

NEOBH Policy Regarding Court-Ordered Psychological Evaluations
For Children and Adults Involved in Legal Conflicts

*****Please contact the Intake Desk for Updated information regarding current fees, including retainer expectations for the reservation of Court Testimony Time**

Adults and children who are involved in legal conflicts pertaining to Family or Domestic Relations Court disputes experience many unique stresses. The Court may Order a Psychological Evaluation in order to assist the Court with questions regarding mental health functioning. When a child or an adult is involved in such legal proceedings, people associated with the legal process (including attorneys, Family Court Services/Family Court Liaison personnel, and Guardians ad Litem) need to be informed of not only the results of the assessment, but may request information regarding how the assessment process is progressing.

Thus, requests for Psychological Evaluations that are connected with legal involvement often require communication from the examiner that occurs in addition to the submission of a final report. Phone contacts with various individuals associated with the legal process may also be requested. Psychological Evaluations conducted with individuals with legal involvement may additionally result in a request for a Court appearance that requires the evaluator to prepare for and provide testimony.

NEOBH has gathered information that suggests that your Psychological Evaluation is directly connected with a legal conflict. Therefore, the following points need to be clearly understood as the assessment begins, and as it continues. Please sign and return the bottom portion of this document, while keeping the remaining portion for your records. Please ask any questions regarding the meaning of these statements, as well as additional questions that may arise during the assessment process.

1. Northeast Ohio Behavioral Health, Ltd. is bound by state and federal rules governing confidentiality. However, the confidentiality of people who participate in Psychological Evaluations per Court Order is severely limited as a result of the public nature of records connected with legal proceedings. Nevertheless, you will be asked to provide a Release of Information for any person or entity that needs to receive information regarding the evaluation. This will usually include your own legal counsel, opposing legal counseling, as well as the Family Court or Domestic Relations hearing officer that is involved. If a Guardian ad Litem has been assigned, this individual will also receive a copy of the completed Psychological Evaluation Report.
2. **When reports are sent to the Court, they become part of a Court File and may be reviewed by Court Personnel. Thus, assurance of confidentiality is limited.**
3. A clinician that conducts a Psychological Evaluation regarding one (1) person in a legal dispute cannot provide recommendations regarding the custody of a child unless a comprehensive assessment of the child, as well as both parents, has been conducted (i.e. Custody Evaluation). Psychological Evaluations of individuals who are engaged in domestic relations conflicts may be used by the Court toward decision-making regarding custodial matters. However, a

Psychological Evaluation of an individual is not designed to assist the Court by the provision of specific recommendations concerning the custody of children.

4. Psychological Evaluation of individuals involved in custody/visitation matters are designed to provide mental health status information regarding the person that is engaged in the evaluation process. Activities within the context of a Psychological Evaluation include history taking\clinical interview, observations of behavior, a review of pertinent information regarding past mental health treatment, and the completion of psychological testing. Psychological Evaluation results are usually focused on information pertaining to the following:

- Emotional\behavioral strengths and weaknesses, and a description of the impact of these strengths\weaknesses on functioning
- The assignment of a mental health diagnosis, if data suggests that this is appropriate
- Recommendations regarding the need for further treatment, if indicated, as well as the focus of any subsequent treatment that is recommended

5. Some jurisdictions have specialized services for people involved in domestic relations conflicts. For example, if your case is connected with Family Court Services (Summit County) or is involved with the Family Court Liaison (Stark County) you will sign a Release of Information during your contacts with these individuals. These entities are often very helpful toward advising the Court of any problems that may be encountered during the evaluation process. However, please be aware of the following:

- **Data Review:** Individuals involved in Psychological Evaluations are welcome to bring in data pertinent to their personal mental health functioning. **The data reviewed cannot include concerns\complaints about other people that may be involved in the dispute that has been brought before the Court.** Please make appropriate choices regarding the nature and extent of the information you provide to the therapist for review. If you are involved in current psychotherapeutic intervention, have received counseling services in the past, or have been involved in a previous Psychological Evaluation process, you will be asked to sign Releases of Information, so that the examiner can obtain this data directly from the appropriate source.
- **Letters and Reports:** The therapist may need to respond to inquiries from Family Court Services/Family Court Liaisons and individual attorneys regarding the process of the evaluation. In order to ensure the absolute clarity of this communication, it must be put in writing.
- **Phone Calls:** The clinician conducting the Psychological Evaluation may be required to conduct telephone calls in order to further the assessment process. These calls will be documented in the client's record whenever feasible.
- **Court Time:** Please contact the Intake Desk for current fees and retainer expectations regarding time spent involved in Court Testimony and preparing for a Court appearance. The retainer must be received prior to the Court hearing date. After receipt of the retainer, the time will be reserved. **Please make sure that a Court appearance by the evaluator is absolutely necessary. The**

evaluator has no control over what may/may not occur once time for a Court appearance is reserved.

Policy Document
re: Court-Ordered
Psychological
Evaluations

11/12.doc