books is needed to restore public confidence in the agency's activities.

"If the Judicial Branch were a for-profit corporation, the board of directors would start 'fixing' it by conducting a financial audit of the company's book keeping records to see where all their money is going" says Skipp. "It does not make sense for members to block internal efforts to obtain financial records that document the financial dealings between problematic vendors and the State."

Yet according to task force insiders, this is exactly the approach that the Legislature and the Judicial Branch appear to have taken.

Skipp says that if the purpose of the task force was to address parents complaints about billing scams in the family courts, "perhaps the task force should start by ending the PR campaign blaming victimized parents the for the State's own shoddy work and mismanagement of the Judicial Branch."

"I just want to spend time with my kids" says Skipp. "Why does the court have to make this so difficult?"

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Anne Stevenson