

COLLABORATIVE FAMILY LAW ROCKWALL ALLIANCE

5-19-2004 PROTOCOLS FOR MENTAL HEALTH FAMILY SPECIALIST

1. Overall Goal: Empowerment of parents to focus on
 - a. understanding the best interests of the child and
 - b. agreeing on and implementing effective written parenting plans based on the best interest of the child
2. Qualifications of the Mental Health Family Specialist [TFC 153.010 = min requirements]
 - a. The Family Specialist must be a therapist licensed to practice independently or under supervision and who meets equivalent licensure qualifications for the Texas Licensed Marriage and Family Therapist.
 - b. The Family Specialist must be trained in Family Mediation according to Texas law.
 - c. The Family Specialist must have a minimum of 4 hours of specialized training in family violence.
 - d. The Family Specialist must have a minimum of 6 hours of training in Collaborative Law.
3. The Mental Health Family Specialist will meet with all parents in which children's issues are to be resolved at the first team meeting to explain the services available if needed; the Mental Health Family Specialist's participation time will be limited to a maximum of 1 hour.
4. Specific goals for the Family Specialist intervention will be defined in a 5-way meeting when needed.
5. Parents and attorneys will sign an agreement at the first meeting to clarify confidentiality limits and procedures for the Family Specialist to talk with team members. Family violence will not be privileged, regardless of other confidentiality agreements.
6. Fees are assigned on an hourly basis, using 15-minute incremental billing. The total hours used are to be divided between the parents for all time with children/parents together. Individual time with each parent is to be paid by that parent. A sliding fee developed by the Family Specialist will be applied as the hourly rate for each parent's hours used.
7. The Family Specialist will decide which family members participate in consultations with the Family Specialist at which time.
8. The Family Specialist agrees to not provide individual therapy for any family members following the Collaborative Law process, but may, upon request of both parents, provide future family therapy services.
9. Contents of the consultations are privileged from any possible future litigation, including testimony and case records. This privilege will be included in the services agreement signed by attorneys and parents. If a subpoena is issued despite this agreement, the parent issuing the subpoena must pay a fee of \$600 at least 24 hours in advance of the court hearing to determine if the judge will allow testimony; this fee is required in order for the therapist to reschedule clients in order to attend the hearing.
10. Conditions which may preclude the Family Specialist intervention from being effective include:
 - a. Untreated serious mental illness
 - b. Unmanaged substance abuse
 - c. A pattern of intimidating domestic violence which is being denied by the batterer
 - d. Pending accusations of abuse of a child