



COLORADO

**Department of
Regulatory Agencies**

Colorado Office of Policy, Research &
Regulatory Reform

2018 Sunrise Review: Parental Responsibility Evaluators

October 15, 2018



COLORADO

**Department of
Regulatory Agencies**

Executive Director's Office

October 15, 2018

Members of the Colorado General Assembly
c/o the Office of Legislative Legal Services
State Capitol Building
Denver, Colorado 80203

Dear Members of the General Assembly:

The General Assembly established the sunrise review process in 1985 as a way to determine whether regulation of a certain profession or occupation is necessary before enacting laws for such regulation and to determine the least restrictive regulatory alternative consistent with the public interest. Since that time, Colorado's sunrise process has gained national recognition and is routinely highlighted as a best practice as governments seek to streamline regulation and increase efficiencies.

Section 24-34-104.1, Colorado Revised Statutes, directs the Department of Regulatory Agencies to conduct an analysis and evaluation of proposed regulation to determine whether the public needs, and would benefit from, the regulation.

The Colorado Office of Policy, Research and Regulatory Reform (COPRRR), located within my office, is responsible for fulfilling these statutory mandates. Accordingly, COPRRR has completed its evaluation of the sunrise application for regulation of parental responsibility evaluators and is pleased to submit this written report.

The report discusses the question of whether there is a need for regulation in order to protect the public from potential harm, whether regulation would serve to mitigate the potential harm, and whether the public can be adequately protected by other means in a more cost-effective manner.

Sincerely,

A handwritten signature in blue ink that reads "Marguerite Salazar".

Marguerite Salazar
Executive Director



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Background

Consistent, flexible, and fair regulatory oversight assures consumers, professionals and businesses an equitable playing field. All Coloradans share a long-term, common interest in a fair marketplace where consumers are protected. Regulation, if done appropriately, should protect consumers. If consumers are not better protected and competition is hindered, then regulation may not be the answer.

As regulatory programs relate to individual professionals, such programs typically entail the establishment of minimum standards for initial entry and continued participation in a given profession or occupation. This serves to protect the public from incompetent practitioners. Similarly, such programs provide a vehicle for limiting or removing from practice those practitioners deemed to have harmed the public.

From a practitioner perspective, regulation can lead to increased prestige and higher income. Accordingly, regulatory programs are often championed by those who will be the subject of regulation.

On the other hand, by erecting barriers to entry into a given profession or occupation, even when justified, regulation can serve to restrict the supply of practitioners. This not only limits consumer choice, but can also lead to an increase in the cost of services.

There are also several levels of regulation.

Licensure

Licensure is the most restrictive form of regulation, yet it provides the greatest level of public protection. Licensing programs typically involve the completion of a prescribed educational program (usually college level or higher) and the passage of an examination that is designed to measure a minimal level of competency. These types of programs usually entail title protection - only those individuals who are properly licensed may use a particular title(s) - and practice exclusivity - only those individuals who are properly licensed may engage in the particular practice. While these requirements can be viewed as barriers to entry, they also afford the highest level of consumer protection in that they ensure that only those who are deemed competent may practice and the public is alerted to those who may practice by the title(s) used.

Certification

Certification programs offer a level of consumer protection similar to licensing programs, but the barriers to entry are generally lower. The required educational program may be more vocational in nature, but the required examination should still measure a minimal level of competency. Additionally, certification programs typically involve a non-governmental entity that establishes the training requirements and owns and administers the examination. State certification is made conditional upon the individual practitioner obtaining and maintaining the relevant private credential. These types of programs also usually entail title protection and practice exclusivity.

While the aforementioned requirements can still be viewed as barriers to entry, they afford a level of consumer protection that is lower than a licensing program. They ensure that only those who are deemed competent may practice and the public is alerted to those who may practice by the title(s) used.

Registration

Registration programs can serve to protect the public with minimal barriers to entry. A typical registration program involves an individual satisfying certain prescribed requirements - typically non-practice related items, such as insurance or the use of a disclosure form - and the state, in turn, placing that individual on the pertinent registry. These types of programs can entail title protection and practice exclusivity. Since the barriers to entry in registration programs are relatively low, registration programs are generally best suited to those professions and occupations where the risk of public harm is relatively low, but nevertheless present. In short, registration programs serve to notify the state of which individuals are engaging in the relevant practice and to notify the public of those who may practice by the title(s) used.

Title Protection

Finally, title protection programs represent one of the lowest levels of regulation. Only those who satisfy certain prescribed requirements may use the relevant prescribed title(s). Practitioners need not register or otherwise notify the state that they are engaging in the relevant practice, and practice exclusivity does not attach. In other words, anyone may engage in the particular practice, but only those who satisfy the prescribed requirements may use the enumerated title(s). This serves to indirectly ensure a minimal level of competency - depending upon the prescribed preconditions for use of the protected title(s) - and the public is alerted to the qualifications of those who may use the particular title(s).

Licensing, certification and registration programs also typically involve some kind of mechanism for removing individuals from practice when such individuals engage in enumerated proscribed activities. This is generally not the case with title protection programs.

Regulation of Businesses

Regulatory programs involving businesses are typically in place to enhance public safety, as with a salon or pharmacy. These programs also help to ensure financial solvency and reliability of continued service for consumers, such as with a public utility, a bank or an insurance company.

Activities can involve auditing of certain capital, bookkeeping and other recordkeeping requirements, such as filing quarterly financial statements with the regulator. Other programs may require onsite examinations of financial records, safety features or service records.

Although these programs are intended to enhance public protection and reliability of service for consumers, costs of compliance are a factor. These administrative costs, if too burdensome, may be passed on to consumers.

Sunrise Process

Colorado law, section 24-34-104.1, Colorado Revised Statutes (C.R.S.), requires that individuals or groups proposing legislation to regulate any occupation or profession first submit information to the Department of Regulatory Agencies (DORA) for the purposes of a sunrise review. The intent of the law is to impose regulation on occupations and professions only when it is necessary to protect the public health, safety or welfare. DORA's Colorado Office of Policy, Research and Regulatory Reform (COPRRR) must prepare a report evaluating the justification for regulation based upon the criteria contained in the sunrise statute:¹

(I) Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety, or welfare of the public, and whether the potential for the harm is easily recognizable and not remote or dependent upon tenuous argument;

(II) Whether the public needs, and can reasonably be expected to benefit from, an assurance of initial and continuing professional or occupational competence;

¹ § 24-34-104.1(4)(b), C.R.S.

(III) Whether the public can be adequately protected by other means in a more cost-effective manner; and

(IV) Whether the imposition of any disqualifications on applicants for licensure, certification, relicensure, or recertification based on criminal history serves public safety or commercial or consumer protection interests.

Any professional or occupational group or organization, any individual, or any other interested party may submit an application for the regulation of an unregulated occupation or profession. Applications must be accompanied by supporting signatures and must include a description of the proposed regulation and justification for such regulation.

Methodology

During the sunrise review process, COPRRR staff performed a literature search; contacted and interviewed the sunrise applicants and other stakeholders; and reviewed licensure laws in other states.

Additionally, in July 2018, COPRRR conducted a survey of all licensed mental health professionals—those who are qualified to conduct parental responsibility evaluations. Due to the confidential nature of email addresses, these individuals were notified of the survey by the Department of Regulatory Agencies' Division of Professions and Occupations (DPO) by way of email. DPO emailed the link to the survey to 19,789 individuals, and 855 responded and took the survey, for an overall response rate of 4.3 percent. While the rate is low, it is likely because only a small fraction of mental health professionals conducts parental responsibility evaluations.

Profile of the Profession

In particularly contentious child custody disputes, where the parents cannot agree on issues such as parenting time (custody) or parental responsibilities (decision-making), either party may request that the court order a parental responsibility evaluation, which is a comprehensive evaluation. Additionally, the court may order such an evaluation on its own motion.

Alternatively, the court may appoint a child and family investigator (CFI), which, by contrast, is intended to conduct a more focused, quicker and relatively inexpensive investigation.

Although Colorado law stipulates that the parental responsibility evaluator must be employed by the county social services department or be a licensed mental health professional, in practice, licensed mental health professionals typically perform this role. Such individuals must be qualified, by training and experience, in the following areas:²

- The effects of divorce and remarriage on children, adults and families;
- Appropriate parenting techniques;
- Child development;
- Child and adult psychopathology;
- Applicable clinical assessment techniques; and
- Applicable legal and ethical requirements of parental responsibility evaluation.

According to a survey conducted as part of this sunrise review, 77.2 percent of respondents who have completed a parental responsibility evaluation in the past five years obtained some type of specialized training before accepting their first court appointment, and 86.1 percent reported taking continuing education or participating in continuing professional competency activities relating to parental responsibility evaluations. Additionally, 85.1 percent of respondents reported having taken training in domestic violence.

During the course of a typical evaluation, the evaluator will provide the parties with an information packet, which may solicit demographical and statistical information, that contains a questionnaire. While the questionnaires vary from one evaluator to the next, they generally seek information about the child, the parties' relationship with one another, the parties' relationships with the child, the parties' concerns and thoughts about the other party and their wishes regarding parenting time and decision-making.

The evaluator will typically meet with each party several times throughout the evaluation, observe each party with the child to discern parent-child dynamics, and

² § 14-10-127(4), C.R.S.

possibly conduct home visits. By law, the evaluator may interview anyone with information regarding the child, including medical professionals, teachers and caretakers.

The evaluator will likely interview the child and may conduct psychological testing of the parties, the child or both.

At the conclusion of the evaluation, the evaluator prepares a report that includes the methodologies employed, the evaluator's findings, any relevant data and recommendations to the court. The report must be submitted to the court 20 days before the hearing. The evaluator may be called upon to testify at the hearing, during which time he or she may, as with any expert, be examined and cross-examined regarding the evaluation, his or her qualifications, or both.

In addition to making recommendations regarding parenting time and parental responsibilities, the evaluation may address whether the family or certain individuals would benefit from therapy, how the parties should potentially handle conflicts in the future and how the parties can deal with specific issues such as drug abuse.

In the end, the court, not the evaluator, makes the final decisions on parenting time and parental responsibilities. Regardless, the parties may request that a supplemental evaluation be conducted by a different evaluator.

A typical parental responsibility evaluation takes approximately 90 days to complete and can cost tens of thousands of dollars. Although neither party "hires" the evaluator, the court will allocate the cost of the evaluation among the parties. In the survey of mental health professionals conducted as part of this sunrise review, respondents were asked about the average cost of the parental responsibility evaluations they conduct:

- 1 (1 percent) indicated an average cost of between \$15,000 and \$20,000
- 19 (18.8 percent) indicated an average cost of between \$10,000 and \$15,000
- 35 (34.7 percent) indicated an average cost of between \$5,000 and \$10,000
- 46 (45.5 percent) indicated an average cost of less than \$5,000

Stakeholder estimates as to the number of parental responsibility evaluators working in Colorado vary widely from a low of 15 to a high of 150. A parental responsibility evaluator must hold a valid license issued by one of Colorado's mental health boards. According to the survey of mental health professionals conducted as part of this sunrise review, 101 respondents reported having completed a parental responsibility evaluation within the previous five years.³

³ It is possible that fewer respondents have actually conducted such evaluations, since two respondents who indicated that they have done such work are ineligible to do so, given that one self-reported as a certified addiction counselor III and one as a registered psychotherapist. Statute requires mental health professionals to be licensed in order to conduct parental responsibility evaluations.

These survey respondents reported holding the following mental health licenses:

- Psychologist (41.6 percent)
- Licensed Professional Counselor (23.8 percent)
- Licensed Social Worker (23.8 percent)
- Licensed Addiction Counselor (4 percent)
- Marriage and Family Therapist (3 percent)

Parental responsibility evaluators may seek a private credential—Nationally Certified Custody Evaluators (NCCE). Such individuals must hold a doctoral or master’s degree in a mental health specialty from an accredited college or university; possess two years of custody evaluation experience, during which they completed at least five comprehensive custody evaluations; have two references from other mental health professionals, attorneys or judges; and one of the following:⁴

- Possess a current license to practice as a mental health professional,
- Be a member of a recognized mental health professional association that has published relevant standards of practice, or
- Possess at least two years’ experience working with a family court system.

As of July 2018, two practitioners in Colorado held the NCCE credential.⁵

⁴ The Professional Academy of Custody Evaluators. *Academy Register: Nationally Certified Custody Evaluators, Nationally Certified Parenting Coordinators*. Retrieved July 5, 2018, from www.academyregister.com/NCCE_criteria.html

⁵ The Professional Academy of Custody Evaluators. *The PACE Register: Colorado*. Retrieved July 5, 2018, from www.pace411.com/ncce-colorado

Proposal for Regulation

The sunrise application submitted by Parents for Family Law Justice Colorado, Parents United for Change and Moms Fight Back (Applicants) requests that the State of Colorado require licensed mental health providers serving as parental responsibility evaluators, or in any court appointed role, to abide by the standards of practice imposed by their underlying license as such.⁶

The application also proposes that the State either bar the use of psychological assessments during the course of a parental responsibility evaluation or, alternatively, to establish criteria to minimize the use of such assessments and to make the results of them available to the party tested.⁷

The sunrise application proposes prohibiting parental responsibility evaluators from using a hypothesis and from making recommendations pertaining to parenting time. Alternatively, the sunrise application proposes requiring all findings and interviews conducted during the course of an evaluation to be included in the evaluator's report to the court.⁸

Further, the sunrise application proposes requiring all parental responsibility evaluation reports to include all information and supporting documentation pertinent to the specific investigative role assigned by the court.⁹

Finally, the sunrise application proposes that any parental responsibility evaluator serving on a case in which there has been abuse or alleged abuse obtain training in such areas.¹⁰

In conversations held with the Applicants, they also consider a new license type for parental responsibility evaluators or a registration system akin to that which exists for child and family investigators (CFIs) to be acceptable alternatives. The State Court Administrator's Office administers a registration program for CFIs, as spelled out in a Chief Justice Directive, that requires the passage of a criminal history background check, completion of a 40-hour training course, and completion of 15 hours of continuing education every three years.

In conjunction with the sunrise application, JustUs for Children-Fight Back Foundation and Parents United for Change (MCE Applicants) submitted an application pursuant to section 24-34-901, Colorado Revised Statutes, (MCE Application) seeking to impose a mandatory continuing education requirement on parental responsibility evaluators or any other person

⁶ Parental Responsibility Evaluator Sunrise Application, p. 2.

⁷ Parental Responsibility Evaluator Sunrise Application, p. 8.

⁸ Parental Responsibility Evaluator Sunrise Application, p. 8.

⁹ Parental Responsibility Evaluator Sunrise Application, p. 8.

¹⁰ Parental Responsibility Evaluator Sunrise Application, p. 9.

serving in any other court appointed role in the Colorado Family and Domestic Courts to assist the courts and families [to] resolve issues of allocation of parental responsibilities, child and family investigations, and parental and child evaluations.¹¹

The MCE Application focuses, though not exclusively so, on the need for parental responsibility evaluators and other court appointees to be knowledgeable in the areas of domestic violence and child abuse.¹²

¹¹ Mandatory Continuing Education Application for Parental Responsibility Evaluators, p. 2.

¹² Mandatory Continuing Education Application for Parental Responsibility Evaluators, p. 2.

Summary of Current Regulation

The Colorado Regulatory Environment

Colorado law provides for several types of court appointed individuals in family court proceedings, including parenting coordinators, legal representatives of the child, qualified domestic relations decision-makers, arbitrators, child and family investigators (CFIs) and parental responsibility evaluators.

Although there are no laws directly regulating parenting coordinators or qualified domestic relations decision-makers, statute provides for general qualifications, mandatory disclosures and disqualification from appointment.¹³

Anyone appointed as the legal representative of a child must be a Colorado-licensed attorney.¹⁴

Statute provides no requirements as to who may serve as an arbitrator and does not require any disclosures.¹⁵

Of all the court appointees enumerated above, the role of the CFI is the most similar to that of the parental responsibility evaluator (the subject of this sunrise review). Thus, a more in-depth analysis of CFI regulation is justified.

CFIs are appointed by the courts to assist the court in deciding issues pertaining to parenting time and parental decision-making. The scope of work performed by a CFI in a given case is stated in the court order appointing the CFI, but the general role of a CFI is to investigate, report and make recommendations to the court regarding the best interests of the child.¹⁶

A court-appointed CFI must be an attorney, mental health professional or anyone else with appropriate training, qualifications and independent perspective acceptable to the court.¹⁷ Additionally, statute provides for mandatory disclosures and disqualification from appointment.¹⁸

CFIs have been regulated by the State Court Administrator's Office since 2016. In general terms, an individual must pass a criminal history background check and complete a 40-hour training course.¹⁹

¹³ See §§ 14-10-128.1 and -128.3, C.R.S.

¹⁴ § 14-10-116, C.R.S.

¹⁵ § 14-10-128.5, C.R.S.

¹⁶ Colorado Judicial Branch. *Child and Family Investigators*. Retrieved July 3, 2018, from www.courts.state.co.us/Administrative/Section.cfm?Section=jp3domprog

¹⁷ § 14-10-116.5(2), C.R.S.

¹⁸ § 14-10-116.5(2.5), C.R.S.

¹⁹ Colorado Judicial Branch, Chief Justice Directive 04-08, § IV(A).

The individual must provide documentation that demonstrates experience, education or skills pertaining to, but not limited to:²⁰

- The effects of divorce, single parenting and remarriage in children, adults and families;
- Dynamics of high conflict divorce;
- Child development;
- Child and adult psychopathology;
- Family dynamics and dysfunction;
- Domestic violence;
- Substance abuse;
- Child abuse;
- Parenting capacity;
- Diversity issues;
- Available services and resources for the children and parties, including medical, mental health, educational and special needs;
- Applicable legal standards; and
- Techniques for interviewing children and others.

The State Court Administrator's Office then determines whether to place the individual on the Statewide Eligibility Roster, thus enabling the person to serve as a CFI.²¹ As of August 2018, there were 208 CFIs on the Statewide Eligibility Roster.

The State Court Administrator's Office has established standards of practice for CFIs,²² as well as procedures for receiving and investigating complaints²³ and for imposing sanctions when appropriate.²⁴ Finally, CFIs must complete at least 15 hours of continuing education every three years.

Although there are no laws directly regulating the practice of parental responsibility evaluators, Colorado law does specify the qualifications of such individuals, as well as what they must consider while conducting evaluations.

In any proceeding involving the allocation of parental responsibilities, a court may, upon motion of either party or upon its own motion, appoint a county or district social services department or a licensed mental health professional to perform an evaluation and file a written report concerning the disputed issues relating to the allocation of parental responsibilities.²⁵

Licensed mental health professionals include licensed addiction counselors, licensed professional counselors, marriage and family therapists, psychologists and licensed

²⁰ Colorado Judicial Branch, Chief Justice Directive 04-08, Comment to § VIII(C), Standard 6.

²¹ Colorado Judicial Branch, Chief Justice Director 04-08, § IV(B).

²² Colorado Judicial Branch, Chief Justice Directive 04-08, § VIII.

²³ Colorado Judicial Branch, Chief Justice Directive 04-08, § V

²⁴ Colorado Judicial Branch, Chief Justice Directive 04-08, § VI.

²⁵ § 14-10-127(1)(a)(I), C.R.S.

social workers. Although only a licensed mental health professional may sign a parental responsibility evaluation, associates or unlicensed individuals may work under him or her.²⁶

If the parental responsibility evaluator provides testimony on the evaluation, the court must first determine that the parental responsibility evaluator is qualified as competent, by training and experience, in the following areas:²⁷

- The effects of divorce and remarriage on children, adults and families;
- Appropriate parenting techniques;
- Child development;
- Child and adult psychopathology;
- Applicable clinical assessment techniques; and
- Applicable legal and ethical requirements of parental responsibility evaluation.

Within seven days after the appointment, the parental responsibility evaluator must make certain disclosures to each party, attorneys of record and the court. Information that must be disclosed includes any familial, financial or social relationship that he or she has had with the child, either party, the attorneys of record or the judicial officer. If such a relationship has existed, the evaluator must also disclose the nature of that relationship.²⁸

In the court's discretion, it may terminate the appointment and appoint a different parental responsibility evaluator. Additionally, either party may, within seven days from the date of the disclosures, object to the appointment. The court must then either confirm the appointment, or appoint a different evaluator within seven days.²⁹

If the evaluation involves an area of expertise that is beyond that possessed by the evaluator, the evaluator must consult with a mental health professional who is qualified. Such areas may include domestic violence, child abuse, alcohol or substance abuse or psychological testing.³⁰

Under certain circumstances, the evaluator may make recommendations to the court even though not all parties have been evaluated by the same evaluator, provided the evaluation states the limitations of the findings and recommendations.³¹

²⁶ § 14-10-127(1)(b), C.R.S.

²⁷ § 14-10-127(4), C.R.S.

²⁸ § 14-10-127(1.2)(a), C.R.S.

²⁹ § 14-10-127(1.2)(b), C.R.S.

³⁰ § 14-10-127(5), C.R.S.

³¹ § 14-10-127(6)(b), C.R.S.

A parental responsibility evaluation concludes with a report to the court, and provided to the parties, which must include, at a minimum:³²

- A description of the procedures employed during the evaluation;
- A report of the data collected;
- A conclusion that explains how the resulting recommendations were reached from the data collected, with specific reference to statutes regarding the best interests of the child and, if applicable, to the criteria listed in statutes pertaining to modifications of custody or decision-making responsibility, and their relationship to the results of the evaluation;
- Recommendations concerning the allocation of parental responsibilities, including decision-making responsibility, parenting time and other considerations; and
- An explanation of any limitations in the evaluation or any reservations regarding the recommendations.

Either party may request a supplemental, or second, evaluation be conducted. The court must appoint another parental responsibility evaluator, unless:³³

- The supplemental evaluation is requested for purposes of delay,
- A party objects and the objecting party or the child has a physical or mental condition that would make it harmful for the party or the child to participate in the supplemental evaluation,
- The supplemental evaluation is requested in order to harass or oppress the other party,
- The party requesting the supplemental evaluation has failed or refused to cooperate with the first evaluation,
- The weight of the evidence other than the evaluation concerning the allocation of parental responsibilities or parenting time demonstrates that a second evaluation would not be of benefit, or
- In addition to the first parental responsibility evaluation, there has also been an investigation and report prepared by a CFI and the court finds that a supplemental evaluation will not serve the best interests of the child.

In determining the best interests of the child, for the purposes of determining parenting time, the court must consider all factors, including:³⁴

- The wishes of the child's parents;
- The wishes of the child if he or she is sufficiently mature to express reasoned and independent preferences;

³² § 14-10-127(7), C.R.S.

³³ § 14-10-127(1)(a)(I.5), C.R.S.

³⁴ § 14-10-124(1.5)(a), C.R.S.

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- The interaction and interrelationship of the child with his or her parents, siblings and any other person who may significantly affect the child's best interests;
 - The child's adjustment to his or her home, school and community;
 - The mental and physical health of all individuals involved, except that a disability alone must not serve as a basis to deny or restrict parenting time;
 - The ability of the parties to encourage the sharing of love, affection and contact between the child and the other party, except that if the court determines that a party is acting to protect the child from witnessing domestic violence or from being a victim of child abuse or neglect or domestic violence, the party's protective actions must not be considered with respect to this factor;
 - Whether the past pattern of involvement of the parties with the child reflects a system of values, time commitment and mutual support;
 - The physical proximity of the parties to each other as this relates to the practical considerations of parenting time; and
 - The ability of each party to place the needs of the child ahead of his or her own needs.

As licensed mental health professionals, parental responsibility evaluators are regulated by their respective licensing boards when acting within the scope of their licenses:

- Licensed addiction counselors by the State Board of Addiction Counselor Examiners,
- Licensed professional counselors by the State Board of Licensed Professional Counselor Examiners,
- Marriage and family therapists by the State Board of Marriage and Family Therapist Examiners,
- Psychologists by the State Board of Psychologist Examiners, and
- Licensed social workers by the State Board of Social Work Examiners.

The scope of practice of licensed addiction counselors, based on the individual's education, training, knowledge and experience, includes

behavioral health counseling and may include the treatment of substance use disorders, addictive behavioral disorders, and co-occurring disorders, including *clinical evaluation* and diagnosis, treatment planning, service coordination, case management, *clinical documentation*, professional and ethical responsibilities, education and psychotherapy with clients, family, and community, clinical supervisory responsibilities, and intervention.³⁵ [emphasis added]

³⁵ § 12-43-803(4), C.R.S.

The practice of licensed professional counseling means

the application of mental health, psychological, or human development principles through cognitive, affective, behavioral, or systematic intervention strategies that address wellness, personal growth, or career development, as well as pathology. [] *The practice of professional counseling may include: Evaluation; Assessment; Testing; . . .*³⁶ [emphasis added]

The practice of marriage and family therapy means

the rendering of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, whether such services are offered directly to the general public or through organizations, either public or private, for a monetary fee. *Marriage and family therapy utilizes established principles that recognize the interrelated nature of individual problems and dysfunctions to assess, understand, diagnose, and treat emotional problems; behavioral mental health, and substance abuse disorders; and domestic violence, and modify intrapersonal and interpersonal dysfunctions.* [] *Professional marriage and family therapy practice may include, but is not limited to: Assessment and testing . . .*³⁷ [emphasis added]

The practice of psychology includes

*the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures, for the purpose of: [] Providing clinical information to be utilized in legal proceedings.*³⁸ [emphasis added]

The practice of social work means

the professional application of social work theory and methods . . . for the purpose of prevention, *assessment, diagnosis*, and intervention with individual, *family, group, organizational, and societal problems* [] *Professional social work practice may include, but is not limited to: Assessment.*³⁹ [emphasis added]

Thus it is clear that most, if not all, of these professionals conduct parental responsibility evaluations within their respective scopes of practice.

Importantly, this was not always the case. Prior to July 1, 2011, the various mental health boards expressly lacked jurisdiction over their licensees when those licensees

³⁶ §§ 12-43-602.5(1 and 2), C.R.S.

³⁷ §§ 12-43-503(1) and (2)(a), C.R.S.

³⁸ § 12-43-303(1)(c), C.R.S.

³⁹ §§ 12-43-403(1) and (2)(a), C.R.S.

were acting as court appointed custody evaluators. This exemption was repealed in Senate Bill 11-187.

As licensed professionals, these practitioners are obligated to refrain from providing services that are outside of their training, experience or competence.⁴⁰ They must also adhere to generally accepted standards of practice,⁴¹ which, in the context of parental responsibility evaluators, may include adherence to, among others:

- The American Academy of Child and Adolescent Psychiatry's *Practice Parameters for Child Custody Evaluation*;
- The American Psychological Association's *Guidelines for Child Custody Evaluations in Family Law Proceedings*;
- The Association of Family and Conciliation Courts' *Model Standards of Practice for Child Custody Evaluation*; and
- The National Council of Juvenile and Family Court Judges' *Guiding Principles for Effectively Addressing Child Custody and Parenting Time in Cases*.

Finally, all licensed mental health professionals must satisfy continuing professional development or continuing professional competency requirements.⁴²

Regulation in Other States

A review of the laws of Colorado's six contiguous neighbors (Arizona, Nebraska, New Mexico, Oklahoma, Utah and Wyoming) reveals that none regulate parental responsibility evaluators, or an equivalent, as a distinct profession. Rather, most have systems in place that are similar to Colorado's. Some highlights include:

- In **Arizona**, to be listed on the state's family court behavioral roster, an individual must be a licensed psychologist, behavioral health professional, psychiatrist or nurse. These professionals must complete six hours of initial training in each of two areas: domestic violence and child abuse. They must then complete four additional hours of continuing education in each area every two years.
- Court clinicians in **New Mexico** must possess a master's degree in psychology, counseling, social work or other mental health field, and complete 40 hours of mediation training and 20 hours of advanced family training.
- **Oklahoma** allows licensed professional counselors to conduct custody evaluations with appropriate certification, education and experience.

⁴⁰ § 12-43-222(1)(h), C.R.S.

⁴¹ § 12-43-222(1)(g)(I), C.R.S.

⁴² §§ 12-43-307, -411, -506, -605, -805, C.R.S.

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- In **Utah**, custody evaluations must be performed by individuals with specific training in child development and who are licensed as a social worker, psychologist, psychiatrist or marriage and family therapist.

Analysis and Recommendations

Public Harm

The first sunrise criterion asks:

Whether the unregulated practice of the occupation or profession clearly harms or endangers the health, safety, or welfare of the public, and whether the potential for harm is easily recognizable and not remote or dependent on tenuous argument.

Before moving forward in the analysis of harm concerning parental responsibility evaluators, it is important to identify what constitutes harm to the public. The improper actions of parental responsibility evaluators could result in financial, emotional or physical harm.

Financial harm can occur when a parental responsibility evaluation is done improperly or when either party requests a supplemental evaluation. Parental responsibility evaluations typically cost between \$5,000 and \$10,000, although they can go even higher.

Consumers could be subject to emotional harm by parental responsibility evaluators if the evaluation recommends, for example, that one parent is responsible for sole decision-making concerning a child. Often, the court utilizes a parental responsibility evaluation to make decisions concerning children in high conflict custody proceedings. As such, some of the recommendations in the parental responsibility evaluations presented to the court may not be well received by one of the parents involved in the proceedings.

Physical harm may occur if, for example, an evaluation recommends sole custody be awarded to a parent who may have been or is abusive.

Although the sunrise application proposed various requirements to be placed on parental responsibility evaluators most can be characterized as pertaining to how evaluations are conducted rather than a more traditional regulatory system. The creation of a new license type or registry, however, more closely aligns with traditional notions of professional and occupational regulation, so this is the primary focus of the following analysis.

In order to determine whether the regulation of parental responsibility evaluators is necessary, the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) requested that the Parents for Family Law Justice Colorado, Parents United for Change and Moms Fight Back (Applicants) provide specific examples of harm to the public.

The Applicants submitted many examples of harm, which can be divided into four general categories:

- Standard of practice/competency,
- *Ex parte* communication,
- Professionalism, and
- Fees.

This sunrise report will highlight some examples from each of the aforementioned categories followed by COPRRR's analysis.

Standard of Practice/Competency

A psychologist who performed a parental responsibility evaluation did not interview the party accused of false hearsay allegations or rape or any of the effected family members, and she did not investigate the allegations made by the opposing party for supportive evidence of the claims. The psychologist also did not follow standard Sex Offender Management Board (SOMB) procedures that are expected when providing SOMB recommendations to the court.

Analysis

This example alleges that improper investigative procedures were followed and if true, would constitute harm. It is unclear, however, whether the party (or the party's attorney) who disagrees with the recommendation, cross examined the parental responsibility evaluator in court. This is important because there is a process in place to assist in the protection of individuals who disagree with a recommendation. They have an opportunity to show the court where the information is incorrect. Also, this example does not state whether a supplemental evaluation was pursued. Both cross examination and supplemental options are valuable tools for parties who disagree with an evaluation, and were established to ensure a fair process in the court system. Also, since the State Board of Psychologist Examiners (Psychologist Board) has regulatory oversight of psychologists, a complaint could have been filed, and if it was determined that a violation of the practice act occurred, the Psychologist Board could have imposed discipline on the practitioner. As such, additional oversight is unnecessary.

During a parental responsibility evaluation, a psychologist used the Rorschach test and testified in court that the results demonstrated that the party who took the test had an inability to make decisions. The person who took the test stated that she provided all accurate answers, as she was familiar with the test answers.

Analysis

This example does not illustrate harm to the consumer; instead, it details that a person took the Rorschach test that demonstrated that the person had an inability to make decisions. If, however, the party who took the test believes that the psychologist administered the test improperly, violated the standards of practice or violated a provision of the psychologist practice act or applicable rules, a complaint could have been filed with the Psychologist Board. If a violation occurred, the psychologist could have been formally disciplined. As such, it is unclear how additional regulation would provide additional consumer protection.

Two psychologists, one of which was a forensic psychologist, evaluated the psychologist's parental responsibility evaluation and determined that the report exaggerated the testing data, which claimed the party has a histrionic disorder without supporting evidence.

Analysis

It is unclear that harm occurred in this instance, but it could potentially have occurred had the second psychologist not been involved. When two parties agree to have a parental responsibility evaluation completed, and one or both parties disagree with the evaluation, including test data results, they are able to cross examine the parental responsibility evaluator, which may influence the court as to the ultimate decision. Also, one or both parties are able to request a supplemental evaluation. Although a supplemental evaluation is available, it may be cost prohibitive because parental responsibility evaluations are expensive. However, a supplemental evaluation is a viable option for consumers who believe that an evaluation misrepresented information. Also, if a violation of the psychologist practice act occurred, the parties could have filed a formal complaint with the Psychologist Board. If a violation occurred, it could have imposed discipline on one or both of the psychologists. Since these mechanisms are in place, it is unclear whether additional regulation would provide additional protection to consumers.

Ex Parte Communication

A psychologist conducting a parental responsibility evaluation participated in *ex parte* communication with opposing counsel on two separate occasions.

Analysis

Although this example does not provide much detail, if true, the situation could have been communicated to the court for possible action.

It is unclear whether the court was made aware of the situation. Also, a complaint could have been filed with the Psychologist Board for a possible professional conduct violation, and if substantiated, the Psychologist Board could have imposed formal discipline on the psychologist. Since a formal mechanism already exists related to psychologists, additional regulation is unnecessary.

A psychologist who conducted a parental responsibility evaluation sat with the opposing party in the courtroom and following her testimony, had lunch with the opposing attorney and the former spouse before resuming her testimony.

Analysis

This example does not state whether communication concerning the parental responsibility evaluation or the case actually occurred between the opposing council and the former spouse at lunch. However, there is at least the perception of impropriety. There were two options available to the spouse who believed that ex parte communication occurred. First, the spouse could have informed the court that ex parte communication occurred, and the court could have ordered another evaluation if the claim was substantiated. Also, if the spouse believed that ex parte communication occurred, a complaint could have been filed with the Psychologist Board for possible disciplinary action. Since remedies currently exist to address potential violations such as ex parte communication, requiring additional regulatory oversight is unnecessary.

Professionalism

A psychologist was at least 20 minutes late to every meeting, except one. She spent an inordinate amount of time telling anecdotal stories of her extensive travel, personal history, shoes, education and family. The psychologist also complained to her client about her husband's affair.

Analysis

This example is not related to the duties performed by a parental responsibility evaluator; instead, it details conversations about personal issues. Although the information provided appears to border on unprofessional behavior, it does not detail information concerning a substandard evaluation. The client could have filed a complaint with the Psychologist Board for review. As such, it is unclear how additional regulatory oversight of the psychologist would enhance protection of the consumer.

Fees

Some examples of harm included concerns about fees. For example, a psychologist attempted to charge a consumer for two additional hours for driving/court time that did not occur. Also, the overall cost of a parental responsibility evaluation to a consumer is more than \$16,000.

Analysis

Generally, the regulation of professions and occupations does not include the regulation of fees. However, the State of Colorado does currently regulate the total amount a child family investigator (CFI) can charge when conducting an evaluation.

Although the examples of harm highlighted above, along with those submitted but not discussed, demonstrate harm to the public, they do not provide a justification to further regulate parental responsibility evaluators. Recall that parental responsibility evaluators are regulated mental health professionals. If a mental health professional practices beyond his or her scope of practice or acts in a way that is contrary to the standard of practice, he or she is subject to formal discipline by the appropriate regulatory board. Importantly, Senate Bill 11-187 repealed the exemption of regulatory oversight of the mental health boards for mental health professionals who were performing parental responsibility evaluations.

Therefore, formal regulation already exists for professionals who conduct parental responsibility evaluations. As the analysis of the examples above highlights, the majority of concerns/issues, if accurate, could be addressed by the regulatory boards currently.

The court system adds an additional layer of consumer protection when a parental responsibility evaluator is utilized. First, if one or both parties in a parental responsibility evaluation believe that an evaluation is conducted incorrectly, they can cross examine (or the party's attorney can cross examine) the evaluator to clearly highlight inaccurate information. This is an essential component of having a voice during an evaluation, wherein consumers are able to discuss inaccuracies within a report, including the recommendation, and argue for their position.

Also, if a party disagrees with a recommendation, he or she can request a supplemental evaluation be completed by a different evaluator. It is important to note that evaluations are time consuming and expensive, and parental responsibility evaluations are usually utilized in contentious situations. However, there are effective mechanisms in place that consumers may use when they believe that an evaluation was unfairly conducted.

In an attempt to further identify harm to consumers, COPRRR staff also contacted the State Court Administrators Office and the Division of Professions and Occupations (DPO). The State Court Administrators Office staff indicated that there were very few complaints against parental responsibility evaluators in the past several years. Staff recognized that parental responsibility evaluations are often emotional to the parties involved, as recommendations were suggested by parental responsibility evaluators involving issues such as child custody and decision-making authority for children. However, staff maintained that recommendations were generally based on a thorough psychological evaluation process to ensure the best interests of the children involved. Also, staff articulated that there are two processes already in place to provide oversight of the parental responsibility evaluators - the mental health boards that provide regulatory oversight of the mental health professions and the courts.

COPRRR staff also contacted and interviewed DPO administrative staff associated with the various mental health boards. DPO staff stated that in calendar years 2016 through March 2018, 18 complaints were filed against mental health professionals who completed parental responsibility evaluations. All of the complaints were dismissed or the boards are waiting for additional information. This information indicates that the mental health boards have received and reviewed complaints filed against mental health professionals who were practicing as parental responsibility evaluators.

Further, COPRRR staff surveyed all mental health professionals. The survey indicated that since July 2011, 32 survey respondents had complaints filed against them with the mental health boards when they conducted parental responsibility evaluations, with one complaint resulting in formal discipline being imposed.

This reinforces the premise that regulatory oversight already exists. If a practitioner violates a practice act while serving as a parental responsibility evaluator, he or she may be formally disciplined for violations of the practice act.

As highlighted above, parental responsibility evaluators have harmed consumers. However, there are mechanisms in place to mitigate the harm. The courts ultimately appoint mental health professionals to complete parental responsibility evaluations, and the courts can reject the recommendations in the resulting reports, or modify them. Also, if the court believes that a particular parental responsibility evaluator produces substandard reports, it may choose to not utilize the services of that parental responsibility evaluator. The oversight of the courts adds a layer of protection beyond professional licensure.

Although there is substantial evidence that parental responsibility evaluators can cause harm, there are multiple safeguards in place to protect consumers.

Need for Regulation

The second sunrise criterion asks:

Whether the public needs and can reasonably be expected to benefit from an assurance of initial and continuing professional or occupational competence.

This criterion addresses the proposition of whether the state should require a certain level of education and/or impose a requirement that parental responsibility evaluators pass an examination before being licensed in Colorado.

Regulated mental health professionals conduct parental responsibility evaluations and are required to achieve a minimum level of education and pass an examination. As a result, the public is already protected by such an assurance. Therefore, imposing a requirement for parental responsibility evaluators to attain additional education and pass an additional examination is unnecessary.

As licensed mental health professionals, they are also subject to continuing competency requirements. Imposing additional continuing education requirements would be duplicative.

Further, parental responsibility evaluators are required, in section 14-10-127(4), Colorado Revised Statutes, to be qualified and competent by training and experience in the following areas:

- The effects of divorce and remarriage on children, adults and families;
- Appropriate parenting techniques;
- Child development, including cognitive, personality, emotional and psychological development;
- Child and adult psychopathology;
- Applicable clinical assessment techniques; and
- Applicable legal and ethical requirements of parental responsibilities evaluation.

Since these requirements are already in statute, implementing additional requirements is unnecessary.

COPRRR staff conducted a survey of all mental health professionals for this sunrise review to determine, among other things, how many of them complete parental responsibility evaluations and whether they received any specialized training prior to completing an evaluation. Many of the survey respondents, approximately 77 percent, indicated that they obtained specialized training before accepting their first appointment to complete an evaluation.

Since additional training for parental responsibility evaluations appears to be common among mental health professionals, the need to require additional training is unnecessary.

Alternatives to Regulation

The third sunrise criterion asks:

Whether the public can be adequately protected by other means in a more cost-effective manner.

Additional public protection for consumers who utilize parental responsibility evaluators could potentially be realized in a cost-effective manner by requiring evaluators to be Nationally Certified Custody Evaluators (NCCE) or by requiring parental responsibility evaluations to be completed by child and family investigators (CFIs).

Generally, to achieve NCCE certification, an applicant is required to possess a doctoral or master's degree in a mental health specialty from an accredited college or university; possess two years of custody evaluation experience, during which they completed at least five comprehensive custody evaluations; have two references from other mental health professionals, attorneys or judges; and:⁴³

- Possess a current license to practice as a mental health professional,
- Be a member of a recognized mental health professional association that has published relevant standards of practice, or
- Possess at least two years' experience working with a family court system.

Requiring parental responsibility evaluators who obtain an NCCE credential prior to conducting an evaluation is an option; however, since a regulatory system is already in place, it is unnecessary. Also, there are only two NCCE-certified practitioners in the state of Colorado, so there would be a severe restriction of supply, at least in the short term.

Additionally CFIs could be utilized to conduct all parental responsibility evaluations. Generally, the scope of work performed by a CFI is stated in the court order appointing the CFI, but the role of a CFI is to investigate, report and make recommendations to the court regarding the best interests of the child.⁴⁴

⁴³ The Professional Academy of Custody Evaluators. *Academy Register: Nationally Certified Custody Evaluators, Nationally Certified Parenting Coordinators*. Retrieved July 5, 2018, from www.academyregister.com/NCCE_criteria.html

⁴⁴ Colorado Judicial Branch. *Child and Family Investigators*. Retrieved July 3, 2018, from www.courts.state.co.us/Administrative/Section.cfm?Section=jp3domprog

Also, requiring CFIs to conduct all evaluations related to high conflict custody situations may limit the effectiveness of the evaluations. CFIs conduct more narrow evaluations and take much less time to complete them, whereas parental responsibility evaluations are extensive, comprehensive evaluations in often adverse situations.

A state registry could be established for parental responsibility evaluators, where, in order to provide evaluations, a practitioner would be required to be on the registry. Mental health professionals are already formally regulated by the State of Colorado, however, so establishing a registry is duplicative and unnecessary.

Collateral Consequences

The fourth sunrise criterion asks:

Whether the imposition of any disqualifications on applicants for licensure, certification, re-licensure, or re-certification based on criminal history serves public safety or commercial or consumer protection interests.

The sunrise application does not propose using an applicant's criminal history as a disqualifier for parental responsibility evaluators. However, the application does state that once regulation is in place, criminal actions by some practitioners may come to light.

Conclusion

The sunrise application for parental responsibility evaluators proposes various requirements to be placed on parental responsibility evaluators most of which pertain to how the evaluations are conducted. The Applicants also proposed the creation of a registry or a new license type, both of which align more closely with traditional notions of occupational licensing, and so is the focus of the following discussion. Parental responsibility evaluators are appointed by a court to conduct an evaluation and, ultimately, make recommendations to the court concerning a number of issues, including parenting time and parental responsibilities. A parental responsibility evaluation is an in-depth analysis that typically includes some level of testing (forensic psychology). An evaluation can take several months to complete and the cost for an evaluation can reach into the tens of thousands of dollars.

Typically, parental responsibility evaluators are used by courts in high conflict custody proceedings. Often, there are several issues/allegations against one or both of the parents, and they cannot agree on parental responsibilities. Interviews by the Colorado Office of Policy, Research and Regulatory Reform (COPRRR) staff for this

sunrise review identified several areas of harm pertaining to competency, *ex parte* communication, professionalism and fees.

Mental health professionals conduct parental responsibility evaluations, and there are relatively few who work in this field. In fact, it is estimated that there are between 15 and 150 parental responsibility evaluators in Colorado. Further, COPRRR staff surveyed all licensed mental health professionals, and data provided in the survey indicate that only 20 respondents have completed more than 30 parental responsibility evaluations in the last five years, which highlights the limited number of practitioners who provide these evaluations for the courts.

Additionally, there is already regulatory oversight of mental health professionals in Colorado regardless of the setting in which they practice. In fact, there are several boards within the Department of Regulatory Agencies that provide regulatory oversight of the respective mental health professions. As illustrated in this report, the cases of consumer harm provided by the sunrise applicant, if accurate, are within the jurisdiction of the various mental health regulatory boards. In other words, if a regulated mental health professional violated his or her respective practice act while functioning as a parental responsibility evaluator, that practitioner would be subject to formal discipline.

Further, parental responsibility evaluators are required, in section 14-10-127(4), Colorado Revised Statutes, to be qualified and competent by training and experience in the following areas:

- The effects of divorce and remarriage on children, adults and families;
- Appropriate parenting techniques;
- Child development, including cognitive, personality, emotional and psychological development;
- Child and adult psychopathology;
- Applicable clinical assessment techniques; and
- Applicable legal and ethical requirements of parental responsibilities evaluation.

If a mental health professional is practicing as a parental responsibility evaluator and does not possess the aforementioned qualifications, he or she may be practicing beyond his or her scope of practice and may be subject to discipline by the applicable mental health board and dismissed by the appointing court.

Mental health practitioners who work as parental responsibility evaluators are also subject to oversight by the court. A party in a custody proceeding who utilizes a parental responsibility evaluator may cross examine the practitioners related to the findings and recommendations in the report. Doing so provides an opportunity for the court to hear arguments and disagreements concerning the report. The court ultimately makes the decision, not the evaluator.

Additionally, if one or both parties in the proceeding disagree with the recommendation, one or both parties can request a supplemental evaluation be completed by a different parental responsibility evaluator. Although the parties are responsible for the additional cost of a supplemental evaluation, this is another option for consumers to utilize if they disagree with an evaluation.

If the court finds a parental responsibility evaluation unacceptable or the evaluator incompetent, it can refuse to appoint the mental health professional for future evaluations.

Since parental responsibility evaluators already fall under the jurisdiction of not only the courts, but their respective regulatory boards, creating an additional regulatory structure appears unnecessary.

Recommendation – Do not require additional regulation of parental responsibility evaluators.

Appendix A - Survey of Licensed Mental Health Professionals

In July 2018, COPRRR conducted a survey of all licensed mental health professionals, those who are qualified to conduct parental responsibility evaluations. Due to the confidential nature of email addresses, these individuals were notified of the survey by the Department of Regulatory Agencies' Division of Professions and Occupations (DPO) by way of email. DPO emailed the link to the survey to 19,789 individuals, and 855 responded and took the survey, for an overall response rate of 4.3 percent. While rate is low, it is likely because only a small fraction of mental health professionals conducts parental responsibility evaluations.

1. How many court-ordered parental responsibility evaluations have you completed in the last five years?

0	754	88.2%
1-5	50	5.8%
6-10	8	0.9%
11-20	12	1.4%
21-30	11	1.3%
More than 30	20	2.3%

2. Please indicate which type of mental health provider license you hold (check all that apply).

Licensed Addiction Counselor	4	4%
Licensed Professional Counselor	24	23.8%
Marriage and Family Therapist	3	3%
Psychologist	42	41.6%
Social Worker	24	23.8%
dv approved	1	1%
CAC III	1	1%
RP	1	1%
Domestic Violence Treatment Provider, Colorado Approved	1	1%

3. Did you obtain any specialized training before accepting your first appointment as a parental responsibility evaluator?

Yes	78	77.2%
No	23	22.8%

4. Do you take any continuing education courses or engage in any continuing professional competency/professional development activities related to your practice as a parental responsibility evaluator?

Yes	87	86.1%
No	14	13.9%

5. In conducting a parental responsibility evaluation, which of the following standards/guidelines do you utilize? (Check all that apply.)

None	9	8.9%
American Academy of Child and Adolescent Psychiatry’s Practice Parameters for Child Custody Evaluation	13	12.9%
American Psychological Association’s Guidelines for Child Custody Evaluations in Family Law Proceedings	60	59.4%
Association of Family and Conciliation Court’s Model Standards of Practice for Child Custody Evaluation	62	61.4%
National Council of Juvenile and Family Court Judges’ Guiding Principles for Effectively Addressing Child Custody and Parenting Time in Cases	14	13.9%
Love and logic, Nurturing parenting	2	2%
State of Colorado Supreme Court	1	1%
Consortium for Children	1	1%
Colorado Bar Association Family Law Manual	1	1%
Metro Denver IC	1	1%

6. In approximately what percentage of parental responsibility evaluations that you have conducted is domestic violence alleged by at least one of the parties?

0	9	8.9%
1-5%	13	12.9%
6-10%	11	10.9%
11-15%	4	4%
16-20%	11	10.9%
21-30%	14	13.9%
31-50%	22	21.8%
More than 50%	17	16.8%

7. Have you taken any domestic violence training?

Yes	86	85.1%
No	15	14.9%

8. Do you provide your mandatory disclosure statement to the parties involved in a parental responsibility evaluation?

Yes	94	93.1%
No	7	6.9%

9. On average, how much do you charge to complete a parental responsibility evaluation?

Less than \$5,000	46	45.5%
\$5,000-\$10,000	35	34.7%
\$10,000 to \$15,000	19	18.8%
\$15,000-\$20,000	1	1%

10. Since July 2011, have you had a complaint filed against you at DORA with respect to a parental responsibility evaluation you conducted?

Yes	17	16.8%
No	15	14.9%

11. If yes, was any disciplinary action (i.e., letter of admonition, stipulation, probation, license suspended or licensed revoked) taken against your license?

Yes	1	1%
No	28	27.7%
No complaints were filed against me since 2011	72	71.3%