

Stephen M. Humphrey, Ph.D.
Licensed Clinical Psychologist
stephenmhumphrey.com

602 New Britain Avenue
Hartford, CT 06106
Telephone: (860) 953-0406
Facsimile: (860) 953-1081

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

My name is Stephen Humphrey, Ph.D. I have been licensed as a clinical psychologist in the State of Connecticut for twenty years. I am writing in opposition to Committee Bill 5505 – An Act Concerning Family Court Proceedings.

Section 3 of the proposed legislation envisions that in a “family relations matter” a psychological evaluator should be chosen by the parent who will be undergoing evaluation. If this becomes the practice in Family Courts, the consequences to the children affected by Family Court decisions will be dire. Here are the reasons for my concerns.

I have been conducting forensic evaluations for Connecticut courts for approximately seventeen years. Almost without exception, referrals I receive from the Family Court for court-ordered, impartial psychological evaluations are made after months if not years of intense conflict between the parents. Had the parents been able to resolve these conflicts or solve the problems that engendered them, they would not be embroiled in a legal battle.

In my experience, psychological evaluations are sought by the Court to allow an objective, unbiased professional with experience in assessing adults and children to offer an expert opinion about psychological matters. Such an assessment is undertaken toward the goal of aiding in the resolution of a case in a manner that is in the best interest of the child(ren). It is important to note that in such cases, this will *almost never* result in recommendations or subsequent court decisions that are pleasing to both parents. This leaves one or perhaps two parents displeased with the outcome.

I am concerned that allowing a parent to shop for an evaluator will lead to the selection of evaluators who are inadequately trained, lacking in objectivity, or both. The value of the Court selecting the evaluator is that the Court knows the quality and credentials of the evaluators and in many cases has seen his or her work product and heard him or her offer testimony., The Court therefore can select a professional who can be truly objective. It is critical that the evaluator chosen to conduct such a study have *no prior [personal or professional] relationship* with the parent, as this would lead to potential partiality or at the very least the appearance of partiality and/or a dual-role.

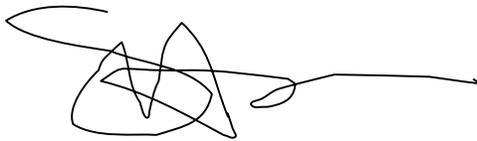
Although the legislation purports to address this by requiring the parents to “jointly select” the provider, a psychological evaluation is not sought in the vast majority of divorces. Rather, such input is sought when there is a degree of concern about the psychological functioning of one or both parents, or the ways in which the children are adversely affected in an ongoing manner. To

remove objectivity and increase the possibility of selection of an inadequate evaluator increases the risk of failing to come to a “best interests” resolution rather than ameliorating it.

Another problematic aspect of the proposed legislation is that it recommends the results of an evaluation should be submitted within thirty days of the completion of the evaluation. First, “completion of the evaluation” is difficult to define because there are aspects of an evaluation (record review, phone calls to sources of information, etc.) that can continue throughout the process of report preparation. Second, as anyone familiar with forensic investigations knows, this is an extremely painstaking task that requires evaluators to be careful and thorough. As an evaluator, it is always my goal to complete an evaluation in as timely a manner as possible, but thirty days is not a realistic period in most cases. If this is required, it will almost certainly adversely affect the quality and utility of evaluations.

In summary, I am urging the members of the Judiciary committee to demonstrate confidence in the Connecticut Judiciary in its ability to choose experts who will help to resolve cases in the best interests of children.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen M. Humphrey". The signature is stylized with a large, sweeping initial "S" and a long horizontal line extending to the right.

Stephen M. Humphrey, Ph.D.
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