

Moniz-Carroll, Rhonda

From: Ralph Balducci <bal36@att.net>
Sent: Saturday, March 14, 2015 6:50 AM
To: JudTestimony
Subject: HB5505

Dear Senator Coleman, Representative Tong, and Members of the Judiciary Committee:

I previously submitted written testimony regarding my opposition to HB5505, including describing a significant difference between a psychotherapist and a court involved therapist. I wish now to elaborate upon that testimony after having watched Wednesday/Thursday's hearing on the CT-Network. **I do not work in the family courts.** In my nearly 15 years of work as a licensed Psychologist in Connecticut, I have done one evaluation for Family Relations and once briefly served as a Guardian Ad Litem in a post-divorce case and neither time was any decision regarding custody of a child or supervision of a parent's involvement with their child part of those involvements.

I have frequently conducted evaluations in juvenile delinquency, child protection, and criminal matters. In those cases, when selected by the court and upon an Order of the court my role is to be an **unbiased, impartial, neutral, and objective evaluator** charged with utilizing **multiple sources of information** for understanding the matter before the court. Thus, I meet with the parties involved (e.g. parents; child/youth; foster parent; defendant; etc.), review records, speak with current therapists, teachers, etc., observe the parent-child interaction, conduct clinical interviews with the parties involved, and administer standardized, objective tests. It is only after such exhaustive investigation and deliberation of the circumstances that I attempt to answer questions posed to me by the court. In this role, I am committed to serving as an expert to the Court and my primary responsibility is to that court.

I also am a psychotherapist in my private practice. In that role, my responsibility is to the client that hires me. Thus, I have no consent or privilege to ever share anything about that client with anyone without the specific permission of the client to do so. This means **I would never (and have never) shared anything negative or critical about that client**, including any psychiatric diagnosis or substance abuse or abuse history, unless the client signs a release specifically stating they want me to disclose that exact information. I treat my therapy clients from an objective standpoint in that I try to help them see issues and frustrations in their lives from alternative perspectives and assist them to better cope with adversity in their lives and forge healthy connections with others, but truly my relationship with them is highly subjective in that I consistently strive to be an abiding source of support in their life and convey to them that no matter what they tell me or whatever they may struggle with, I will nonetheless always still care about them and try to help them.

While I might occasionally write a letter to a court on behalf of a client I am seeing in therapy where there is much positive I can comfortably say about the client and little of concern, in matters where I have done psychotherapy with a client I have vigorously resisted being called into court via subpoena to discuss that client. The reason being is that once I am sworn in as a witness, I must tell the truth. Thus, any question asked of me about my client (e.g. Attorney: "Has your client ever told you about alcohol abuse?"; "Has your client ever been unfaithful?"; "Has your client ever expressed anger toward his ex-wife?"; "Has your client ever complained about her children?"). Once I am on the witness stand, I can be asked anything about my client and must respond truthfully, which in most cases would result in my having to share negative information about that client and which then will be sure to undermine any possibility of working constructively with that client in the future.

The American Psychological Association Ethics Code specifically forbids "dual relationships" and taking on such roles appears is a primary reason Psychologists face disciplinary action and/or lose their license when complaints are filed against them. Having therapists initially serve a client based on a medically necessary criteria (e.g. DSM-V diagnosis) then have them become a court involved therapist or having a Psychologist treat a client outside of any court entanglement and then become that client's court ordered evaluator would de facto create just such dual relationship roles and would automatically fall outside of this particular Ethics Code.

As a final point, I ask that you approach your deliberations in a parallel manner to how I do my evaluative work. I never automatically give any more credence to the person who speaks loudest or most angrily or who tells the most dramatic narrative with the most salacious details, but instead investigate all sides of the story. I have many times met with parties to child protection and other evaluations who provide incredibly divergent depictions of their same circumstances. Similarly, the litigants testifying this week as well as at other times previously to your Committee consistently present extremely one sided perspectives on their circumstances. I have not observed a single person acknowledge how they contributed to the failure of their marriage or toxic relationship with the other parent or accept any responsibility for how their long-term conflict with their child's other parent may have impacted and harmed their child. They do state emphatically how their ex-spouse or former partner caused them so much harm or how their attorney, evaluator, GAL, or the Judge is responsible for their suffering, but never yet have I heard a single person accept any responsibility for their own actions, including quite simply for having chosen a partner who later, in their view, turned out to be such a monster or nightmare. Thus, these individuals' perspectives, while not necessarily untruthful, are highly biased and partial, and extremely subjective and self-serving ones. What I do in my role as a Psychologist and evaluator in any court matter is the exact opposite of that. Objectivity will not be maintained if litigants are permitted to select their own evaluators, therapists, etc.

Thank you for your consideration.

Ralph Balducci

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