

Background

This policy is formulated to assure consistency in handling Court-ordered referrals to Outpatient clinics and to offer guidelines to staff regarding report writing.

Screening of Referrals

When it is known initially that a referral emanates from a court, the Center Director or designee should screen the case to determine its appropriateness. Outpatient clinics are not to provide Court-ordered evaluations that could be obtained through another agency (Criminal Justice Screening, the Family Court) or through a private practitioner. If a referral is to be rejected, the Center Director should speak directly with the Court and/or write a memo explaining the reason for rejecting the referral.

Procedure

Upon initial contact, determine the client's understanding of the purpose of the referral, obtain the name(s) of agency workers who could supply pertinent background information, and provide the details and specifics about the Court Order and the expectations the Court has regarding follow-up information. Contact that person(s) before proceeding with treatment or assessment.

The client(s) should be informed of the following:

1. The therapist's legal obligation to report sexual and/or physical abuse to the Police or the Social Service Agency.
2. The need to sign a release of confidential information form so that the Court can be apprised of the therapeutic progress (or lack thereof) and/or receive requested information.
3. Discuss confidentiality laws with the client(s) pointing out that Section 5328 of the Welfare and Institutions Code specifies that the Court may obtain information "as necessary for the administration of justice."

Court Report Writing

Letters must be typed and addressed as follows:

Honorable (Full Name of Judge)

Alameda County Superior Court Department (Number)

Street Address

RE: Case Name

Court Clerk Number or Case Reference Number

Dear Judge (Name)

The content of the letter should begin by summarizing its purpose, i.e.: On December 19, 2004, the Court referred (name[s]) for outpatient psychotherapy and requested a progress report be submitted on (date). The client signed a release of information form. Please provide a summary of the therapeutic progress or lack thereof and conclude with a recommendation as appropriate. Letters must be co-signed by the therapist's supervisor.

Original Approval Date: October 15, 1997

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Application: Mental Health Services