

Roles and Services of Mental Health Professionals in Child Custody/Parent Time and Co-Parenting Matters

These role descriptions are not endorsed by any organization. There are professionals other than licensed mental health professionals who may provide some of these services. Not all service providers necessarily adhere to these guidelines. Persons seeking services should ask for clarification of the service provider's perception of roles and limitations.

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| ROLE | SERVICES AND LIMITATIONS |
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| Mediator | <p>The purpose of mediation is to help parties resolve conflicts and reach a settlement without court involvement. A mediator meets with both parties; attorneys may or may not be present. Decisions are made by the parties themselves, not the mediator. Some mediators provide child-focused services in which there is an emphasis on helping parties reach decisions that are in the best interest of the child. Proceedings are confidential. Mediators cannot be called upon to give written or oral testimony. Mediators may be mental health professionals, attorneys, or mediators by profession.</p> <p><i>See Utah Statute 30-3-39.</i></p> |
| Parent/ Co-Parenting Coordinator | <p>A court may order or parties may agree to use a Parent Coordinator. Like mediators, Parent Coordinators use their skills to facilitate agreement. However, Parent Coordinators, who are mental health professionals skilled in working with persons who are court-involved, offer advice and make recommendations about arrangements that are in the best interest of the children.</p> <p>Parent Coordinator services might be used to help parties prepare an initial parenting plan or at any time thereafter when one or both parties has a need to revise or clarify the existing plan. A Parent Coordinator might be used when parties need help cooperating with one another and with co-parenting issues in general. When appropriate, a Parent Coordinator may meet and interview the children. However, a Parent Coordinator does not provide therapy to either the children or adults.</p> <p>Limitations include the fact that decision-making authority is not granted. In addition, there is no feedback mechanism by which the Parent Coordinator can share her recommendations with the court. Rule 4-509 states, "Suggestions will not be binding upon the parties, and will not be sent to the court or others unless both parents agree to their dissemination and sign written releases to that effect." Therefore, the effectiveness of a Parent Coordinator who is ordered to provide services consistent with Rule 4-509 will likely be negligible in high-conflict cases.</p> <p>While suggestions may not be sent to the court, Rule 4-509 states, "Parent coordinators shall notify the court of the status of the parent coordination process, on a form provided by the court, at three month intervals or earlier upon termination." This might be taken to mean the Parent Coordinator may provide feedback to the court about the progress being made, including information about the extent to which both parties are cooperating and capable of benefitting from ongoing Parent Coordinator services.</p> <p><i>See Utah Judicial Administration Rule 4-509.</i></p> |

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| <p>Special Master in Domestic Issues</p> | <p>A Special Master is empowered by the court to make binding decisions as an arbitrator. In Utah, a state Supreme Court ruling has caused some courts to hesitate to appoint a Special Master, though some courts continue the practice.</p> <p>A mental health professional skilled in working with court-involved persons might be appointed to serve as a Special Master in cases where there is a need for the type of services provided by a Parent Coordinator but where binding decision making authority is also needed because parties are unable to benefit from recommendations made by a Parent Coordinator. Situations include cases where there are chronic disagreements about the intent of existing orders, or where a return to parent time that is consistent with original orders needs to be managed.</p> |
| <p>Parent Coordinator versus Special Master</p> | <p>In some states the terms <i>parent coordinator</i> and <i>special master</i> are used interchangeably. In Utah, Parent Coordinators do not have decision making authority and the role appears to be quasi-confidential. In high-conflict cases, there is a need for orders that call for Parent Coordinator type services to be provided but which permits decision-making authority and allows feedback to the court about the progress parties are making and recommendations about the future course of the case.</p> |
| <p>Custody/ Parent Time Evaluator</p> | <p>When parties cannot agree on a parenting plan, a child custody/parent time evaluation may be ordered. The purpose of the evaluation is to investigate the needs of the child and the ability of each party to meet those needs. Findings are presented to the parties and their attorneys during a conference. Recommendations may be provided concerning custody and parent time. Findings and recommendations are not confidential. A written report may be requested and submitted to the attorneys and the court. The evaluator may be subpoenaed to testify. Custody/parent time evaluators are mental health professionals.</p> <p><i>See Utah Judicial Administration Rule 4-903.</i></p> |
| <p>Brief Focused Assessment</p> <p>known in Utah as</p> <p>Limited Scope Investigation of Domestic Issues</p> | <p>Brief Focused Assessments (BFA) address specific, narrowly defined referral questions in order to provide commissioners and judges with information. In Utah this type of assessment is outlined in Rule 4-902, Limited Scope Investigation of Domestic Issues. Procedures may be similar to some of the procedures used during a child custody/parent-time evaluation such as interviews with parents and children, observations of parent-child interactions, records reviews, and collateral interviews. The evaluation is guided by focused questions provided by the court. Examples of questions include what sort of parenting schedule would be developmentally appropriate, what would be a developmentally appropriate access plan if a post divorce relocation is allowed, what are the dynamics of a particular parent-child relationship and what suggestions can be made on how to improve the relationship, does a parent suffer from a mental illness or substance abuse and, if so, how might this impact his/her ability to provide a safe environment during parenting time, when a parent has been absent for a period of time under what conditions might it benefit the child to establish a relationship with the parent and what might be the risks.</p> <p><i>See Utah Judicial Administration Rule 4-902.</i></p> |

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| <p>High Conflict Co-Parenting Class</p> | <p>The purpose of a high conflict co-parenting class is to teach co-parenting skills to parties engaged in high conflict disputes. The class is typically hands-on in that opportunities are provided to practice and use the skills under the supervision of the instructor. Parents may be referred to classes by the court or any professional who has served the parties and believes they could benefit. The class may be court ordered. It does not take the place of any class that separating parents are required by law to take. Class participants should inquire in advance whether information about their progress in this or any class may be shared with the court or others.</p> |
| <p>Reunification Therapist</p> | <p>The role and function of a reunification therapist are not legally defined in Utah. The purpose of this therapy is to mend the relationship between a child and a parent. Reunification therapy may be used when children have become estranged or simply separated for an extended period of time because of circumstances such as domestic violence, incarceration of the parent, parental mental illness including substance abuse, and parental alienation. The process involves an assessment of the circumstances that led to the separation, estrangement, or alienation. There are attempts to elicit the commitment of parties to participate and cooperate in a reunification plan. Conjoint therapy eventually takes place and parent time commences. Progress is monitored and supported by the therapist for a period of time. The work may not be confidential in that the court may expect reports.</p> |
| <p>Court-Involved Therapist</p> | <p>The Association of Family and Conciliation Courts (AFCC) has published <i>Guidelines for Court-Involved Therapy</i> (2010). This document explains the differences among a community therapist, court-appointed therapist, court-ordered therapist, and a court-involved therapist.</p> <p>A community therapist is a therapist providing psychotherapeutic treatment to a person or persons who are not involved with the legal system.</p> <p>Court-appointed and court-ordered therapists are those who have been specifically appointed by name (court-appointed therapist) or those who are providing a treatment that has been specifically ordered (court-ordered therapy).</p> <p>The <i>Guidelines</i> defines a court-involved therapist as “any mental health professional providing psychotherapeutic treatment of a parent, child, couple or family who is at any time during the treatment involved with the legal system.” There are likely therapists who are not aware they are working with court-involved individuals or they may not be aware they have certain professional responsibilities as a result of providing treatment to a person who is legally involved.</p> <p>The AFCC <i>Guidelines</i> outline those professional responsibilities, which are considerable. Any therapist working with adults or children involved in the legal system could be at risk of committing ethical errors and should become knowledgeable.</p> <p>In addition to the AFCC publication cited above, readers may wish to read articles on the subject authored or co-authored by Dr. Lyn Greenberg, who has written extensively on this topic. Several articles are referenced on her website: http://lyngreenbergphd.com/publications-and-presentations/</p> |