



Columbine Counseling Center

Viewpoint – A Quarterly Newsletter

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THE SPECIAL ADVOCATE EXPERIENCE

The Special Advocate shall investigate, report and make recommendations on any issues that effect or may effect the best interests of the minor or dependent child as that term is described in Section 14-10-124. Section 14-10-116(2)(b), C.R.S.

Having been a Special Advocate (SA) in over thirty cases in the past two years, I offer the following thoughts concerning the future of this role with divorce related families.

1. The role of the SA as defined by statute is primarily investigative. In my view we should stick to this central aspect, which allows mental health professionals to investigate in a more flexible manner than more formalized Parenting Plan Evaluations¹.
2. The SA role allows a mental health professional flexibility in determining the scope of their investigation. For example, in a case involving conflict over parenting time, the SA can interview the parents, child or children and observe the family interacting together. These aspects of an investigation are almost always undertaken. The SA then is in a position to assess what further steps need to be taken to understand the family system. That may involve collateral contacts, psychological testing, home visits, and additional contact with the parents or other involved parties. Like expanding concentric circles, the scope of the evaluation can be widened on a family specific basis. This increased flexibility is both timely and fiscally efficient.
3. Assigning the SA multiple tasks is in my view counterproductive. To ask a SA to teach conflict resolution skills, improve communication in a divorce environment or in other ways assist the family with other mental health issues confuses the essential task of investigation.
4. The most controversial aspect of SA has to do with role diffusion. Ethical issues are raised when an evaluator attempts to be both therapeutic and evaluative. While many SA's provide formal mediation, I do not. Once I am appointed the SA, I will assist in negotiating a parenting plan only if I assess the family as open to such intervention. In

¹ I use the term Parenting Plan Evaluation to replace Custody Evaluation under the new law.

essence an initial SA task is to determine whether a specific family system is “permeable” enough to negotiate a settlement related to parenting issues. This intervention is circumscribed however and must be understood as taking place within the primary context of an investigation. It is noted however that in some districts in Colorado the notion of mediation is not a part of a SA order.

5. When SA recommendations are litigated be prepared to hear the following inquiry: “why didn’t you”: . . . interview the parents more, . . . conduct psychological testing, . . . call more references, . . . talk to teachers and daycare providers. The answer of course is that the SA didn’t conduct a Parenting Plan Evaluation where these tasks are predefined. The lesson to be learned is that SA investigations require experience at efficiently accessing complex family dynamics, and if necessary defending that assessment however circumscribed.
6. Other roles are needed to assist with divorce related problems. SA alone is not an answer, but a step forward in a process of finding the best response to each family situation. Early in the divorce process parents can hire a consultant to help craft a parenting plan before conflict leads to emotional impasse. Other families need a Parenting Coordinator to mediate or med/arb post divorce issues. In short, other roles can and should be defined by statute and added to our list of options in working with divorcing families. Below is a chart I have been using to better determine the appropriate service.

Given my responsibilities as co-chair of this year’s 23rd Annual Conference on Children and Divorce in Breckenridge, I look forward to an information filled and energizing conference where we can discuss the SA and other roles further.

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