

# Partnering with the Court

How to bring the relationship and best interest of the baby out of the therapy room and into the courtroom.

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## Speaking for Baby....

- Case plans and court reports still contain this language, “The Child is under the age of 5 so no mental health concerns exist.”
- People still say things like this in court and team meetings:
  - “Maybe she will grow out of it.”
  - “She is such a good baby. She never cries, just sits in her crib.”
  - “She doesn’t remember anything.”
  - “He was asleep when the domestic violence happened.”
  - “The baby was with someone else when I was using.”

So infants and toddlers need you to be speaking for them.

## Speaking for Baby...

- Infants and toddlers have needs that are unique given the amount of development that is occurring, the formation of attachment, the plasticity and development of the brain, and that they are totally dependent on caregivers.
- They are often working with less providers who submit reports to the courts. Often visitation or parenting time notes and some medical documentation (Well child checks) are the only evidence offered.
- The concept of infant mental health and dyadic psychotherapy are not practices that all professionals are familiar with.

## Areas for Recommendations: Addressing the Needs of Infants and Toddlers

## Infant and Toddler Needs- Parenting Time

- Recommending consistent, frequent visitations when it's in the child's best interest
- Where are the visits being held?
- Who is there?
- Do you get the notes from the visitation worker? Are you able to communicate with the family support worker (if one exists) about CPP treatment goals? Are they in line with what is being advised on visits?

## Guidelines for Parenting Time

- Nebraska Supreme Court Commission on Children in the Courts has guidelines for children in out of home care regarding parenting time.
- Sets up what minimum hours should be for parenting time
- But is just a guideline to be used in conjunction with what is in the child's best interest  
(This is where you will be asked to weigh in... )

## Guidelines

- Age birth to 18 months - Five times a week with daily visits optimal
- 18 months to 3 years – four times a week
- 3 years to 8 years - Three times a week preferably on non-consecutive days

## Circumstances to Consider

- SAFETY
- Special purpose for parenting time
- Permanency plan of the child
- Existence of a concurrent plan (adoption)
- Participation of Siblings
- Presence of domestic violence
- Schedules and activities children
- Schedules and activities of the parents
- RELATIONSHIP BETWEEN THE CHILD AND CURRENT CAREGIVER

## Circumstances to Consider

- RELATIONSHIP BETWEEN THE CHILD AND THE CUSTODIAL PARENT AND/OR NONCUSTODIAL PARENT BEFORE AND AFTER REMOVAL
- Travel Distance
- ACTIVITIES PLANNED FOR PARENTING TIME
- Other existing court orders
- Placement of the child
- Placement of the parent
- HISTORY OF THE PARENT'S EXERCISE OF PARENTING TIME
- EMOTIONAL NEEDS OF THE CHILD(REN)

## Sample Parenting Time Recs

- Safety :

“Given the father’s arrest record and history, it is recommended that he participate in a substance abuse evaluation and comply with all recommendations for services if he is to continue visitation with his children.”

“Given the serious history of social deviance, substance abuse, and violence, it is strongly recommended that the father participate in a psychological evaluation to identify all treatment needs to ensure that he is a safe and appropriate parent to his children should he continue with visitation following the closing of this case.”

## Sample Parenting Time Recs

- “Given that the mother’s father is a registered level 3 sex offender, according to court documents and collateral provided to this therapist, it will be important to monitor who is allowed at parenting time. It is not recommended that the mother’s father be allowed to be present during parenting time”.

## Sample Parenting Time Recs

- Permanency Plan for the Child

“Given that the permanency plan for the child is reunification at this time, it is recommended that the parent and child have at a minimum of five weekly visits to continue practicing and enhancing the positive interactions that are being facilitated during child-parent psychotherapy”.

“Given that the permanency plan for the child is being changed to adoption at this time, it is recommended that the child have a transition plan in place regarding the change in parenting time.”

## Sample Parenting Time Recs

- General

“Father needs to continue to visit with the child and undergo an assessment to determine his relationship with the baby.”

“Five times weekly visitations in a natural setting between mother and child need to continue.”

“Child should continue to have 5 times weekly visitation with the mother to include nap times, feeding times, and transition times.”

## Infant and Toddler Needs- Part C

- Access to developmentally appropriate assessments – PART C

“The results of the Ages and Stages developmental screening suggest the need for a full developmental evaluation. It is recommended that the child be referred to the the local early intervention agency for this evaluation.

- Children can be re-referred every 6 months or sooner if there is something significant for re-evaluation

## Infant and Toddler Needs- Part C

- Unless specifically asked for, a screening will be done – not a full evaluation
- “In the evaluation, serious concerns were identified related to speech and language and social emotional development. In addition, there is concern regarding sensory processing difficulties. A full developmental evaluation, including sensory integration assessment, through early intervention is strongly recommended.”
- Your reports about development and relationship assessments can be a useful tool for the Early Development Network and vice versa.

## Infant and Toddler Needs- Part C

- “The mental health professional doing child parent psychotherapy should continue to monitor the child’s language development. If he continues to be delayed after enrollment in a quality child care program, he should be again referred to early intervention to determine if speech therapy is needed.”

## Infant and Toddler Needs – Child care

- Ensuring infants and toddlers are in high quality child care that is meeting their developmental needs.
- Having relationships with programs such as Early Head Start, Visiting Nurses programs etc.

“Since the mother and father do not want their child to participate in child care, it is recommended that the family find an organized activity for the child such as a class or age appropriate recreation. This can assist the child with socialization, provide educational stimulation, and encourage his language development.”

## Infant and Toddler Needs – Child care

- “It is extremely important that the young child and her older sister be placed in a quality child care program immediately.”
- “It is recommended that the child is enrolled in a quality daycare program, such as an Early Head Start Center or early intervention program.”
- [Hyperlink to Right Place.....](#)

## Infant and Toddler – Medical Home

- Making recommendations for further evaluation and for a medical home that can be stable and continue past the course of the court involvement.
- “To ensure that children are receiving regular medical care, it is recommended that the mother provide documentation of up to date medical records, including immunizations and physical forms.”
- “If not already completed, the child should have a hearing test due to speech and language delays.”

## Infant and Toddler – Medical Home

- “It is recommended that the child’s mother be assisted in finding a stable medical home, preferably with a pediatrician, to manage the health care of the child.”

## Recommendations Related to Parent Needs

- Often recommendations need to be made regarding the parent's mental health, trauma, or substance abuse.
- Much of this information may be gained through a thorough parent interview and collateral information.
- "The mother has a documented history of substance abuse and unaddressed mental health concerns as noted in the collateral information. A treatment facility and program that can address her mental health and substance needs while allowing her to reside with her child is recommended."

## Recommendations Related to Parent Needs

- "The mother has struggled to maintain housing and employment. It is recommended that she have assistance in obtaining safe and stable housing, as well as stable employment".
- "It is recommended that the mother participate in her own therapy to address past trauma that she reported during our parent interview. It will be important for the mother to work on these issues so that she can be emotionally available to the child and begin to recognize how her past trauma impacts her as a mother."

## Recommendations Related to Parent Needs or the Dyad

- “It is recommended that mother and child engage in Child Parent Psychotherapy. It is also recommended that mother and child engage in the music class provided by the treatment facility on Thursdays as this promotes development and attachment.”
- “It is recommended that the mother participate in treatment with a dually licensed therapist to address substance abuse and mental health issues including her past trauma.”

Bringing the baby into the courtroom...

## The Relationship

- Traditional assessment does not address the relationship, but only the individual
- Unique perspective of the child in the context of the relationship must be explained
- Must be clear about the intent of the evaluation – not a parenting assessment, not a bonding assessment

## Painting a Picture

- By describing the relationship and the quality of the interactions, the therapist paints a picture for the court
- Clear recommendations provide a way to measure progress in a case
- Providing descriptions of behaviors or interactions that reinforce the progress in the relationship allows the court to emphasize strengths and encourage continued growth.

## Testifying....



## Yikes – I have to testify now!!!

- Even if your recommendations are clear and well founded, at some point you may be asked to testify.
- This is an opportunity to educate the judge, attorneys, and others involved in the case about the importance of seeing an infant or toddler in the context of the relationship.
- This is an opportunity to provide guidance about ways that the parent-child relationship can be supported – e.g. child care, early intervention services, parenting time changes

## Testimony Continued

- National Child Traumatic Stress Network – Tip Sheet for Clinicians, “Testifying in Court about Trauma: How to Prepare” is an excellent reference about the process and how to prepare.
- Specific to infants and toddlers you should be prepared to discuss:
  - Typical and atypical child development
  - Trauma as it relates to the infant and toddler
  - Trauma as it relates to the relationship
  - What is being treated? What are your goals?

## Testimony Continued

- Why is attachment important? How does it relate to the child’s development, social emotional development, and future emotional health and development?
- Be able to explain any terms that you use – “self – regulation”, “mutual engagement”
- Current symptoms or behaviors
- Research on the treatment you are providing

## Don't Forget

- When you are providing recommendations to the court – either by way of report or live testimony – it may impact your therapeutic relationship
- Plan ahead with the parents and discuss what types of recommendations you will be making and the reasons for doing so
- Discuss anything that may be distressing to the parent and how you may assist them in dealing with this
- Review what kinds of things you plan to report to the court

## Sources and Resources

- [Child-Centered Practices for the Courtroom and Community](#) by Katz, Lederman, and Osofsky
- Court recommendations sheet by Joy Osofsky
- Nebraska Supreme Court Commission on Children in the Courts – Guidelines for Parenting Time for Children in Out of Home Care – [www.throughtheeyes.org](http://www.throughtheeyes.org)
- [www.nctsn.org](http://www.nctsn.org) - Testifying Tip Sheet for Therapists