**TESTIMONY OF ATTORNEY SHARON WICKS DORNFELD**
**PUBLIC HEALTH COMMITTEE**
**20 FEBRUARY 2015**

**OPPOSE PROPOSED BILL 6267**

**AN ACT CREATING A TASK FORCE TO STUDY THE DEPARTMENT OF PUBLIC HEALTH'S INVOLVEMENT IN THE FAMILY COURT SYSTEM**

To the Hon. Terry Gerratanna, co-chair, the Hon. Matthew Ritter, co-chair, the Hon. Joseph Crisco, vice chair, the Hon. Emmett Riley, vice chair, the Hon. Joe Markley, ranking member, the Hon. Prasad Srinivasan, ranking member, and members of the Public Health Committee:

I am an attorney in private practice in Danbury, and a former chair of the Family Law Section of the Connecticut Bar Association.

I appear today to oppose the Raised Bill for several reasons.

First, and most importantly, this bill would violate our Constitution and its system of separation of powers. The Department of Public Health, as an administrative agency within the Executive Branch, may not exercise oversight of any facet of the Judicial Branch or its workings.

Second, the courts have ample oversight authority and procedures in place to govern the performance of mental health professionals involved in custody matters. Concerns about any perceived impropriety may be raised by motion to the court and an evidentiary hearing may be held to investigate and consider the concerns. Where valid, the court may vacate the appointment of an evaluator or therapist. Where a party has concerns regarding the findings of an evaluation or a recommendation or content of a report, our adversary system provides for robust cross examination of the mental health professional to test the procedures employed and the conclusions found. It is my understanding that an established formal complaint process is also available through the Department of Public Health.

Third, in the small percentage of custody cases in the high conflict category, one or both parents will often accuse the other of mental health impairments. Our practice rules permit the court to appoint an independent psychiatrist or psychologist to perform an evaluation of the parents and sometimes the children to determine whether such problems exist. These evaluations are time-consuming and labor intensive and expensive. They are rarely ordered, in my 25+ years of experience, without the agreement of the parties. In those difficult cases, they are of tremendous value in both identifying and ruling out mental health issues which may affect parenting. By way of example, I was involved in a case in which the mother repeatedly claimed to the children and others that the father was spying on all of them, was breaking into her house, was following her, and was poisoning them. The children became extremely fearful of eating or drinking anything at either home, developed sleep problems, and didn't know who or what to believe. A psychological evaluation was performed and concluded that the mother suffered from a diagnosis

which was treatable and made recommendations to assist her in obtaining the appropriate treatment. Without that evaluation, one of two wrong outcomes would have resulted: either the father would have been prevented from seeing the children, or the mother would have been prevented from seeing the children. With the benefit of the evaluation, the proper safeguards are in place and the mother is able to see the kids without imposing her fears on them. If all goes well, she will recover fully and resume her full parenting role.

This bill appears to be a solution in search of a problem which doesn't exist within the family court process. The mental health professionals who perform custody evaluations are highly trained, bound by professional ethics, and provide a valuable service to families–and especially the children--embroiled in the most difficult custody cases. Half of the parents in the cases requiring evaluations are disappointed with the outcome. Many blame the evaluators who provided the evidence on which the court relied. Some seek ways to exact revenge against those evaluators, as well as the lawyers and judges involved, by attacking their professional standing. This proposal, if enacted, would encourage those types of attacks.

I urge the Committee not to support this proposal.

Respectfully submitted,

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