

Thank you for allowing me the opportunity to comment electronically. Please accept my apologies for not being able to be there in person.

I am a psychologist who has been working with high conflict families of divorce for over 20 years and who has been in practice in CT since 1981. I was a co-founder of the PEACE program in Connecticut, have co-authored two books on the subject and have given multiple related presentations to national audiences of varied divorce professionals. I have worked side by side with many Guardians ad litem (GAL) and Attorneys for the Minor Child (AMC). I also practice in both Connecticut and New York and have the vantage point of seeing the New York system which at this time only uses Attorneys for the Minor Child, having done away with the role of the Guardians ad litem.

I would likely to briefly comment on these two roles.

In my experience these roles are quite different from one another and both are essential. While many divorcing (or never married) families do not need either a GAL or AMC, the importance of having the ability to make sure there is representation of what the child needs, and what an older child wants is, in my opinion essential.

The attorneys for the parents are, in my lay understanding of their responsibilities, bound to vigorously advocate for what each parent wants. However, as I am sure many of us know, this is not necessarily what other professionals or the court see as fully aligned with the best interests of the child.

To remove the GAL and the AMC from the process or marginalize their roles would in my opinion make the very difficult job of the Court and Family Relations even more difficult and would not help children who are unfortunately stuck in the midst of high levels of parental conflict. I have also seen AMCs in New York burdened by the need to advocate for what their client wants and not able to either serve as a witness for what is best for the child or take that position outside the courtroom when dealing with counsel and parents.

Alternatively, countless times I have seen the GAL work in a sensible child-focused way with parents and counsel helping quiet down the conflict and even helping the parties come to decisions that while important, may not be something the Court would typically contend with (e.g., what church, school or physician the child is going to go to). I have worked closely with GALs on resolving thorny relocation issues helping parents come to a settlement by crafting their own relocation agreement (with the input of counsel), rather than go to trial. Parents then "own" their joint decision. While there are costs to the mediation and settlement, likely the parents do not incur both substantially greater financial and emotional expense that would occur by going to trial which at times can at its conclusion leave one parent with the sense of having nothing left to lose. This can easily backfire against the child when that parent who has "lost" makes terribly inappropriate comments to the child or engages in behaviors that while technically not reaching the level of child abuse are clearly unhealthy (e.g., making a child change clothes in the garage before entering the home after a transition, to get out of the so-called "contaminated" clothes worn while the child was with the other parent).

While I could speak at great length here, I am cognizant that if I was in front of you I would only have 3 minutes. So, if you will indulge me, I would like to suggest that in my view the question is not whether or not these roles are useful, but rather how can we as the "system" make these roles more effective?

I would ask you to consider at times appointing a team of two GALs that would be comprised of both an attorney and mental health professional who would work together. While the objection of cost is likely to be immediately raised, I am very concerned about the costs I repeatedly see in families who are in prolonged conflict and litigation, even many years past the dissolution of the marriage, and the impact this has on the children.

In my experience, neither professional has the training and experience that they both possess when working together. As a team, they bring an important array of strengths to the process to both help the children and the Court. I do not fancy myself an extension of the Court or a "lawyer wanna-be" or see myself as having the skills of my attorney colleagues, and I'm sure that the reverse is also true.

If there is to be a change in the system I would suggest that the cost of bringing both professionals into the process in especially high-conflict cases is far outweighed by the benefit of having the respective strengths of both professionals address the needs of the child (as similarly, we don't have the surgeon provide anesthesia and we don't have the pilot also do all of the navigation). We need to right fit the professionals to the needs at hand.

Thank you for giving me the opportunity for comment.

If you have questions or would like to discuss my comments in more detail I would be happy to oblige.

I wish you the best as you try to address these important and difficult issues and thank you for spending the time and energy to do so.

Sincerely,

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