

TO: CBA COVID-19 Task Force
FROM: Judge Michael Albis, Chief Administrative Judge of the Family Division
DATE: June 16, 2020
RE: Virtual hearings and future scheduling of family court matters

The pandemic has caused, and continues to cause, the cancellation of many family court trials, hearings, short calendars, and other court events. It also imposes constraints on court activities for the foreseeable future as long as it remains impossible, consistent with proper health safety practices, to conduct large dockets or calendars that bring many people into court at the same time. The use of virtual proceedings for many matters will allow courts to perform their functions, but in ways that require changes in scheduling methods. The following is a summary of current plans for increasing operations in family court, including new scheduling methods and procedures.

A. Commencement of Virtual Hearings

On or about June 24, 2020, family judges in each open court location will begin holding virtual hearings. Participants will join via the internet or telephone, with the preference being the internet in order to allow both video and audio participation. Hearings will use the Microsoft Teams platform, which many attorneys have already used in remote judicial pretrials and status conferences. The first group of virtual hearings to be scheduled will consist of matters expected to require no more than one hour of court time, such as uncontested dissolutions and matters identified during remote conferences as involving critical and time-sensitive issues for which the parties would benefit from a short hearing. The presiding judges in each court are selecting cases that appear appropriate for such hearings, based upon the results of remote conferences and a review of their dockets.

By virtue of their limited duration, the initial hearings are not intended for matters that require lengthy testimony, several witnesses, or significant documentary evidence. The Judicial Branch is developing further procedures to accommodate longer, more involved hearings in the near future, but this initial group is designed primarily for issues of some urgency that would benefit from a brief evidentiary hearing and/or legal argument, and for agreements that the parties are ready to present to the court for consideration. If you have such a matter you may email the court's caseflow coordinator, including a brief description of the issue or agreement, but it is premature at this time to request dates for trials or longer hearings. If your case is to be scheduled for a hearing in this group, you will receive an initial notice from the court requesting the hearing participants' contact information, which is necessary to schedule the virtual hearing. The notice will also give you the opportunity to indicate dates you are unavailable for the hearing. After the court receives this information it will issue a notice of the date and time of the virtual hearing and further instructions as to the method of participation.

In addition to these hearings and the other events to be scheduled as described below, counsel should be assured that at any time they have a case with a final agreement that requires a hearing, they should contact the court's caseflow coordinator (preferably by email, but if that is not possible then by telephone) to request that one be scheduled. Further, all judges will continue to review and act upon all agreements that are submitted remotely consistent with prior guidance issued on April 20, 2020 and set forth at <https://jud.ct.gov/family/FArequest.htm>.

B. Scheduling Of Trials and Longer Hearings

Previously, it was announced that all trials and specially assigned hearings which had been scheduled to commence or continue on dates during the months of May or June, 2020, would be continued to dates to be determined. We now announce that the same holds true for all such matters previously scheduled for July 1, 2020, and thereafter. This decision has been made in order to allow for the equitable and efficient scheduling of all cases without, for example, penalizing parties in cases which were scheduled during the months that have elapsed by forcing them to go to the end of the scheduling line. In addition, this measure will alleviate the uncertainty of parties and counsel who would otherwise be scheduled for trials and hearings in the near future without knowing whether they will go forward.

The rescheduling of the continued trials and longer hearings, and the initial scheduling of others, will begin after we have had an opportunity to evaluate our experience with the short virtual hearings, to consider and address the logistical and other issues involved in conducting longer proceedings in a virtual manner, to assess the best available public health information about when it may be possible to conduct such proceedings safely in person, and to solicit input from stakeholders including the family bar. At that time, presiding judges will schedule matters upon due consideration of all relevant factors, including affording a measure of priority to trials and hearings that were interrupted or postponed due to COVID-19.

C. Scheduling Interim Dates

Of course, after the completion of the hearings described in Section A, many cases will require additional court time for various reasons before they are ready for disposition. In the past, the main vehicle for providing this court time has been the family short calendar. Partly due to the disadvantages of short calendar system, which sometimes requires parties to appear in court many times during the life of a case for compressed sessions at which limited progress can be made, the Judicial Branch had already been developing ways to improve the family court process, with the help of the National Center for State Courts.

The pandemic has added new, urgent health reasons that preclude the continued use of a system whereby dozens of cases appear on the same calendar, with all parties and counsel in all cases required to appear in court at the same time. In its place, family courts will implement a new time-certain scheduling method whereby cases are pre-assigned specific interim dates and reasonable blocks of time. On a case's assigned date, the court may hear and consider any outstanding pendente lite motions, Family Services or guardian ad litem report backs, or other issues that cannot await the final disposition date. The process will provide a mechanism to address urgent matters that arise in a case and cannot await the pre-assigned date. In the transition to the new scheduling method, family judges will issue scheduling orders for pending matters, including the designation of the case's pre-assigned interim date or dates. The design of the new process will lend itself to conducting proceedings virtually for as long as health concerns dictate.

It is expected, at least initially, that each court will devote two designated weekdays each week to the pre-assigned dates for pending cases. Where two courts are in close geographical proximity to each other, an effort will be made to avoid their use of the same two weekdays as their cases' pre-assigned dates, in order to provide more scheduling flexibility for attorneys who regularly practice in both courts.

The foregoing is intended as a brief overview of family court scheduling as we endure and ultimately emerge from the COVID -19 public health crisis. The plans represent a great deal of change at a time when we have already endured much disruption in our professional and personal lives, but change is necessary. The bar will undoubtedly have many questions, and the Branch will answer them as best it can as details are determined and events unfold. We look forward to working cooperatively with the family bar, litigants, and the public in this important effort.