



## **5.07 Separated Parents Policy**

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### 1.1. Purpose

At Down South Therapy (DST) our commitment is to deliver exceptional allied health services, including Psychology, Occupational Therapy, Speech Pathology and Physiotherapy with a strong focus on the well-being of our young clients. This document outlines our policies and procedures for working with children from separated families.

This policy is reflective of the following references:

- The Family Law Act (1975)
- APS Code of Ethics (2007)
- Ethical Guidelines on Confidentiality (2015)
- Ethical Guidelines for Working with Young People (2018)

### 1.2. Scope

This policy relates to all parents and children of separated families receiving services from Down South Therapy. By engaging in services, clients are acknowledging adherence to this policy. This policy also relates to families who may become separated at any time whilst receiving services.

The aim of this policy is to:

- Provide clear guidance to our therapists (including psychologists/ provisionally registered psychologists) on effectively supporting children from separated families.
- Outline our practice's commitment to families, ensuring transparent communication, respect for all parties involved, and adherence to confidentiality standards.
- Prioritise the best interests of our clients in all our services and decisions, ensuring that their welfare is at the forefront of our practice.
- Comply with relevant legal standards and ethical guidelines to uphold the highest professional standards in our work with separated families.

### 1.3. Definitions

#### Mature Minor

A mature minor is generally defined as an individual under the age of 18 who demonstrates a level of maturity and understanding that allows them to make informed decisions about their medical treatment without parental consent. This recognition acknowledges that certain minors possess the capacity to comprehend the nature, risks, and consequences of their healthcare choices.

### 1.4. Informed Consent

When parents are separated DST requires consent of both parents before booking an appointment for your child or arranging an initial appointment with each parent.

Where dual consent is required but not given, the therapist must consider and document any extenuating circumstances that would justify proceeding with sole consent.

Where proceeding with sole consent is not in the child's best interests, the therapist may need to cease assessment/treatment/intervention until the parents reach an agreement or the matter is resolved through legal recourse.

Only biological or legal parents have the authority to provide consent for therapy; step-parents do not possess the legal standing to give consent.

### 1.5. Information Gathering

It is best practice for the therapist to request information from both parents during the assessment, irrespective of Parental Responsibility or shared time arrangement, in order to inform treatment/intervention needs. For this reason, we generally invite each parent separately to provide relevant information, prior to seeing the child.

Where there are court orders or other relevant legal documents pertaining to the care and medical treatment of the child, DST is unable to commence assessment and treatment until a copy of those documents has been presented to DST. Please note that the parent may need to seek permission of the court to release such documents to DST and DST can only read documents that have been so authorised.

Where parents separate during the time that the child is a client of DST, the parents are required to meet with the therapist to cover the Separated Families Policy and Process before continuing with service delivery.

### 1.6. Parent Rights and Responsibilities

It is the responsibility of the engaging parent to:

- Provide DST with the contact information of the other parent, and inform them of this policy, and invite them to speak to DST so they can book their own initial appointment.
- Inform the other parent of scheduled appointments and to coordinate attendance and involvement in therapy sessions.
- Organise and inform DST who will be making payment for services, and ensuring if it is not the arranging parent, that the other parent will contact DST to give consent to payment prior to services commencing.
- Provide an accurate and honest description at intake of the current family dynamics/situation, including the extent of the other parent’s involvement, and to keep DST informed of any changes to this while the child remains a client of DST.
- Advise DST if there are current or pending court proceedings, including but not limited to the Family Court, Children’s or Youth Courts, whether a Family Violence Order applies to the young person or a member of the young person’s family and whether there are any allegations of abuse toward the young person by a parent, or any allegations of family violence.

*Please note, provision of services when there are legal proceedings or allegations of family violence/abuse is a highly specialised service outside of the scope of DST psychology services and we are unable to provide psychological services in these circumstances.*

Any parent who has the legal right to give consent, regardless of which parent is the primary carer, or has engaged our services, may:

- Schedule an appointment with us for their child
- Request an update on assessment or treatment (please note our usual fee structure will apply)

### 1.7. Confidentiality: Information Sharing and Release of Records

**Confidential Therapy Environment:** We ask parents to respect their child’s right to a confidential and secure therapy space. Be assured, our therapists will use their professional judgment to communicate any significant risk concerns in a manner that supports your child’s therapeutic progress.

**Parent Feedback including for National Disability Insurance Scheme (NDIS) clients:** Therapists will provide both parents with the same general feedback about the intervention goals addressed in each session. For NDIS clients, this is provided for in the NDIS funding and treatment guidelines. For all other clients, this will be included at the time of the treatment consultation.

**NDIS Reports:** In situations where parents have shared responsibility, NDIS reports will be sent to both parents, regardless of which parent engages in our services or attends appointments. This ensures that both parents are equally informed and can actively participate in supporting their child’s therapeutic journey. This approach aligns with our commitment to transparent communication and collaboration in the best interest of the child.

**Release of Records:** Records from your child’s consultations will not be released (except for information outlined in points B and C above) unless legally mandated such as in response to a subpoena. Release of records outside of this can negatively impact the therapeutic relationship and is not conducive to effective therapy.

**Parental involvement in Therapy:** An integral part of the child-focused therapy is fostering a healthy relationship between the child and their parents. When information or feedback from the therapist can enhance therapy outcomes, parental involvement may be arranged. This may include individual parent sessions or brief meetings at the start or end of the child’s session. Similarly, if there is information the parent needs to provide the therapist, a time may be arranged during the start or end of the session for this to occur.

**Parent-Practitioner Interaction:** Practitioners do not engage with parents or caregivers outside of scheduled sessions. All clinical discussions (including feedback) occur within these sessions or at a predesignated time.

## 1.8. Risk Assessment

**Ongoing Risk assessment:** All therapists (in line with their professional requirements) are required to continually assess risks for every client throughout the duration of their care. This is a fundamental aspect of our practice to ensure client safety and well-being.

**Identification and Response to Risk:** In the event that a risk of harm to the client is identified the therapist will consult with their DST manager or supervisor. Subsequent actions will be determined based on all available information, as well as any applicable mandatory reporting guidelines (Government of Western Australia, Department of Communities). The approach may involve further engagement with one or both parents, as deemed appropriate and safe for the child.

**Confidentiality and Safety Considerations:** In situations where disclosing information about identified risks to either or both parents could increase the risk to the child, such disclosure may be withheld to protect the child’s safety, and alternative safety plans will be enacted. The decision will be made in accordance with legal and ethical guidelines.

**Special Considerations for NDIS clients:** For clients under the NDIS, while therapists typically provide both parties with general feedback about the goals addressed in sessions, this practice will be secondary to any safety considerations. These considerations include adherence to relevant legal or criminal documentation and risks identified by the child. The safety and well-being of the child will always take precedence over routine communication protocols.

## 1.9. Neutrality and Impartiality

**Setting Boundaries:** We expect separated parents to collaborate respectfully and communicate effectively, supporting their child’s assessment and intervention process and their overall care.

**Avoiding Bias:** Our commitment to providing the best possible service to the child necessitates maintaining a stance of neutrality and impartiality. This is particularly crucial in situations involving strained relationships, separated parents and/or court orders. We will:

- Require consent as per this Separated Parents Policy before commencement of service.
- Limit record access to legal proceedings authorized by a relevant court
- Ensure that both parents have transparent access to information about their child’s therapy, and opportunity to participate in strategy discussions about the child’s needs unless doing so would not be in the best interests of the child (as outlined in the terms of this policy).
- In cases of significant conflict, we reserve the right to temporarily suspend our services until the dispute is resolved or if necessary, discharge a family from our service if the conflict severely disrupts or impedes the child’s well-being and impacts the therapist’s ability to support the child. It is not the responsibility of DST to mediate conflict or disagreements between separated parents.

### **1.10. Legal Considerations**

**Scope of Referrals:** Custody assessments, parenting capacity assessments and similar tasks requiring feedback/reports for the courts/legal purposes are highly specialised areas of work. These require specific expertise and training that fall outside of the scope of services we offer. As such, our practice does not accept referrals where the purpose of psychological assessment or therapy is to produce information for legal decisions such as custody or parental separation issues. For such needs, we recommend seeking legal advice and consulting with a psychologist who has specialised training in these areas. This approach ensures you receive the most appropriate and expert support for legal matters.

**Scope and Exceptions of Policy:** This policy applies to all children, unless it has been determined that the child meets the criteria to be considered a “Mature minor” (see Definitions) and the therapist has determined it is in the best interest of the mature minor to give their own consent.

### **1.11. Grievance Procedure**

**Raising queries or complaints:** If family members have any questions or concerns regarding our Separated Families Policy, they are encouraged to contact DST by phone, email or in person to discuss further.

### **1.12. Review of the Policy**

This policy will be reviewed on a two-yearly basis. However, if at any time the legislative, policy or funding environment is so altered that the policy is no longer appropriate in its current form, the policy will be reviewed immediately and amended accordingly.