



Psychiatry & Behavioral Sciences Section – 2003

I21 Righting a Clinical Wrong – Custody Orders Should Include Both Parents in the Mental Health Treatment for Children of Divorce

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The goal of this presentation is to educate the forensic community of the problem of how common “joint legal custody” orders do not serve the best interest of a child receiving psychotherapy, and to recommend an alternative.

Custody orders enumerating parental powers to consent for mental health treatment of minors need to better incorporate optimal standards of care with children of divorce.

In common judicial practice, unless stated to the contrary, orders of joint legal custody usually give either parent the right to consent to mental health treatment of the child.

This judicial practice is short sighted. It often results in clinicians working with the child and presenting parent, instead of involving both parents in the child’s therapy. The resulting treatment can be suboptimal, and severely limit the psychotherapist’s understanding of the child’s life, stresses, family dynamics, and parental strengths and weaknesses. Custody orders should specify that both parents be included in consenting and participating in the child’s mental health assessment and treatment.

Custody, Psychotherapy, Judicial