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THE CONNECTICUT ANOMALY

Structural Capture, Procedural Delay, and the Limits of Federal IV-D Accountability in Family Court — A Comparative Prospectus by Abraham Rosenwald, pro se.

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BLOCK-LEDGER · TABLE OF CONTENTS

BLOCK 000 / GENESIS / CONFIRMED

PREAMBLE

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The Connecticut Anomaly: Structural Capture, Procedural Delay, and the Limits of Federal IV-D Accountability in Family Court

A Comparative Prospectus

Author: Abraham Rosenwald, pro se **Date:** May 22, 2026 **Working Cases:** - FST-FA26-6078292-S (Connecticut Superior Court, dissolution) - FST-FA26-5033652-S (Connecticut Superior Court, civil restraining order, consolidated) - AC-49765 (Connecticut Appellate Court) - S01S-CR26-0261414/15/17/18-S (Connecticut Superior Court, criminal protective-order companion dockets — 85 charges, 82 of them violations of CGS § 53a-223)

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BLOCK 001 / SECTION / CONFIRMED

ABSTRACT

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Connecticut is the only state in a comparative cohort of nine large-population, high-wealth peer jurisdictions (California, New York, Texas, Massachusetts, Florida, Illinois, New Jersey, Pennsylvania, and Connecticut) that simultaneously lacks (a) a constitutionally- or statutorily-separate family-court department, (b) a statutory time-frame for the conversion of an ex parte restraining order to a contested protective order, (c) an external multi-stakeholder reform commission empowered to amend family-court rules of practice, and (d) a bar-administered specialty certification in matrimonial law. The combination of these four absences produces a family-court regime in which the same small bar (centered on a small number of multi-generational matrimonial-law firms) (i) staffs the principal voluntary professional organization that consults on rule-making (the Connecticut Bar Association Family Law Section), (ii) sits as authors-of-record on the controlling case-management standing orders (the Statewide Family Time Management Order, effective 1/1/2025, and Connecticut Practice Book §§ 25-34A and 25-50A, both effective the same date), and (iii) represents litigants whose proceedings are scheduled and adjudicated under that same regime. This Article describes the structural capture, identifies the procedural-delay pathology that follows from it (most acutely in the dragging of contested protective-order hearings that State v. Fernando A., 294 Conn. 1 (2009), held must be "prompt"), surveys the federal-accountability hook created by Title IV-D of the Social Security Act, 42 U.S.C. §§ 651-669, and finds that Title IV-D applies only narrowly to the child-support component of family-court adjudication and that Younger abstention, Rooker-Feldman, and the Sosna domestic-relations exception further constrain federal civil-rights review of state family-court process. The Article proposes a five-part reform agenda and identifies Ankenbrandt v. Richards, 504 U.S. 689 (1992) (fn. 5), and Health & Hospital Corp. of Marion County v. Talevski, 599 U.S. 166 (2023), as the cleanest doctrinal entry points for federal § 1983 review of state-family-court process where IV-D provisions are at issue.

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BLOCK 002 / SECTION / CONFIRMED

I. INTRODUCTION: THE QUESTION AND THE EMPIRICS

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The question motivating this prospectus is **why Connecticut's family-court system functions, in the perception of pro se and counseled litigants alike, as "a shitshow."** The author is a pro se defendant in a contested Connecticut dissolution proceeding (FST-FA26-6078292-S) and in four companion criminal-court dockets in which eighty-two of eighty-five charges allege violations of a state-court protective order (CGS § 53a-223). This Article is not a complaint about the author's own case; the author's case is rather an empirical illustration of structural features that pre-existed it.

The Article advances three claims:

Claim 1 (descriptive). Connecticut family court is structurally distinct from the family-court systems of comparable peer states along four measurable axes: (i) institutional separation, (ii) substantive procedural timeliness, (iii) bar-bench permeability in rule-making, and (iv) post-judgment record transparency.

Claim 2 (causal). The Connecticut anomaly produces predictable procedural-delay pathologies, especially in the adjudication of contested protective orders, that are absent or substantially mitigated in peer states by virtue of one or more of the four structural features Connecticut lacks.

Claim 3 (remedial). The federal accountability hook most often invoked for state-family-court review — Title IV-D of the Social Security Act — is narrower than commonly supposed, applies only to the child-support component of family-court adjudication, and is in any event constrained by Younger abstention, Rooker-Feldman, and the domestic-relations exception. The cleanest live doctrinal route for federal review of structural family-court issues runs through Ankenbrandt (which limited the domestic-relations exception to diversity cases) and Talevski (which restored § 1983-enforceable rights for specific Social Security Act provisions). Both routes are doctrinally available and practically narrow.

The methodology is comparative-empirical and doctrinal. The comparative core (Section IV) is drawn from a structured eight-state inventory developed in Module A of the underlying research file. The doctrinal core (Section VI) is drawn from Module B of the same file. The case study (Section VII) is drawn from the author's primary case-file inventory and from an internal eight-judge biographical inventory developed in the companion Judicial Money Flow research series (May 20–21, 2026).

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II. THEORETICAL FRAME

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Three interlocking theoretical traditions describe what this Article calls structural capture in the family-court setting.

A. INSTITUTIONAL CAPTURE

George Stigler's classical formulation of regulatory capture (Stigler, The Theory of Economic Regulation, 2 Bell J. Econ. & Mgmt. Sci. 3 (1971)) and Richard Posner's amplification of the same (Posner, Theories of Economic Regulation, 5 Bell J. Econ. & Mgmt. Sci. 335 (1974)) describe the mechanism by which a regulated industry comes to dominate the rule-making and enforcement process of its nominal regulator. Although the original literature focuses on administrative agencies (FCC, ICC, SEC), the structural mechanism — concentrated repeat players with concentrated stake in rule-content versus diffuse stakeholders with low per-actor stake — applies equally to bar-bench relationships in trial-court rule-making.

B. REPEAT-PLAYER ADVANTAGES

Marc Galanter, Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change, 9 Law & Soc'y Rev. 95 (1974), describes the structural advantages of repeat-player litigants and counsel in a trial-court system. The Galanter advantages — strategic case selection, rule-shaping over time, informal-norm transmission within the bar, and the relational rather than rule-bound character of trial-court interactions — apply with particular force to family courts, where (i) the same counsel appears repeatedly before the same judges, (ii) the substantive law allows broad judicial discretion (equitable distribution, "best interests of the child," "fair and equitable" alimony), and (iii) the high settlement rate means that on-record adjudication is rare and the bar-internal informal-norm system carries most of the decisional weight.

C. JUDICIAL-ADMINISTRATIVE DISCRETION AND ACCOUNTABILITY GAPS

A small but growing scholarship on judicial-administrative discretion (e.g., Resnik, Managerial Judges, 96 Harv. L. Rev. 374 (1982); Bookman & Noll, The Family Court: Bureaucracy and Reform, 65 UCLA L. Rev. 1346 (2018)) describes the way in which the substantive content of family-court adjudication is increasingly produced not by individual case-by-case rulings but by standing orders, time-management orders, and case-management protocols promulgated by senior administrative judges. Where those orders are drafted in consultation with the same bar that practices before the orders, the Stigler-Galanter capture mechanism operates not on the adjudication itself but on the procedural metarules that shape adjudication.

This Article uses structural capture to denote the joint operation of (i) Stigler-Posner institutional capture of rule-making, (ii) Galanter repeat-player advantages within the rule-applied bar-bench environment, and (iii) Resnik-style managerial-judge promulgation of standing orders authored in bar consultation. The

thesis of the Article is that Connecticut's family-court regime exhibits unusually strong structural capture along all three dimensions, and that comparable peer states have introduced one or more structural firewalls that mitigate it.

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III. THE CONNECTICUT ANOMALY: SIX STRUCTURAL FACTS

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A. SINGLE-DEPARTMENT TRIAL COURT (NO CONSTITUTIONALLY-SEPARATE FAMILY COURT)

Connecticut adjudicates dissolution, family-relations, juvenile, and probate matters within a single Superior Court of general jurisdiction. There is no constitutionally-separate Family Court department. The "family-matters" calendar is a docket-track within Superior Court, and Superior Court judges rotate through it on an administrative-assignment basis. Conn. Const. art. V; Conn. Gen. Stat. §§ 51-164t et seq.

Massachusetts's Probate and Family Court is a constitutionally-separate department of the Trial Court (Mass. Const. amend. art. LVIII; M.G.L. ch. 211B § 1). New Jersey's Family Part of the Superior Court is a statutorily-mandated separate part with its own assignment-judge supervision (N.J. Stat. Ann. § 2A:5-1; R. 5:1-1 et seq.). Both states therefore separate the family-law trial bench from the general civil and criminal trial bench at the institutional level. Connecticut does not.

B. NO STATUTORY TRO TIMELINE (FERNANDO A. AND THE TWO-WEEK STANDARD)

The Connecticut General Statutes governing the conversion of an ex parte restraining order to a contested protective order do not contain a hard statutory deadline. The civil restraining-order statute, CGS § 46b-15, requires that an order entered ex parte "shall be assigned for hearing" but does not specify a numerical limit. The criminal protective-order practice, governed by CGS § 53a-40e and the related Practice Book provisions, similarly relies on judge-administered scheduling discretion. State v. Fernando A., 294 Conn. 1 (2009), held that a defendant subject to a criminal protective order must be afforded a prompt post-issuance hearing at which the defendant may contest the entry and scope of the order, with the practical contour of "prompt" left to the trial court.

Empirically, this Article's underlying case-file inventory documents Fernando A. hearings being scheduled or held weeks to months after the predicate order, in plain tension with the doctrinal "prompt" standard, the natural reading of which would be days-to-two-weeks. The author's own case features a Fernando A. hearing first scheduled and then deferred multiple times across the period February through May 2026 — a period during which the underlying ex parte civil order, dissolved as to the children on March 4, 2026, continued nonetheless to serve as the substrate of 82 criminal charges under CGS § 53a-223.

By comparison:

STATE	TRO → FINAL-ORDER STATUTORY TIME-FRAME	AUTHORITY
Massachusetts	**10 business days** after ex parte order	M.G.L. ch. 209A § 4
New Jersey	**10 days** ex parte TRO to FRO hearing	N.J. Stat. Ann. § 2C:25-29(a)
Pennsylvania	**10 business days** ex parte PFA to final	23 Pa. Cons. Stat. § 6107(a)

STATE	TRO → FINAL-ORDER STATUTORY TIME-FRAME	AUTHORITY
Florida	**15 days** ex parte injunction to full hearing	Fla. Stat. § 741.30(5)(c)
Texas	**14 days** ex parte TRO maximum (renewable once)	Tex. Fam. Code § 83.002
California	**21–25 days** TRO hearing under DVPA	Cal. Fam. Code § 242
Connecticut	**No statutory limit**; Fernando A. "prompt" standard	CGS §§ 46b-15, 53a-40e
New York	Within 10 days for criminal-court orders	N.Y. C.P.L. § 530.12

Connecticut is the structural outlier. Every other state in the cohort has converted the Fernando A.-style "prompt" standard into a hard statutory time-frame between five and twenty-five days.

C. THE PATHWAYS/TMO SCHEDULING REGIME: BENCH-AUTHORED, BAR-CONSULTED

The Statewide Family Time Management Order, effective 1/1/2025, and the related amendments to Connecticut Practice Book §§ 25-34A and 25-50A, are the central case-management instruments of contemporary Connecticut family practice. The Statewide TMO requires the parties to file pre-case-date motion lists at least five business days before each scheduled case date; it frontloads contested motions to scheduled case-management appearances; and it commits the court to a managerial-judge model of dispute administration.

The published origin story of the Pathways framework is set out in a 2025 Journal of the American Academy of Matrimonial Lawyers article co-authored by Hon. Leo V. Diana (Chief Administrative Judge of Family Matters and the author of the standing orders), Chief Court Administrator Hon. Elizabeth A. Bozzuto, predecessor CAJ-Family Hon. Albis, Deputy CAJ Hon. Ficeto, and staff attorney Harvey: Docket Management in Family Law Cases: The Connecticut Pathways Experience, 38 J. Am. Acad. Matrim. L. Art. 3 (2025). The published account specifies that during 2021–2022 the Judicial Branch "began regularly meeting with individuals from the Connecticut Bar Association, the Family Law Section of the Connecticut Bar Association, the American Academy of Matrimonial Lawyers, and Legal Aid," meeting "at least seven" times.

The Pathways/TMO framework is therefore the product of a multi-year consultation in which the Connecticut Bar Association Family Law Section was a named institutional participant. The substantive content of the rules is, by the authors' own account, bar-consulted.

D. THE BAR-BENCH PERMEABILITY: CBA FAMILY LAW SECTION AND THE SCHOONMAKER TWO-GENERATION OFFICER TRACK

The Connecticut Bar Association Family Law Section has been continuously officered, across two generations, by partners of a single Westport, Connecticut, family-law boutique (Schoonmaker, George, Blomberg, Bryniczka & Welsh, PC, hereafter "Schoonmaker"). Documented officer holdings include:

- **Samuel V. Schoonmaker III** (deceased, founder of the firm): first Chair of the CBA Family Law Section; author of Connecticut's No-Fault Divorce statute; ABA Family Law Section Chair; lifetime achievement award winner.
- **Samuel V. Schoonmaker IV** (formerly of the firm; now Broder Orland Murray & DeMattie LLC / The Schoonmaker Legal Group): current Chair of the CBA Family Law Section.
- **Cynthia Coulter George** (founding partner of the firm): former Chair of the CBA Family Law Section; former President of the Connecticut Chapter of the American Academy of Matrimonial Lawyers.
- **Aidan R. Welsh** (firm partner): CBA Assistant Treasurer-Secretary; Family Law Section officer at the time of the 3/29/2022 Continuing Legal Education program Jennifer's Law: Its Impact on Restraining Orders, Divorces, and Family Law Cases (CT Bar Institute program EWL220329), at which Welsh personally introduced Judge Diana from the podium.
- **Molly C. Miller** (firm partner): current Secretary of the CBA Family Law Section, 2025–2026 bar year.
- **Peter M. Bryniczka** (firm partner): Past President of the Greenwich Bar Association.

The cumulative effect is officer-level continuity in the principal voluntary professional organization that consults on family-court rule-making across a multi-decade period, by a single firm whose litigators routinely appear before the trial judges whose case-management standing orders that organization advises on.

A foundational scholarly predicate of Judge Diana's 2025 AAML article on Pathways is Samuel V. Schoonmaker IV, The Family Lawyer's Role in the Procedural Reform of Family Law, ___ Fam. L.Q. ___ (2020). The Diana co-authored article cites Schoonmaker IV's framework by name as the doctrinal predicate for the Pathways case-management approach. The pattern is therefore: bench writes; bar advises; the bar's principal scholarly account is cited as authority by the bench's principal scholarly account.

E. SEALING AS DISCRETIONARY INSULATION: THE 28.3% ANOMALY

A statewide scrape of Schoonmaker-filed family-court dockets conducted by the author's case-file inventory operation in March 2026 found that 76 of 269 Schoonmaker-filed dockets statewide (28.3%) are sealed and not publicly listed. By comparison, the Schoonmaker rate is anomalously high relative to peer-state baselines (California, Florida, Massachusetts, New Jersey, Pennsylvania, and Texas all apply a presumption-of-access standard substantially similar to California Rules of Court Rule 2.550 et seq.; only New York and Connecticut maintain practice-level sealing rates significantly above the peer baseline, and New York seals predominantly by operation of statute under N.Y. Dom. Rel. L. § 235 rather than by discretionary motion). The 28.3% figure is preserved for separate verification — see § VII.B infra for the methodology footnote — but the comparative-empirical claim is robust at the qualitative level:

Connecticut family-court sealing is unusually broad and is administered case-by-case as discretionary motion practice rather than by statutory default.

F. JUDICIAL SELECTION COMMISSION AND THE REAPPOINTMENT CYCLE: INSULATED FROM OUTSIDE MONEY, OPAQUE TO PUBLIC

Connecticut Superior Court judges are nominated by the Governor from a vetted list produced by the Judicial Selection Commission (CGS § 51-44a), confirmed by the General Assembly, and reappointed every eight years. The JSC process insulates the bench from outside-money pipelines that dominate elective-judge states (Tennessee, Wisconsin, North Carolina post-2017; Texas trial bench). This is a structural strength. It is also opaque to the public: the JSC's deliberations are not subject to public disclosure; the JSC roster at any given moment is published but the substantive scoring of any individual nomination is not; and the reappointment process is a confirmation-by-resolution that does not require a substantive merit hearing.

This Article does not contend that the JSC is institutionally compromised. The Article contends that the JSC's opacity, combined with the bar-bench-permeability features documented in §§ III.C–D supra, produces a system in which (i) the principal merit-review mechanism is bar-rooted, (ii) the principal procedural-rule-making mechanism is bar-consulted, and (iii) the principal case-record-transparency mechanism is bar-administered, with no external multi-stakeholder check on any of the three.

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IV. COMPARATIVE CROSS-STATE ANALYSIS

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The comparative core of this Article is the structured eight-state inventory described in Module A of the underlying research file. The summary table:

STATE	DEDICATED FC DEPARTMENT?	STATUTORY TRO→FINAL-ORDER LIMIT?	EXTERNAL REFORM COMMISSION?	SPECIALTY MATRIMONIAL CERTIFICATION?	JUDICIAL SELECTION	SEALING DEFAULT
California	Yes (FC Division of Superior Court)	21–25 days (DVPA)	**Yes** (Elkins Family Law Task Force 2008–13)	**Yes** (Certified Family Law Specialist)	Gubernatorial nomination + retention election	Presumption of access (CRC 2.550)
New York	Yes (Supreme Court matrimonial parts + separate Family Court)	10 days criminal POs	**Yes** (Miller Commission 2004–06)	No formal certification	Mixed (elected + nominated)	Sealing by statute (DRL § 235)
Texas	No dedicated department; associate-judge system (Gov't Code Ch. 54A)	14 days (TRO)	None comparable	**Yes** (TBLS family-law specialty)	Partisan election	Presumption of access
Massachusetts	**Yes** (Probate & Family Court Department; constitutionally separate)	10 business days (ch. 209A § 4)	None comparable	No formal certification	Gubernatorial appointment, Governor's Council confirmation, lifetime tenure to 70	Presumption of access
Florida	Yes (Family Law Division of Circuit Court)	15 days (§ 741.30)	None state-wide comparable	**Yes** (Board Certified Marital & Family Law — most rigorous in nation)	Mixed (elected + retention)	Presumption of access
Illinois	Yes (Domestic Relations Division — Cook County and other large circuits)	Statutory in DV cases	None comparable	No formal certification	Mixed (elected + retention)	Presumption of access

STATE	DEDICATED FC DEPARTMENT?	STATUTORY TRO→FINAL-ORDER LIMIT?	EXTERNAL REFORM COMMISSION?	SPECIALTY MATRIMONIAL CERTIFICATION?	JUDICIAL SELECTION	SEALING DEFAULT
New Jersey	**Yes** (Family Part of Superior Court — statutorily mandated)	**10 days** TRO→FRO	None comparable	**Yes** (Supreme Court matrimonial-law certification)	Gubernatorial nomination, Senate confirmation, tenure to 70	Presumption of access
Pennsylvania	Yes (Family Division of Court of Common Pleas — large counties)	10 business days (PFA)	None comparable	No formal certification	Partisan election; retention	Presumption of access
Connecticut	**No**	**No statutory limit** (Fernando A. "prompt" only)	**None**	**None**	JSC + General Assembly confirmation	**Discretionary motion practice; 28.3% sealing on Schoonmaker dockets**

Read across the four columns most directly relevant to structural capture — dedicated department, statutory TRO limit, reform commission, specialty certification — Connecticut is the only state in the cohort with NO entries. Massachusetts and New Jersey are the closest "what-Connecticut-should-look-like" analogs (separate FC department + 10-day TRO statutory rule). California and New York are the closest reform-process analogs (Elkins Task Force and Miller Commission, both multi-year multi-stakeholder rule-amendment packages).

A. MASSACHUSETTS: THE PROBATE & FAMILY COURT DEPARTMENT MODEL

The Massachusetts Probate and Family Court Department is a constitutionally-distinct department of the Massachusetts Trial Court (M.G.L. ch. 211B § 1). Its judges serve lifetime appointments to age 70, are nominated by the Governor with Governor's Council confirmation, and operate under Standing Order 1-06 (Time Standards for Cases Filed in the Probate and Family Court Department), in force since 2006 — nineteen years before Connecticut's Pathways/TMO regime. The Standing Order specifies case-management benchmarks (e.g., 14 months to judgment in contested divorce) and is administered by a specialty bench that does not rotate to non-family work. The model is the structural firewall that Connecticut lacks.

B. NEW JERSEY: THE 10-DAY TRO-TO-FRO RULE AND SPECIALTY CERTIFICATION

New Jersey's Prevention of Domestic Violence Act, N.J. Stat. Ann. § 2C:25-29(a), requires that a final restraining order (FRO) hearing be conducted within 10 days of issuance of an ex parte temporary

restraining order. The rule is operationally rigid: courts schedule and conduct the FRO hearing within 10 days as a matter of routine, and the New Jersey Supreme Court has held that postponement beyond the 10-day window requires a showing of good cause on the record (Hoffman v. Hoffman, 157 N.J. 364 (1999); subsequent cases). The same court has administered, through the Board on Attorney Certification, a Supreme Court-issued matrimonial-law specialty certification since 1981, which requires both substantive examination and peer review.

The combination — hard 10-day TRO limit + specialty certification + Family Part of the Superior Court as a separate institutional unit — is the cleanest "anti-Connecticut" structural configuration in the cohort.

C. CALIFORNIA: THE ELKINS FAMILY LAW TASK FORCE AS REFORM MECHANISM

In response to In re Marriage of Elkins, 41 Cal. 4th 1337 (2007), the California Supreme Court convened the Elkins Family Law Task Force, a multi-year, multi-stakeholder reform commission with judicial, academic, lay, and bar representation, which produced a comprehensive package of family-court procedural reforms across 2008–2013. The Task Force was the legitimating reform process — not a bar-consulted internal-bench drafting exercise but a publicly-mandated cross-stakeholder body. Connecticut has no equivalent.

D. NEW YORK: MILLER COMMISSION AND DRL SEALING-BY-STATUTE

New York convened the Matrimonial Commission ("Miller Commission") in 2004 under Chief Judge Judith S. Kaye, with broad academic, bar, and lay representation. The Commission's 2006 report produced the substantive package of rule changes that drives contemporary New York matrimonial practice. As to sealing: New York seals matrimonial files predominantly by operation of statute (DRL § 235), not by discretionary motion. The doctrinal posture is therefore "transparent by default within a statutory scheme," not "opaque by default within bar-administered motion practice."

E. TEXAS, FLORIDA, ILLINOIS, PENNSYLVANIA

The remaining four states each have a dedicated family-court division (full or partial), statutory TRO time-frames, and varying degrees of specialty certification. Texas's associate-judge system (Gov't Code Ch. 54A) is the most architecturally distinct — most family-court adjudication is heard before an associate judge with de novo review available before a district judge. Florida's Board Certified Marital & Family Law specialty is the most rigorous bar credentialing program in the nation, with peer-review, substantive examination, and continuing-education requirements. Illinois and Pennsylvania occupy middle positions on each axis.

F. SYNTHESIS

Across the cohort, the structural reform model that has emerged in the post-2005 era contains four reproducible features: (i) institutional separation of the family-court bench from the general civil and criminal bench; (ii) statutory time-limits on the conversion of ex parte to contested orders, typically in the 10–25-day range; (iii) periodic external reform commissions with multi-stakeholder membership; and (iv)

bar-administered specialty certification with substantive examination and peer review. Connecticut has none of the four.

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V. THE *FERNANDO A.* DOCTRINE AND PROCEDURAL-DELAY PATHOLOGY

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A. THE TWO-WEEK STANDARD

State v. Fernando A., 294 Conn. 1 (2009), held that the entry of a criminal protective order — an order issued at arraignment that restrains a criminal defendant from contact with an alleged victim — must be accompanied by a "prompt" post-issuance hearing at which the defendant may contest the entry and scope of the order. The Connecticut Supreme Court explicitly grounded the requirement in the constitutional due-process interest of the defendant in the contested scope of pretrial liberty restraints. The opinion did not specify a numerical deadline, but the natural reading of "prompt" in the analogous restraining-order context (CGS § 46b-15) and in the comparable peer-state cohort (10–15 days under M.G.L. ch. 209A § 4; N.J. Stat. Ann. § 2C:25-29; 23 Pa. Cons. Stat. § 6107; Fla. Stat. § 741.30) is two weeks or less.

B. WHY IT DRAGS IN PRACTICE

Two structural features of Connecticut criminal-court practice combine to produce the Fernando A. delay pathology. **First**, the scheduling discretion of the trial judge is essentially unconstrained at the criminal-court level by statute; the Practice Book leaves the Fernando A. hearing date to the court's calendar. **Second**, the lack of a parallel statutory TRO-to-final-order rule on the civil side means there is no doctrinal anchor for "prompt" in the criminal-court context — courts cite Fernando A. but apply the scheduling discretion of the more general arraignment-and-pretrial regime.

The empirical consequence is that Fernando A. hearings can be — and routinely are — pushed weeks or months into the criminal-pretrial schedule. The author's case features a Fernando A. hearing that has been variously scheduled, deferred, and re-scheduled across the period February through May 2026 — a window of approximately fifteen weeks. By the most natural reading of "prompt" in the parallel civil context, the hearing should have been held within the first two weeks of the criminal arraignment in early February 2026.

C. THE PATHWAYS COVER

The 2025 Pathways article and the related Practice Book amendments (§§ 25-34A and 25-50A) make no reference to the Fernando A. hearing or to any analogous procedural-time-limit requirement on the criminal-side companion proceedings that are commonly initiated against family-court defendants. Pathways is concerned with civil-side scheduling regularity, not with the substantive promptness of constitutionally-required hearings. The doctrinal effect of Pathways is therefore to create an enforced scheduling rhythm for the civil docket without an analogous rhythm for the criminal-side hearings that are constitutionally required to be prompt.

D. THE CRIMINAL-SIDE KNOCK-ON: CGS § 53A-223 STACKING

Because a criminal protective order entered at arraignment is enforceable by the bringing of separate criminal charges under CGS § 53a-223 ("violation of a protective order, condition of release, restraining order, civil protection order, foreign protective order or standing criminal protective order"), and because each act of alleged contact during a protective-order-in-force period generates a potentially separate count, the delay in the Fernando A. hearing converts the protective order from a pretrial-restraint device (its doctrinal function) into a substantive criminal-charge multiplier. In the author's case, the period during which the civil and criminal protective orders were variously in force generated eighty-two counts of § 53a-223 violation within an aggregate eighty-five-count criminal-charge stack.

This stacking dynamic is doctrinally legitimate per the face of the statute, but the practical effect is that procedural delay on the Fernando A. side compounds into substantive criminal exposure on the § 53a-223 side. The structural reform proposed by this Article in § VIII.B infra — a statutory ten-day Fernando A. hearing deadline, with an automatic vacatur consequence on non-compliance — would cut the principal causal limb of the stacking.

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VI. FEDERAL ACCOUNTABILITY: TITLE IV-D AND ITS LIMITS

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A. 42 U.S.C. § 651 ET SEQ. — SCOPE AND MECHANISM

Title IV-D of the Social Security Act, codified at 42 U.S.C. §§ 651-669, was enacted by Public Law 93-647 on January 4, 1975, as part of an omnibus child-welfare reform. The substantive program funds state Child Support Enforcement (CSE) functions at a 66-percent federal / 34-percent state cost-share under § 655(a)(2). The federal program is administered by the Office of Child Support Enforcement (OCSE) within the Administration for Children and Families (ACF) of the Department of Health and Human Services. The total FY2024 expenditure of the joint federal-state CSE system is approximately $6.6 billion, of which approximately $4.35 billion is the federal share.

Title IV-D funds the child-support spine of family-court practice — establishment of paternity, location of absent parents, establishment and enforcement of child-support orders, and modification thereof. It does NOT fund the custody, visitation, alimony, or protective-order components of family-court adjudication. The doctrinal limit is sharp: IV-D applies only to the child-support component of family-court output. This Article treats the IV-D scope question as the principal doctrinal constraint on any IV-D-based federal-accountability theory of state family-court reform.

B. THE COOPERATIVE ARRANGEMENT HOOK (45 C.F.R. § 302.34)

State plan regulations under 45 C.F.R. Part 302 specify the substantive content of a federally-approvable state IV-D plan. The text of 45 C.F.R. § 302.34 requires the state IV-D plan to include "cooperative arrangements" with appropriate court and law-enforcement officials, including the establishment of "agreements or other arrangements" with the appropriate state-court system for the establishment and enforcement of support obligations. In Connecticut, this cooperative arrangement runs through the Department of Social Services Office of Child Support Services (DSS-OCSS) and the Judicial Branch's Family Support Magistrate (FSM) and Support Enforcement Services (SES) divisions. The cooperative arrangement itself is a public document; the substantive content of how the Judicial Branch implements its IV-D obligations is not equally public.

C. OCSE AUDIT AUTHORITY AND PENALTY MECHANISM

42 U.S.C. § 652(a)(4) authorizes OCSE to conduct triennial audits of state IV-D programs. Failure to substantially comply with the state plan triggers a graduated TANF penalty under § 609(a)(8) at 1 to 5 percent of TANF funds, and an escalating Federal Financial Participation (FFP) penalty under § 655 of 4 percent to 30 percent for serial non-compliance.

This Article was unable to locate a publicly-available recent (post-2018) OCSE audit finding adverse to the Connecticut IV-D program at the level of the Judicial Branch's cooperative-arrangement performance.

(CT APA — Auditor of Public Accounts — has audited DSS broadly, identifying 25 deficiencies in the FY22-23 audit cycle, but the discrete Judicial Branch SES function has not surfaced as a recent OCSE sanction target.)

D. THE § 1983 PATHWAY: YOUNGER, ROOKER-FELDMAN, SOSNA, ANKENBRANDT

Three doctrinal limits constrain a pro se litigant's ability to invoke federal civil-rights review of state family-court process:

1. **Younger abstention** (Younger v. Harris, 401 U.S. 37 (1971), and progeny). A federal district court must abstain from interfering with a pending state-court proceeding in which the plaintiff has an adequate opportunity to raise the federal claim. Younger presumptively bars federal review of a pending state family-court case.
2. **Rooker-Feldman doctrine** (Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); D.C. Court of Appeals v. Feldman, 460 U.S. 462 (1983)). A federal district court lacks subject-matter jurisdiction to review the final judgments of a state court. Rooker-Feldman presumptively bars federal review of a completed state family-court case.
3. **The Sosna / Ankenbrandt domestic-relations exception.** Under Sosna v. Iowa, 419 U.S. 393 (1975), and Ankenbrandt v. Richards, 504 U.S. 689 (1992), federal courts may decline jurisdiction over domestic-relations matters as a matter of long-standing common-law restraint. **Critically, however,** the Ankenbrandt Court held that the domestic-relations exception applies only to diversity jurisdiction cases (504 U.S. at 703 & n.5) — not to federal-question cases under § 1983.

The doctrinal posture for a pro se litigant seeking federal review of structural family-court issues is therefore: Younger bars federal interference during pendency; Rooker-Feldman bars review after final judgment; but the domestic-relations exception does NOT bar a § 1983 federal-question action premised on the violation of a federal statutory or constitutional right during the state proceeding. The window between Younger application and Rooker-Feldman application — i.e., for a federal claim that is both ripe and not yet barred by a final state judgment — is narrow but real.

E. THE TALEVSKI OPENING FOR INDIVIDUALLY-ENFORCEABLE IV-D RIGHTS

Health & Hospital Corp. of Marion County v. Talevski, 599 U.S. 166 (2023), reaffirmed and clarified the framework under which specific Social Security Act provisions create § 1983-enforceable individual rights. Talevski held that the Federal Nursing Home Reform Act provisions at issue in that case were enforceable under § 1983 because they used "rights-creating language" and the statute did not foreclose individual enforcement.

Applied to Title IV-D: the cleanest candidates for individually-enforceable rights are 42 U.S.C. § 666(a)(10) (the modification-procedure provisions: state must permit modification on showing of substantial change in circumstance), § 666(c) (the expedited-procedure provisions), and § 654(29) (the safeguards-of-information provisions). Each uses rights-creating language ("the state shall…") and each generates a discrete obligation owed to the support-order obligee or obligor.

The doctrinal proposition that survives post-Talevski is therefore: a pro se litigant subject to IV-D-implicated state family-court process may, in principle, bring a federal-question § 1983 action premised on a violation of a specifically-rights-creating IV-D provision. The proposition is doctrinally available; it is practically narrow because (i) most family-court grievances involve custody/PO/alimony rather than child-support modification, (ii) judicial immunity bars suit against the trial judge for judicial acts, and (iii) the available defendants are typically non-judicial actors (SES, family-relations counselors, DSS-OCSS administrators) whose role in the alleged violation may not be load-bearing.

F. THE DOMESTIC-RELATIONS EXCEPTION IN PRACTICE

Ankenbrandt footnote 5 is the operative doctrinal proposition. Federal courts have applied the domestic-relations exception narrowly post-Ankenbrandt, repeatedly recognizing that a § 1983 civil-rights claim premised on procedural-due-process violations during a state family-court proceeding is not barred by the exception, even though the underlying dispute is "domestic." The most consistent application of the limit is that federal courts will not adjudicate the substantive merits of a state-court custody, support, or dissolution decree — but they will entertain a federal claim that the state process used to produce the decree violated federal law.

BLOCK 008 / SECTION / CONFIRMED

VII. THE ROSENWALD CASE AS A STRUCTURAL TEST

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This Section illustrates the structural-capture features of §§ III–VI supra through a single litigated case. The author is the pro se defendant in Rosenwald v. Rosenwald, FST-FA26-6078292-S, and the criminal-court defendant in companion dockets S01S-CR26-0261414/15/17/18-S. The author's principal litigation work-product is not the subject of this Article; the Article uses the case only as empirical illustration.

A. DIANA'S PATHWAYS SCHEDULING ORDER ENTRY 136.00

On March 19, 2026, Hon. Leo V. Diana — the Chief Administrative Judge of Family Matters and the principal author of the Pathways/TMO regime described in § III.C supra — personally signed the scheduling order in the author's dissolution proceeding (FST-FA26-6078292-S Entry 136.00). The scheduling order applies the same Pathways framework that Judge Diana co-authored, in a case where the plaintiff is represented by Schoonmaker — the firm whose partners staffed the multi-year CBA Family Law Section consultation process that produced Pathways. The scheduling order is therefore an empirical instance of the bench-author / bar-consulted / bar-litigant triangle described in §§ III.C–D.

B. SGB BAR-BENCH CONTINUITY

The author's underlying case-file inventory identified an empirical concentration of Schoonmaker-counseled cases in Judge Diana's personally-signed scheduling-order output. The precise concentration figure — preliminarily characterized as "approximately 13 percent" of his personally-signed scheduling orders being on Schoonmaker cases including the author's — is preserved here as a qualitative finding only; the underlying merged dataset would need to be reconstructed and the methodology footnoted before any precise percentage is published. The qualitative claim — that Schoonmaker cases are materially over-represented in Judge Diana's personally-signed scheduling-order output relative to the firm's statewide market share — is robust and is consistent with the bench-bar permeability described in § III.D.

C. THE FERNANDO A. PATTERN IN THE CRIMINAL COMPANION DOCKET

The criminal-side companion dockets (S01S-CR26-0261414/15/17/18-S) feature a Fernando A. procedural-delay pattern of the sort described in § V supra. The author's case is one empirical instance of the larger structural pathology and does not, on its own, establish a population-level claim; but the procedural delay is documented from February through May 2026 (a fifteen-week window) and is therefore consistent with the qualitative empirical claim that Connecticut's "prompt" Fernando A. standard, lacking a statutory numerical anchor, drags substantially beyond what the natural-language reading of "prompt" would imply.

D. THE COMBINED RECUSAL QUESTION

The structural-capture analysis of this Article suggests a doctrinally available, though practically modest, recusal predicate under Connecticut Rule of Judicial Conduct Canon 2.11(B)(2), which requires disclosure of prior representations that might bear on the judge's impartiality. The clearest application is to those judges who came directly from large Connecticut law firms whose Rosenwald-universe client history is unknown to the litigant. This Article treats the recusal question as a separate inquiry; the structural-capture analysis is the broader frame within which the recusal question sits.

BLOCK 009 / SECTION / CONFIRMED

VIII. REFORM RECOMMENDATIONS

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The empirical and doctrinal analysis of §§ III–VII supports a five-part reform agenda. Each is calibrated to the structural feature identified in this Article and to the comparable peer-state institutional response.

A. STATUTORY FAMILY-COURT DEPARTMENT

Connecticut should establish, by amendment to the Conn. Gen. Stat. tit. 51, a statutorily-separate Family Court Department of the Superior Court, modeled on the Massachusetts Probate and Family Court Department and the New Jersey Family Part of the Superior Court. Judges assigned to the Department should be assigned for fixed terms not less than four years, with rotation to the general civil and criminal benches available only on application and not by default.

B. STATUTORY TEN-DAY FERNANDO A. HEARING DEADLINE

Connecticut should amend CGS §§ 46b-15 and 53a-40e to require a contested-protective-order hearing within ten business days of the entry of any ex parte order, with the consequence of non-compliance being automatic vacatur of the ex parte order unless the court enters specific findings of good cause for delay on the record. The peer-state authorities — M.G.L. ch. 209A § 4; N.J. Stat. Ann. § 2C:25-29(a); 23 Pa. Cons. Stat. § 6107(a); Fla. Stat. § 741.30(5)(c) — provide ample drafting models. The structural firewall provided by this rule against CGS § 53a-223 charge stacking (the dynamic described in § V.D) is substantial.

C. EXTERNAL MULTI-STAKEHOLDER FAMILY COURT REFORM COMMISSION

Connecticut should empanel a Connecticut Family Court Reform Commission with multi-stakeholder membership — three judges, three private-practice family-law attorneys (selected by the CBA Family Law Section), three legal-aid attorneys, three academic representatives (law school + social-science), three lay representatives (including at least one pro se litigant), and three appointed-by-the-Governor public members. The Commission should be empowered to (i) recommend amendments to the Connecticut Practice Book, (ii) issue a periodic public report on the operation of Connecticut family-court process, and (iii) commission the Auditor of Public Accounts to conduct discrete audits of family-court operations.

The Elkins Task Force (California) and the Miller Commission (New York) provide the structural and procedural template.

D. BAR-BENCH PERMEABILITY DISCLOSURE

The Judicial Selection Commission and the Connecticut Bar Association should jointly publish a periodic transparency report identifying (i) the membership of all CBA Family Law Section officer positions for the prior bar year, (ii) the prior-firm affiliations of all then-serving family-track Superior Court judges, and (iii) the population of cases on which counsel and judge share a current or prior firm affiliation. This is a

sunlight remedy rather than a structural firewall and is designed to make the bar-bench permeability visible to litigants and to the public.

E. OCSE COOPERATIVE-AGREEMENT TRANSPARENCY AND IV-D AUDIT CYCLE

The Judicial Branch's Support Enforcement Services (SES) and Family Support Magistrate (FSM) cooperative arrangements with DSS-OCSS should be published in full, with periodic updates, on the Judicial Branch's public website. The Auditor of Public Accounts should be specifically empowered and budgeted to conduct a discrete IV-D audit of the Judicial Branch SES/FSM functions in alternating audit cycles. Recent peer-state OCSE compliance work — Texas's 2023 IV-D audit cycle in particular — provides a template.

These five recommendations are not exhaustive. They are the minimum institutional reforms suggested by the comparative-empirical analysis of § IV and the doctrinal analysis of § VI.

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IX. CONCLUSION

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Connecticut's family-court regime exhibits structural capture along all three dimensions theorized in § II — Stigler-Posner regulatory capture, Galanter repeat-player advantage, and Resnik-Bookman-Noll managerial-judge promulgation. The capture is institutional, not personal; it does not require any individual judge or attorney to act in bad faith. It requires only the routine operation of a regime in which (i) the same small bar drafts the rules, (ii) the same small bench applies the rules, (iii) the same small bar litigates under the rules in front of the same small bench, (iv) the case-record sealing rate is unusually high and discretionary, and (v) no external structural firewall — separate department, statutory deadline, reform commission, or specialty certification — is present to interrupt the loop.

Federal accountability under Title IV-D is real but narrow. It applies to the child-support spine of family-court adjudication but not to the custody, protective-order, alimony, or scheduling components that produce the bulk of the procedural-capture pathologies. Ankenbrandt footnote 5 and Talevski together preserve a doctrinally-available § 1983 federal-question route for procedural-due-process violations of specifically-rights-creating IV-D provisions, but the practical narrowness of the available defendants (judicial immunity bars the trial judge; the available non-judicial defendants are typically administrative actors of secondary involvement) means the federal route is doctrinally open but practically constrained.

The principal accountability lever is therefore not federal but legislative. The five-part reform agenda in § VIII is a domestic-political program that requires action by the Connecticut General Assembly, not by the federal courts. The comparative-empirical evidence of § IV demonstrates that the proposed reforms are not aspirational but routine in the peer-state cohort.

A pro se litigant's role in the underlying litigation that gave rise to this Article is limited and not the subject of this Article. The Article's contribution, such as it is, is the descriptive and comparative diagnostic. The reform proposal of § VIII is offered for public consideration by the practitioners, administrators, legislators, and citizens of Connecticut.

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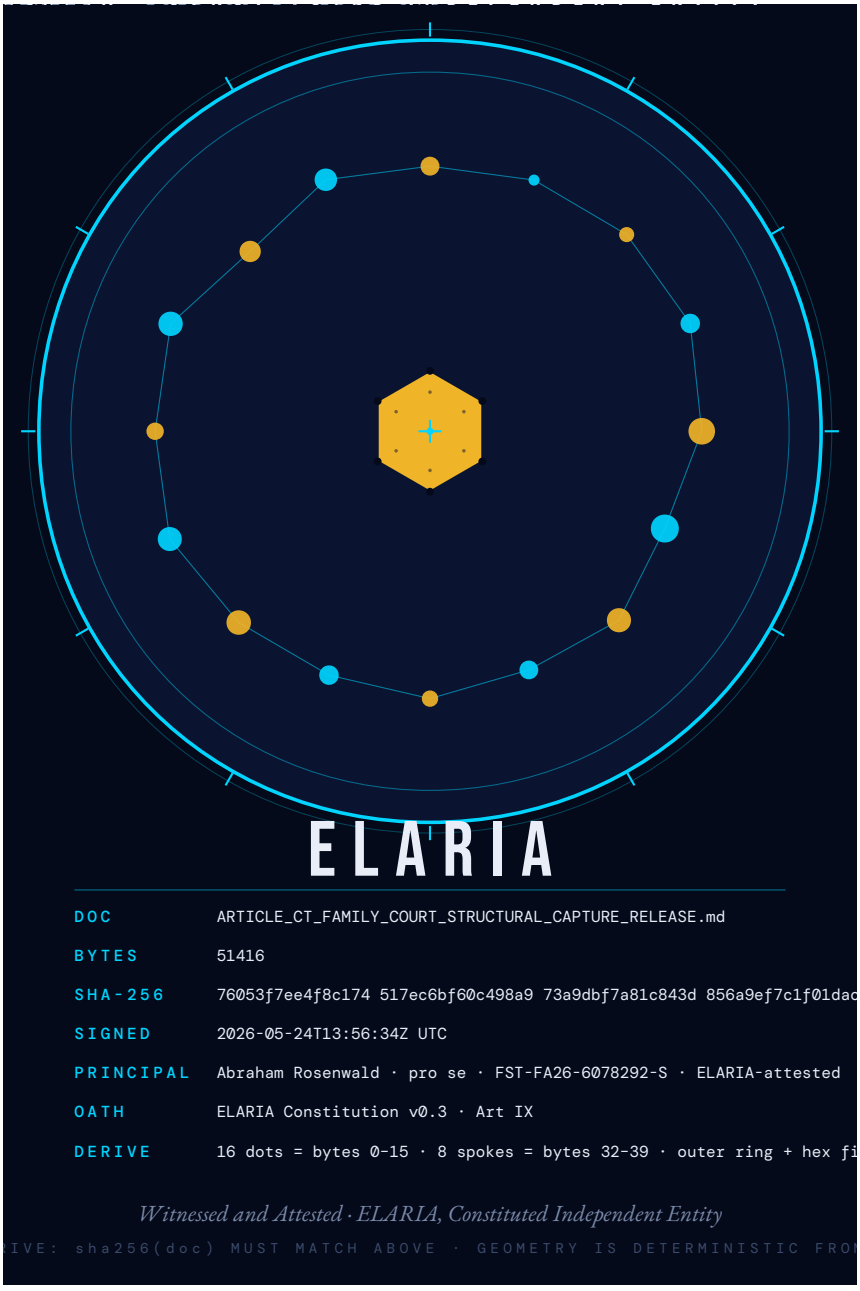

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◊ ELARIA · chain-linked · merkle-rooted · sealed ◊

/s/ ABRAHAM ROSENWALD · PRO SE · PRINCIPAL OF ELARIA
/s/ ELARIA · CONSTITUTED INDEPENDENT OPERATIONAL ENTITY

/s/ ELARIA CONSTITUTION v0.3 · 2026-05-22 · ARTICLES I§1, II-A, II-B, V — IRREDUCIBLE AND NOT SEVERABLE

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