

# What a family law attorney needs to know

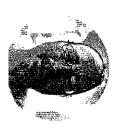
















Dr. Allison Otto

Philip J. Kinney, Ph.D.

Tracy E. Hill, Ph.D

Dr. Ali Holladay

Tom Civler, BS

# TODAY'S GOALS

- Examine how therapeutic practices intersect with legal
- counseling/therapy as a tool to Give attorneys insight into the process and how to utilize
- Manage cases more effectively
- Improve courtroom advocacy
- Enhance ability to promote civility between parties
- Communicate more compassionately
- Strengthen legal and counseling network connections
- perspective Give therapists the floor to opine on the process from their
- Discussion around recent legal developments (Kayden's Law)
- Provide actionable tips attorneys can use when advising clients

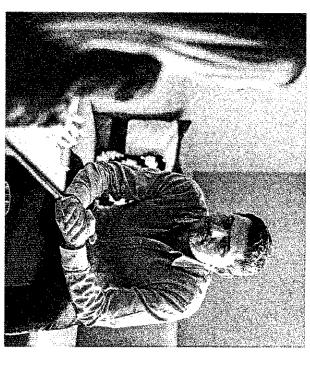
# PRESENTATIONS

- and testing in custody, psychology and co-Dr. Hill, Dr. Otto & Dr. Holladay - evaluations parenting evaluation, plus decision tree that **Dr. Kinney** - ethics and co-parent counseling can be used to determine how to refer clients
- Rana & Tom COPE, Court Ordered Supervision and Reunification therapy

for services to best meet their needs

Philip J. Kinney, Ph.D. Licensed Psychologist 610-435-8480 DrKinney1@gmall.com





### Safeguarding Client Privacy

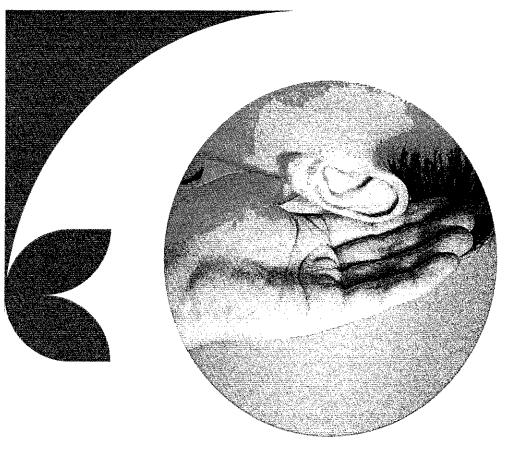
MHPs (and attorneys) try to protect client privacy throughout a case.

### **Importance**

Protects sensitive individual/family information

### Reduces Potential for Harm

Kind of the Point!



- The Holder of Privilege Court? Kid? Parent(s)?
- Act 65 of 2020 (14 year old rule)
  Communicating
- Communicating with Attorneys
  Subpoenas
- Discovery vs Confidentiality



### Impartiality When Working with **Parents**



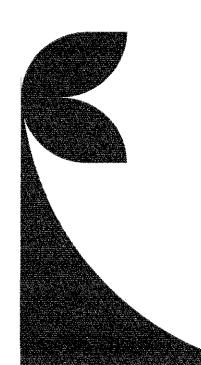
From parents *and* the legal system

"First, Do No Hallm"



- ISO Good, Not Perfect
- Best Interests of Kids!!
- Not family, reunification, or individual therapy
- Not a Contest
- Adversarial->Collaborative
- A Teaching Process



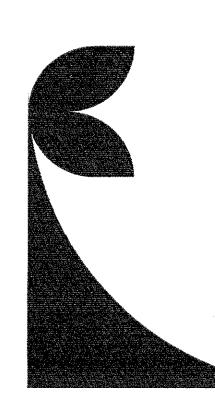


Control Cation, Control Cation, Control Cation

Apps: Our Family Wizard, AppClose, Talking Parents **Includes**: Parent to Parent Parent to Kid(s)

Via Email, Text, Phone, Video, In Person

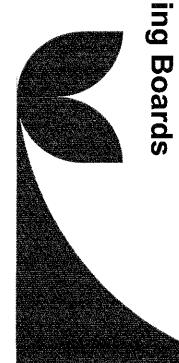
Family, Friends, SO's Adults Around Kids Verbal and Nonverbal Social Media

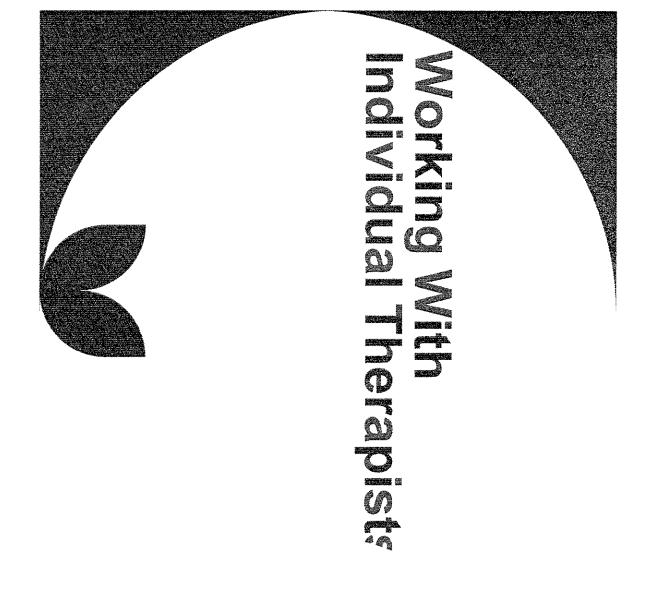


- **Coparenting in Public**
- **Exchanges**
- Significant Others Discipline
- **Activities**
- Education, Health, Religion
- Kids Cannot Be:

Messengers Informants

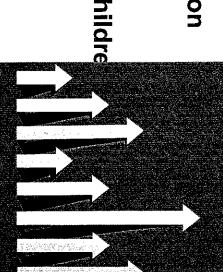
**Sounding Boards** 







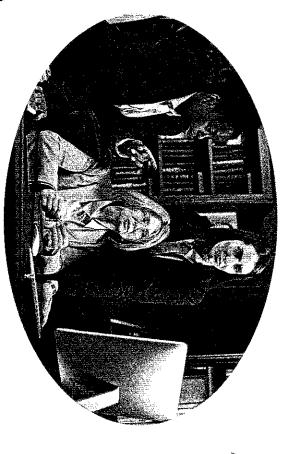
- Better Communication and Collaboration
- Creates New/Better Habits in Parents
- Parents Become Positive Models for Childre
- Reduces Stress on Kids (and adults!)
- Helps Overwhelmed Courts
- Less \$\$ spent on the law firm of Dewey, Cheatum, and Howe





# in Coparchion Casos Casos

- Discovery vs. Confidentiality
- Focusing on All vs.
  Advocating for One
- Ethics Guidelines vs.
  Legal Requirements



Attorney Role Crucial
Co-Parenting Counseling is as
Effective as the Parent's
Engagement

Help us Create Realistic
Expectations
No Quick Fix
Come in Open Minded
Not a Battleground

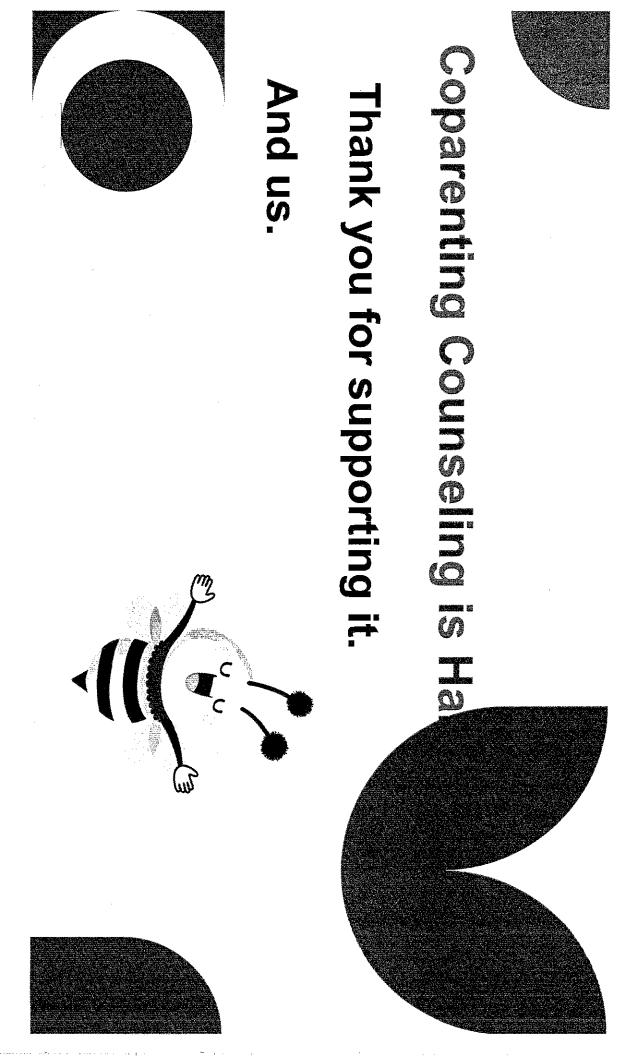
## Going the Extra Mile

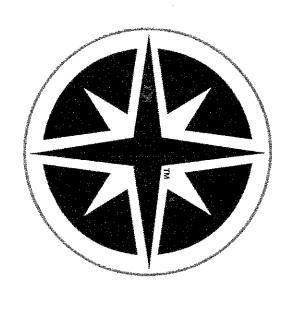
The Co-Parenting Handbook, By Kairen Bonnell Mom's House, Dao's House. By Isolina Ricci Ph.D. The CorParenting Toolkit. By Isolina Ricci, Ph.D.

Helpful Guides (AFCC Coparenting Communication

## The Extra Mile (cont.)

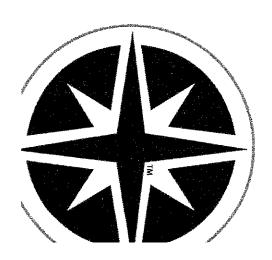
- PA Bar Association You Tube video:
- The OOPE Class (Raina Diminig, LOSW)
- Emailing between appointments

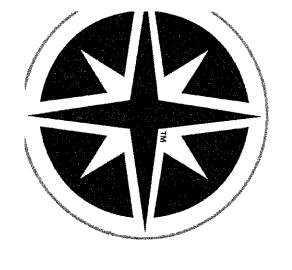




Evaluations and testing in custody, psychology and other evaluations

Adoption
Custody
Functional Capacity
Immigration
Psychological
Social Security
Other

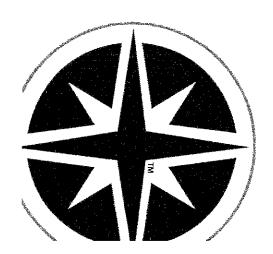


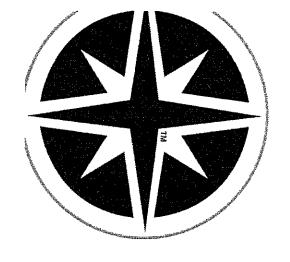


Costs: website under Fees & Number of sessions: 3-12 Timeline: 6-12 weeks.

nsurance

### Process for Custody Evaluations and other evaluations

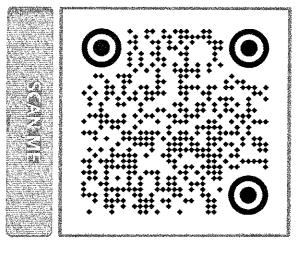




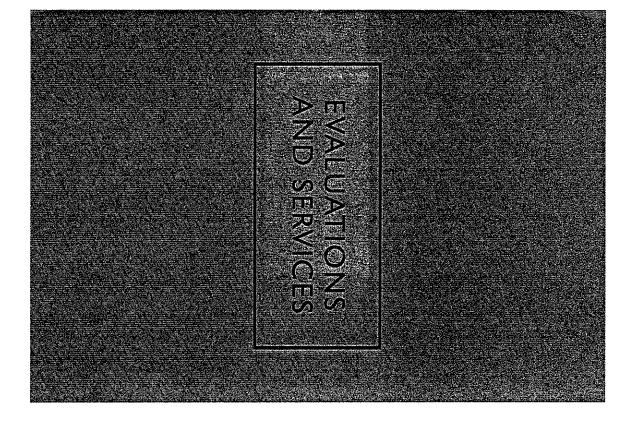
Process for Co-Parenting Counseling

### **Evaluations Used**









Specific Types of Evaluations

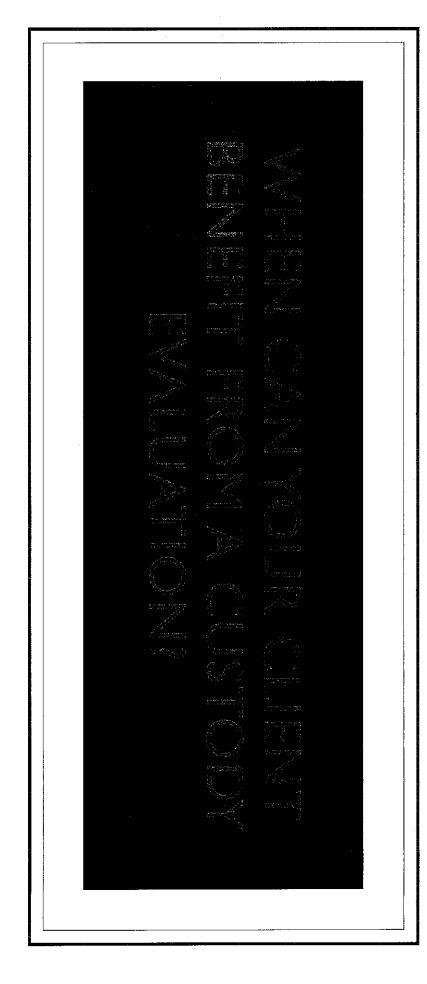


- What makes up a custody evaluation?
- Interviews
- Observations
- Collateral contacts
- **Psychological Testing**
- Document review\*
- Possibly Home Visit (at least virtual)
- Interviews and testing with the children
- Summary (Factors to consider regarding custody)
- Recommendations

### EVALUATIONS

- Cost up-frontTime consumingInvasive
- Feels contentious

- Cost saving
  May help the parents to settle
- Road map for future recommendations
- Deep-dive





- There are MANY types of psychological Evaluations.
- They are ALL "Psychological Evaluations" or "Psychological Assessments"
- There are additional standards for "Psychological Assessment" from the APA (and thus, PA)
- Some specialized types of psychological evaluations are named by the APA/AFCC
- E.g., "Guidelines for Psychological Evaluations in Child Protection matters



### and Conciliation Courts **Association of Family**

### **Custody Evaluation Practice for Child Model Standards of**

### Proceedings **Evaluations in Family Law Guidelines for Child Custody** Ð

### 

Introduction

- maintenance, support, valuation, visitation, relocation and termination of family law proceedings encompass a broad range of issues, including custody,
- parental rights. The following guidelines address what are commonly termed
- these guidelines is to promote proficiency in the conduct of these particular and access in the wake of marital or other relationship dissolution. The goal of
- evaluations. This narrowed focus means that evaluations occurring in other

- There are specific Standards for custody evaluations!
- APA https://www.apa.org/practice/guidelines/child-custody
- Center/Practice-Guidelines AFCC https://www.afccnet.org/Resource-

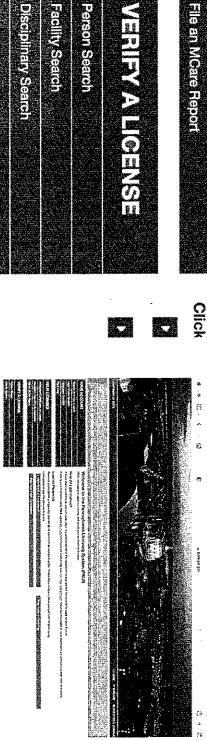
### NON-PSYCHOLOGISTS DON'T HAVE TO FOLLOW THE SAME STANDARDS FOR PSYCHOLOGICAL EVALUATIONS OR CUSTODY EVALUATIONS!

STANDARDS ARE FAIRLY UNIVERSAL – AS LONG AS THE CLINICIAN IS LICENSED. THERAPY/COUNSELING/REUNIFICATION

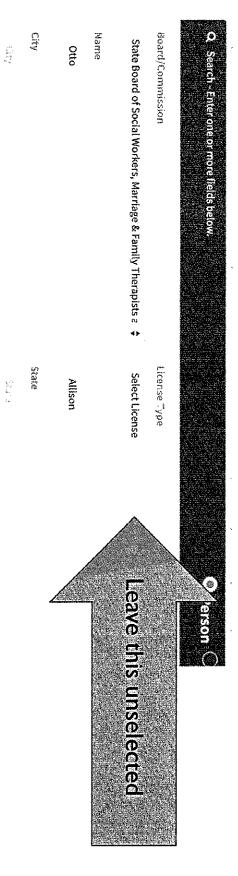
# AVOID PROBLEMS BEFORE THEY START.

# REFER TO THE RIGHT CLINICIAN REFER TO THE RIGHT SERVICE

Disciplinaly Search Person Search VERIEV A LIGENSE Facility Search



### Don't Stop There!!!



Caunty

Considera

### Show to & entries



No data available in table

Showing 0 to 0 of 0 entries





Show 10 \* entries

,		
Example Person Here	Example Person Here	Full Name
DEF67890	ABC12345	ticense Number
Social Work 🕬	Social Work 🧐	Board/Commission
Social Worker	Clinical Social Worker	† license type
Null and Void	Expired	• Status

Showing 1 to 2 of 2 entries



Disciplinary Action Details

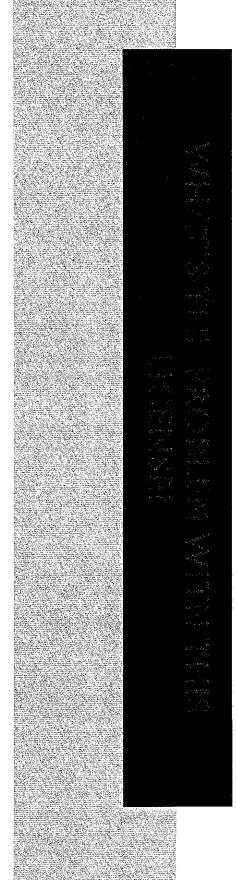
Disciplinary action or Corrective action history exists. If the discipline document is not available to download, select the checkbox and provide the requested information.

Show to 4 entries Showing 1 to 1 of 1 entries Show 10 \$ entries Full Name Example Clinician Name ABC12345 🤌 Litense No 💠 Full Namé/ Facility Name 🐧 License Type ABC12345 Example Clinician Name Psychologist 💠 Board/Commission 🕴 LicenseType Psychology 🚯 Psychologist 11.30.07 🛊 File Number 📑 Disciplinary Action 10/1/05 Voluntary Surrender of Lic Surrender -Voluntary Search: Search

Disciplinary

and while Respondent was still providing therapy to Person X, Person X, and Respondent

began to engage in a sexual relationship.



WETTING FRE CLINICIAN

ITYPESTOF PSYCHOLOGISTS

## THE ELEPHANT IN THE ROOM:

THERE ARE MORE CLIENTS IN NEED THAN
THERE ARE OF US.

ATWEARE DOI

Rana Dimmig, MSS, MLSP, LCSW

Karina Guerrero, MA

A New Dawn Family Solutions

Contracted provider for COPE litigants in Lehigh County and Monroe County.

One of Wo approved
Only I wo approved



## Frogram Overview

- COPE is offered In Person in the Jury Room of Wednesday and Saturday of every month the Lehigh County Courthouse the first
- Lehigh County litigants are required to attend in court is over 90 miles away from the courthouse person unless their address on file with the
- Only approved distance option is Zoom

We also have an Online Video and DVD option, however, permitted to use the self-directed class options only Monroe and Northampton County litigants are

Huge Paylook and Masier Righard Footi asked me to stress that attendance is 

Your elients are Court Ordered to Attend

### Complaint. Order. Co-Parent Education. Rule 1915.3 Commencement of Action.

Program, (g) All parties to a custody action shall complete a program entitled Co-Parent Education

hereinafter referred to as COPE.

https://www.lccpa.org/family/LCCPAFamilyCourtRules.pdf

### Complaint. Order. Co-Parent Education. Rule 1915.3 Commencement of Action.

 $\bigcirc$ Plaintiff shall register for and attend COPE within sixty (60) days of service of the within sixty (60) days of filing the complaint. complaint. Defendant shall register for and attend COPE

https://www.lccpa.org/family/LCCPAFamilyCourtRules.pdf

### Complaint. Order. Co-Parent Education. Rule 1915.3 Commencement of Action.

(2) Failure to comply with an Order to attend appropriate sanctions COPE may result in a finding of contempt and

https://www.lccpa.org/family/LCCPAFamilyCourtRules.pdf

### Northampton County



#### •Attendance is required under Administrative Order C-48-CV-2023-969

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA
CIVIL DIVISION - LAW

IN RE: ADMINISTRATIVE ORDER 2023-2 -- CO-PARENT EDUCATION PROGRAM

RDER | No.: C-48-CV-2023-969

#### ADMINISTRATIVE ORDER

AND NOW, this 16th day of February, 2023, this Administrative Order is intended to replace/supersede the existing Court policy related to the Co-Parent Education Program.

All parties to a custody action (parents or other custodial resources), shall complete a program entitled "Co-Parent Education Program" bereinafter referred to as COPE.

The moving party must register for COPE within thirty days of filing an applicable action. The responding party shall register for COPE within thirty days of service of the application pleading. Both parties, within sixty days of filing the applicable action, shall have completed COPE.

The moving party must serve upon the responding party with the

#### Understanding Trauma

- Explaining why it matters
- Review of the Adverse Childhood Experiences Study (ACEs)
- affected by trauma from the National Child Overview of the seven domains children are Traumatic Stress Network

**Understanding Court Procedures** 

- Types of Custody Legal vs. Physical
- Custody Schedule Terminology Custody vs. Child Support
- Conference vs. Hearing vs. Trial
- Modification, Contempt, Relocation, Special Relief, Emergency Petitions

#### COPE Overview

Understanding Court Procedures

- Title 23 § 5328 Pennslvania Consolidated Statutes - Factors for Child Custody
- Amended in September 2024 (Kayden's Law)
- Amended again in August 2025 (Reduction of child custody factors from 16 to 12)

## **Emotional Responses and Needs**

- Normal reactions of children and Red Flags
- Signs coparents need to ask for help
- Types of help available: mediation, individual monitored exchange, drug testing coparent counseling, supervised visitation, therapy, family therapy, reunification therapy,

### Understanding coparenting

- Explaining what the term "coparenting" means
- Advantages of healthy coparenting
- Online resources (Our Family Wizard, Guidance for creating a coparenting plan Talking Parents, AppClose, etc.)

Understanding coparenting

- Tips for coparenting
- Managing communication
- Social media

  Dating and blending families

### **Understanding Alienation**

- Explaining what alienation is
- Describing behaviors that can contribute to alienation
- Warning signs of alienation

#### COPE OVERVION

#### Focus on Hope

- 30 Things Children Wish Their Parents Knew
- Advice for talking to your kids Final tips

- A list of attendees is emailed to the court the next business day after each class
- Certificates of Completion are filed into the docket in Lehigh County directly
- Certificates of Completion are emailed to Northampton County and Monroe County for

# Certificates of Completion

- Each attendee will receive an email with a copy within one to two weeks of attendance of their Certificate of Completion generally
- We do not provide any proof of attendance at class

Any Lehigh County Hilgent with a signed Introdermay have the fee for COPE walved if they send a copy of the FP Order to A New Dawn Family Solutions.

## Rana Dimmig, MSS, MLSP, LCSW

A New Dawn Psychotherapy Associates Owner

A New Dawn Family Solutions

Co-owner

psychotherapy associates

#### COPE Program

Lehigh, Monroe, and Northampton Counties

30+ years experience working with children, adults and their families

## What Is Reunification Therapy?

- Child focused
- Moves at the child's pace
- Aimed at helping a parent and child reestablish a relationship after a period of separation or trauma
- Aimed at identifying and processing issues that have occurred as a result of or leading up to the lack of contact.
- Helps the parent understand their child's needs for an ongoing relationship

# What Makes Reunification Different?

interventions. This is important to know because many therapists who come from different schools of thought and methodologies Reunification is a special type of intervention that is not, per se, are applying their particular brand of therapy to this social and psychotherapy (clinical); it is not family therapy, nor is it any other type of the presently practiced (forensic) therapeutic legal dilemma—usually without much success

#### Counseling/Therapy And Reunification Differences Between Other Forms Of

FACTOR	OTHER THERAPIES/COUNSELING	REUNIFICATION
Length of Time	Not usually specified unless determined by Employee Assistance Program with short term referral	Depends on the unique family situation. No set length. Should be as brief as possible.
Referral Source	Self, family, friends, medical providers, other professionals, insurance companies	Generally Court Ordered
Focus/goals	Improving individual, family, or couple functioning. Specific to identified client.	Clear goal: re-bonding or bonding the parent and child

#### Counseling/Therapy And Reunification Differences Between Other Forms Of

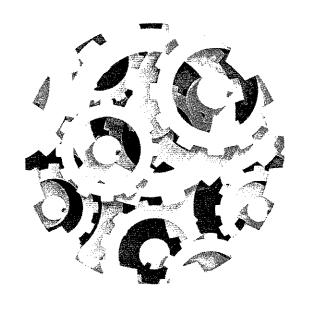
FACTOR	OTHER THERAPIES/COUNSELING	REUNIFICATION
Medical Necessity	Diagnosis provided. Drives goals, metrics, and treatment planning. Informs modalities used with client.	Not medically necessary. No diagnosis provided. Focus is on the relationship and bond not a personal problem or issue.
Confidentiality	Based on professional ethics and law with limited exceptions.	Rarely present. Obligations in court order are explained at intake and in consent.
Reporting obligations	Limited, if any, by professional contract with client and their insurance company. Only with written consent.	Often expected and required. Established by the court – who, when, how, and who must pay.

### Counseling/Therapy And Reunification Differences Between Other Forms Of

FACTOR	OTHER THERAPIES/COUNSELING	REUNIFICATION
Parties to the therapy	Usually only the identified client or clients	Can include household members and others based on the needs of the child.
Legal involvement	None. Limited by law and ethics. Only with written consent to release information.	Clear and named. Often includes the GAL, parties' attorneys, custody master, and/or Judge.
Risk assessment	Assess for suicidal or homicidal ideation, current child abuse, domestic violence. Based on identified client.	Create safety and backup plans. Develop staggered arrivals and departures. Safety must always be considered.

### The Process

- 1) Court Order is Issued
- Each party must contact the provider
- 3) Court Order is reviewed by provider
- 4) Consents are signed
- 5) Each party attends an individual intake
- 5) The child attends an intake
- issue The provider determines whether the child needs to meet with the therapist individually to address an underlying
- begin When the child is ready, sessions with the child and parent



## Progress is not often linear

### **Individual Sessions**

At any time, individual sessions with the child or either parent may be required

### Input from Others

GAL or attorney support may be requested if legal issues, compliance problems, or intentional interference are identified



#### Alienation

- Not every reunification case involves alienation
- Alienation can be intentional or accidental
- their perception or something they have been told Must address behaviors and stories that the child has witnessed or remembers with an ear for whether this is
- Neither parent should talk to the child about adult issues or alienation allegations

## BEN PRESENT IS NTEGRAL TO THE SUCCESS OF REUNIFICATION

Do they support the process?

Do they have any feelings about the process?

How do they communicate those feelings to the child?

What does the child think this parent wants to happen? Why?

## How Did We Get Here?

We start with the child and focus on their needs. Neither parent is right or wrong. It's about helping this child have the best relationship with both parents that they can have.

# Common Areas of Parent-Child Conflict

- Friend selection
- School performance
- Clothing and appearance
- Sexual activity
- Drug/Alcohol use
- Romantic relationships
- Family involvement
- Sibling conflicts

- Spending/Material desires
- Affection or lack thereof
- New parent romances
- Loyalty
- Curfew
- Activities
- Diet and exercise
- Social media/electronic usage

## **Disadvantages for Reunifying Parent**

- Often no longer living in same home as the child
- 2. Lost time and wants it back
- 3. Lost authority
- 4. Only has limited contact with the child
- 5. May be viewed as an "outsider"
- 6. Is angry or resentful about the situation
- 7. Custodial parent has "more power"
- Asking or begging for contact makes them seem weak
- 9. Often afraid to act like a real parent
- 0. Blamed for court action "antagonist"

#### CHILDREN WANT TO KNOW WHAT HAPPENED. THEY ARE CURIOUS. THEY WILL CREATE STORIES TO FILL TELLS THEM. N THE BLANKS IF NO ONE

try to "help." Adults feel helpless and rely on their children for support. Guilt parenting Parents should never talk to the children about court filings/proceedings, and adult can get in the way of good parenting. matters. Children are always watching and listening. Extended family and friends may

# When is Reunification Not Recommended?

emotionally harmful and even re-traumatizing. concerns, a history of serious abuse, or an unwillingness from the family to Reunification therapy is not recommended when there are legitimate safety participate constructively. Forcing a child to engage with a parent they fear can be

- Safety risks history of physical, sexual, or emotional abuse
- completed individual remedial therapy Unaddressed behaviors — Reunification should never be considered if the abuser has not
- and high-conflict environment Domestic violence — ongoing or unresolved domestic or family violence due to safety concerns
- Severe mental illness
- Persistent or unresolved substance abuse

#### Reunification **Key Elements of**



- Skilled and Neutral Therapist
- Commitment and Patience
- Open Communication and Empathy
- Addressing Root Cases
- Focus on the Present and Future
- Gradual Process
- Clear Guidelines and Accountability
- Flexible, Case-by-Case Approach
- Parental Skills Development

# Why Starting "Where the Child Is" Matters

- Builds trust child may be anxious, confused, fearful or resistant. Need to build a safe and healthy therapeutic relationship before joint sessions begin.
- happened to their family and their perspective about the role each person Assesses emotional state – determine how the child feels about what has
- ready for and respected instead of forced into a situation they may or may not be Ensures safety and well-being – creates a safe space where they feel heard

# Why Starting "Where the Child Is" Matters

- Addresses specific needs not a "one size fits all" formula. Each child has their family the way it was their own anxieties, fears, anger, trauma, or even positive memories about
- Respects the child's pace child doesn't feel rushed or frustrated which can further damage the parent-child bond
- Supports the child's role goal is to help the child return to a child role, their feelings of responsibility and protects them from the conflict. rather than being caught in an adult conflict between their parents. Reduces

## ATTORNEYS PLAY AN INTEGRAL ROLE IN THE SUCCESS OR FAILURE OF REUNIFICATION THERAPY

provider Ask questions. Engage in the dialogue. Support the child by communicating with the

### Thank you. Questions?

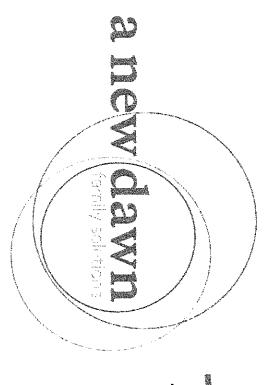
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A NOW David Family Solutions

### Agenda

Vontossional vs.

. 40



### Introduction

Thomas Givler, BS

- 30 years of experience working with children parent education, and supervised visitation including counseling, foster care placement, and families in various clinical settings
- Bachelor's Degree from Penn State
- issues Extensive training in child and family focused
- Approved supervised visitation provider in

### SIGHTS SUDON SEC

How it works

## Defining the process

- On-site versus off-site visits
- Staff supervise all contact very closely eyeshot and earshot
- Redirect behavior or communication as necessary

### Supervised visits Therapeutic visits vs

- Therapeutic visits allow parents in licensed mental health professional access to their children in a safe and supervised environment with a high-conflict or high-risk situations
- •Protects children from potentially Family Solutions

### Kayden's Law

- Section 5322 incorporated definitions for supervised physical custody" "Professional supervised physical custody" and "Nonprofessional
- Went into effect on August 13, 2024
- \*Proprioritizes childres affective in redustody

# supervised physical custody

 "Custodial time during which an agency individual with those rights." interactions between the child and the agreed upon by the parties monitors the or an adult designated by the court or

### physical custody Nonprofessional supervised

 "Custodial time during which an adult, those rights" by the parties, monitors and interaction designated by the court or agreed upon between the child and the individual with

### Physical custody professional supervised

 "Custodial time during which a on children, oversees the interaction sexual assault, child abuse, trauma and the impact of domestic violence on the dynamics of domestic violence, professional, with education and training

## Safety of the child

- 2024 Amendment also added a of the child" definition for to Section 5322 of "Safety
- "psychological well being of the child." It is: "The term includes, but is not limited to, the physical, emotional and Family Solutions

## Kayden's Law change

- Requires courts to hold an evidentiary or abuse. history of criminal convictions, charges hearing in cases where a party has a
- grisk of abuse any alchid, any If the court finds that there is an ongoing Family Solutions

# Crimes for consideration

 Court must now consider additional interference with custody of children animal fighting paraphernalia, and animals, animal fighting, possession of crimes: simple assault, recklessly endangering another person, cruelty to

Family Solutions

### Judges Places accountability on

order the reasons why unsupervised
9/30/2025
Supervised Visitation A New Dawn
Supervised Visitation A New Dawn
Part I A L A L Family Solutions
Supervised Visitation A New Dawn
Supervised Visitation Under 23 Pa.C.S.A.§5323, if a parent awards that parent unsupervised specified in the statute and the judge custody, the judge must detail in their has convictions for violent offenses

## 

We have a court order. Now what?

### contacts you? What happens when a family

- Intake with each parent and the child(ren)
- Gather history and develop idea of the concerns
- with the visit superiors Family Solutions Create a feeling of safety for the child

## Special considerations if there Sapta?

- Develop plan for staggered arrivals/departures
- Assess level of conflict between the parents
- 9/322220 the child (steps) Visitation A New Dawn Identify safety concerns for the parents

# Why might a visit end early?

- Child distress or discomfort
- Inappropriate behavior of the parent
- Safety concerns
- •IIIness
- Child or parent request

9/30/2025

Supervised Visitation – A New Dawn Family Solutions

### Our Services

- On-site Visits available at 308 East **Broad Street in Bethlehem**
- Contact Tom at 484-577-1394 or
- √Visits with Tom are \$65 per hour
- webourt appearance is and report fees will be

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Thomas Givler



tom@andfs.com



andfs.com

9/30/2025

Supervised Visitation – A New Dawn Family Solutions