

# **Ignorance of Therapy a Due Process Violation? What Evaluators, Judges, Attorneys Need to Know**

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Guidelines and Standards and Rules, Oh My!**

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Evaluation data is superior and I'm more objective than any therapist.

Why should I need to know about therapy?

# We make judgments about...

- Parenting capacity
- Potential for change
- Parenting rights
- Children's relationships and futures

# How Do We Recognize Children in Trouble?

- Are they meeting developmental expectations?
- Are they moving forward?
- How do they respond to intervention?
- How do they relate to others?



# How can the basis not include..

- Mechanisms of Change
- Current research on interventions for relevant problems
- Understanding of prior interventions
- Evidence informed intervention plan


# Decisions without adequate foundation lead to ...



This is such nonsense. Don't they know co-parenting doesn't work with personality disorders?



# Which is more tempting?



My ex is an  
incurable  
Narcissist so  
it's useless to  
try to deal with  
him

I need to  
do my part  
to make  
peace for  
my child

# Understanding the Implications

- Access to care and services
- Labeling
- Potential settlement
- Management, parenting education, therapy and other services
- Openness to intervention

# Frustration and hopelessness..





# Entrenched dysfunctional behavior



**I'm too  
traumatized to  
follow rules.**





“She hurt me  
so I will be  
angry  
forever.”

I'm too fragile to deal with anything





“If I’m not comfortable, I shouldn’t have to do it.”

My feelings are too dangerous  
to tolerate...



# Impacts of fragmented, poorly planned intervention...









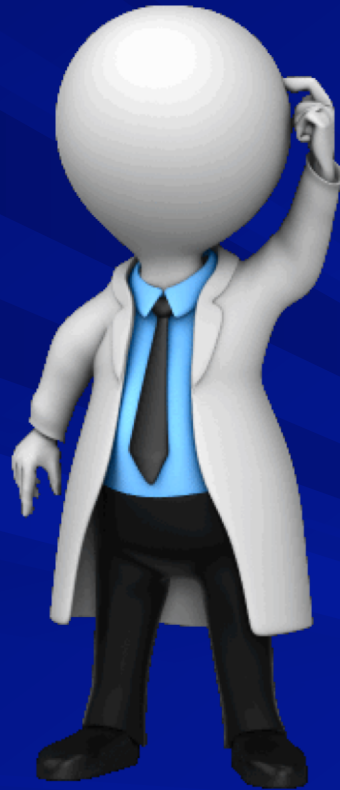
# Flawed Assumptions

- Treatment only works if it is:
  - Completely confidential
  - Voluntary
  - Insight-oriented
- Anything else isn't therapy
- Extrapolations based on personal experience, some research with traditional therapy

# Other Common Errors

- Failure to consult current literature
- Overly restrictive definitions of
  - Relevance
  - Effectiveness
  - Types of intervention
- Inattention to Detail
- Vague, undefined intervention plans and goals

# So what do we need to know?



# Therapy Works!

- Effects are greater than many medical practices
- As effective as medication for most mental disorders
- When coherent & structured, equally effective
- Some therapies are effective for particular problems
- Some therapies are ineffective for particular problems

# What Makes Therapy Effective?

Relationships and Customized Treatment



# The Therapeutic Alliance

- Working relationship between therapist and client
- Felt bond between therapist and client

# But wait...what about our population?

- Don't want to be there
- Anger, resentment
- Powerlessness, helplessness
- Problem is someone else's

# Enhancing the Therapeutic Relationship

- Accountability comes from outside
- Enables therapist to ally with client
- Limit-setting can enhance relationship

# Explanations

- Provide a means for overcoming or coping with difficulties
- Create positive expectations

# But wait.. What about our population?

- *They* already have explanations
- They pull for alignments
- Alternate explanations don't sit well

# When explanations are rejected

- Change happens over time
- Behavior change often precedes changes in cognitions
- Identify steps forward
- Support small, incremental steps

# Progress is Monitored

What works?

What's doesn't?



# Flexibility

- Adapts to client characteristics and circumstances
- Adapts to culture, language, developmental status, disabilities

# Structure and Direction

- Is there a recognizable direction?
- Is there an end in sight?
- Do the tasks and activities make sense?

# Treatment should match the problem

- Evidenced based
- Evidence informed

# Therapy May Do More Harm than Good When

Fails to foster enactment of healthier  
behavior and coping skills

# So what do we need to know?



- Children and adults need adaptive skills!
- Evidence informed therapies exist!

## ■ Ask:

- What does this family need to learn and master? Who, what can help?
- What has already been tried? Was it appropriate? Does it make sense?

# How do we create good intervention plans?





# *Reversing Common Thinking*

- The “little stuff” is really the most critical
- Daily issues critical
- If you can't improve it, create a clear track record
- Explain to the Court why it matters
- How Therapy Ends is as Important as How it Begins

# The child's "job" is to ...

- *Grow up healthy*
- *Mastering developmental tasks along the way*
- *Learn to have successful relationships with others*
- *Learn to solve problems constructively*
- *Manage stress*
- *Learn emotional control..*

# The parent's "job" is..

- To provide the tools and environment that helps the child reach those goals
- Engage with surrounding systems
- Get necessary help and support
- Support autonomy and development

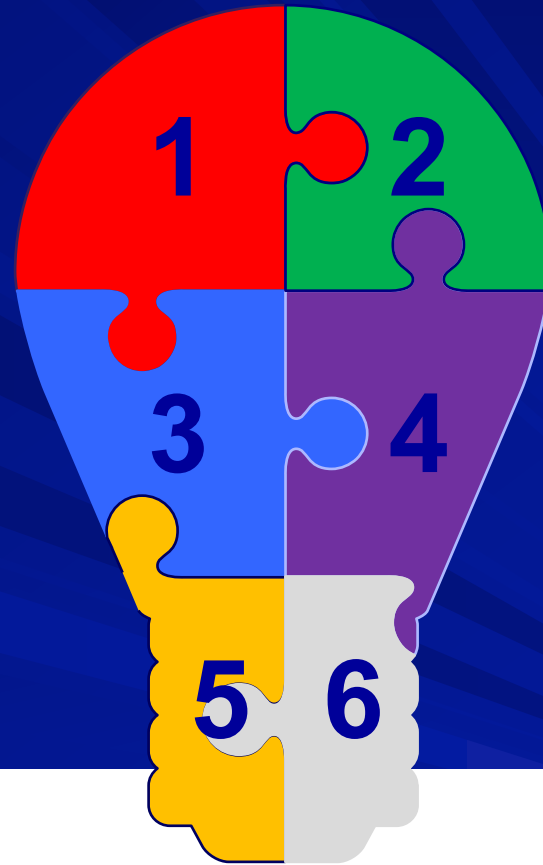
# Systemic Intervention Planning

- What does the child or family need to learn/master?
- What activities or conditions can help the child get there?
- What developmentally regressive influences do we need to address, or protect the child from?
- How do we build resilience in the child?
- What assessment questions
  - MUST be answered beforehand
  - Can be addressed while intervention is ongoing

# Systematic Intervention Planning (cont.)

- Recreation
- Focus on behavior
- Potential activities with parent
- Attention to daily issues
- Direct or Indirect Accountability

1. Support for children's development
2. Structure
3. Behavioral Focus
4. Accountability
5. Tiered Information System
6. Integration with Daily life



# Essential Elements



# Broad view of therapeutic services

- May not be limited to face-to-face sessions
- Interim support
  - Phone calls, conference calls, email “boosters”
  - Review/assistance with parental communication
- Auxiliary communications, record review
- Services in the event of relitigation
- Much depends on therapist’s role, terms of order

# Structure is Essential



Clear, detailed consent

Child-centered

Discretion to therapist

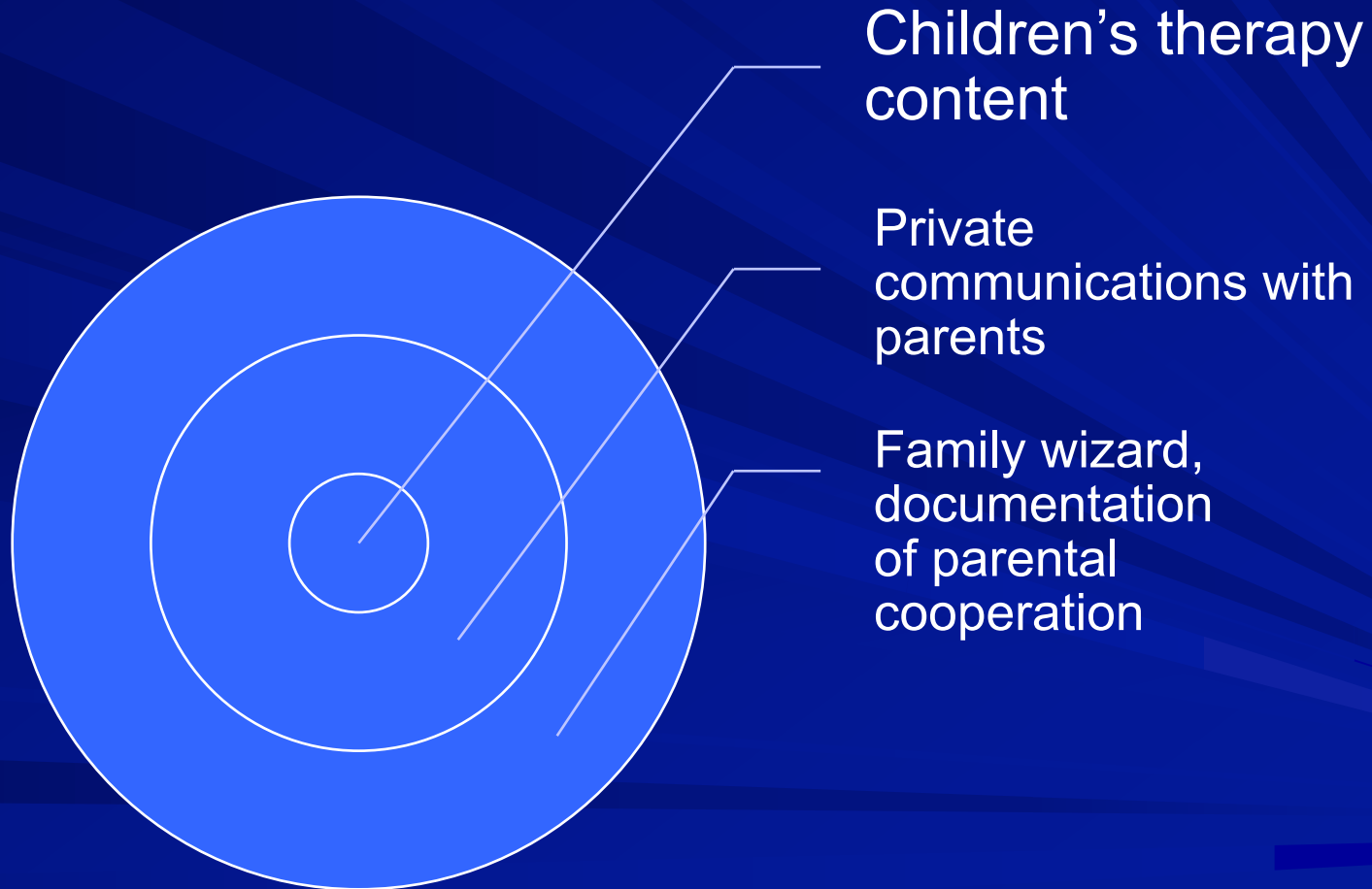
Behavioral data

Tiered information system

Managed sharing of information



# Tiered information system



# Other Potential Providers, System Actors

*Including,  
but not  
limited  
to.....*

- Educators
- Individual therapists
- Recreation leaders
- Medical professionals
- Caregivers
- Family Members
- Social connections, friends

# Children's Outcome is Related To...

- Coping effectiveness (healthy coping skills)
- Coping efficacy (belief that what one says or does will work)
- Access to healthy relationships
- Stability
- Authoritative parenting
- Access to normative activities
- Management of developmental risks

**BEWARE**

## The “I didn’t want it to work anyway” model

- Sealed treatment in a high conflict case may produce:
  - No treatment at all
  - An accountability-free acting-out zone
  - Unprotected children
  - Simple transfer of chaos from courtroom to therapist’s office
- Sabotage of treatment by other professionals

# Teach Problem Solving

Seeking and evaluating information

Questioning assumptions

Temporary agreement on behavioral targets

Experimenting with an approach, providing feedback

Researching alternatives

Multiple hypothesis focus

Reminders that the child's needs will outlast the custody conflict

# How Therapy Ends is As Important as How it Begins...

*Consider....*

- Implications
- Messages
- Alternatives
- Risk Management
- Transfer of Trust
- Management of information
  - *If you don't know how to do it, ask someone who does...*

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