

# Court Services Request Policy and Procedure

## Purpose of Policy

This Records Release Policy is to define and manage clients requesting court services. On occasion, MCO counselors are called upon to provide documentation or testimony in legal cases. Instances where a clinician might be asked to provide information to be used legally can include but are not limited to divorce proceedings, child custody, and instances of alleged abuse. These are forensic services billed at a rate in keeping with industry norms.

## Court Services Definitions

Legal use of a counselor's written or verbal expertise includes any instance of court, officer of the court, attorney, or legal department involvement. Court services can come in three forms: Letter to the Court, Court Report, and Testifying. These are defined below:

**Forensic Rate:** Counselor time is billed at 150% of their hourly rate.

**Letter to the Court:** Useful in cases where a brief update on progress in treatment is needed. Letters to the Court include the client's identifying information (name, date of birth & social security number), client defined presenting problem for treatment, the frequency and duration of treatment (when the client was first seen, how long they have been in counseling, and how often, example: 1 time per week), treatment goals, and progress on treatment goals. Generally 1-2 pages in length. (Billed at 1 therapy hour at forensic rate).

**Court Report:** When a more substantial report is preferable. A Court Report is prepared by a Licensed Professional Counselor, *it is not a Psychological Evaluation* completed by a Licensed Psychologist. A Court Report includes all the items listed in the Letter to the Court. It also includes, treatment diagnostic information, psychosocial history, and treatment recommendations. Generally 4-5 pages in length. Please advise on date report is needed. (Billed at 2 therapy hours at forensic rate).

**Testifying:** If you wish your counselor to testify in your case this can be arranged. Our primary concern is your well-being. Prior to agreeing to testify, your counselor will want to speak with you about why you feel this would be beneficial. If your counselor is concerned testifying in person might be harmful in some way to you as a client, they will notify you of the concern and make alternate recommendations. These might include writing a Letter to the Court or a Court Report. In the event testifying is the best option, our counselors can be reserved for a minimum of four hours. Time beyond that is billed at our court services hourly rate. We do not bill partial hours, so, if an hour is started, the client is responsible for paying for the entire hour. Additionally, if services are completed prior to that hour lapsing, the service is considered completed and our counselors are released from obligation. An exception can be made in the event there is an official or legitimate reason for them to remain. They cannot be asked to stay simply because the hour has been paid. Drive time for your counselor is considered a billable service hour, at the hourly rate. Additionally, there is a mileage charge of \$0.75 per mile. Driving distances will be determined based on the MCO Offices as a starting and ending point. (Billed in 4 therapy hour minimum at forensic rate).

## Policy Procedure

The following steps should be followed once a current or former MCO client requests court services:

1. The client notifies therapist they would like to request court services. It is important counselors are familiar with the process of a client requesting court services. **Remember, every team member is a spokesperson for MCO. Being able to answer questions clearly creates client confidence.** If a client indicates they may need court services, a clinician can respond with the following:
  - I. *I understand you are thinking you might need my assistance in a legal matter. Let me begin by clarifying with you exactly what you believe you might need. How would you describe what you are needing?*
  - II. **A follow-up question can be:** *What is the time frame for what you are needing?*
  - III. If deemed necessary, the counselor will speak to the client about the request and any concerns the counselor has if the request is honored. Concerns might include issues like the exposure of personal or damaging information about the client.
  - IV. Once the client has indicated what they are requesting, the clinician can review which of the following options they believe will best serve the client's needs based on the client's answers to the questions above (Letter to the Court, Court Report, or Testifying).
2. The counselor will direct the client to complete a Court Service Request Form and any ATD forms to third parties.
3. **Assistant to the Clinical Director (ACD) will receive the completed forms, these will be placed in the client's file in the Intake Folder by the MCO Receptionist. ACD will create an email thread with the clinician, the clinician's supervisor, and the Accounting Office.**
4. The client will be contacted by the ACD and informed of the fee for the court services requested and to ask the client if they wish to continue. The client will be notified of any missing "Authorization to Use & Release Personal Health Information (PHI) Form" by the ACD that call. If the client desires to proceed, the Accounting Office will be notified in the email thread, and an invoice for the cost of the services will be prepared and sent to the client. **The invoice must be paid in full prior to proceeding to step #4.** The pricing for MCO release of court services will be set at a forensic rate that is comparable to rates at other counseling practices. The Accounting Office will add to the email thread that the client has been billed and when the client has paid the invoice.
5. **The MCO therapist, under the direction of their supervisor, will then prep the letter or report and store this in the Reports folder of the client's file using MCO's labeling taxonomy. The therapist's immediate supervisor and licensure supervisor (when applicable) should be tagged in BOX on the document. The therapist will also add to the email thread that they have completed the initial draft of the document for review. The court letter or report will be reviewed by the therapist's direct supervisor, and, in the case of provisionally licensed clinicians, their licensure supervisor. Also, in the case of provisionally licensed clinicians, all documents must be signed by the licensure supervisor. In the rare event testimony is requested, the therapist will prepare with their immediate supervisor for the testimony.**
6. **The supervisor and clinician will make all needed revisions to the document. The supervisor will then add to the email thread the document is completed and ready to be sent.** The court documents will then be released by the ACD. In the event of testimony,

the therapist will complete the testimony agreed upon. Update the Records Release Spreadsheet.

### **Cancellation/Refund Policy**

On occasion, the court services initially requested may not be needed. We advise all clients to confer with their legal counsel prior to requesting any court service, to determine if it is required and what kind of service is needed. Additionally, clients should determine with their legal counsel the date when such services are due. In the event the court service requested is no longer needed, please see the following:

#### **Letters & Reports-**

- Cancellations made seven business days prior to due date for the letter/report will be refunded minus a \$50 deposit.
- Cancellations made less than seven business days prior to the due date for the letter/report cannot be refunded.

#### **Testimony-**

- Cancellations made seven business days prior to the scheduled court date for testimony will be refunded minus a \$150 deposit.
- Cancellations made less than seven business days prior to the scheduled court date for