

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



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 or caregiver's capacity to legally provide consent. (Note: the term *parent* will be used throughout, but it also refers to non-parental caregivers). 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 parents will likely have representation and should be given the opportunity to consult with their 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.

The Therapist Should Be Sure to Include in Informed Consent:

1. A description of Child-Parent Psychotherapy;
2. Who is involved in the process of Child-Parent Psychotherapy;
3. The typical process for a Child-Parent Psychotherapy case;

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 fully informed about progress and any recommendations that were made to the court.

4. When the therapist may be asked to share information with others;
5. How the therapist will generally go about sharing information; and
6. The reactions that caregivers might expect the child to have to Child-Parent Psychotherapy and what reactions to processing the parents' own trauma may take place in the course of Child-Parent Psychotherapy.

Informed consent goes beyond explaining and signing forms with the 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 therapist 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's feeling about what information will be shared, and how it will be communicated, is part of the parallel process of Child-Parent Psychotherapy.

Keeping the following items in mind will help the therapist to accomplish these objectives.

1. Have an open discussion with the parents about the type of information being requested and who is requesting it.
2. Process with the parents their feelings about the necessity of sharing this information.
3. Discuss specifically what information will be shared and the reason it 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 parents how they think their trust in the relationship with the therapist will be affected by knowing that this information will be shared with the court, and work with them on how to move forward.

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

1. It is important to 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 when they testify. Therapists should contact an attorney who represents the agency at which they work or an attorney involved in the case who is supportive of the recommendation the therapist is making. This may or may not be the attorney who actually subpoenaed them. The attorney can advise the therapist about the differences when testifying in Juvenile Court versus other court proceedings, the meaning of the subpoena in terms of what therapists must bring to court, limits to confidentiality when subpoenaed, and other questions therapists may have about their testimony.

2. Therapists should be able to describe in detail their training and experience 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 to 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. Therapists should be prepared to discuss the research every time in court, even if they have done so before. Each court proceeding is creating a record for the judge to consider. Therapists may have to testify repeatedly about knowledge they have previously testified to in other cases and may even have to testify 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;
 - reactions and behaviors observed when trauma reminders are present;
 - behaviors such as hypervigilance, increased arousal, avoidance, and 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 parents, 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

Therapists may be asked to make a number of recommendations regarding the child and/or the dyad. Key steps therapists should take in making the recommendations include:

1. Discuss the recommendations with the parent prior to the testimony to ensure open communication and mindfulness of the relationship.
2. Ensure the recommendations are clinical in nature but may address the needs of the dyad, the needs of the child, and the needs of the parents to be able to support the child.

3. Describe conditions or environments that best support the dyad and the child's needs. 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 parents.

Contact Us

For resources from the Quality Improvement Center for Research-Based Infant-Toddler Court Teams (QIC-CT), please visit www.qicct.org.

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

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