

Forensic Ethical Guidelines for Therapists

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As you know, the primary mission of the reconstituted NJPA Ethics Education and Resource Committee is to assist members in applying the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct in our respective practices (NJPA Ethics and Education Resource Committee Procedure Manual, 2011).

The purpose of this article is to discuss various ethics resources that focus on forensic practice but have relevance to all NJPA members who provide non-forensic clinical services.

One of the most comprehensive but perhaps not fully utilized ethics resources is the American Psychological Association website (www.APA.org). The specific link is APA Guidelines for Practitioners. Please note that guidelines are aspirational.

Some of the specific forensic practice guidelines of which all practitioners should be aware, in order to facilitate ethically sound practice, are as follows:

- ***Guidelines for the Practice of Parenting Coordination***

Parenting Coordination is a non-adversarial process designed to minimize the emotional impact of high-conflict custody disputes through parent education, mediation, conflict resolution, and intensive case management. Parenting Coordinators are highly trained specialists, appointed by the court, or by the mutual consent of the parties, in high-conflict post-divorce matters. Their primary role is to assist the parties in implementing the parenting plan and their day-to-day communications and parenting responsibilities. Often, Parenting Coordinators communicate with the children's or parents' therapists, in order to promote the children's best interests. Therefore, it is helpful for all therapists to be familiar with the guidelines for Parenting Coordination.

As an example, imagine that you are the therapist treating a nine-year-old boy whose adoptive parents are recently divorced. The child has not been told that he is adopted. One of the parents, let us say, the father, is interested in sharing with the boy information about his adoption. The mother has been reluctant to provide for her son what she feels may be highly disturbing information. The Parenting Coordinator has been working with the parents regarding this issue and may seek your input, as the child's therapist, as to what the most appropriate course of action may be.

- **Guidelines for Child Custody Evaluations in Family Law Proceedings**

Forensic evaluators who conduct child custody, parenting time, and relocation assessments, whether they are court appointed or retained by one of the parties, often communicate with the therapist working with the one of the children, one of the parents,

or the family. Therefore, it is helpful for all therapists to be familiar with the guidelines for child custody evaluations.

As an example, forensic psychologists who conduct custody and parenting time evaluations reach out to collateral contacts, including a child's teachers, pediatricians, coaches, and therapists, in order to obtain objective information about the child's needs and interests. Information provided by the child's therapist is often most helpful in the overall assessment of the child's best interests, and his relationships with each of his parents.

In addition, please note that, if you are a therapist for a child, a parent, or a couple, proper ethical practice precludes you from becoming an evaluator, and you should not be making any recommendations regarding parenting time or custody.

- **Guidelines for Psychological Evaluations in Child Protection Matters**

Forensic evaluators who conduct child protection evaluations (risk assessments of future abuse and neglect; parental fitness; bonding; termination of parental rights; and adoption) often consult with therapists working with one of the children, parents, or the family. Therefore, it is helpful for all therapists to be familiar with the guidelines for psychological evaluations in child protection matters.

For example, a forensic psychologist who conducts a termination of parental rights evaluation focuses on the clinical appropriateness of a child's reunification with a parent who has been abusive or neglectful. That forensic psychologist may seek the input of you, the child's therapist, regarding that child's current relationship with the formerly abusive or neglectful parent.

- **Record Keeping Guidelines**

All psychologists, including forensic experts and non-forensic therapists, need to be thoroughly familiar with the ethical and regulatory requirements for all record keeping, including electronic records.

An increasing number of forensic and non-forensic psychologists are utilizing current technology, including e-mails and texting, in a variety of innovative ways in communicating with patients, referral sources, collateral sources, attorneys, etc. From an ethical point of view, it is recommended that such communications be encrypted and then printed out and placed in patient files (Kenneth Drude and Michael Lichstein, Ohio Psychologist, August, 2005, p. 13-17). The ethical and regulatory principles that apply to record keeping, i.e., documenting sessions, interventions, and progress, also apply to electronic communications such as texting and e-mails.

- **Guidelines for Court-Involved Therapy**

The Association of Family and Conciliation Courts (AFCC) is an interdisciplinary and international association of professionals dedicated to the resolution of family conflict. Its

members are judges, mediators, researchers, counselors, custody evaluators, court administrators, parent educators, attorneys, psychologists, academics, parenting coordinators, social workers, and financial planners.

In 2010, AFCC promulgated guidelines for “court-involved therapy.” These guidelines, which are aspirational, were developed to assist AFCC members and others who provide treatment to court-involved children and families. “Court-involved therapists” are defined as mental health professionals who provide therapeutic services to family members involved or who may become involved in child custody or juvenile dependency Court processes. While appropriate treatment can offer considerable benefit to children and families, inappropriate treatment may escalate family conflict and cause significant psychological harm.

Any psychologist who provides therapeutic services may become a “court-involved therapist,” and the AFCC guidelines may be helpful. The AFCC website is www.AFCC.net.

For example, you have been the therapist for two years for a now eleven-year-old girl. Her parents have had a high-conflict relationship, including incidents of domestic violence, but they have remained together and involved in the child’s therapy even as their marital relationship has deteriorated. Suddenly, there is a major domestic violence incident in which the police are involved. The girl’s father is removed from the home, his parenting time with her is curtailed, and, within months, the mother has filed for divorce. You are now a “court-involved therapist,” and, in the girl’s best interests, you will need

to be familiar with, and comply with, the AFCC guidelines.

In conclusion, psychologists should be familiar with various guidelines, ethical standards, principles, and regulations that have been promulgated to promote ethical practice, competence, fairness, and honesty in our professional work. The NJPA Ethics Education and Resource Committee is in place to assist and guide psychologists towards these aspirational goals.