

To whom it may concern,

I do not support HB 5505 because it does not serve the best interests of Connecticut's children.

While I believe the bill has many flaws, the one I'd specifically like to focus on is section 3: "In a family relations matter, as defined in section 46b-1 of the general statutes, if a court orders that a parent undergo treatment or an evaluation from a licensed health care provider, as defined in section 52-184e of the general statutes, the court shall allow the parent to select the licensed health care provider who is to provide such treatment or evaluation."

Why is it a bad idea for a parent to be able to choose the doctor who will evaluate them? In answering that question I'll focus on mental illness as I believe this is the area where this change will have the greatest detrimental impact but also is the hardest for those who have not had a direct personal experience with someone impacted by mental illness to understand:

- 1) It can be hard for any of us to see and admit our issues – health or otherwise – this is especially true of those impacted by mental illness. **A very significant percentage of those suffering from mental illness are in denial about their illness** (especially if they are un-medicated). In fact it is estimated that 50% of those with schizophrenia and 40% of those with bipolar disorder suffer from anosognosia (an impaired awareness of the illness in part caused by the illness itself). (Source: National Alliance on Mental Illness (NAMI) website <https://www.nami.org/Learn-More/Mental-Health-Conditions/Related-Conditions/Anosognosia>.)
- 2) **Mental illness is difficult to diagnose.** Our scientific understanding of the human mind is still rudimentary, there are no blood tests for mental illness, and much relies on what the patient himself reports. Dr. Allen Frances, who was chairperson of the task force for DSM-IV, opined that psychiatry today is where astronomy was before Copernicus and biology was before Darwin. As a result, there is neither a guarantee that the first diagnosis will be the correct one, nor that two doctors looking at the same patient will agree on a diagnosis. This doesn't mean it isn't worth trying to arrive at an objective "truth" regarding a patient's mental illness, it just means that it is much harder to do than with say a broken bone where an x-ray can give a definitive yes-or-no answer.
- 3) Why does this matter? Because **the combination of a patient in denial and a disease that's difficult to diagnose is the perfect combination for the patient to go "doctor shopping" until they find a doctor who will tell them what they want to hear.** In the case of the mentally ill parent involved in litigation, it's likely this "shopping" has occurred over a lengthy period of time (ie well before any court order for an evaluation), and therefore that the parent has already found a doctor who is willing to tell them what they want to hear.
- 4) Yes, doctors are professionals who have obligations that do not include telling a patient what they want to hear. However in a complex field such as mental health, whether because of a doctor's inexperience or even beliefs that are well outside of accepted norms, there is the real possibility of an unconventional diagnosis that would serve the purpose of essentially giving the patient the diagnosis he or she wants. An example that comes to mind is from an article originally published in 1989 about legendary boxer Muhammad Ali entitled "Great Men Die Twice: Muhammad Ali in Decline" in which Ali's "respected" doctor asserts that "I find absolutely no brain damage", that Muhammed Ali "did not take many head blows" as a boxer and was in fact suffering from pesticide poisoning. In reality we know that Muhammed Ali is suffering from Parkinson's disease which was first diagnosed in 1984. The point is that **if someone really wants**

to believe (or deny) something about themselves, they will often go to great lengths to do so – a phenomenon that's only magnified by mental illness.

- 5) Family court should be first and foremost focused on what's best for the children. I have no issue whatsoever with an adult choosing his own doctor when the only person impacted is that adult himself. That is not what we are discussing here. **The reason a family court orders a medical examination is that it believes that a parent's medical condition may impact the lives of children. In that scenario the best interest of the children should trump the parent's desire to choose the medical provider who will evaluate them.**
- 6) There are very few outcomes in bitterly contested family court proceedings that are likely to make all the parties happy. Yes, not being able to choose one's evaluator may make one (or both) parties unhappy. However **the purpose of family court is not to be a pleasant and self-confidence building experience for the parents – it is to reach the best possible outcome for the children.**
- 7) Of course a medical practitioner who is unknown to the parent may misdiagnose the parent, just as a medical practitioner who is chosen by the parent might. However **the key difference is that any error made by a medical practitioner not chosen by the parent is likely to be random – whereas the error made by a medical practitioner chosen by the parent is highly likely to be 'favorable' to the parent.**
- 8) **If the goal is to make sure no parent feels aggrieved why not just let each litigant choose their own judge as well?**
- 9) Mental illness is not easy. But **the goal of family court shouldn't be to facilitate the efforts of someone with mental illness to hide or deny their disease at the expense of the well-being of their children.**
- 10) One need only to look at the fate of Germanwings flight 9529 to see a recent example of a tragic outcome that resulted from someone hiding a severe mental health issue. **Would we feel comfortable flying if airlines let pilots chose their own mental health examiner? Why should the standard be any lower for our children?** A parent with an incorrectly diagnosed or undiagnosed mental illness can be a danger not only to themselves, but to their children.

Thank you for taking the time to read this letter, and I hope it helps convinces you why **HB 5505 does not serve the best interests of Connecticut's children and should not be passed.**

Sincerely,

Lukasz Thieme
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March 27, 2015