

## Things About Family Law Every Psychologist Should Know

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### **"I just need for you to write a letter, please"**

to the judge to let her know about how upset my son is after a visit with his mother, so she'll change the visit schedule  
 to the insurance company explaining how the car accident has made my son so anxious so my son can keep his cat in our apartment

**-My attorney says the judge will pay attention to what you say.**

### **Therapy traps**

Who wants you to see the child?

What is their status regarding making medical decisions to treat or evaluate the child?

Sole vs. Joint/Shared custody

Physical vs. Legal custody  
*See Decision Tree Handout*

### **When can the child give sole consent?**

Child...

- Is age 14 and older
- Requests drug/alcohol treatment
- Is in "statutorily recognized situations":  
 emancipated minor, has a child, or court ordered treatment
- Emergency situation

Additionally, Act 147's default interpretation is to allow for a child 14 or over or their legal guardian, to give consent for treatment. If the child refuses, legal guardian can consent for a child under 18.

Court orders regarding custody and guardianship trump all conditions.

### Questions about "Who pays?" and cost

- Charging for legitimate services
- Template forms we are happy provide:
- Ex: Intake paperwork
- Looking/reviewing/completing forms
- Writing letters

Do children have confidentiality?

### Who gets to see the treatment notes?

- **Whoever has LEGAL custody**
- **Whoever gave consent for treatment or assessment**
- **Assume you will have to provide the notes to the parent(s), and even an attorney.**

What is your Role and your Goal?:  
**Evaluator or Therapist or ?**

- **Evaluator** roles: For Custody or Parent Capacity or Emotional Abuse
- **Therapist** roles: Reunification or Parenting Coordinator or Co-parenting

### Be clear on who is your client

Parent? Child? Court? Agency?

Oops! High conflict families

- **What they emerge from**
- **Relationship rupture, lack of trust**
- **The pull toward bias**

**Co-Parenting**  
 Steven Cohen, PhD

## Reunification Therapy

Allison Otto, PsyD

## Reunification Therapy

- What is reunification therapy?
- How is reunification therapy different from traditional family therapy?
- Working with the aligned parent
- Working with the rejected parent
- Working with the child
- Addressing the relationship dynamics
- Taking a neutral stance/boundaries
- Updating attorneys and the court

## Parenting Capacity Evaluations

You already have the skills you need to add this to your services.

Evaluation is similar to other evaluations, with the addition of other areas of assessment that address parenting ability and knowledge of child development.

Importance of clarifying the referral questions for an evaluation

The specificity of emotional abuse evaluation questions

<https://www.pacode.com/secure/data/055/chapter3490/s3490.4.html>

*(Handout: Examples of referral questions for a Parenting Capacity Evaluation)*

The referral question for this evaluation was "Has the child been emotionally abused by her father (court) or any family member"? The state of Pennsylvania provides a definition of emotional or mental child abuse that includes the following:

" (B) An act or failure to act by a perpetrator which causes non accidental serious mental injury to .... a child."

Further, *Serious mental injury is defined as a psychological condition as diagnosed by a physician or licensed psychologist, including the refusal of appropriate treatment, that does either of the following:*

- (i) Renders the child chronically and severely anxious, agitated, depressed, socially withdrawn, psychotic or in reasonable fear that the child's life or safety is threatened.
- (ii) Seriously interferes with the child's ability to accomplish age-appropriate developmental and social tasks.

Clarify your role and your goal  
 Identify who will pay  
 You can make these clear in a referral form  
 and/or your Informed Consent Form  
*Handout: Agency Referral Form*

Evaluation report (Again assume an  
 unhappy parent or an attorney is reading  
 your notes.).

Testimony

***Presenting your conclusions:***  
**Testimony**

Testimony

Ashley Milspaw, Psy.D.

Inhale. Exhale

Mindset for Testifying

- You are simply answering questions
- Boundaries of your responsibilities
  - Acceptable to inform the Court that you are unable to answer certain questions
    - What are you able to speak to, and what you are not
- Psychoeducation for the Courts

- Set yourself up for success:
  - Forms (templates available)
  - Boundaries with clients: advance payment and self-care
- Testimony preparation with the attorney

## Tips

- ▣ Will be able to see what questions you will be asked, and can prepare your answers
- ▣ Ask what questions you think opposing counsel will ask- prepare for how will answer those questions

- Be positive. Be confident. (Body language: cool, calm & collected.) Be prepared.
- Stop talking if someone says, "objection." Wait for direction from the Judge as to if you are to answer.

- Take your time. Do not feel pressured to answer multiple questions quickly. Okay to take a deep breath in, a deep breath out, and then respond.

## Cross-Examination

Kay Vennie, D.BH.

## Cross-Examination

- Setting the scene
- Bring copies of your CV

## Benefits

- Intellectual
- Financial

## Reach out for support & consultation

- PPA Child and Family Forensic Committee
- Email addresses
- Association of Family and Conciliation Courts (AFCCnet.com)

## The main challenges:

Reliability: Knowledge and experience

Expertise: Based on the actual subject at hand

## How are reliability and expertise determined?

- Reliability
- More general experience
- Familiarity with regulations
- Familiarity with procedures
- Expertise
  - Specific experience with the matter at hand
  - Knowledge of the research
  - Publications

Don't be afraid to refer to notes or report

Respond calmly  
Answer the question asked,  
then STOP  
Don't be afraid to say "I don't know"

## Explaining Reports

- Be prepared to explain aspects of the results that might be challenged
- Be prepared to explain why you chose a test



New information on cross?  
What happens?

Counsel will ask for re-direct

The opposing counsel will then re-cross

Just a few basics:

- Always bring all pertinent records
- Bring 3 copies of your CV
- Always have the wallet card license
- Expect delays
- Don't panic