

Testifying in Court for Child Parent Psychotherapy Providers: *Helping the Court Understand the Parent, Child, and Dyad*



Quality Improvement Center
for Research-Based
Infant-Toddler Court Teams

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I. Informed Consent

Informed consent encompasses not only the written consent signed by the client or caregiver, but also the discussions and relationship with the client, the parent, and the dyad.

It is important to evaluate the parent's capacity to legally provide consent. The parent may be incapacitated by impediments such as low cognitive skills, addiction, or mental illness that must be taken into account related to obtaining consent.

For court cases, the parent will likely have representation and should be given the opportunity to consult with his or her attorney before signing forms. It should be recognized that parents who are represented have the right to consult their attorney regarding any case related matters.

Be sure to include in your informed consent:

1. A description of Child-Parent Psychotherapy;
2. Who is involved in the process of Child-Parent Psychotherapy;

With planning and respectful processing, the relationship can be maintained and perhaps even enhanced when information sharing with the court is required. The therapist should keep the parent/caregiver fully informed about progress and any recommendations that were made to the court.

3. What is the typical process for a Child-Parent Psychotherapy case;
4. When may you be asked to share information with others;
5. How will you generally go about sharing information;
6. What reactions to Child-Parent Psychotherapy might caregivers expect from their child and what reactions to processing their own trauma may take place in the course of Child-Parent Psychotherapy.

Informed consent goes beyond explaining and signing forms with your client. When parents and children enter into Child-Parent Psychotherapy, they are often being seriously affected by trauma in their lives. It is important for the clinician to have open and honest conversations about the information sharing that may occur, even if an informed consent and/or a release of information is signed.

Establishing a therapeutic and trusting relationship with the parent is an important component of the Child-Parent Psychotherapy process. Honoring and respecting the parent or caregiver's feeling about what information will be shared, and how it will be communicated, is part of the parallel process of Child-Parent Psychotherapy.

In order to accomplish these objectives, it is important to:

1. Have an open discussion with the parent when information is requested about the type of information and by whom it is being requested.
2. Process with the parent or caregiver's their feelings about the necessity of sharing this information.
3. Discuss specifically what will be shared and the reason the information is being requested. For example, "The court has asked about your progress in Child-Parent Psychotherapy in order to help determine the level of supervision needed during your family time. For this reason, I will be sharing the following about our sessions together..... I will also be making this recommendation....."
4. Process with the parent or caregiver how they think knowing that this information will be shared with the court will affect the trust in the relationship with the therapist and work with them how to continue to move forward.

II. What You Should Know in Preparation for Testifying in Court

1. Be aware of local court rules. Therapists are allowed to look at their notes; however, depending on the jurisdiction they may be required to share these referenced notes. Therapists may want to talk to an attorney to find out what is and is not permissible and what to expect.
2. Therapists should be able to describe their training and experience in detail related to early childhood mental health, trauma, and Child-Parent Psychotherapy and in other areas of expertise relevant to the facts of the case. They should be familiar with the qualifications and licensing requirements in their state and how they meet these requirements. They should be prepared to testify about what additional supervision or consultation they received in the past and general and specific consultation on the case.
3. The therapist should be able to discuss relevant bodies of work and research concerning the importance of working in the relationship in order to heal trauma for young children and support their development, including:
 - Early brain development;
 - The impact of trauma on young children;
 - The importance of early healthy relationships; and
 - The significance of healthy social and emotional development and ways to support it.
4. The therapist should be prepared to discuss the research every time you are in court even if you have done so before. Each court proceeding is creating a record for the judge to consider. You may have to testify repeatedly about knowledge that you have previously testified to in other cases, and even more than one time in different hearings involving the same case or family.
5. The therapist may be expected to share information in family team meetings, formal discovery such as interrogatories or depositions, and/or professional staff meetings.

III. Creating “Meaning” for the Court about the Therapeutic Work

1. The therapist should have a good understanding and foundation about trauma. The therapist should be able to articulate how trauma may specifically affect young children.
2. The therapist should be able to discuss why healing trauma in the context of the relationship is important.
3. The therapist should be able to testify about what behaviors and observations both from the assessment and/or sessions of Child-Parent Psychotherapy mean for the child and for the dyad. This should include:
 - Trauma reminders for the child and the parent/caregiver;
 - Reactions/behaviors observed when trauma reminders are present;
 - Behaviors such as hypervigilance, increased arousal, avoidance, behavioral and emotional dysregulation; and
 - Interventions that are being used to help heal the relationship and lessen the impact of trauma reminders for the child.
4. The therapist is painting a picture for the court about what everyday life may be like for the parent or caregiver, the child, and the dyad in terms of the child’s functioning.
5. The therapist should be able to discuss how Child-Parent Psychotherapy goals are designed to assist the dyad in repairing the relationship and helping the child progress developmentally.

IV. Making Recommendations

Clinicians may be asked to make a number of recommendations regarding the child and/or the dyad. These recommendations should be:

1. Discussed with the parent prior to the testimony to ensure open communication and always be mindful of the relationship;
2. Clinical in nature but may address the needs of the dyad, the child, or the caregiver or parent needs to support the child; and

3. Visitation, specific placements, or the status of parental rights are legal decisions not clinical decisions; however, individual judges may permit questions about what may be necessary in a child's environment and what attributes or deficiencies have been observed with the parent/caregiver. For this reason, clinicians may want to describe conditions or environments that best support the dyad and the child's needs.

Contact Us

The QIC-CT will disseminate best practices and findings, including identification of practices that are transferable to state and local child welfare systems across the United States. For QIC-CT resources, please visit www.qicct.org.

For inquires on the QIC-CT, contact: QIC-CT@zerotothree.org.

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