James Joseph Connolly, Ph. D.
Licensed Psychologist
758 Broad Street Extension
Waterford, CT 06385
Tel: 860-442-6218
Fax: 860-447-2477

April 12 , 2017

Dear Members of the Finance Committee,

I am a psychologist who has provided services for the courts in Connecticut for more than 25 years. I will speak to the portions of Bill 1049 that affect the work of psychologists in the Family Courts. Section 3 of Bill 1049 proposes that when a Family Court judge orders an evaluation or treatment of family members, the parents be allowed to choose their own evaluators and healthcare providers and also choose the evaluators and healthcare providers for their children. On the face of it, the proposition that people should be allowed to choose their own evaluators and clinicians for court-ordered services would seem to be reasonable. Consider, however, the fact that these services are being ordered in situations in which the parents may be behaving in highly unreasonable ways and engaging in behavior of such great concern that the judge is forced to order either an evaluation or clinical services. Parents in these situations are locked in extreme conflict with each other, and some are frankly behaving in disturbing ways. These are the small proportion of cases in the Family Courts in which there is good reason to be concerned about the welfare of the children.

The most important characteristics for experts who function in the Family Courts are a high level of professional experience in complicated divorce cases as well as a proven record of impartiality. Under the current system, judges (sometimes assisted by GALs) make use of psychological experts who are known to be both experienced and impartial. Parents in these highly troubled divorce cases are provided the names of these experts. There is typically an offer of two or more experts with whom the family members might work. The advantages of the present system is that evaluators and clinicians with proven track records are suggested to the parents. Parents who are locked in these extremely intense marital conflicts are frankly not in a position to be prudent determiners of the qualifications of the professionals who will evaluate or provide clinical services for them. Mental health professionals who do not have proven experience and impartiality in these complicated sorts of cases have little to offer the Family Court and the troubled families that they serve.

Unfortunately, Section 3 of Bill 1049 eliminates all of the guarantees of experience and impartiality for mental health professionals serving the Family Courts. As the bill is written, there is absolutely no assurance that the mental health professional chosen by a parent will have any experience whatever in performing the needed

evaluation or clinical service. Indeed, the bill appears to encourage parents to "shop around" for a professional with weak standards who will simply accept a fee and provide a favorable opinion for the parent in question. As the bill is written, a parent is free to choose an evaluator or clinician who has never provided the service on even a single occasion. As the bill is written, parents could even employ their own pre-existing counselors and psychotherapists to provide the evaluation or clinical services. Many pre-existing counselors and psychotherapists do not have the objectivity to provide an evaluation or clinical services for the Family Courts. Unfortunately, many pre-existing counselors and psychotherapists adopt the perspective of the parent in question during their divorce proceedings. Furthermore, they have experience with only one of the parents, and are in no position to objectively assess that parent's handling of the children relative to the other parent. Entrenching in statute the right of divorcing parents who are being ordered by the court to obtain evaluations or clinical services to choose whatever healthcare professionals they wish to perform the services would eliminate standards of expertise, experience and impartiality. Fast and dirty work done cheaply to satisfy the parents in question would become the rule, and the evaluations and clinical work would be effectively useless in reducing the discord between the parents and enhancing the well-being of their children.

But the effect of Bill 1049 would be even more serious on full court-ordered child custody evaluations. Bill 1049 would make full child custody evaluations effectively impossible. In a child custody evaluation, the same psychologist evaluates both parents and all of the children in a family. It is universally accepted among mental health professionals and members of the judiciary on a national basis that a custody evaluation requires the same expert giving coordinated opinions as to the functioning of each member of the family and the family as a whole. Bill 1049, however, allows each parent in a court ordered evaluation to choose his/her own evaluator and specifies a process by which the parents may choose a different evaluator for each and every child. Left to their own devices, these parents (who are, after all, locked in severe conflict on a great many matters) are highly unlikely to choose the same expert to evaluate each of them and the children. Indeed, the underlying logic of Bill 1049 is to allow unlimited freedom of choice for each parent for all court ordered services.

Imagine the confusion and uselessness of a court-ordered child custody evaluation conducted under Bill 1049. Instead of a proven and impartial expert in child custody evaluations undertaking a coordinated study of the parents and the children, one licensed healthcare provider (who may have no training whatsoever in custody evaluations and no experience in providing them) would provide an opinion as to the father. Another licensed health care provider (who, once again, may have no training whatsoever in custody evaluations and no experience in providing them) would provide an evaluation of the mother. A variety of other licensed health care providers would chime in on each of the children. Instead of an organized child custody evaluation, the result would be useless chaos, with the various evaluators having no general experience with the family as a whole. It is to avoid such

nonsensical and useless application of professional services that national standards exist providing for a single highly trained and impartial expert to perform the child custody evaluation as a whole. Section 3 of Bill 1049, however, would effectively eliminate child custody evaluations in Connecticut. Connecticut would thereby become the first state to have effectively forbidden by statute the conduct of child custody evaluations that would meet recognized national standards.

Section 4 of Bill 1049 would extend the fragmentation and impedance of expert services in the Family Courts in a different direction than Section 3. GALs would be forbidden to convey "a medical diagnosis or conclusion concerning a minor child made by a healthcare professional treating such child." Healthcare professionals would be required to come into Family Court for each and every conclusion they have derived about children under their care. In other words, GALs would not be permitted to discuss any of the health or mental health-related aspects of the wellbeing of the children for whom they are guardians. Doctors would have to personally come into Family Court to discuss every episode of rashes, bedwetting, sore throat, night terrors, chickenpox, anxiety, fevers, chills, runny nose, coughs, measles, and diarrhea. Since the children's court-appointed guardians would be forbidden by Bill 1049 to discuss any of the children's medical and mental health related problems, the judges in Family Court would either have to completely ignore the health of the children or uselessly waste the time of busy healthcare professionals. Of course, one of the basic functions of GALs is to gather useful information for the court, and the gathering of medically related information is an important part of this function. To prohibit GALs from performing this basic function would be to waste the time of the courts and the doctors and impose a totally unnecessary obstacle for the Family Courts as it strives to promote the well-being of the children of Connecticut.

Members of the Judiciary Committee, the Family Courts are not now broken, but if the poorly considered and poorly advised provisions of Bill 1049 are placed into statute, the Family Courts in Connecticut will be severely impeded. The enemies of the proper functioning of the Family Courts are producing one counterproductive so-called "reform" after another. Bill 1049 would hobble Connecticut's Family Courts in their efforts to promote the wellbeing of the children of this state. It is the well-being of the children, not the grossly exaggerated complaints of a small minority of divorcing parents, that deserve the solicitude of our legislators.

James J. Connolly, Ph.D.