

# A New Possibility for Coordinated Care During Divorce

By Leslie Matthews, JD and Denis K. Lane, Jr., JD

Leslie Matthews, JD, Managing Partner of Matthews & Matthews PC, a Denver family law practice, recently gave a seminar sponsored by the CAMFT to educate family therapists on the divorce process in Colorado courts (June 2008). She will repeat the seminar in January of 2009. The purpose of the seminar is to give family therapists sufficient information about the Colorado legal system and the divorce process to better support their clients as they move through the legal proceedings. The seminar also reviews national case law on therapist/client privilege and how it applies in Colorado.

Ms. Matthews has worked together with Denis K. Lane, Jr., JD, CAMFT's advising counsel for mental health law, as well as Reo Leslie D. Min., LMFT, LPC, CAC III, RPT-S, formerly of the State of Colorado Professional Counselors Examiners Board, and Evelyn Leslie MA, RPT-S, CAC III, DAACS, formerly of the State of Colorado Mental Health Grievance Board respectively, to develop a Coordinated Care Permission Form. This permission form, included in this issue of the CAMFT *Outlook* for your use, will allow therapists and attorneys to coordinate their client's care during a divorce or other family law proceedings without breaching attorney/client or therapist/client privilege. The form also assures that the coordination of care is not a request for expert testimony.

"The Coordinated Care Permission Form is the next step in our law firm's commitment to the possibility of coordinated action by attorneys and therapists" says Leslie Matthews, "We believe that coordinated care between attorney and therapist during the divorce process will support the best possible long term result from a divorce proceeding; both for the client and their family. The assistance of a skilled therapist can make the key difference in removing obstacles to good decision making in a client's case."

The Coordinated Care Permission Form allows the attorney and the therapist to speak solely for the purposes of coordinating legal representation and therapeutic care. The attorney can let the therapist know of upcoming events in the case and what he or she sees might be emotional obstacles to a good long-term result for their mutual client. Then, if the therapist feels it is appropriate, they can incorporate this information into their therapeutic plan for the client in a way that fits with the timeline of upcoming legal proceedings.

Another possibility is that the therapist, through speaking with the attorney, might see that there is certain information that the attorney needs to know that the therapist cannot reveal given the therapist/client privilege. The therapist can then choose to explore with the client the possibility of revealing such information to their attorney to support a successful resolution to their case. Such information would remain confidential under the Attorney/Client privilege.

The more the therapist understands about the case from the legal perspective the more they can support their client in ways that may impact the resolution of their case.

It is important to note that the therapist should only begin communication with an attorney once the client has signed the form and after receiving a fully executed copy for their records.

If you have any questions about the Coordinated Care Permission Form, please feel free to contact Leslie Matthews at 303-329-3802 or via email at [leslie@matthewslaw.com](mailto:leslie@matthewslaw.com).

## Attorney/Therapist Coordinated Care Client Permission Form

**NO WAIVER (EITHER EXPRESS OR IMPLIED)  
OF ATTORNEY/CLIENT OR THERAPIST/CLIENT  
PRIVILEGE IS MADE BY SIGNING THIS FORM**

\_\_\_\_\_, hereinafter referred to as "the  
Client" give express permission for his/her Attorney

\_\_\_\_\_, hereinafter referred to as "the  
Attorney" to be in communication with his/her Therapist,

\_\_\_\_\_, hereinafter referred to as "the  
Therapist" for the following limited purposes and in the  
following limited ways:

1. The purpose of this agreement is to assist the Client in receiving the highest level of coordinated services during his/her family law proceeding.
2. The Attorney and the Therapist agree to NOT discuss the substance of the Client's therapy. Communications will be limited to coordination of services as they relate to upcoming legal proceedings and the issues that could be addressed to support a positive outcome in such proceedings for the Client and their family.
3. The Attorney acknowledges the Therapist's role as providing ongoing therapeutic support for the Client throughout and following the legal proceedings and that the Attorney's communication with the Therapist under this agreement does NOT constitute a request for expert testimony in the legal proceedings.
4. The Client in no way waives, either expressly or by implication his/her Attorney/Client or Therapist/Client privilege by signing this form.

Client Signature \_\_\_\_\_

Date \_\_\_\_\_

Attorney Signature \_\_\_\_\_

Date \_\_\_\_\_

Therapist Signature \_\_\_\_\_

Date \_\_\_\_\_