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## FORENSIC COUNSELING SERVICES

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### Commentary on different levels of report writing and staff appearances in court

We frequently have questions from clients and attorneys in regard to our different levels of reports (brief summary vs. detailed narrative) as well as our interface with the court. These issues are actually somewhat related, and this note will hopefully detail our approach to these issues.

#### **Reports**

- **Brief summary reports** are just that – brief documentation of when visits occurred and who arrived when, along with a short summary of what activities were engaged in during the course of the visit. Any non-compliance or other issues are also noted on this report. The primary goal of these reports is to document that the visit happened, and whether or not those involved followed the visitation guidelines. It has been our experience that this is the primary information that parents, attorneys, and the courts are seeking in regard to supervised visitation, as there are often allegations that one or both parties have done or failed to do something (arriving on time, behaving appropriately during the visit, etc.) directly related to the visit. As we are a non-evaluative service, we focus reporting less of what was said by the children in question and more on what their behaviors and interactions during visitation were. It is not possible for us to know, within the context of a case, whether particular statements from children are relevant or not to the issues before the court, nor is it our place to try to ascertain that information. While we also document adult actions our focus is on documenting if their behavior is appropriate and within supervision guidelines. Brief summary reports become more detailed when there are non-compliance issues in order to address those problems.
- **Detailed narrative reports** are longer summaries of visits and are often helpful when there are therapists or parenting facilitators working with the family. The level of information contained in these reports can help these professionals target their interventions and to then evaluate how to further assist the family. We may be more actively involved with these other professionals as well in order to appropriately coordinate services. Detailed narrative reports are also sometimes agreed to by the parties involved when they or their attorneys desire a higher degree of specificity regarding events during supervision. Reports of supervision by the Program Director, a licensed mental health professional, are usually provided at this level as the Program Director is generally only sought when therapeutically supervised visitation is needed. We do not routinely provide therapeutically supervised visitation and, even when this level of service is sought, it is not a substitute for a forensic evaluation. Any interventions during therapeutically supervised visitation or follow up professional feedback are designed to improve interactions during supervision and are not necessarily a commentary on the overall case issues.

- Our default level of reporting is the brief summary format. There are additional charges for detailed narrative reports and their use must be either agreed to by the parties or ordered by the court.

### **Interfacing with the court**

Our purpose and intent in providing supervised visitation services is to minimize the emotional hardship that children frequently have to endure as a result of custody litigation, while allowing them to maintain safe and positive contact with their parents and other significant relatives. Our visitation reports offer a summary of what has occurred during the supervised visits and note if the parties have maintained compliance with supervised visitation guidelines or not. Our staff are not forensic evaluators and will not offer opinions regarding whether parent-child contact should continue to be supervised or not, or on the subjective quality of parent-child interactions. Any feedback offered during the course of supervision relates to addressing issues related to supervision. Our primary focus in this regard is on compliance with supervision guidelines in order to insure the emotional and physical safety of the children involved. This focus, combined with our lack of outside information and other limitations,<sup>1</sup> leaves us fundamentally unable to evaluate other issues, even though we are often asked for such opinions. We highly encourage the involvement of amicus attorneys, guardians ad litem, social study evaluators, parenting facilitators, and others in roles to provide comprehensive feedback to the court. These professionals, who are in a position to utilize the limited information we are able to provide in conjunction with other available data, are better suited to answer the evaluative questions that are often directed to our staff.

There are occurrences where, due to various time constraints, it is necessary to have our Program Director, as custodian of records, testify to the supervision records that are kept in the course of providing services. This circumstance, given enough forewarning that records will be needed by the court, can often be prevented (and much cost saved) through the use of a business records affidavit to authenticate the records and we urge clients and attorneys to plan ahead where possible for this to happen. We understand that there may also be times, even with the caveat of our limitations, when testimony is sought from individual supervisors. While the fees charged for such appearances may seem high, please remember that in most instances our staff must clear their calendar for the day to be at court, often needing to use vacation time or going to other significant lengths to make themselves available. Many parents have experienced this type of difficulty, only to wait for hours for their case to be called, and we hope to avoid this type of waste of everyone's time and resources. We encourage, when possible, telephonic appearances and will work with clients and the courts as best possible to arrange efficient testimony.

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<sup>1</sup> For instance, we are also acutely aware that while a parent and child may appear to have a positive relationship during a supervised visit this may not be indicative of their interactions outside of supervision. Many abused and neglected children actually seek out their abusers for comfort in an attempt to placate them, and without proper forensic interview protocols it is impossible for us to differentiate between this type of motivation and a healthy, supportive parent-child relationship. Knowing this we always provide a disclaimer when sending records regarding our information and we urge all involved to avoid over-extrapolating from the information we are able to provide.