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Dear Attorney Flory:

I am writing after hearing the excellent interview with you on VPR on Tuesday regarding DCF and the tragic death of two-year-old Dezirae Sheldon. I am also aware of your role as a Vermont lawmaker and your commitment to scrutinizing and improving DCF. We worked together in I believe two cases: one a custody and divorce and the other a child protection matter. Both were complicated cases

I wanted to alert you to what I consider an unfortunate direction the Family Court and DCF have taken recently. This concerns the use of evaluators, such as myself, to conduct assessments of families in distress and offer recommendations to assist decision-makers who act on the child's behalf. I have concerns about the potential undermining of the neutrality of family evaluators, and substandard expertise because of conditions imposed by DCF.

First, in terms of Family Court, for nearly all my professional career the Family Court, whether in custody and divorce or child protection, ordered, or ordered following stipulation by the parties, me to conduct the evaluation as the court's evaluator or expert. This has changed in the last year following an administrative directive from Amy Davenport. As best I understand it, judges can no longer create such relationships between the court and a family evaluator. I believe this has unfortunate consequences for the perceived objectivity and neutrality of evaluators and increases the incentive for parties to "shop" for supportive evaluators.

Massachusetts and New Hampshire have more evolved *Guardian ad litem* programs with professionals, often attorneys, who have resources including legal powers. When I do evaluations in those states I do so on behalf of the child's GAL or attorney thereby conveying a position of neutrality (i.e., I am the child's expert). Vermont does not have compatible GALs although sometimes, as you know, the child's attorney may seek my involvement and serve as the client.

Second, in the past I did not work for DCF—they paid for the evaluation but they were not my client. This has changed because of the previous discussion but also because DCF has imposed obligatory contractual obligations on evaluators. Part of this I understand as a function of cost control. However, the contract and its terms have become increasingly onerous over the last year such that I intend to discontinue offering evaluation services to DCF and the court.

Along with greatly reduced payments for preparing for, travel to, and testifying in court the contract gives DCF authority to evaluate evaluators and creates other circumstances that make it less likely for an evaluator to, for example, disagree with DCF's approach or not support their position. These circumstances have begun a blurring of lines between outside evaluators and DCF. DCF's conditions for evaluators (now "DCF contractors") will attract individuals with less than adequate expertise and drive away experienced and trained doctoral-level experts.

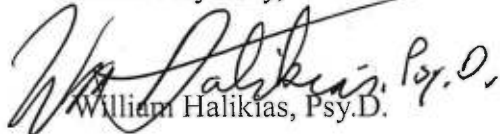
I understand that Vermont has 50 evaluators throughout the State. Many of them hold Master's degrees and are licensed as Clinical Mental Health Counselors or Social Workers. Most with these credentials do not know how to correctly use psychological tests and have little or no exposure to diagnostic and clinical procedures indicated for cases as complex as those seen in Family Court. I believe that many of the evaluators working as DCF contractors—with the explicit knowledge they will lose their contract with two weeks notice if DCF did not approve of their work or opinions—lack the required expertise and professional orientation to conduct these evaluations.

I work mostly in criminal and civil court along with doing evaluations for schools and organizations. Forensic Family evaluations account for maybe one to two of my cases a year, sometimes less. Of the different legal venues and cases I deal with forensic family evaluations are the most difficult and require the highest level of neutrality, objectivity, and expertise. Once every two to three years I am referred an extraordinarily complex case because a judge or the parties sought my expertise. Currently, I am doing a case in Rutland that, I discovered, was referred to me because of circumstances that appear to mirror those of Dezirae.

In conclusion, I wanted you to be aware of aspects of Family Court and DCF that may inadvertently be eroding the objectivity and expertise of forensic family evaluators. Perhaps, at least, a subset of Ph.D.- and Psy.D.-level psychologists should exist so that, under extraordinary circumstances, their expertise may be solicited with complex cases and by agreement of all parties, and those professionals should not be subject to exclusive control by DCF.

Thank you for taking the time to hear my concerns and please call or e-mail me if you have questions or wish further information.

Yours very truly,


William Halikias, Psy.D.