

Slide 4

Terms to Know

- Physical vs Legal Custody
- Sole vs Joint Custody
 - Sole custody is rare
 - Loss of parental rights is rare
 - Can have sole physical but joint legal and vice versa
- Final Say
- Mediation
 - Where do you stand on that as a practice/agency?

WORD

Slide 5

Stats To Know

- About 25% of all divorces are high conflict (Shumaker, Kelsey, 2020)
 - 90% of family court resources are consumed by this population (Anderson, et.al, 2010)
- Increases risk for child psychopathology (Davidson, et.al, 2014)
 - 75% of kids will return to baseline within 1-2 years in a divorce with little to no conflict
 - In high conflict, this becomes trauma (ACES)
- The greatest predictor of how well a child will cope through a divorce is by assessing the level of conflict between the parents during and after
- High chance of children experiencing polyvictimization
 - Short and long term consequences

Slide 6

Spectrum of Divorce

- Friendly
- Business-Like
- Dedicated but Irritated
- Normal, Conflicted
- Habitual Fight Mode
- High Conflict

*Disclaimer

Wonders, 2019

Slide 7

What Is A High Conflict Divorce?


- Ongoing legal disputes (defined as 2+ years)
- Mutual mistrust, high levels of anger/hostility, verbal violence, physical threats and violence, ongoing disagreements about day-to-day parenting, overt/covert undermining, frequent contact with the legal system (Noa, et.al, 2021)



Slide 8


But Why?

- Parents may feel an injustice has occurred (Treloar, 2019)
 - They feel unseen, unheard, and powerless
- Shame
 - They need to be seen as good parents
 - Disneyland
- Mental health diagnoses
- Criminal activity
 - Including DV, abuse, etc.




Slide 9

RED FLAGS





- Inconsistencies in the story
- Unable to present documentation
- Unable to provide contact information for the other parent
- May threaten to leave
- Mentioning they're in court
- Has an agenda



Slide 10

Role of the Therapist


- Hold professional, ethical, and legal boundaries
- Hold a safe space for your client
 - What does this look like?
- Assess for safety and the appropriateness of involving the system
 - Duck therapy
- Providing quality therapy regardless of parent agenda



Slide 11

Role of the Therapist Continued...



- Checking your bias
 - Particularly with the child
 - Kids can be chameleons in a divorce (Garber, 2014)
 - Any party's truth may not be "the truth"
 - Coaching
 - Reporting?
- Self-of-the-Therapist
 - Sometimes, there's really nothing you can do
- (Potential) Multidisciplinary Collaboration
 - Boundaries
- Risk management



Slide 12

**BOUNDARIES
BOUNDARIES
BOUNDARIES**


- This isn't a natural role for us
- Stay in your scope!
- If it feels icky, trust your gut
- If you're feeling out of control, you've probably been triangulated
- You are not the messenger between the parents
- You are not the parents' therapist
- You are not here to listen to them complain about one another but to focus on their child
- It's not your job to pick sides
- Be careful how you advocate
- You use your best clinical judgement, regardless of whether or not it plays to what one parent wants or whether a parent will be mad



Slide 16

Social Worker
Code of Ethics


- (b) Social workers should provide services in substantive areas or use intervention techniques or approaches that are new to them only after engaging in appropriate study, training, consultation, and supervision from people who are competent in those interventions or techniques.



Slide 17


Counselors
Code of Ethics

- C.2.b. New Specialty Areas of Practice Counselors practice in specialty areas new to them only after appropriate education, training, and supervised experience. While developing skills in new specialty areas, counselors take steps to ensure the competence of their work and protect others from possible harm.
- Also has a section that states a therapist must give informed consent when therapist is changing roles (i.e. therapist to custody evaluator)




Slide 18

Our Policies




- Intake
 - Ask about custody
 - Ask for a copy of the divorce decree for the file
 - Mediation
 - Listen for discrepancies
 - If joint custody, ask if the other parent will be surprised to hear from us
 - If yes, we offer the parent for us to hold off until the end of business day so they can contact the other parent
- Paperwork
 - Adolescent consent form
 - Agreement for services for a minor in joint custody
 - Overtly identifies the patient
 - Both parents need to sign full consent paperwork
 - Practice policies
 - Privacy policies
 - Informed consent
- ROIs
 - If there is a stepparent who is paying or transporting, we will ask for an ROI



Slide 19


Our Policies Continued...

- Safety
 - How do you handle a mandated report?
 - What if there's an RD or PO?
- Family therapy
 - Respecting confidentiality of other parent if family therapy is recommended
 - Managing other parents' expectations and/or feelings
- Parent consults
 - Can divide time half and half or can half both parents come in
 - Stepparents?
 - If both parents come in, setting expectations at the start of the session about the purpose of this meeting
- Court matters
 - We are no longer neutral and have to protect our liability
 - Take focus away from the child
 - We're another adult in their world that has an agenda
- Payment
 - We don't split payments
 - They can be adults and abide by whatever their decree outlines
- We don't make court recommendations
 - Could be unethical to do so




Slide 20

But Sarah, Maggi, what if...?



- Exceptions
 - One of the parents is MIA (e.g. drugs, prison, lives in Bali)
 - Safety concerns
 - Protective Orders
- What ifs
 - The custody decree is from another country?
 - The parent never calls us back?
 - What if the parent refuses to consent to treatment?
 - A parent wants to rescind their permission to treat?
 - They can't find their decree?
 - What if there never was a custody decree because the parents were never married?
 - What if the parent says that they have absolutely no way of getting in contact with the other parent and they haven't talked to them in x years?
 - What if they divorce in the middle of treatment?
 - Someone wants records?



Slide 21

I'm Stuck...Help Me

- Consultation, consultation, consultation
- Ethical decision making tree
- Liability insurance carrier
- Professional organization (e.g. AAMFT)

