



March 9, 2015

Dear Honored Members of The Judiciary Committee,

I am licensed clinical psychologist specializing in forensic psychology and court-involved evaluations. I am writing today on behalf of the Connecticut Psychological Association. I have been practicing in Connecticut since 2002. I am in strong opposition to House Bill 5505. I will introduce the most relevant points to each section pursuant to my involvement as a Guardian Ad Litem, court-appointed custody evaluator, and court-involved therapist in family matters.

Section 1: There are many situations in which supervised visitation to protect a child may be imposed by a judge of the Family Court that do not fall under the four items noted. For example, there may be a pending investigation of abuse allegations, and during the investigation, a child may need to be protected by supervised visitation. Parents may suffer from addiction, and that may pose a risk to a child's safety and well-being. A parent may engage in psychologically harmful and damaging co-parenting conduct in the absence of a diagnosed mental illness. These are several common examples of situations that may require court-ordered supervised visitation that are not covered by Bill 5505's specifications. And these examples of situations in which children require protection through court-ordered supervised visitation do not exhaust the many such scenarios that are ignored in this section of Bill 5505. Family Courts employ supervised visitation to protect the children, not to punish the parents, and in most cases supervised visitation is a temporary service with educational and therapeutic benefits.

Section 2: This section simply provides incentives for unlimited numbers of one-sided lawsuits. If I am "grieved" in my work as a GAL, this section means that I would need to bear the full burden of my courts costs, legal fees, lost time, etc. in response to a complaint, but parents can force me to pay their costs if they prevail in suing me. This looming threat undermines the necessary neutrality and scope of work for the Court in family matters. In short, it would reward parents who were unhappy with GAL opinions and recommendations and give them an incentive to sue GALs. Why would any competent professional wish to assume this additional risk in a proceeding that often has the perception of a 'winner' and a 'loser'? One-way shifting of the costs of litigation is obviously unfair and provides parents complaining of a GAL in Family Court with a privileged status accorded no other persons in our legal system.

Section 3: The American Psychological Association has published two sets of guidelines relevant to child custody evaluations (Specialty Guidelines for Forensic Psychology and Guidelines for Custody Evaluations in Family Law Proceedings). Both emphasize the neutrality of the evaluator as being central to the role of the evaluating psychologist. Allowing parents to select the evaluator dilutes that neutrality and promotes advocacy. Parents currently have direct input in this process, but are not given the unlimited right of choice of evaluator conferred by Bill 5505. In almost every state in the country, custody evaluators are court-appointed. Providing custody evaluations or treatment specific to a custody matter requires specialized education, knowledge, and training. Unfortunately, the majority of parents are not sufficiently



knowledgeable to select these professionals, and do not know how to verify their professional credentials. They need the experience and input of the court and legal professionals who are familiar with evaluators and treatment providers, because they have seen the evaluator's historic work-product. Allowing parents to select treatment providers and evaluators introduces very high risks of 1.) Each parent simply pursuing an advocate for his or her own agenda and 2.) Introducing unqualified professionals into the evaluation and treatment of children and adults involved in Family Court.

Furthermore, a thirty-day period for report of the evaluation is an unrealistic expectation and fails to consider many factors including but not limited to the parties' availability, the number of children in the family, the evaluator's availability, the number of collateral contacts and their availability (teachers, pediatrician, health care providers, therapists, etc.), and the amount of records to be reviewed.

Section 4. This section directly interferes in an unnecessary and unhelpful way with the scope of work of a Guardian Ad Litem. It imposes an unwarranted restriction on the role of a GAL. One of the most important functions of a GAL is to report to the court on the condition of the children for whom they are guardians. The medical issues of the children are one of the matters on which a GAL reports to the court. This section would require every doctor, psychologist, dentist, social worker, and counselor who has ever treated or evaluated the child to appear in court to describe the children's conditions regardless of how minor, because the ability of the GAL to summarize and properly represent this material has been removed by way of statute. Other than as an attack of the integrity of GALs as a group, it is difficult to imagine what would motivate such a counterproductive statutory provision.

Eric Frazer, Psy.D.
Licensed Clinical Psychologist
Assistant Clinical Professor-Yale University School of Medicine