

# The CAP Monitor

Fall 2005 - Issue 22

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*To serve the interests of the public and guide the Profession of Psychology.*



College of  
Alberta  
Psychologists

# Consent Issues When Counselling or Assessing Children

Psychologists are often asked to assess or counsel children, but they cannot do so without the consent of the child's parents or guardians. There are no published guidelines for situations where one parent consents to treatment while the other does not, which can happen, for example, when separated or divorced parents share custody. This article provides some general guidelines to consider when determining, in a variety of different situations, whether there is an ability to give consent to counsel a child. As these situations are often complex, psychologists are, despite the information below, encouraged to engage in appropriate consultation and ethical decision-making when dealing with individual cases.

## Natural and Adoptive Parents

*Natural parents: Section 50, Domestic Relations Act*

The natural mother of a child is automatically the child's guardian unless the Court orders otherwise. A father who is married to the mother of the child at the time of the birth is a guardian of the child unless the Court orders otherwise. If the father was married to the mother of the child but the marriage was terminated no more than 300 days before the birth of the child, the father is a guardian of the child. If the marriage was terminated more than 300 days before the birth of the child, the father is not a guardian of the child until the Court so declares.

*Adoptive parents: Child, Youth and Family Enhancement Act (formerly the Child Welfare Act)*

An adopting parent gains guardianship of an adopted child as a result of a Court Order granted under the Child, Youth and Family Enhancement Act. The guardians of the child being put up for adoption – for example, the birth mother – can revoke consent to the adoption for a period of 10 days. Thereafter, the guardianship of the adopting parent becomes permanent, unless and until a court terminates

the guardianship status of the adopting parent. Accordingly, the best practice is to obtain a copy of the Adoption Order and confirm with the adoptive parent that the order is still valid.

## Stepparents

Unless a stepparent has become an adoptive parent under the Child, Youth and Family Enhancement Act, he or she does not have any guardianship over a minor child. Accordingly, a stepparent is not able to give or withhold consent on behalf of the minor stepchild. The psychologist requires the informed consent of the natural parent who has guardianship over the child before providing treatment.

## Divorced Custodial Parent (Natural or Adoptive)

When a father and mother end their marriage by divorce, the Court can order that the father and mother have joint custody, or that one of the parents has sole custody with reasonable access granted to the other parent.

## Sole custody

The legal concept of guardianship is not identical to the legal concept of custody. The definition of "custody" under the Divorce Act has been described as "almost the equivalent of guardianship." Therefore, an Order of sole custody does not mean that the non-custodial parent's guardianship rights are fully extinguished. Several continuing rights of guardianship survive such an Order.

Under the Divorce Act, unless the Court orders otherwise, the parent with access rights has the right to make inquiries and to be given information about the health, education and welfare of the child. This is a "right to know," but not a "right to be consulted." A non-custodial parent with right of access always has the right to contest a decision of the custodial parent in Court by showing that the decision is contrary to the best interests of the child. However, the Courts in Canada have never adopted the view that the cus-

todial parent's decisions are subject to the approval of the non-custodial parent, and that such disagreements must be resolved in Court.

If the custodial parent consents to treatment that appears to be in the best interests of the child, the non-custodial parent cannot stop the treatment by advising the psychologist that he or she does not consent to that treatment.

## Joint custody

When parents have been granted joint custody after divorce, each parent continues to have the full complement of joint guardianship rights that existed during the marriage. That is, each parent has the right to consent to treatment. The parent who has primary care of the child does not have the authority to prevent or override the other joint custody parent who has consented to treatment that is in the best interests of the child.

Typically, divorced parents do not fight over essential medical care for a child. A notable exception is the recent case of *B.H. v. Alberta (Director of Child Welfare)*. The parents were divorced, with the mother and teenage daughter remaining practicing members of the Jehovah Witness faith. The father was no longer a member of that faith. The teenage daughter was diagnosed with leukemia, and the recommended course of treatment included chemotherapy and blood transfusions. On the basis of faith, the mother and teenage daughter did not accept blood transfusion as part of the daughter's treatment.

The father compelled Child Welfare authorities to make the daughter a ward of the government, and treatment was compelled against the wishes of the teenage daughter under the Child Welfare Act (now the Child, Youth and Family Enhancement Act). The Court upheld the declaration that the child was in need of essential services. The medical evidence clearly demonstrated that the only real-

# Consent Issues When Counselling or Assessing Children cont'd

istic chance of treatment and survival was chemotherapy and the transfusion of blood products. Unfortunately, despite the treatment, the teenage daughter succumbed to the cancer.

When treating a minor child of divorced parents, the psychologist should ask for a copy of the Court Order declaring parents' rights upon divorce. If time constraints do not allow for obtaining the Court Order, the psychologist should confirm and note on his or her record the terms of the Order as described by the parent who brought the child to the psychologist. A parent, as guardian, whether before or after divorce, must always make decisions in the best interests of the child.

## Common-Law Relationships

Unless the father of a child in a common-law relationship has guardianship rights under the Domestic Relations Act, he is not the guardian of the child. The exception is when there is a Court Order declaring him to be a guardian.

## Guardianship under Court Order

In the following cases, the psychologist is best advised to obtain a copy of the Court Order granting guardianship:

- adoptive parents
- father of a child born out of wedlock who is declared a guardian of the child

- guardians appointed for children after the death of the parents
- apprehension of a minor child by a child welfare authority

## Emergencies

Notwithstanding any of the above, if a psychologist is presented with a child who is in emergent need of psychological services, the law implies consent for treatment to the extent necessary to prevent death or further injury or disability of the child. Once the emergent situation has passed, the psychologist should ask the child's guardian for consent for further treatment.

## General Guideline

A psychologist can reasonably assume that a parent of a minor child is the lawful guardian and can consent to treatment. It is only when a psychologist becomes aware of circumstances suggesting the adult does not have lawful guardianship that he or she is required to make further inquiries before providing non-emergency treatment.

If a Court Order has been granted, the psychologist should obtain a copy and keep it in the patient's file. If a copy of the Court Order is not readily available, the psychologist should make a detailed note on the file about the terms of the Court Order establishing guardianship rights of the adult who has brought the minor child to the psychologist for treatment.

Status of Adult	Guardianship	Further Inquiry
Natural Mother	Automatic guardianship	
Natural Father	Possible guardianship	Married to mother at time of birth or divorced no more than 300 days before date of birth of child
Adoptive mother	Guardian by Court Order	
Adoptive father	Guardian by Court Order	
Divorced mother	Guardian, unless removed by Court Order	Joint custody or sole custody? If sole custody, does non-custodial parent have right of access?
Divorced father	Guardian, unless removed by Court Order	Joint custody or sole custody? If sole custody, does non-custodial parent have right of access?
Non-parent, including stepparent, foster parent or Child Welfare authority	No rights of guardianship unless by Court Order	Require copy of Court Order before treatment

# Annual Meeting and Information Sessions

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For the second year in a row, the College offered several information sessions prior to holding the Annual Meeting (on September 17). These sessions were well attended, and feedback from attendees was very positive.

The College greatly appreciates the contributions of the speakers, who so willingly shared their time and expertise.

## Hot Issues in Discipline

Presented by Discipline Committee Chair Patrick Baillie, Registrar Alexandra Kinkaide and Complaints Director Eileen Baril

Patrick Baillie spoke about changes to the Code of Conduct and Standards of Practice, as well as the types of ethical confusion that can occur in these areas. Alexandra Kinkaide and Eileen Baril shared their observations and experiences with the investigation and disposition of complaints. They outlined the areas of practice where most concerns arise and the nature of the complaints being received, investigated and resolved. Eileen Baril also spoke about ethical issues in working with families before and after a divorce.

## Professional Regulation

Presented by CAP President Horst Mueller and Board Member Michael King

The presenters provided an update on the Health Professions Act that focused on changes likely to have a direct impact on the practice of registered psychologists, for example, protected titles, mandatory registration, the Continuing Competency program, liability insurance requirements, and the definition, practice, and supervision of restricted activities. For more details, visit the CAP website.

## Panel Discussion: Informed Consent in Multi-Disciplinary Settings

Presented by Lorraine Breault (panel chair), Ann Marie Dewhurst, Jerry Rose, Joanne Seitz, Richard Spelliscy, Barbara Uibel and Theresa Van Domselaar

In some practice settings, it can be complex and challenging to obtain informed consent. The panel members discussed the essential elements of informed consent and how they obtain consent in their own practices.

## Everything You Wanted To Know About Registration

A fourth session on the registration process was cancelled because of low attendance.

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## Volunteers Needed!

The College of Alberta Psychologists relies on member volunteers to effectively fulfill its mandate as a regulatory body. Volunteer service is appreciated, and the organization and membership rely on those who volunteer.

If you wish to be considered by Council for service on a College Committee, please complete the Application for Committee Service form provided on the website under Registrants. Completed applications can be directed to the Registrar at the CAP office. *All committee appointments will be made by Council.*

Members who volunteer for committee service are required to contribute to at least 50% of the meetings or panel sittings.

### Credentials Evaluation Committee

The Committee reviews the applications for evaluation of academic credentials of psychologists and other categories of registrants. The Committee determines if the candidate's qualifications meet the standards established in legislation, regulation and bylaws.

# News & Announcements

## Committee News

### Thanks!

More than 100 volunteers contribute hundreds of hours to the College. The volunteers include:

- members of the advisory and legislated committees, which carry out vital functions
- members of standing and legislated committees, task forces and ad hoc committees formed to address specific, timely issues
- members who share their professional expertise with the College

Each of these volunteers is very much appreciated; in fact, the work of the College could not continue without their active participation.

#### **Credentials Evaluation Committee**

Welcome to new members Nicole Bringsli, Sonya Flessati, Carole Solberg and Janice Swanson

#### **Oral Examinations Committee**

Thanks to Debbie Dobson, Caroll Ganam, Susan Graham, Ronna Jevne, Rosalyn Mendelson and Barbara Schmalz, who have completed their terms.

Welcome to new members Cheryl Chase, Terence Creighton, Robert Frerichs, Peter Kosof, Greg Pickering, Chee-Ping Tsai, Curtis Stoelting and Nina Wyrstok.

Current members Nancy Fisher and Erik Wikman, appointed as panel chairs.

Re-appointments: Rami Sela, panel chair; and Sherrie Banks, Adriana Celser, Richard Huddleston, David Hodgins and Sharon Robertson, members.

### **Examination Results**

#### ***Examination for Professional Practice of Psychology***

A total of 51 candidates wrote the EPPP examinations between June 1, 2005 and September 30, 2005.

Pass 35 (69%) Fail 16 (31%)

#### ***Oral Examinations***

A total of 37 candidates undertook the oral examination between June 1, 2005 and September 30, 2005. All candidates passed.

# News & Announcements

## News and Announcements

### Health Professions Act Update

The Health Professions Act, which will soon come into effect for the profession of psychology, will have an impact on the annual registration renewals and on member categories.

#### **Practice Permit Renewal**

The collection of annual fees will take on a new significance. The Act requires that regulated members apply for “a renewal of a practice permit” each year, on or before a date specified by Council. The College’s annual renewal date (March 31) will remain the same.

To apply for renewal of a practice permit, members will be required to:

- submit annual fees
- submit a “declaration” that they have not been charged or convicted of a criminal offence in the past year
- provide proof that they hold valid professional liability insurance in an amount of no less than \$1 million, as stipulated in regulation

An application for renewal will not be considered complete unless all required information is received in the College office by March 31.

Under the HPA, a member may engage in practice only if he or she holds a valid practice permit. Failure to submit an application for renewal of a practice permit will result in suspension of the permit. A member whose practice permit is suspended is not able to engage in the practice of the profession.

#### **Member Categories under the Health Professions Act**

All members entered into the general, provisional or courtesy register are regulated members of the profession. Regulated members are entitled to engage in the practice of the profession with or without conditions as stipulated on their practice permit under the title “psychologist” or “provisional psychologist.”

Psychologists or provisional psychologists who wish to remain as regulated members of the College (or who are required to be regulated under the Mandatory Registration Provisions of the Act) will be required to apply for a renewal of practice permit each year, regardless of the amount of time they intend to practice the profession. The non-practicing category of membership will cease.

A non-regulated membership category will be established for members who have retired from practice. Retired members can ask to be placed on the non-regulated register of members, without paying an annual fee. They will be eligible to vote in Council elections and participate on non-adjudicative committees, and they will continue to receive College publications.

# News & Announcements

## News and Announcements

### Survey of Provisional Psychologists and Supervisors

The Chartering Committee has developed a survey to evaluate the learning experiences provided by the 1600 hours of supervision required during the registration process. This survey, which will collect data from provisional psychologists and their supervisors, is available on the CAP website.

### Study of Mental Health and Addiction Issues in Canada

Three reports on policies and programs related to mental health, mental illness and addiction in Canada will be released by the Standing Senate Committee on Social Affairs, Science and Technology on November 23, 2005. These comprehensive reports will include comparisons of Canada's mental health system to systems in other countries.

A letter from the Committee has been posted on the CAP website (under "News"), along with an invitation to respond to a short questionnaire.

## Calendar

### Calendar of Events

#### Council Meetings

December 3, 2005  
February 4, 2006  
March 18, 2006  
May 27, 2006

Anyone planning to attend should contact the CAP office for details. The most recently approved minutes can be found on the CAP website.

#### Credentials Evaluation Committee Meetings

<i>Meeting Date</i>	<i>Deadline for Application</i>
October 21, 2005	September 26, 2005
December 2, 2005	November 7, 2005
February 3, 2006	January 20, 2006
April 7, 2006	March 24, 2006
May 26, 2006	May 12, 2006
September 8, 2006	August 25, 2006
November 10, 2006	October 27, 2006

#### Oral Examinations

<i>Dates</i>	<i>Deadline for Application</i>
January 23 - 27, 2006	November 25, 2005
April 24 - 28, 2006	February 27, 2006
June 19 - 23, 2006	April 24, 2006
October 23 - 27, 2006	August 28, 2006

#### Registration Committee Meetings

<i>Meeting Date</i>	<i>Deadline for Submissions</i>
November 21, 2005	November 7, 2005
December 16, 2005	December 2, 2005
January 30, 2006	January 16, 2006
February 28, 2006	February 14, 2006
April 20, 2006	April 6, 2006
May 25, 2006	May 11, 2006
June 28, 2006	June 14, 2006
August 28, 2006	August 14, 2006
September 27, 2006	September 13, 2006
October 30, 2006	October 16, 2006
November 20, 2006	November 6, 2006
December 13, 2006	December 6, 2006

# Resources

## Resources

### CAP Publications

Available on a cost-recovery basis from the College office:

- a) Copies of CAP practice guidelines (individually or as a package)
  - Addressing Recovered Memories
  - Advertising and Other Public Communication
  - The Use of Aversive Techniques in Behaviour Management
  - Child Custody Assessment
  - The Control and Use of Tests by Psychologists
  - Non-Discriminatory Practice
  - Release of Confidential Information
  - Service Fees for the Provision of Copies of Client Files
  - Psychological Evaluations for Child Protection Decisions
  - Limits to Confidentiality and Consent for Services: Special Issues in Working with Minors and Dependent Adults
  - Dual Roles: Guidelines for Conducting Assessments and Providing Therapy with the Same Client
- b) “Status of Codes of Ethics, Codes of Conduct & Guidelines in the Regulation of the Psychology Profession in Alberta”
- c) “Receiving Services from a Chartered Psychologist...” (brochure)

### Websites

The College’s website at [www.cap.ab.ca](http://www.cap.ab.ca) serves two purposes: communication with the public and communication with College members. The website is updated regularly and is a good source of information for everyone.

Other useful websites for CAP members:

- Psychology Profession Act and Regulations, [www.gov.ab.ca/qp](http://www.gov.ab.ca/qp)
- Health Professions Act, [www.gov.ab.ca/qp](http://www.gov.ab.ca/qp)
- Psychologists’ Association of Alberta, [www.psychologistsassociation.ab.ca](http://www.psychologistsassociation.ab.ca)
- Canadian Psychological Association, [www.cpa.ca](http://www.cpa.ca)
- Association of State and Provincial Psychology Boards, [www.asppb.org](http://www.asppb.org)

### Supervision Consultants

Jon Amundson and Walter Goos, Supervision Consultants for the College, provide consultation to provisional psychologists and supervisors and assist in the resolution of conflicts between provisional psychologists and supervisors.

#### Contact information:

Jon Amundson  
1614 – 8th Avenue NW  
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# Register Updates

## Updates to the Register

### New Members

Congratulations and welcome to the 40 new Chartered Psychologists and 2 new Psychological Assistants who have been added to the Register between June 1, 2005 and September 30, 2005.

### Chartered Psychologists (Practicing)

Ms. Lorraine J. Andriuk  
Dr. Jacqueline C. Bailey  
Ms. Angela Bardick  
Ms. Salwa Blaik Hodgson  
Dr. Torie Carlson  
Ms. Margaret Casey  
Dr. Yadwinder Cheema  
Ms. Laura-Lee Clausen  
Ms. Krista Clelland  
Dr. Lisa Dolgoy  
Ms. Patricia Doucette  
Dr. Marion Eals  
Dr. Liam Ennis  
Ms. Paige Feurer  
Dr. Deanna Gammell  
Dr. Andrew Brian Grady  
Ms. Mariana Grinman  
Ms. Kama Jamieson  
Ms. Trista Knoetzke  
Mr. Donald Lance Kulak  
Ms. S. Helen MacKinnon  
Dr. A. Michael Maclean  
Ms. Elizabeth Massiah  
Ms. Nathalie Mercier-Cole  
Ms. Richelle Mottosky  
Mr. Patrick Myers  
Ms. Harnishakumari R. Nathoo  
Ms. Christine Pugh  
Ms. Dian Quinney  
Ms. Michelle Ranson  
Ms. Elizabeth Ring Cassidy  
Ms. Kelly Ryan  
Ms. Emily Shaffer  
Ms. Tanya Jackson Snicer  
Dr. Petra Spletzer  
Ms. Gwendolyn D. Villebrun  
Ms. Dana von Wackerbarth  
Mr. Ira Whyte  
Ms. Irene Wilkinson  
Ms. Kimberely Witko

### Psychological Assistants (Practicing)

Ms. Michelle Mall  
Ms. Kathryn Saito

### Reinstatements

Ms. Lisa Bauche, Provisional Psychologist  
Ms. Mary Dougherty, Chartered Practicing Psychologist

### Voluntary Delisting

Ms. Sandi Ruddy, Chartered Psychologist

### Changing your address?

Please notify the College promptly in writing of changes in your address, phone/fax numbers or e-mail address. A change of address form is provided on the College website.

College of Alberta Psychologists  
Council, 2005-06

**President**

Horst Mueller

**Past President**

Vacant

**President-Elect**

vacant

**Public Members**

Barry Ashton

Wayne Wright

**Treasurer**

Bonnie Rude-Weisman

**Members At Large**

Dennis Brown

James Canniff

Eric Haffenden

Wendy Hawkins

Teresita Jose

Michael King

Terry Wilton

**Ex Officio Members**

Chair, Chartering Committee

Jean Pettifor

Chair, Credentials Evaluation Committee

Walter Goos

Chair, Discipline Committee

Patrick Baillie

Chair, Oral Examinations Committee

Lee Handy

Chair, Practice Review Committee

Paul Jerry

Chair, Registration Committee

Roy Frenzel

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Alexandra Kinkaide

**Complaints Director**

Eileen Baril

**Coordinator, Administration and Finance**

Wendy El-Issa

**Executive Assistant**

Gail Leicht

**Credentials Evaluation and Examinations**

**Coordinator**

Shenade Johnson

**Registration Coordinator**

Leanne Vanderhelm

**Assistant to the Complaints Director**

Kathy Semchuk

**Receptionist / Office Assistant**

Cheryl Ferguson

The **CAP Monitor** is a regular publication of the  
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The CAP Monitor is complete and accurate to the best of our knowledge at the time of printing. We apologize in advance for any errors or omissions.

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