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SUPERIOR COURT

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SUPERIOR COURT

SUZANNE CAMPOS

JUDICIAL DISTRICT OF
FAIRFIELD AT BRIDGEPORT
STATE OF CONNECTICUT

JUDICIAL DISTRICT OF FAIRFIELD

v.

AT BRIDGEPORT

JOAO CAMPOS

:

DECEMBER 29, 2020

ORDER RE: PSYCHOLOGICAL EVALUATIONS

The court held a hearing and argument on the defendant's motion for psychological evaluations (no. 130.00) on December 28, 2020. At that hearing, the GAL for the children testified that he and the children's therapist believe that it is in the best interests of the children for each of the parties and their children to undergo a comprehensive psychological evaluation and for the evaluating psychologist to provide the court with a custody evaluation. He specifically indicated that although the daughter's therapist recommended trauma-based therapy for her, the daughter was refusing to participate, and that the daughter's treatment was at an impasse. He and the therapist believe that a psychological evaluation and treatment recommendations are necessary to create a "pathway to healing."

The plaintiff has alleged a series of domestic violence incidents in the marital home until she obtained a no contact restraining order by agreement earlier this year. Although she agreed at that time for the defendant to have access to the children if the GAL recommended it, when the GAL issued recommendations that included physical access, she resisted and has continued to seek sole legal and physical custody throughout this litigation. Nevertheless, she opposes any psychological evaluation, claiming that it would cause harm to herself and her

children and that it would be too expensive.¹ Her attorney specifically cited to guides for victims of domestic violence in Juvenile Court. The court has reviewed those materials and concludes that, even if this were a Juvenile Court action, the potential benefits of a comprehensive psychological examination of each family member, coupled with treatment recommendations, outweigh any possible risks. Indeed, the court is concerned that the current biweekly telehealth therapy appointments for the children may be inadequate if the trauma that the plaintiff claims they went through is as significant as she alleges. Therefore, the court determines that it is in the best interests of the children for the parties and the children to undergo a psychological evaluation and for the court to receive a custody evaluation in advance of the trial that is scheduled to commence on May 3, 2021.

The court has considered the two psychologists recommended by the parties. As for Dr. Scheinvold, whom the plaintiff advocates, the court is concerned about his location in Pennsylvania, his inability to have in-person access to the parties, and the lack of certainty that he could complete the evaluation in a timely manner. As for Dr. Biren-Caverly, whom the defendant seeks, the court finds, based on the GAL's testimony and the court's own previous experience, that she is located near the parties, that she will provide in-person access, and that she is capable of providing a detailed and comprehensive evaluation on a quick timeline. Accordingly, if she is available to do this evaluation, the court finds her to be the best candidate

¹ The plaintiff also argues that any psychological examination should be delayed until after the parties have gone through mediation, which is scheduled for January 29, 2021 with a former judge of the Superior Court. Although the court is sympathetic to any efforts to settle litigation and to avoid unnecessary costs, the court does not believe that there will be enough time between January 29, 2021 and the start of trial on May 3, 2021 for the psychological examination to occur. Moreover, based on the two hearings that the court has held so far on this examination and the defendant's motion for some physical access to his children, the court does not view settlement of the custody issues to be likely.

for evaluator. Furthermore, the court has reviewed the parties' financial affidavits and finds that they are each capable of paying an equal share of the cost of a typical evaluation.

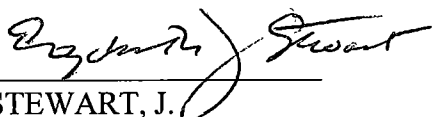
Based on these findings and pursuant to General Statutes §§ 46b-6a and 46b-7 and Practice Book §§ 25-60A and 25-60, the court issues the following orders:

1. The motion is granted.
2. Each party is to share the cost of the evaluation equally. The court orders each party to pay half of any retainer or flat fee on or before January 13, 2021.
3. Dr. Jessica Biren Caverly shall undertake a private forensic custody and psychological evaluation of the parties and their minor children to include psychological evaluations with custody and access recommendations and any other testing of the parties and/or child as deemed necessary and appropriate by the Evaluator, in accordance with all professional practices. Dr. Biren Caverly shall evaluate and examine the mental health of the parties and the minor children to prepare and provide the court with a compressive assessment and report to assist the court in determining the appropriate resolution of the custody and parental access pursuant to the statutory factors as set forth in General Statutes § 46b-56(c).
4. The GAL shall make initial arrangements for this order to be transmitted to the Evaluator and shall arrange for the initial contact to be made between the parties and the Evaluator, as necessary, within 10 days of this order. If the Evaluator is unable to comply with the terms of this order, the GAL is to report that information to the court on or before January 8, 2021.
5. The parties shall cooperate fully with the Evaluator on a timely basis, including without limitation scheduling of appointments, payment of all amounts due to the Evaluator, participating in all sessions and in any testing deemed necessary by the Evaluator and

promptly executing and delivering to the evaluator all authorizations and consents requested by the Evaluator.

6. The evaluation may include, but shall not be limited to at the Evaluator's discretion, psychological testing of the parties and/or the minor children, drug and/or alcohol evaluations and/or testing, home visits, interviews, records requests, court documents, interactions with collateral information sources; and interaction and discussion with the GAL.
7. The scope of said evaluation and study shall include, but not be limited to answering the following questions:
 - a. Describe the overall psychological functioning of each child.
 - b. What mental health treatment, if any, is recommended for each child?
 - c. Describe the overall psychological functioning of each parent.
 - d. What mental health treatment, if any, is recommended for each parent?
 - e. Describe the relationship between each child and each parent.
 - f. Is each parent capable of effectively and appropriately parenting each child?
 - g. If treatment is necessary for either child, does either parent have any mental or psychological disorder that would affect the treatment, and if so, how?
 - h. Has either party engaged in domestic violence or abuse in the presence of or with either child, and if so, what treatment and custody/visitation recommendations do you have?
 - i. Does each parent exhibit appropriate empathy for and insight into the children and his or her physical, educational, psychological and emotional development status and needs? If not, identify the issues specifically.

- j. Do either of the parents attempt to undermine the children's relationships with and access to the other parent?
 - k. Is each party capable of co-parenting with the other? If not, does either party present any issues which may interfere with his or her ability to effectively make decisions pertaining to the child or work with the other parent in making those decisions?
 - l. Does either party present any significant issues relevant to the determination of an appropriate parenting plan addressing the minor children's legal custody or physical custody?
8. Pursuant to Practice Book § 25-60A, upon its completion, the written evaluation report shall be provided to the GAL and counsel for the parties.
 9. The parties shall be entitled to review the Evaluator's report in his or her respective attorney's office but shall not be provided a copy.
 10. Subject to the Practice Book, the Evaluator's file (including, but not limited to, her report drafts, notes, correspondence, scheduling records, and billing records, but not including, test data and interpretation) shall be made available to counsel for parties and the GAL upon his or her written request upon completion of the evaluation. Test data and interpretation shall only be provided to a licensed psychologist or psychiatrist upon written request.
 11. Unless otherwise ordered by the court, no one else shall have access to the Evaluator's report and file.
 12. The completion date for the report is April 9, 2021.


STEWART, J.