

I probably went into this thing expecting a group of people who were there to exchange kudos rather than a meeting to identify areas of improvement for how the CFI industry can better serve families and the courts. I was pleasantly surprised. There was discussion and apparent concern about CFI accountability, the impact of CFI fees and lengthy reports on families, and CFI bias:

What I thought was the most useful piece of information was that Larimer County (8<sup>th</sup> district) apparently has a \$1400 flat fee for CFI analysis, and the judge said that system works well for them. *[I suggest that we promote a \$1500 flat fee concept statewide to the Chief Justice, to prevent the abuse of opportunity by CFIs and acknowledge the inherently speculative nature of determining the best long-term parenting plan by any third party].*

The morning panel was of CFI's and the afternoon panel was of judges. Also there was a moderator. I think he was [Robert Smith](#). The morning panel had [Les Katz](#), [Gina Weitzenkorn](#), [Theresa Spahn](#). The afternoon panel was Hon. Diane Dupree, Hon. [Cynthia Hartman](#), Hon. [Lael Montgomery](#).

The panel asked for questions from the audience as the questions were typed into PowerPoint<sup>®</sup> and the [printed audience questions](#) were handed out to the audience (thus we were able to pencil in the panel answers to audience questions on the printed handout).

In a capsule they covered: how to handle confidentiality and discovery, psych testing, relationship between CFI, APR, CLR, termination of CFI appointment and supplemental evaluations, sharing info between CFI and therapists, detailing the scope of CFI duties in the court order, HIPAA standards and release of CFI file, CLR's don't write reports or testify, quasi-judicial immunity, CFI interviews of child and parents input on how CFI does child interviews, SA and CFI duties are identical-just the name is changed, how should attorneys address bias and flaws in CFI reports, PAS, DV allegation used by parent to gain custody advantage, emails and voicemails submitted by parent to implicate the other parent, CFI duty to report endangerment, CFI reports are not confidential between the parties but are sealed to outside interests)

The moderator also asked questions. There was a video being made, and I presume we could get exact quotes from that, but here are what I [was able to] scribble down attempting verbatim but more likely just reflecting the gist in my "quotes from notes":

I. Judge Lael Montgomery stated two important issues she is presenting to judges in her various speaking engagements:

A. We don't need CFI's in every case. We don't need to put that expense on families. What judges need to do is listen to parents at a hearing and try to come up with a parenting plan without automatically assigning a CFI.

B. In cases where a CFI is needed it might only be for a single issue, in that case the court order for CFI duties should have a narrow focus, and to keep costs down not

automatically doing psych. evals. Everyone is doing a full evaluation these days; that was never the intent of the statute. CFI's have a responsibility to not do a full evaluation if one is not needed.

II. The moderator stated that there is a concern that CFI's get way too much power and their opinions get rubber stamped. He also commented on the lack of accountability. Mental health boards generally don't have jurisdiction to process complaints and grievances are usually dismissed.

III. Magistrate Dupree commenting on whether parenting would get restricted in a contempt for failure to pay the CFI; "Are we going to take the kids away for contempt to pay the CFI, of course not."\* She also commented that judges tend to appoint the same CFI's over and over.

IV. An audience member Attorney/CFI commented that CFI's lie about their record of recommendations on cases when pressed on gender or relocation issues. Unless you are inside the circle you don't know which CFI's are father friendly or mother friendly.

V. Les Katz stated that psych evals are done way too often. "We need to be asking ourselves, why are we doing psych testing?" Psych evals in CFI reports should include a caveat that they are not fact, but only an hypothesis.

VI. Theresa Spahn commented that there are groups of parents who are complaining about CFI bias and lack of accountability, and "knocking on the door" of Justice Mullarkey. [editorial note: She's obviously talking about the group petitions, which can be viewed by clicking the "relevant memoranda" link on [this page](#).]

VII. Gina Weitzenkorn and Theresa Spahn stated that the purpose of discovery regarding the CFI report is to prepare for litigation. Parents and lawyers shouldn't be calling up after issues have been resolved to dig in to the report and discover the evidence that was used to formulate the report.

VIII. In CFI reports 1st hand observation of parent/child interaction is far more valuable to the judge than collateral contacts. The way CFI's are held accountable is through cross examination, the judge, and supplemental evaluations. If a follow up evaluation is needed for a post-decree issue judges usually use the original CFI. The question arose as to whether a parent can make installment payments to the CFI, and the judge response was, 'that would be up to the CFI'. A contempt hearing was a last resort regarding outstanding payment to a CFI. Judges want CFI's to educate the court on relevant parenting issues, child development, communication between the parties etc. Judges want to know what CFI fees and retainer are before they assign them; if a CFI doesn't list their fees, the judge will keep going down the list. Judges want an analysis from the CFI; i.e. what is the CFI rationale behind the recommendations?

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\* This is exactly what happened in the [Stadnyck transcript](#).