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Ten Practice Tips from the AFCC Task Force on Court-Involved Therapists

by Lyn R. Greenberg, Ph.D., Task Force Reporter

1. Develop and maintain expertise. Acquire and maintain current knowledge of research on divorcing/separating families and their children, as well as issues such as child abuse, domestic violence, alienation and high conflict dynamics, children's suggestibility and interviewing, and child development. Such knowledge is essential to court-involved therapeutic roles, and is just as important for court-involved therapists as for other experts. Even therapists who work only with adults should develop and maintain sufficient knowledge of child-related research to address parenting issues.

2. Informed consent. Detailed informed consent is more important when the client or family is involved in a legal process. Provide detailed informed consent documents; make every effort to ensure that your clients, or the parents of a potential child client, understand the nature of the services to which they are consenting, any limits on confidentiality, and the clients' or parents' responsibilities toward the process (including financial arrangements).

3. When treating children, know the legal custody situation. A parent with apparent authority to consent to treatment may not have actual authority, or may be required by court order to consult with the other parent about treatment decisions. Request a copy of any custody order establishing and clarifying parents' rights to involve their children in mental health treatment, and any decision-making processes that the parents are to follow. If no such order exists, assume the parents have joint legal authority. While it may be legal for one parent to consent to treatment without consulting the other parent, treatment effectiveness may be sabotaged if one parent is excluded.

4. Maintain professional objectivity and multiple working hypotheses about case dynamics and treatment needs. Remember that the information you are getting may be one-sided or incomplete. Use caution in forming or communicating therapeutic opinion based on one-sided information.

5. Know the limits of your role and work within them. Provide clinical feedback as appropriate to treatment and clinical opinions when properly requested. Support your client's therapeutic progress, but avoid becoming engaged as a legal advocate or expert.

6. Use methods supported by available research. Avoid methods, or interpretations of therapeutic information, that would not be consistent with research on issues such as child interviewing, child development, parental conflict, or the use/misuse of play or other behaviors as diagnostic indicators.

7. Release treatment information only with appropriate authorization. If you are working with a parent, be sure that the parent has authorized release of treatment information and has been informed of the potential consequences of such disclosure. If working with a child, clarify the expectations regarding confidentiality, and who has authority to waive or assert the child's privilege.

8. When a child is involved in treatment, maintain balanced procedures. Attempt to obtain information from both parents and to engage both in treatment if possible and appropriate. Avoid unilateral communications with either parent's counsel. Remember that a biased approach to treatment may also be perceived by the child.

9. Convey opinions and information responsibly. Be cognizant of the potential power and misuse of therapist information and opinions. Limit any opinions expressed to those that can be clearly supported by treatment data and are within the scope of the therapist's role. Avoid expressing opinions on psycho-legal issues, even if asked. Avoid psychological jargon; convey information/opinions in language that can be clearly understood by non-mental-health-professionals.

10. Respect the legal system and your role within it; expect accountability. Be respectful of the rights of the parties. Expect a higher level of accountability; maintain records and procedures that will allow you to support your actions. Respect the roles of other professionals, some of whom may be asked to review or assess the progress or effectiveness of therapy.

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