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**THE EXPERIENCES OF SCHOOL COUNSELORS  
WITH COURT INVOLVEMENT RELATED TO CHILD CUSTODY**

by

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A Dissertation Submitted to the Faculty of  
Old Dominion University in Partial Fulfillment of the  
*Requirements for the Degree of*

DOCTOR OF PHILOSOPHY

COUNSELOR EDUCATION AND SUPERVISION

OLD DOMINION UNIVERSITY

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Karen Sanzo (Member)

## **ABSTRACT**

### **THE EXPERIENCES OF SCHOOL COUNSELORS WITH COURT INVOLVEMENT RELATED TO CHILD CUSTODY**

Crystal E. Hatton  
Old Dominion University, 2014  
Dissertation Chair: Dr. Theodore P. Remley, Jr.

Professional school counselors are often confronted with a myriad of legal and ethical challenges when working with students and their families. While school counselors are discouraged from becoming involved in child custody matters, many are unable to avoid the process for a variety of reasons. This qualitative phenomenological research inquiry explored professional school counselors' experiences with court involvement in child custody matters and sought to understand how such experiences may have affected how they perceive their role in assisting children and families who are undergoing divorce, separation, or child custody disputes. A series of semi-structured interview questions and a written reflection were utilized with a random purposeful, convenience, and snowball sample of nine professional school counselors from a school division in Virginia. Findings suggest that experiencing court involvement for child custody matters presents various concerns for school counselors including uncomfortable feelings and interactions, personal and professional inconveniences, unpreparedness, and ethical dilemmas. These concerns subsequently impact the work of school counselors with children and families. Implications for school counselors, parents and guardians, legal personnel, counselor educators, supervisors, and professional associations are discussed.

**Keywords:** school counselor, child custody, court involvement, divorce, separation, custody dispute, ethical, legal



This dissertation is dedicated to the school counselors who have experienced court involvement in a child custody matter. May this work be used as tool to promote advocacy and enhance professional practice.

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## **CHAPTER ONE**

### **INTRODUCTION**

#### **Overview**

In today's schools, professional school counselors often encounter parents and students who are aware of their legal rights (Hall, Rushing, & Beale, 2010). Similarly, due to the nature of complex issues that arise within school settings, professional school counselors are often challenged to make legal and ethical decisions to meet the needs of students (Froeschle & Crews, 2010; Glosoff & Pate, 2002). In addition to contending with legal and ethical issues such as reporting instances of suspected child abuse and neglect (Bryant, 2009) and suicide (Moyer & Sullivan, 2008), professional school counselors must work effectively to adhere to parents' rights while striving to preserve the confidentiality of their minor students (Moyer & Sullivan, 2008; Remley & Herlihy, 2014).

Aside from the aforementioned issues, divorce and separation are also widespread problems that affect many families (Clark, 2013; Jolivet, 2011; Jones, 1996; Patel & Jones, 2008; Remley & Herlihy, 2014) and professional school counselors are in a position to facilitate counseling interventions to assist students and their families within the school setting (Jolivet, 2011; Ziffer, Crawford, & Penney-Wietor, 2007). However, professional school counselors are often placed in difficult situations when they are asked to intervene within child custody disputes (Remley & Herlihy, 2014; Stenger, 1986). When such a request presents itself, it is a best practice for the professional school counselor to remain neutral (ASCA, 2010) and make a referral to the appropriate legal or mental health personnel. For example, child custody evaluators and guardians ad litem

are in a position to conduct child custody investigations and report to the court accordingly (Mabry, 2013; Weinstock & Markan, 2006). This chapter serves as an introduction to this dissertation and provides a general overview of information that will be outlined in great detail in subsequent chapters.

### **Summary of Relevant Literature**

A thorough review of the literature revealed that a paucity of research exists on the topic of school counselors and legal issues. After conducting a quantitative study with 422 elementary and middle school counselors who were members of the American School Counselor Association (ASCA), Davis (1995) found that 61% (n= 72) of participants acknowledged that they had been asked to testify in a child custody case. Although this study was noteworthy in that it contributed to the existing literature on the topic of school counselors and court appearances, its limitations included a potentially biased sample and a rather concise survey that did not provide participants with an opportunity to elaborate on their experiences.

Another quantitative study by Hermann (2002) secured a sample of 500 members of the American School Counselor Association and 500 members of the American Mental Health Counselors Association to determine the legal issues that counselors have encountered most often. It is important to note that only the sample of professional school counselors was analyzed for the study. While the findings of the study revealed that professional school counselors are challenged with legal issues such as child abuse and suicide most often, responding to a court subpoena was the legal issue counselors reported as having experienced least often. Only 23% of professional school counselors indicated that they felt prepared to respond to a court subpoena. In addition, three of the

professional school counselors in the study mentioned that they had been asked to testify in a child custody case.

An additional quantitative study by Hermann, Leggett, and Remley (2008) utilized the same aforementioned sample of 500 members of the American School Counselor Association and 500 members of the American Mental Health Counselors Association to investigate both school and mental health counselors' legal challenges and their perceived ability to respond to such challenges. The findings of this study indicated that responding to a subpoena was the legal issue encountered least often by both school counselors and mental health counselors. More specifically, only 26% of school counselors and mental health counselors felt well prepared to respond to a subpoena while 47% felt poorly prepared.

Although the aforementioned studies have contributed to the existing literature, they have several limitations that must be taken into consideration. Because the samples were generated from the American School Counselor Association and American Mental Health Counselors Association's membership lists, there was a potential for them to be biased and unable to be transferred to the larger population of professional school counselors. Furthermore, being that the previous studies were quantitative in nature, their findings provided relevant information about the frequency and percentages of various phenomena. However, the participants were not able to provide additional information about the thoughts and feelings that were attached to their experiences and perceptions.

This current study sought to address such limitations by employing a qualitative phenomenological methodology. Thus, participants had an opportunity to share their stories and articulate the true essence of their thoughts and feelings by using their own

words. Being that semi-structured interview questions and an open-ended written reflection were used to gather data, participants were able to provide unique responses rather than forced choices. Therefore, the findings of this study revealed intimate details about participants' experiences and perceptions that could only be acquired by asking open-ended questions. Moreover, participants had an opportunity to advocate for themselves and the school counseling profession during the interview process.

### **Conceptual Framework**

This research inquiry explored professional school counselors' experiences with court involvement in child custody matters and sought to understand how such experiences may have affected how they perceive their role in assisting children and families who are undergoing divorce, separation, or child custody disputes. Qualitative research was necessary for this study because it provided me with an opportunity to explore the meaning that professional school counselors have attached to experiencing court involvement in child custody matters and assisting children and families who are undergoing divorce, separation, and child custody disputes after having such experiences. Furthermore, qualitative research enabled me to develop a rich and thick description of the phenomena as the participants described their experiences as they related to their consciousness (Hays & Singh, 2012; Marshall & Rossman, 2006; Merriam, 2009). Similarly, this study was also grounded within the phenomenological research tradition; I immersed myself into the participants' world as they shared authentic and original knowledge about their experiences and perceptions. More specifically, through bracketing and reflexive journaling, I listened to participants' stories without rendering judgment or bias. In accordance with phenomenological research, this study embraced

the social constructivist paradigm in that I operated on the assumption that there were multiple realities instead of one objective truth (Hays & Singh, 2012; Merriam, 2009).

### **Connection to Research Topic**

As a professional school counselor, I have served students and families who are experiencing divorce, separation, or custody disputes. I have conducted individual and group counseling sessions with students, made referrals to family counseling services, and distributed information about beneficial community programs and events. While these tasks and services were well within my professional role, I was sometimes placed in a rather awkward and compromising position when I was contacted by parents, guardians, or legal personnel to intervene in matters related to child custody. For example, some parents and guardians requested that I write letters disclosing details of counseling sessions and their attorneys called me to ask questions about the child as they were deciding whether or not to issue a subpoena for me to appear as a witness in court. While I have been able to convince parents and legal personnel of the importance of not involving the professional school counselor in child custody matters, I am aware that other professional school counselors have not been able to avoid the process. Thus, I planned to conduct a qualitative phenomenological study to explore the experiences of professional school counselors who have had court involvement in child custody matters. Furthermore, I endeavored to understand how their perception of their role in assisting children and families who are undergoing divorce, separation, or child custody disputes may have been affected after experiencing court involvement.

### **Purpose Statement**

The purpose of this qualitative phenomenological research study was to explore professional school counselors' experiences with court involvement in child custody matters and to understand how such experiences may have affected how they perceive their role in assisting children and families who are undergoing divorce, separation, or child custody disputes. This study provided professional school counselors with a platform to voice their experiences by sharing significant details about their thoughts and feelings in regards to the phenomena of interest. It is possible that the findings of this phenomenological inquiry will serve as an educational resource for school personnel, legal personnel, parents, and other stakeholders who often play a vital role in school counselors becoming legally involved in child custody matters. Given the paucity of research on this topic, the findings of this study will help to lessen the gap that exists within the current literature.

### **Research Questions**

Qualitative research questions are designed to explore, investigate, or describe certain phenomena. Therefore, research questions are open-ended and often ask "what" or "how" in order to gain detailed information from participants. In contrast to quantitative research, qualitative research questions are not fixed at the onset of a study; instead, they can be modified throughout the data collection and analysis processes (Hays & Singh, 2012). This particular research study aimed to answer the following research questions:

- What are professional school counselors' experiences with court involvement in child custody matters?

- How might professional school counselors' perceptions of their role in assisting children and families experiencing divorce, separation, or custody disputes be affected, if at all, by court involvement in a child custody matter?

### **Definitions of Key Terms**

The definitions that are provided for the following key terms are specific to this particular dissertation.

#### **American School Counselor Association (ASCA)**

A national professional organization for school counselors that provides professional development, support, resources, and networking opportunities.

#### **Professional School Counselor /School Counselor**

A master's degree level professional who has been licensed as a school counselor by the state department of education and works in a school setting providing academic, career, personal, and social counseling to students in grades kindergarten through 12.

#### **Court Involvement**

Any of the following: receiving a subpoena, making a court appearance regardless of whether or not testimony was needed, attending a hearing with a judge present, attending a deposition with attorneys present, or submitting a written document to a judge, attorney, guardian ad litem, or parent.

#### **Child Custody**

The care of a minor child that is awarded to a parent or guardian by the court. There are several types of child custody including sole custody, legal custody, physical custody, split custody, and divided custody.

**Divorce or Separation**

The resolution of a marriage or partnership between two parents or guardians.

**Expert Witness**

A witness who is utilized by the court to share his or her expertise in a given area.

He or she has often received specialized training and education to fulfill this role.

**Fact Witness**

A witness who is utilized by the court to recount specific events that have occurred. He or she is tasked with answering factual and objective questions.

**Child Custody Evaluator**

A trained professional and type of expert witness who has been accepted by a court to conduct investigations and make a nonbiased judgment and recommendation to the court in matters regarding child custody.

**Guardian Ad Litem**

A trained attorney or mental health professional who is appointed by a court to represent the best interests of children and others members of vulnerable populations.

**Ethical**

Term that is synonymous with the words moral, honorable, fair, just, and right.

This term is also used to describe situations or dilemmas that are often ambiguous in which there is not a clear right or wrong answer. Professional organizations (i.e., American School Counselor Association) have published ethical standards that guide professional behavior and decision-making practices.



## **Legal**

Term that pertains to the law or public policy. This term is also used to describe situations or dilemmas in which there is a protocol to follow per the state or federal law.

## **Overview of Methodology**

For this qualitative phenomenological study, the sample was comprised of nine professional school counselors in order to meet the criteria for a sample size that aligns with the phenomenological research tradition (Creswell, 2007). Thus, I employed random purposeful, convenience, and snowball sampling methods to recruit nine participants from the school district in which I work who met the following criteria: (1) were licensed as professional school counselors, (2) worked in an elementary, middle, or high school, and (3) had experience with court involvement in a matter related to child custody. If I was unable to secure enough participants from within the selected school division, I planned to contact school counselors in neighboring school divisions. In terms of sample size, it is important to note that I was prepared to interview as many participants as necessary until I reached saturation, the point during the data collection process in which no new themes and categories are identified (Corbin & Strauss, 2008; Hays & Singh, 2012).

Merriam (2009) asserted that interviewing, the primary method of data collection within qualitative research, is beneficial and necessary in order to recount personal experiences. Therefore, this qualitative phenomenological study employed a set of semi-structured interview questions that invited participants to elaborate on their experiences and perceptions in regards to the phenomena of interest (Appendix F). The interviews

were recorded and transcribed by me. Engaging in the transcription process provided me with the opportunity to immerse myself within the data and capture the participants' true voice. In addition, since I conducted each participant's interview, the transcription process was enriched by memories of nonverbal behaviors and emotional moments that occurred when I interacted with participants.

At the conclusion of the semi-structured interview process, I asked participants to complete a writing prompt that asked for their responses to three inquiries (Appendix G). Finally, I engaged in member checking both during and after the interview process to ensure that I had accurately captured the true essence of participants' experiences and perceptions. In addition, I emailed each participant a copy of their transcribed interview responses and asked that they read it for clarity and make any modifications if necessary.

As the researcher for this qualitative phenomenological study, I understood that I was the primary instrument of data collection. As a result, I applied various strategies to identify my assumptions and acknowledge my biases (Creswell, 2003; Hays & Singh, 2012). I practiced bracketing by writing my thoughts, feelings, and perceptions so that I was able to listen to the participants' stories from a fresh perspective (Hays & Singh, 2012; Patton, 2002). Similarly, I maintained a reflexive journal in an effort to sustain a neutral perspective throughout the research process to minimize my influence on the data collection and analysis processes (Hays & Singh, 2012; Watt, 2007). In addition to member checking, bracketing, and maintaining a reflexive journal, I endeavored to enhance the rigor and trustworthiness of this study by formulating a diverse research team to present multiple perspectives during the data analysis process (Merriam, 2009). Furthermore, I maintained a detailed and comprehensive audit trail to preserve the

research process and chronicle the rich and thick description of the participants' experiences and perceptions (Creswell, 2007; Hays & Singh, 2012). Members of the research team and I utilized Moustakas's modification of the Stevick-Colaizzi-Keen phenomenological data analysis process to conceptualize the true essence of participants' experiences and perceptions in regards to the research inquiry (Hays & Singh, 2012).

### **Limitations**

Although this particular study contributed to the existing literature, it is not without limitations. Due to the fact that the sample size consisted of nine participants from the same geographic location, the findings of the study may not represent the true experiences and perceptions of all professional school counselors. In addition, being that all of the participants were female who worked at the elementary and middle school levels, there was no way to determine if the findings of the study would be different in males or high school counselors were included. Moreover, although I engaged in several aforementioned strategies to acknowledge my biases and assumptions, it is possible that the study was influenced by researcher bias, my lack of research experience, sample selection, and data collection processes. Overall, as a professional school counselor who has had some experience with speaking with parents and attorneys about child custody, I am aware that my experiences and perceptions may have affected the research process in some way.

### **Delimitations**

In order to narrow the scope of this particular study, several boundaries were set in terms of its methodology. For example, the study was delimited in terms of its sample because it explored only the experiences and perceptions of professional school

counselors who have experienced court involvement in child custody matters. Although other school personnel may have encountered a similar situation, their experiences and perceptions were investigated during this study. Similarly, this study did not explore the experiences and perceptions of mental health counselors, child custody evaluators, or guardians ad litem who have made appearances in child custody matters. By the same token, this study was also delimited in regards to the phenomenon under investigation. Although professional school counselors may experience court involvement for various legal issues such as child abuse and neglect, criminal behavior of students, or their own alleged professional negligence, this study focused specifically on court involvement for matters of child custody.

### **Summary**

This study explored the experiences of professional school counselors with court involvement in child custody matters and how their perceptions of assisting children and families who are undergoing divorce, separation, or child custody disputes may have been affected due to such experiences. A thorough review of the literature found that there were only three known studies that investigated school counselors and legal issues. All three studies were quantitative in nature. To date, there are no known qualitative studies that explored school counselors' experiences and perceptions in regards to court involvement. Therefore, this qualitative study provided professional school counselors with an opportunity to share intimate details about their experiences and perceptions. Although this study contributed to the existing literature, it was impacted due to my limited experience as a researcher, possible researcher bias, sample selection, and data collection methods. In addition, this study focused specifically on the experiences and

perceptions of professional school counselors rather than mental health counselors, legal personnel, or other school personnel who have encountered the same situation. Similarly, although there were several instances that warranted court involvement for professional school counselors, this study only focused on child custody matters.

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **Overview**

This study explored professional school counselors' experiences with court involvement in child custody matters and their perceptions of their role in assisting children and families who are undergoing divorce, separation, or child custody disputes after having such experiences. In order to effectively investigate and understand the phenomena of interest, it was necessary to conduct a thorough review of existing literature to provide a proper background and context for the study. This chapter is comprised of a comprehensive literature review that commences with a discussion of the current role of professional school counselors and examples of the various ethical and legal issues that influence their work with students and families. Due to the subject of this phenomenological inquiry, relevant information and current trends in regards to divorce and separation are presented along with suggested interventions that the professional school counselor might implement to assist students and families with divorce, separation, or child custody disputes. This literature review focuses specifically on how child custody disputes present professional school counselors with legal and ethical dilemmas that sometimes lead to court appearances. By relying upon relevant research, this review contrasts the role of the professional school counselor with that of the child custody evaluator and provides guidance for how the professional school counselor can navigate the child custody process while respecting the rights of both parents.

### **Legal and Ethical Issues for the School Counselor**

It is imperative that professional school counselors are knowledgeable about legal and ethical issues that can arise within the school setting. Parents and students are aware of their legal rights and they are willing and prepared to solicit the assistance of the legal system. Thus, in order to work effectively and avoid legal dilemmas, professional school counselors must receive continuing education and training to enhance their professional development (Hall, Rushing, & Beale, 2010; Hermann, 2002). Furthermore, professional school counselors must have knowledge of ethical codes in order to make decisions in ambiguous situations (Froeschle & Crews, 2010; Glosoff & Pate, 2002). The following information highlights various legal and ethical issues that professional school counselors encounter during their work with students and families.

#### **Child Abuse and Neglect**

Professional school counselors are often tasked with recognizing and reporting cases of suspected child abuse and neglect. This task presents legal and ethical challenges for professional school counselors because they are mandated reporters who must act in the best interest of the child. A study comprised of 193 professional school counselors who were members of the American School Counselor Association (ASCA) revealed that elementary and middle school counselors reported more instances of child abuse and neglect than did high school counselors (Bryant, 2009). Although professional school counselors have a clear legal obligation to report instances of suspected child abuse and neglect, many report that the process still elicits feelings of doubt, anxiety, uncertainty, and hesitation. In fact, some individuals believe that training programs should prepare professional school counselors to make reports of suspected child abuse

and neglect as well as appear as witnesses in court proceedings. However, although professional school counselors may have to appear in court for cases of child abuse and neglect, it is important to note that they should not assume the role of a forensic investigator in that it is not their responsibility to investigate or prove that child abuse or neglect has taken place. In other words, professional school counselors should not vacate the counseling role; instead, they must challenge themselves to remain impartial and supportive in the midst of the difficult circumstance (Valkyrie, Creamer, & Vaughn, 2008).

### **Suicide**

Suicide also yields contexts that present an array of legal and ethical issues for professional school counselors. As cited by Collins (2009), the Center for Disease Control (CDC) lists suicide as the third leading cause of death for individuals between the ages of 10-24. Thus, professional school counselors are in a position to assist school personnel with dealing with crises that emerge within the school setting in the event that a student commits suicide (Fineran, 2012). Being that suicide claims approximately 4,500 lives each year, it is imperative that professional school counselors recognize and intervene when signs of suicide or self-injury present themselves. A number of suicide prevention programs have been developed for school counselors to implement as a resource within their school buildings. For example, The Signs of Suicide Program (SOS) has gained national recognition as an evidence-based, preventative measure that can be implemented by professional school counselors and other mental health professionals who work in school settings. The program is a DVD-based curriculum that shows students how to intervene when signs of suicide occur (Collins, 2009). As with



child abuse reporting, professional school counselors are given strict legal and ethical guidelines that guide their behavior when threats of suicide or self-harm arise. However, although professional school counselors are well aware of their ethical and legal obligations, reporting issues related to suicide causes them to breach confidentiality and accept the risk of sacrificing the trust that has been developed within the counseling relationship (Moyer & Sullivan, 2008).

### **Confidentiality**

Although professional school counselors often reach consensus on reporting issues related to suspected child abuse, neglect, and suicide, they have varying viewpoints regarding when it is appropriate or ethical to breach confidentiality and inform parents of information that has been shared within the context of the counseling relationship. When evaluating student behaviors, the definition of clear and imminent danger is often subject to personal interpretations. Thus, professional school counselors and other mental health professionals may have different opinions and not agree in regards to certain situations. In addition, the work of professional school counselors becomes even more difficult because they are expected to abide by legalities, ethical codes, and the policies that have been created by their school district in addition to maintaining relationships with parents who have rights to their minor children (Moyer & Sullivan, 2008).

Moyer and Sullivan (2008) contended that it is the responsibility of the professional school counselor to decide whether or not to breach confidentiality and notify parents or guardians when confronted with an ethical dilemma. Regardless of the decision, the professional school counselor should document details about his or her

decision-making process. For example, it would be important to note the incident of concern, the age of the child, and the impact on the child's overall wellbeing.

### **Rights of Parents**

Although many counselors agree that minors have a right to privacy during counseling sessions, they must understand that minors' legal rights ultimately belong to their parents (Remley & Herlihy, 2014). Thus, professional school counselors are in a more difficult situation because they have to effectively balance their responsibilities to meet the needs of both students and their parents (Glosoff & Pate, 2002; Moyer & Sullivan, 2008). In order to ensure that students receive the benefit of school counseling services, it is necessary for professional school counselors to develop a working alliance with parents to educate them about the need for privacy and confidentiality in the counseling setting (Huss, Norris, & Mulet, 2008).

Even when professional school counselors make an earnest attempt to form working alliances with parents, they may still encounter some who demand to know specific details about information that was shared by their child during the context of a counseling session (Mitchell, Disque, & Robertson, 2002; Remley & Herlihy, 2014). When such circumstances arise, Remley and Herlihy (2014) advised that professional school counselors should communicate with the student to determine if he or she agrees to divulge the requested information. If the student still does not want to disclose information, the professional school counselor should then inform the parent or guardian about the importance of confidentiality and assure him or her that the child is not in any immediate danger. If the parent or guardian still persists, the professional school counselor should then facilitate a meeting with the student and parent to open the lines of

communication. At this time, the professional school counselor must then make a decision about whether or not to breach confidentiality while remembering that parents have a legal right to the information.

### **Record Keeping**

Records are defined as “any physical *recording* made of information related to a counselor’s professional practice” (Remley & Herlihy, 2014, p. 130). Standard A.8 of the American School Counselor Association’s Ethical Standards (ASCA, 2010) provides detailed guidelines for how professional school counselors should handle student records. According to the standard, professional school counselors are advised to adhere to legal, ethical, and institutional procedures for record keeping. In addition, professional school counselors are encouraged to keep sole-possession notes private and separate from students’ educational records. In keeping true to the standard, professional school counselors must also understand that their notes will become part of students’ educational records if they are shared with others and contain information other than personal observations or opinions.

The Family Educational Rights and Privacy Act (FERPA) of 1974 established regulations to allow parents to access and review their children’s educational records. Furthermore, it also provided educational institutions with procedural safeguards to maintain students’ records in a manner to preserve confidentiality (Stenger, 1986; Walker & Steinberg, 1997). While parents are able to review educational records under FERPA, they must acquire a court order or subpoena to gain access to the school counselor’s personal case notes regarding their child (Remley & Herlihy, 2014). When school personnel receive a subpoena or court order to release students’ records, it is a good

practice for them to contact parents to make them aware of the situation (Stenger, 1986; Walker & Steinberg, 1997). Some states grant rights of privileged communication to professional school counselors (Huss, et al., 2008). When courts adhere to privileged communication statutes, counselors are allowed to maintain confidentiality and refrain from divulging information during court proceedings without the student or client's permission (Huss, et al., 2008; Remley & Herlihy, 2014).

### **Responding to a Subpoena**

Professional school counselors are often called upon to become involved in court proceedings for a variety of reasons and it is essential that they know how to respond when such situations arise. A court subpoena is an official legal document that can require a counselor to submit copies of records, supply answers to a list of written inquiries, or make a court appearance. Receiving a subpoena to appear as a court witness can elicit uncomfortable feelings for professional school counselors, especially if they are unfamiliar with the legal process (Remley & Herlihy, 2014). Remley, Hermann, and Huey (2003) have provided practical advice for professional school counselors in regards to responding to an invitation or subpoena to appear as a witness in court. First and foremost, they advised that professional school counselors should never volunteer or readily agree to become involved in a court case involving a student or parent. If professional school counselors receive a subpoena to testify in a court case, they should communicate with their principal to arrange a consultation with the school board attorney. During the consultation, the professional school counselor should explain reasons for not testifying and request the assistance and intervention of the school board attorney. If the professional school counselor is unable to be released from the subpoena,

he or she should request that the school board attorney prepare them for testimony and accompany them to court.

In regards to matters of child custody, the American School Counselor Association's Ethical Standards for School Counselors (ASCA, 2010) encourage professional school counselors to recognize that both custodial and noncustodial parents have certain rights and responsibilities according to the law. Similarly, in adhering to the ASCA standards, it is suggested that professional school counselors refrain from supporting one parent over the other in divorce proceedings. Furthermore, Remley, et al. (2003) asserted that professional school counselors should make an effort to remain neutral in child custody disputes because they will still have professional obligations to the noncustodial parent after the proceedings are over.

### **Divorce and Separation**

Research suggests that divorce and separation are widespread problems that impact many children and their families (Clark, 2013; Jolivet, 2011; Jones, 1996; Patel & Jones, 2008; Remley & Herlihy, 2014). Between the 1950s and 1970s, divorce was considered a shameful and embarrassing act and one parent was often blamed for the marital demise. Children of divorced parents were expected to suffer academically and develop various personal and social difficulties throughout their lives. However, since the 1970s, attitudes about divorce changed dramatically in that it became more commonplace and accepted within society. Thus, children of divorced parents were considered resilient and able to endure the subsequent familial, personal, and social transitions (Jolivet, 2011). In citing 2007 findings from the U.S. Census Bureau, Patel and Jones (2008) found that 1.2 million marriages end in divorce each and every year

and, as a result, approximately 14% of children are left to reside with only one divorced parent. Similarly, the failure rate for second marriages rests at 60% (Jones, 1996) and many more children in today's society are born to parents who are not married (Remley & Herlihy, 2014).

### **Children's Reactions to Divorce and Separation**

It is reported that children's reactions to their parents' divorce largely depends on how the situation is handled between their parents. Parents can place their children at risk to develop various psychological, emotional, and social issues when they encounter conflict in regards to child custody processes, child support payments, or child rearing practices (Jolivet, 2011). When such a marked degree of conflict exists, parents and children become involved with the legal system (Bala, Birnbaum, & Martinson, 2010) and child protective service agencies are often called upon to investigate reported child abuse (Saini, Black, Fallon, & Marshall, 2013). In a study completed by Saini, Black, Fallon, & Marshall, (2013), 217,319 child protective services cases were reviewed to determine if they were connected to a child custody dispute. The results of the study indicated that 12 % or 25,101 of the cases referred to child protective services at the time of the study involved a child custody dispute. In addition, many child custody files were found to have been opened more than three times and had higher rates of malicious referrals than non-custody cases. Furthermore, 20% percent of the cases involving a child custody dispute were for exposure to domestic violence, physical abuse, emotional abuse, and neglect. Saini, Black, Lwin, Marshall, Fallon, and Goodman (2012) contended that child protective services workers lack the skills, training, and expertise to effectively intervene to assist families in the midst of conflict.

It is important to recognize the fact that boys and girls respond differently to the stressors that accompany a divorce or separation (Jolivet, 2011). For example, it is more likely for boys to engage in disruptive behavior or display aggressiveness as soon as they begin to feel stressed or uncomfortable with the change in their family dynamic. Their behaviors are often rather drastic and manifest themselves immediately. Contrarily, girls are more likely to display problematic behaviors more gradually. Their reactions tend to occur during adolescence and are characterized by high-risk behaviors such as frequent sexual encounters, decreased school attendance, and avoidance of the home environment.

In citing the 2009 GordonPoll Youth Survey, Jolivet (2011) highlighted the attitudes, thoughts, and feelings of 1,000 teenagers between the ages of 14-18 who had either married or divorced parents. The findings of the study revealed that while the majority of children wanted their families to remain intact, they did not want to feel as though they were caught in the middle of a conflict between their parents. The children also wanted their parents to know that they preferred to be informed and kept abreast of situations that were occurring in regards to the divorce. Likewise, the children also needed to be reassured that they were not responsible for their parents' divorce.

### **Assisting Children and Families of Divorce and Separation**

Aside from appearing in court and becoming involved in matters related to child custody, professional school counselors can intervene to assist children and their families in more appropriate and effective ways. For example, professional school counselors can offer parenting support groups in order to meet the needs of children and their families. Ziffer, Crawford, and Penney-Wietor (2007) discussed an effective group counseling program that was implemented by six school counselors after school hours. Termed "the

Boomerang Group,” the group counseling program enabled professional school counselors to meet with families who were undergoing divorce or separation for eight weeks in an effort to provide a therapeutic counseling intervention. At the time of the three-year follow up interview, the participants reported less stress and more positive feelings and behaviors than those who did not receive the counseling intervention.

An additional study referenced by Jolivet (2011) revealed that counseling sessions are beneficial for children and parents who are undergoing divorce or separation. In this particular study, 240 mothers and children between the ages of 9-12 were divided into two treatment groups. One treatment group received 11 group counseling sessions with mothers and their children that focused on improving relationships and coping with divorce. Similarly, the other treatment group consisted of 11 group counseling sessions with the mother only. Participants in the control group were given literature to read about the impact of divorce and separation. Six years after the interventions, the results of the study revealed that the individuals in both treatment groups reported fewer problems related to divorce and separation than those in the control group. Thus, it is plausible to conclude that therapeutic interventions such as counseling and exposure to resources are beneficial for individuals who are encountering changing family dynamics due to divorce or separation. Thus, it is essential for professional school counselors to understand how divorce and separation negatively affect children and families and familiarize themselves with evidence-based practices that have proven to be effective and empirically sound. Furthermore, professional school counselors should also collaborate with parents and teachers to best meet the academic, personal, and social needs of students while they are



in the midst of their familial transitions (Jolivet, 2011; Ziffer, Crawford, & Penney-Weitor, 2007).

### **Child Custody**

When a child is born, custody is automatically established with his or her biological mother and biological father (Wilcoxon & Magnuson, 1999). However, when the parental relationship is affected due to divorce or separation, there are many custody arrangements that can be awarded by the court (Mullis & Otwell, 1998). Thus, child custody is determined by a child custody order, a legal document that specifically outlines parents' temporary or permanent responsibilities in regards to one or more minor children (Remley & Herlihy, 2014; Wilcoxon & Magnuson, 1999). The following information provides details about child custody disputes, forms of child custody, and the involvement of the noncustodial parent.

### **Child Custody Disputes**

Although the majority of parents are able to make their own arrangements regarding their parental responsibilities when undergoing a divorce or separation (Emery, Otto, & O'Donohue, 2005; Patel & Jones, 2008; Wallerstein, Lewis, & Blakeslee, 2000), approximately 10 % of child custody cases are referred to the court (Emery, et al., 2005; Luftman, Vetkamp, Clark, Lanncone, & Snooks, 2005). It is also important to note that adults other than biological parents often become involved in child custody disputes. Thus, nonparents such as grandparents, stepparents, and other relatives become involved custody situations to act in the best interest of the child (Andersen, 1998). When making decisions in child custody disputes, it is important for the court to holistically evaluate the wellbeing of each child. Thus, the child's physical, mental, spiritual, educational, social,

and familial welfare must be considered in addition to the attitudes and character traits of the individuals who are seeking custodial rights (Forman, 2011).

Professional school counselors are often placed in rather difficult and compromising situations when parents choose to involve them in their child custody disputes (Remley & Herlihy, 2014; Stenger, 1986). School personnel are often put in the middle of parental conflict and turmoil when they must enforce rules in regards to parental access to children (Stenger, 1986). If professional school counselors are presented with a child custody order by a parent or legal guardian, it is most appropriate for them to forward it to the school principal for interpretation. If additional assistance is needed, the school principal should contact the school board attorney. When asked to resolve child custody disputes, it is a best practice for professional school counselors to remain neutral and recommend that parents contact a school administrator, legal representative, or law enforcement officer to intervene accordingly (Remley & Herlihy, 2014). In order to work effectively with children and families within school systems, it is necessary for professional school counselors to develop an understanding of child custody (Wilcoxon & Magnuson, 1999). Thus, Remley and Herlihy asserted, "It is important for counselors to understand the nature of child custody so that they will not be tempted to involve themselves inappropriately in custody battles" (2014, p. 259).

### **Forms of Child Custody**

There are several forms of child custody that are recognized by the courts and awarded to parents (Mnookin & Weisberg, 1995; Mullis & Otwell, 1998; Remley & Herlihy, 2014; Wilcoxon & Magnuson, 1999). When parents are granted legal custody of a minor child, they are responsible for making important decisions about how the child

will be reared in society. More specifically, legal custody gives parents the right to make decisions regarding matters such as education, healthcare, or religion. (Mnookin & Weisberg, 1995; Remley & Herlihy, 2014). On the other hand, physical custody is granted to the parent or parents with whom the child will reside. Even when parents share custody, they may make arrangements among themselves to have their children reside with one parent to establish routine and stability. Therefore, professional school counselors must not automatically assume that a parent has been awarded physical custody just because the child resides with that particular parent (Wilcoxon & Magnuson, 1999).

Legal and physical custody can be awarded to either both parents or one parent. When parents are awarded joint custody, they are responsible for sharing legal custody, physical custody, or both to best meet the needs of their children. Joint custody arrangements have increased since the 1970s and many states recognize it as a viable option for parents and children (Bauserman, 2002; Bender, 1994). In the GordonPoll Youth Survey study cited by Jolivet (2011) that surveyed the attitudes, thoughts, and feelings of 1,000 teenagers from both married and divorced families, 75 % of the respondents believed that both mothers and fathers were equally qualified to care for children. In a meta-analysis that compared joint physical and joint legal custody settings with sole custody settings, Bauserman (2002) found that children in joint custody arrangements were better adjusted than those in sole custody arrangements. Therefore, advocates of joint custody arrangements believed that it provided children with the opportunity to maintain a relationship with both parents while opponents believed that it placed them in the middle of parental disagreements (Bauserman, 2002;

Remley & Herlihy, 2014). On the other hand, in citing the results of a study done by the Center for Family in Transition at Corte Madera, California, Jolivet (2011) stated that children who had undergone stressful and contentious divorce proceedings were psychologically impaired after their parents were awarded joint custody because they were left feeling caught in the middle, torn, and unsafe. Similarly, Saini et.al. (2013) asserted that a custody arrangement that required the children to transition from home to home was not suitable for parents immersed in high conflict because it provided them with space to further argue or demonstrate disagreement in front of the children. Conversely, when a parent is awarded sole custody, he or she is completely responsible for making decisions in regards to the physical or legal aspects of the child's wellbeing while the remaining parent may be given visitation per a court order (Wilcoxon & Magnuson, 1999).

Mnookin and Weisberg (1995) described two additional forms of child custody: split custody and divided custody. Split custody is an arrangement in which multiple children are split between both parents. Contrarily, divided custody is an arrangement whereby the child spends part of the year with one parent and the remaining part of the year with the other parent.

### **The Noncustodial Parent**

Professional school counselors should make an effort to involve the noncustodial parent in school-related matters when they are able to do so without hindering the familial unit. As school personnel, professional school counselors are in a unique position to positively influence school culture and educational programming to foster sensitivity to the needs of noncustodial parents (Wilcoxon & Magnuson, 1999). Kruk

(1991) found that noncustodial parents often lack information about various school-related matters involving their children. Thus, as a result of this disconnect with the school, noncustodial parents become frustrated because they are uninformed about school field trips, assemblies, and other events they could attend. Similarly, Wall (1992) acknowledged that some noncustodial parents would like to participate in school-related events but are often stripped of the opportunity to do so. Due to the lack of interaction that sometimes exists between the school and the noncustodial parent, the noncustodial parent is often left unaware of how to access school resources to help them and their children (Wilcoxon & Magnuson, 1999).

Wilcoxon & Magnuson (1999) advised that professional school counselors adhere to three basic premises when deciding whether or not to contact the noncustodial parent. First and foremost, they asserted that instances of divorce or separation do not terminate parental rights; parents still have rights to their children even if they are not granted legal or physical custody. Secondly, they contended that professional school counselors must understand that parental rights and responsibilities after a divorce or separation are not always equal. Therefore, it is important that the professional school counselor understand and respect the relationship that exists between parents instead of attempting to introduce a new dynamic. Lastly, the authors stated that professional school counselors should always remember the needs of the children within their school when attempting to involve the noncustodial parent. If contacting the noncustodial parent induces stress upon the child and interjects conflict within the familial unit, a decision should be made to preserve the wellbeing of the child.

When working within the school setting, there are several steps that professional school counselors can take to recognize the rights of noncustodial parents. However, it is in the best interest of the professional school counselor to refrain from becoming involved in relationship conflicts (ASCA, 2010; Remley & Herlihy, 2014; Wilcoxon & Magnuson, 1999), and make a referral to a mental health counselor to better meet the needs of the family (Wilcoxon & Magnuson, 1999). In order to recognize the rights of noncustodial parents, professional school counselors must become familiar with legal issues surrounding child custody. Similarly, professional school counselors must take proactive measures to educate other school personnel about ways to demonstrate sensitivity towards noncustodial parents by creating an inclusive atmosphere where they feel respected and treated as a parent. While professional school counselors are encouraged to work with noncustodial parents, they must also understand that divorce and separation are complicated processes and the school cannot possibly accommodate each and every unique familial request (Wilcoxon & Magnuson, 1999).

### **The School Counselor and Experiences with Court Appearances**

A thorough review of the literature revealed that there was only one known study to investigate the reasons in which professional school counselors make court appearances. Davis (1995) conducted a quantitative study with 422 elementary and middle school counselors to determine their prevalence of court involvement and the types of cases that compelled them to make court appearances in legal proceedings. The sample consisted of 130 elementary school counselors, 97 elementary/middle school counselors, 165 middle/high school counselors, and 23 elementary/middle/high school counselors. The sample was drawn from the American School Counselor Association

membership list. The participants completed the School Counselor Survey on Courtroom Hearings, a 12-item survey that consisted of questions related to individual demographics and the types of cases that prompted school counselors to make court appearances. Data gathered from elementary and middle school counselors were analyzed for this study. The results of the study indicated that 53% ( $n = 227$ ) of the participants who worked in elementary, middle, or both settings made a court appearance and testified in a student-related matter. Of the 227 participants who had acknowledged making a court appearance for a student-related matter, 61% ( $n = 72$ ) of them revealed that they had been asked to testify in a child custody case.

The major finding of the study indicated that school counselors who work in elementary, middle, or both settings made court appearances most frequently for child custody cases. The participants cited sexual abuse and child abuse cases as the second most prevalent types of cases that caused professional school counselors to make court appearances. The second major finding of the study revealed the types of resources professional school counselors in elementary, middle, or both settings accessed when preparing to make a court appearance. The data revealed that professional school counselors who prepared for only one court appearance were more likely to seek the assistance of a school attorney while those preparing for two or more appearances were most likely to seek a personal attorney, professional counseling organization, or the National Education Association/state affiliated school system attorney.

### **The School Counselor and Legal Involvement**

In addition to the aforementioned study that focused on court appearances, a review of the literature found two additional studies that investigated legal involvement

and school counselors. A quantitative study done by Hermann (2002) utilized the Legal Issues in Counseling Survey to examine the types and frequency of legal issues encountered by professional school counselors and their perception of their ability to respond to such issues. The sample consisted of 500 members of the American School Counselor Association and 500 members of the American Mental Health Counselors Association and responses from 273 professional school counselors were analyzed for the study. Of this particular subsample, 2% of the participants worked in elementary schools, 28% in middle or junior high schools, 60% in high schools, 3% in elementary/middle schools, 4% in middle/high schools, and 3% in elementary/middle/high schools. The participants viewed a list of the most frequently encountered legal issues by professional school counselors as determined by previous literature. The participants were then asked to indicate the number of times that they had encountered each legal issue within the past year along with their perceived level of preparedness to respond to each issue. A Likert scale ranging from one to five was used to determine the participants' perceived levels of preparedness, with one indicating "not prepared" and five indicating "very prepared." The participants were also able to write-in additional legal issues that they had encountered that were not listed on the survey.

The findings of the study revealed that determining whether a student is at risk for suicide and reporting suspected child abuse were the legal issues encountered most often by professional school counselors. Contrarily, being subpoenaed to appear as a witness in a court proceeding was the legal issue that professional school counselors encountered least often. The findings also showed that the participants felt better prepared to deal with issues that they encountered on a regular basis. Thus, only 23% of the participants



reported that they felt prepared to respond to a subpoena to appear as a witness in a court proceeding. However, it is important to note that three professional school counselors acknowledged that they had been asked to become involved in child custody cases.

An additional quantitative study by Hermann, Leggett, and Remley (2008) investigated both school counselors' and mental health counselors' legal challenges and their perceived ability to respond to such challenges. The sample for the study consisted of 500 members of the American School Counselor Association and 500 members of the American Mental Health Counselors Association. The study yielded a response rate of 44% ( $n = 444$ ) in that 444 participants were involved in the study. Sixty-two percent of the participants worked as professional school counselors. The participants completed a three-part survey that asked them to identify legal issues encountered most often, their perceived level of preparedness in responding to legal issues, and specific demographic information related to personal and professional characteristics. As with the previous study, participants were permitted to write-in legal issues that were not present on the survey and their perceived levels of preparedness in responding to legal issues was assessed using a Likert scale that ranged from one to five, with one being "not prepared" and five being "very prepared."

The results of the study revealed that the legal issue encountered most often was determining whether a client was at risk for suicide. However, school counselors encountered instances of suspected child abuse more frequently than mental health counselors. As with the previous study, responding to a subpoena to appear as a witness in a court proceeding was the legal issue encountered least often by the participants. Only 26% felt well prepared to respond to this legal issue as opposed to 47% who felt

poorly prepared. However, three professional school counselors and one mental health counselor reported that they had been asked to become involved in child custody cases.

Although the findings of both studies have important implications for professional counselors, various limitations must be acknowledged. Because the samples were drawn from the membership lists provided by the American School Counselor Association and the American Mental Health Counselors Association, they have the potential to be biased. More specifically, it is possible that members of these organizations possess some unique characteristics that may have influenced the results of the study. Therefore, due to this possibility, it is questionable as to whether or not the results of the studies can be generalized or transferred to the larger population of professional school counselors and mental health counselors who are not affiliated with these professional organizations. Furthermore, while the findings of the studies offer insight into the concept of legal preparedness, several questions were still unanswered because the survey offered limited opportunity for elaboration or further explanation. This dissertation study allowed professional school counselors to share their experiences and perceptions in their own words without having to utilize a Likert scale or other forced-choice instrument.

### **The School Counselor as a Court Witness**

In some cases, the professional school counselor may still be required to render witness testimony in court proceedings even after they have attempted to avoid doing so. Thus, when making a court appearance, it is important for the professional school counselor to understand their role as a witness. During legal proceedings, the professional school counselor may serve as either a fact witness or expert witness (James & DeVaney, 1995; Remley, Hermann, & Huey, 2003).

### **The Fact Witness**

Because professional school counselors are tasked with providing students with immediate assistance rather than intensive, long-term therapeutic interventions, they may be more suitable to serve as fact witnesses (James & DeVaney, 1995). During court proceedings, fact witnesses are asked to recount the details of events that have occurred. Thus, it is important for the fact witness to report information in an objective and impartial manner without rendering their personal opinion or interpretation (Remley, 1985; Remley & Herlihy, 2014). When asked to become involved in court proceedings for matters of child custody, it is appropriate for the school counselor to request that a mental health professional with specific training in family evaluation be asked to fulfill this role (James & DeVaney, 1995).

### **The Expert Witness**

In order to serve as an expert witness, professional counselors must have received the necessary training and credentials in their field of expertise. Therefore, expert witnesses are often called upon to share their knowledge and educate judges and jurors about a particular topic of interest (James & DeVaney, 1985; Remley, 1985; Weikel, 1986). While professional school counselors may be qualified to serve as expert witnesses on various educational matters and some issues affecting children and adolescents (Remley, 1985), they should be advised of their legal responsibilities before taking on this role (James & DeVaney, 1995).

### **Child Custody Evaluation**

Child custody evaluators are expert witnesses who conduct formal investigations to assist courts in making decisions about child custody. It is important to note that it is

necessary for child custody evaluators to receive specific training and education in order to effectively fulfill their roles. In addition, some believe that child custody evaluation is a specialty area that requires additional academic training and intense supervision (Weinstock & Markan, 2006). Bow and Quinell (2004) reported that 16 % of child custody cases are referred by the court for evaluations and 42 % of such cases are given to mental health professionals who possess at least a master's degree.

However, Silver and Silver (2008) asserted that the evaluation process should be used as a last resort when determining matters of child custody because of the negative consequences that can result from its use. For example, some parents may use the results of the evaluation as a means to battle against their spouses or significant others, therefore inducing more stress and anxiety on the family dynamic. Thus, the child custody evaluator is often caught in the middle of feuding parents who are looking to discredit each other in some fashion. Furthermore, it is possible that child custody evaluations can further damage familial relationships, yield defensive parenting styles and techniques, and negatively impact a family's functioning.

The American School Counselor Association's Ethical Standards for School Counselors (2010) reveals that professional school counselors should petition the court to honor the ethical code of confidentiality when divulging sensitive information that may harm the nature of the counseling relationship. Thus, this ethical code recognizes that the professional school counselor is to remain a neutral and unbiased resource for the student. Therefore, when confidentiality is compromised, the professional school counselor also runs the risk of sacrificing the integrity and trust that have been established within the counseling relationship (Huss, Bryant, & Mulet, 2008).

Similarly, it is also important to highlight the fact that professional school counselors are able to work more effectively with students when they have maintained positive working relationships with their parents and guardians. Thus, the American School Counselor Association's Ethical Standards (2010) also reveal that professional school counselors should work collaboratively with parents and respect their rights to intervene on behalf of their children. While this practice is ideal, professional school counselors are placed in rather awkward and difficult situations when they are asked to become involved in legal matters related to child custody. Because at least one parent may become upset due to comments that are made in regards to child custody (Huss et.al., 2008), becoming involved in such matters will complicate the parental working alliance that is suggested by the ASCA Ethical Standards.

### **The Guardian Ad Litem**

Guardians ad litem are specially trained personnel who are appointed by the court to represent the best interests of children and members of other vulnerable populations during cases involving custody, adoption, child abuse, and neglect (Boumil, Freitas, & Freitas, 2011; Mabry, 2013). Many judges will decide to appoint a guardian ad litem to represent the best interests of a child when there is familial conflict, parental mental health concerns, or substance abuse issues present. Although the criteria for appointing guardians ad litem vary from state to state (Mabry, 2013), the Child Abuse Prevention and Treatment Act of 1974 requires courts to appoint guardians ad litem in cases of child abuse and neglect (Boumil et.al., 2011; Mabry, 2013). It is also important to note that the role of the guardian ad litem differs from that of the child's attorney. While the child's attorney is obligated to represent the child's wishes, the guardian ad litem must maintain

an independent position regardless of whether or not it aligns with the child's preference (Mabry, 2013).

### **Summary**

Professional school counselors often meet various legal and ethical challenges when working with children and their families. In today's society, many families are experiencing divorce or separation and research has shown that professional school counselors are sometimes called upon to breach confidentiality and become legally involved in matters of child custody. While the professional school counselor is in a unique position to assist children and families of divorce or separation, they should avoid having any form of court involvement, rendering their opinions, or favoring one parent over the other. Instead, professional school counselors should familiarize themselves with information about divorce, separation, and child custody in order to better understand their role in the process. Furthermore, when asked to intervene in child custody matters, the professional school counselor should advise parents that a child custody evaluator or guardian ad litem should fulfill this role.

## **CHAPTER THREE**

### **METHODOLOGY**

#### **Overview**

Professional school counselors are often at the forefront of various ethical and legal challenges. In fact, research suggests that professional school counselors encounter legal and ethical challenges more often than mental health professionals in any other field (Froeschle & Crews, 2010; Remley, 2002). Professional school counselors must effectively balance the act of counseling minor children and maintaining positive working relationships with their parents and guardians. Therefore, professional school counselors must be equipped with the knowledge and expertise necessary to effectively respond and intervene in ethical and legal situations such as child abuse, suicide, parental requests for information, and other instances where confidentiality may be breached (Froeschle & Crews, 2010; Remley, Hermann, & Huey, 2003).

In their daily practice, professional school counselors often find themselves working with children and families who are undergoing divorce, separation, or custody disputes. Although they are advised to refrain from favoring one parent over the other (ASCA, 2010) and avoid voluntarily serving as court witnesses (Remley, Hermann, & Huey, 2003), some still find themselves making court appearances in child custody matters. To date, there are no known studies that have explored the experiences of professional school counselors who have had court involvement in child custody matters and how such experiences may have affected their perception of their role in assisting children and families who are undergoing divorce, separation, or child custody disputes. This chapter outlined my plan to conduct a qualitative phenomenological study to explore

the experiences and perceptions of professional school counselors who have had court involvement in matters related to child custody.

### **Rationale for Qualitative Phenomenology**

#### **Qualitative Research**

Qualitative research is necessary in order to capture the essence of individuals' stories and experiences because they are often lost or overlooked within quantitative research (Marshall & Rossman, 2006). Qualitative researchers are interested in collecting data in order to build theories and hypotheses rather than evaluate the accuracy of those that are already in existence. Described as an inductive investigative process, qualitative research yields data that provides both a rich and thick description of participants' experiences and perceptions. The signature rich and thick description provided by qualitative inquiry provides researchers with the opportunity to look beyond the numbers and explore participants' stories (Merriam, 2009).

Qualitative research was most appropriate for this particular study because I endeavored to discover the meaning that professional school counselors attributed to experiencing court involvement in child custody matters. In addition, I also explored how professional school counselors perceive their role in assisting children and families who are undergoing divorce, separation, or custody disputes after experiencing such court involvement. As a qualitative researcher, I planned to capture the essence of the participants' stories and experiences as they interpreted or described them. Before the phenomenon of professional school counselors making court appearances related to child custody matters could be fully understood, professional school counselors who have had



such experiences needed to be given an opportunity to fully explore and describe their experiences.

### **Phenomenology**

This particular research study explored professional school counselors' experiences with court involvement in child custody matters and how such experiences may have affected how they perceive their role in assisting children and families who are undergoing divorce, separation, or custody disputes. This study was best suited for phenomenology because it focused on the lived experiences and perceptions of the participants in regards to a certain phenomenon or event (Hays & Singh, 2012). As a phenomenological researcher for this study, I sought to explore and understand the essence of professional school counselors' experiences and perceptions as they relate to consciousness. I was particularly interested in understanding the nature of their experience as well as the reactions, thoughts, and emotions that they have attached to it.

In addition, it is important to note that the phenomenological research tradition provides the researcher with an opportunity to access and understand the life-world of participants and identify pertinent themes that characterize their experiences (Hays & Singh, 2012; Merriam, 2009). As a phenomenological researcher, I planned to identify common themes that characterized and captured the true essence of the participants' experiences and perceptions with the phenomena of interest. Therefore, the sample of professional school counselors in this research study possessed a dual role in accordance with the phenomenological research tradition; they served as both participants and co-researchers in that they had authentic and original knowledge about their experiences with court involvement in matters of child custody and their perceptions of their role in

assisting children and families who are undergoing divorce, separation, or child custody disputes after having such experiences.

Facilitating a phenomenological study permitted me to gain insight into the rich experiences and perceptions of participants without attempting to determine a reason or rationale for their thoughts, feelings, or behaviors. Essentially, as a phenomenological researcher, I intended to become immersed in the participants' world because they are experts who possess meaningful and original knowledge that can only be conveyed through their points of view. Their words, gestures, and expressions enabled me to understand the nature of their human experience. As a phenomenological researcher, I listened attentively to participants' stories in order to develop a collective illustration of their experiences and perceptions (Hays & Singh, 2012).

Merriam (2009) asserted that "a phenomenological approach is well suited to studying affective, emotional, and often intense human experiences" (p. 26). For this qualitative phenomenological study, I explored how professional school counselors describe various aspects of emotionality that are attached to the phenomena of interest. More specifically, I aimed to understand how professional school counselors articulate their feelings, thoughts, and behaviors as they reflect upon experiencing court involvement in a matter involving child custody. Similarly, I also determined how professional school counselors' perceptions of their role in assisting children and families who are undergoing divorce, separation, or child custody disputes may have been affected after enduring the significant and intense experience of having court involvement in a matter involving child custody.

In terms of qualitative research, the phenomenological research approach seeks to explore individuals' lived experiences based on their unique perspectives. When researchers work within a phenomenological framework, they seek to understand aspects of individuals' experiences as they relate to their consciousness or perception of reality. Thus, research participants in this study were provided with the opportunity to share their voice and articulate the true essence of their human experience. In addition, as the primary researcher, I detected commonalities and variations among individuals in terms of their lived experiences (Hays & Singh, 2012).

### **Social Constructivism**

As I worked within the phenomenological research tradition, I utilized the social constructivist lens to understand the experiences and perceptions of the research participants. Being that phenomenological research focuses on individuals' lived experiences, it was fitting to utilize the social constructivist lens to understand that participants' reports are valid and unique. Qualitative researchers who operate from the social constructivist paradigm seek to explore how individuals construct meanings in their worlds and understand those meanings (Merriam, 2009). In fact, it is believed that one cannot understand the nature of a human experience until the meaning that has been attached to that experience has been understood (Marshall & Rossman, 2006). Thus, in order for participants to adequately describe details about their experiences and perceptions, they must first make sense of the meanings that they have attached to them. From the researcher's perspective, the participants' stories must be deemed real and significant parts of their world. In other words, their accounts must be accepted as truth. Furthermore, the social constructivist paradigm emphasizes the concept that there is not

one objective truth; instead, there are multiple realities or truths that exist based on human experience (Hays & Singh, 2012; Merriam, 2009). Therefore, as a qualitative researcher, I utilized a constructivist lens to explore and understand how professional school counselors describe their experiences with court involvement in matters related to child custody and their perceptions of their role in assisting children and families who are undergoing divorce, separation, or custody disputes after having such experiences. I listened to their unique experiences and perceptions as they shared their own personal truths in regards to the phenomena of interest.

## **Research Protocol**

### **Research Problem**

When preparing to engage in qualitative research, it is necessary to identify a researchable problem by examining existing literature to determine where there are gaps in knowledge (Corbin & Strauss, 2008; Marshall & Rossman, 2006). Although professional school counselors are discouraged from volunteering to become involved in legal matters related to child custody (Remley, Hermann, & Huey, 2003), it is a known fact that many still find themselves engaged in court proceedings when they are subpoenaed to serve as fact witnesses (James & DeVaney, 1995). To date, there are no known studies that have sought to explore the experiences of professional school counselors with court involvement in matters related to child custody. Furthermore, due to this gap in the literature, no information is known about how professional school counselors' perceptions of their role in assisting children and families of divorce or separation may have been affected by such experiences. Thus, this study contributed to

the existing body of literature by providing relevant information about professional school counselors' experiences and perceptions with the phenomena of interest.

### **Researcher Connection to Research Problem**

Corbin and Strauss (2008) indicated that researchers can identify a researchable problem by reflecting upon personal and professional experiences with a particular phenomenon. As a professional school counselor, I have the opportunity to assist children and families of divorce or separation by disseminating information about community resources, making referrals to family counseling centers, and conducting individual and group counseling sessions within the school setting. However, although I make an honest and intentional effort to remain neutral and unbiased, I am sometimes approached by parents and attorneys due to impending court dates for child custody matters. Some parents request that I write letters on their behalf or appear in court to divulge information that was shared by their children within counseling sessions. Similarly, their attorneys contact me to ask an array of questions about the student or issue a subpoena to compel me to appear as a witness in court. Fortunately, I have been successful at educating parents and attorneys about my role as a professional school counselor and convincing them that it is best that I refrain from becoming involved in child custody matters. However, I am aware that other professional school counselors have not successfully avoided the process. Therefore, as a phenomenological researcher, I was interested in hearing their stories and understanding how their perceptions have been affected as a result of their experiences.

**Purpose Statement**

The purpose of this phenomenological research study was to explore professional school counselors' experiences with court involvement in child custody matters and to understand how such experiences may have affected how they perceive their role in assisting children and families who are undergoing divorce, separation, or child custody disputes. Thus, this study sought to give professional school counselors a voice by empowering them to shed light on their experiences, perceptions, thoughts, and feelings about the process of experiencing court involvement for matters related to child custody.

**Research Questions**

Within qualitative studies, research questions often seek to explore how participants describe their experiences and perceptions (Hays & Singh, 2012). Therefore, this particular research study answered the following research questions:

- What are professional school counselors' experiences with court involvement in child custody matters?
- How might professional school counselors' perceptions of their role in assisting children and families experiencing divorce, separation, or custody disputes be affected, if at all, by court involvement in a child custody matter?

**Role of the Researcher**

Hays and Singh (2012) emphasized that it is important for the qualitative researcher to maintain both reflexivity and subjectivity. More specifically, they asserted that Carl Rogers' principles of authenticity, unconditional positive regard, and empathy are key components to maintaining reflexivity, the process by which the researcher reflects on the research process to increase understanding about the topic of interest

(Watt, 2007). As a qualitative phenomenological researcher, Rogers' principles encouraged me to embrace reflexivity by identifying my innermost feelings, biases, and thoughts while understanding how the research process will be affected as a result. I anticipated that the process of self-reflection would enhance my awareness of both the research process and my pivotal role as a researcher. To embrace subjectivity, the researcher's personal and innermost thoughts about a topic (Hays & Singh, 2012), I reflected upon my experiences and acknowledged my biases to ensure that I was immersing myself into the participants' worldview. During the research process, I used my prior knowledge and experience to embrace subjectivity by understanding the phenomena of interest in an intimate and in depth manner (Hays & Singh, 2012; Patton, 2002; Schneider, 1999).

Being that the researcher is the primary instrument for data collection within qualitative research, it is imperative that certain strategies be employed to address assumptions and biases in order to maintain a fresh and neutral perspective (Creswell, 2003; Hays & Singh, 2012). Thus, as a phenomenological researcher and professional school counselor, it was important for me to practice bracketing, the process of identifying my biases and assumptions related to the specific phenomenon of interest. In order to do this, I wrote down my preliminary assumptions and biases on paper so that I could see them and acknowledge their impact on the research process. Engaging in this process enabled me to better view the participants' experiences from their perspective (Hays & Singh, 2012; Patton, 2002). Similarly, it was also essential for me to maintain a reflexive journal in order to process thoughts, feelings, and experiences in regards to the research process (Hays & Singh, 2012, Watt, 2007). For example, I wrote about feelings

that emerged while interviewing participants, thoughts that derived during the coding process, and experiences related to the phenomenon of interest. This process assisted me in identifying how I was being affected as a researcher during the research process.

In my role as a qualitative phenomenological researcher, I also served as the leader of a research team. Triangulation of investigators, also called a research team, is another strategy that will increase the likelihood that various perspectives are heard and considered throughout the research process (Hays & Singh, 2012). I instructed members of the research team to also practice bracketing and reflexive journaling to embrace reflexivity and subjectivity throughout the data analysis process.

### **Assumptions**

Because researchers are human beings who have been shaped by their experiences, it is possible that personal biases and assumptions affected the research process in some way (Creswell, 2007; Patton, 2002). Therefore as the researcher and main instrument of data collection, I understood the importance of acknowledging my assumptions and biases during the preliminary stages of the research process. This step was an essential prerequisite for entering the research process with a fresh and neutral perspective.

As I reflected on my biases and assumptions, I was aware that they originated from my personal and professional experiences. More specifically, they were influenced by my preconceived notions and prior experience with court involvement as a professional school counselor. Based on my assumptions and biases, I suspected that the professional school counselors in this study would report various uncomfortable feelings associated with the phenomenon of experiencing court involvement in matters related to



child custody. More specifically, I anticipated that they would more than likely report feelings of anxiety, stress, apprehension, confusion, unpreparedness, concern, and unease in regards to court involvement. I also expected that the professional school counselors in this study would articulate various ethical concerns associated with this phenomenon. More specifically, I believed they would more than likely cite ethical concerns such as breaching confidentiality, practicing beyond their scope of expertise, and adversely affecting relationships with parents, guardians, and even students. I also believed that the professional school counselors in this study would more than likely highlight practical problems associated with this phenomenon. More specifically, I expected them to discuss feeling devalued by court personnel, missing work for a significant period of time due to court subpoenas, being inconvenienced due to delayed court dates and times, and lacking knowledge about how to respond to parents and attorneys who request information.

Despite uncomfortable feelings, ethical issues, and practical problems associated with court involvement for child custody matters, I also suspected that some of the professional school counselors in the study would reveal that their court involvement occurred because they were either unable to avoid the process or unaware that they are advised to remain neutral and uninvolved. Based on my professional training and education, I embraced the assumption that it is inappropriate for school counselors to volunteer their services in legal matters regarding child custody due to the role conflicts and ethical challenges that may evolve as a result of such involvement (ASCA, 2010; Remley & Herlihy, 2014; Remley, Hermann, & Huey, 2003). I believe that becoming legally involved in child custody matters places the school counselor in a situation that

can yield various ethical dilemmas that can further complicate their work with children and families who are undergoing divorce, separation, or child custody disputes.

Being that I am a researcher with experience as a professional school counselor, I anticipated that some of the participants in the study would feel comfortable during the interview process due to the assumed professional camaraderie that exists. Thus, it is possible that they may have felt more open, relaxed, and willing to share information. Contrarily, I also expected that it is possible that some of the participants may have felt uncomfortable sharing their experiences or perceptions with me as a researcher because I also possess legal and ethical knowledge about school counseling. Therefore, they may have felt scrutinized or had a need to justify their actions or decisions because they perceived me as another professional school counselor rather than a researcher. It was my hope that such feelings or thoughts were diminished when I emphasized the fact that I was a researcher who was interested in learning about their experiences and perceptions rather than rendering judgment. I also suspected that some of the participants would report that they experienced court involvement because they were unable to successfully avoid the process while others will admit that they were unaware of the ethical recommendation to remain uninvolved.

By stating and bracketing my assumptions, I had a better opportunity in this study to listen to my participants and avoid allowing my biases to interfere with their stories. I reported what my participants shared with me whether or not their stories confirmed my assumptions or expectations. Doing so ensured that I preserved the true essence of participants' experiences and perceptions.

## **Research Plan**

### **Development of Research Topic**

When I first began to explore possible topics for this particular dissertation, I became interested in the phenomenon of professional school counselors making court appearances for matters of child custody. Although this topic piqued my curiosity, I was unsure if many school counselors within my school division had encountered such an experience. Thus, in order to determine the prevalence of this issue, I sought permission from my district supervisor to email all of the professional school counselors within my school division to ask if they had made a court appearance in a matter related to child custody (Appendix A). At that time, a court appearance was defined as attending a hearing with a judge present or attending a deposition in a law office with attorneys present. Four professional school counselors within my school division responded to my email. Their experiences were varied in the sense that all of them had either received a subpoena to appear in court, made a court appearance, or submitted a written document to the court. The responses of these professional school counselors assisted me in determining the prevalence of this phenomenon and expanding the topic of inquiry to develop a comprehensive definition for court involvement. Thus, the derived definition of court involvement included the following phenomena: receiving a subpoena to appear in court, making a court appearance regardless of whether or not testimony was needed, attending a hearing with a judge present, attending a deposition with attorneys present, or submitting a written document to a judge, attorney, guardian ad litem, or parent.

## **Sampling Procedures**

For this study, I employed random purposeful, convenience, and snowball sampling methods. In random purposeful sampling, the researcher first sets specific criteria for participation in the study (Hays & Singh, 2012). Thus, for this particular study, I sought to recruit participants who met the following criteria: (1) were licensed as professional school counselors, (2) worked in an elementary, middle, or high school, and (3) had experience with court involvement in a matter related to child custody. Once the pool of potential participants had been identified, I attempted to randomize it by selecting those individuals who contributed to sample variation and provided the most information-rich cases (Hays & Singh, 2012).

Furthermore, I also employed a convenience sampling method by recruiting participants from the school district in which I am employed as a professional school counselor. As stated by Hays and Singh (2012), convenience sampling is beneficial for the researcher when access to the population is easily granted. It is important to note that snowball sampling was utilized to secure additional participants for this study. To facilitate snowball sampling, participants were asked to identify other individuals who met the criteria for the current study (Creswell, 2008; Hays & Singh, 2012).

## **Participant Selection Procedures**

In order to acquire participants, I utilized email to contact all the professional school counselors in the school division in which I work to ask them to share their experiences with court involvement in child custody matters (Appendix B). As an employee of the selected school division, I had access to the email addresses of all professional school counselors and contacted them after securing permission from the

districtwide school counseling supervisor. I then reviewed the individual email responses and contacted the respondents to determine if they were interested in volunteering their time to participate in the research study. After interviewing nine participants, I determined that I had reached saturation, the point in which there is no new information being provided by participants (Corbin & Strauss, 2008; Hays & Singh, 2012).

### **Gaining Entry**

Prolonged engagement is often associated with ethnographic studies in that it enables the researcher to understand aspects of the participants' culture (Hays & Singh, 2012). Although this study utilized a phenomenological approach, prolonged engagement within the professional school counseling culture permitted me to better understand the experiences, thoughts, feelings, and reactions that participants reported during the study. Once the participants had been identified, I made arrangements to meet with them at a location and time of their own choosing.

### **Measures to Ensure Participant Confidentiality and Safety**

While conducting this research study, I upheld the fundamental ethical principles of nonmaleficence, beneficence, autonomy, justice, and fidelity. The ethical principle of nonmaleficence states that I will not impose harm upon participants during the research process. In order to uphold this ethical principle, I was careful to protect participants from any form of intentional harm that may have resulted from the research process. Furthermore, the ethical principle of beneficence states that I will seek to benefit others throughout the research process. I exercised beneficence by preserving participants' overall wellbeing and engaging in research endeavors that aimed to better assist the participants and the surrounding community. In alliance with autonomy, the ethical

principle that advises that individuals are free to make choices without coercion, participants were given accurate information during the informed consent process so that they could make their own decisions regarding participation in the study. The participants were also informed that their participation was strictly voluntary and that they could withdraw at any given time without penalty or repercussion. Finally, the ethical principle of justice advises that I maintain a fair and unbiased stance when recruiting and selecting participants and treat them in an equitable manner. In addition, the principle of fidelity advises that I abide by ethical principles when conducting research and maintain professionalism. Thus, members of the research team and I adhered to the principles of justice and fidelity by maintaining confidentiality and treating participants in a fair and equal fashion (Heppner, Wampold, & Kivlighan, 2008).

As the primary researcher for this study, I was the only person with knowledge of participants' actual identities. To preserve anonymity, each audio file and transcript was labeled with a pseudonym to protect participants' identities from members of the research team and readers of the dissertation. In addition, all audio files and printed copies of transcriptions were kept in a locked file cabinet. Furthermore, all electronic copies of transcriptions were kept on two flash drives that are protected by a password and kept in the same locked file cabinet with the audio files, printed transcriptions, and participants' written reflections. Once the interview data had been transcribed, the audio files were erased. I then provided each member of the research team with an electronic copy of each participant's interview transcript and written reflection for data analysis. To maintain confidentiality, I instructed members of the research team to keep electronic copies of data in a secure location. At the conclusion of the research process, all

hardcopies and electronic copies of data will be kept in a locked file cabinet for five years. At the conclusion of five years, the hardcopies will be destroyed and the electronic copies will be deleted.

To further warrant the protection, fair treatment, and minimal risk to participants, I acquired approval from the Human Subjects Review Committee of the Darden College of Education at Old Dominion University (Appendix C). I requested exempt status in that all participants were professional school counselors whose identities remained anonymous during and after the study. In addition, I anticipated that the participants would encounter minimal risks and various benefits due to their participation in this study. As they reflected upon their experiences with court involvement in child custody matters, I assumed that the participants may discuss situations that have once elicited various uncomfortable emotions such as confusion, apprehension, fear, or frustration. Contrarily, I also believed that participants would enjoy various benefits such as having a platform to tell their stories, advocating for the profession, and contributing to professional knowledge regarding the topic under investigation. Furthermore, I also believed that it may be cathartic for the participants to share the details of their experiences and perceptions.

### **Researcher as Instrument**

As the researcher and main instrument of data collection for this particular study, I was aware that it was my responsibility to preserve the participants' voice during the research process in order to capture the true essence of their experiences and perceptions (Hays & Singh, 2012). Therefore, in order to effectively accomplish this task, I established an atmosphere where participants felt comfortable and compelled to share

their stories. I listened attentively by utilizing appropriate nonverbal and verbal encouragers as I engaged them in a conversation about their experiences and perceptions. More specifically, I nodded my head, paraphrased responses, and used silence when necessary. I also provided participants with ample time to engage in discussion and asked for clarification when necessary to ensure that their truths were accurately represented.

### **Development of Interview Protocol & Interview Questions**

I utilized a scripted interview protocol in order to conduct this phenomenological study (Appendix D). The interview protocol served as a formal yet personable guide to facilitating the study and interacting with participants. The interview protocol enabled participants to learn about the research endeavor and understand their rights and roles in regards to the research process. Overall, the protocol outlined specific instructions to follow to maximize the possibility for a smooth interview process.

A series of semi-structured interview questions served as the instrument for data collection in this study (Appendix E). The semi-structured interview questions consisted of open-ended prompts that invited participants to provide details about their unique experiences and perceptions. Interviewing is the main source of data collection within qualitative research and is particularly useful when a phenomenon is unable to be directly observed or replicated in a research setting (Merriam, 2009). It is important to note that the interview questions were developed based on the overall research questions for this particular study. Therefore, in alignment with the phenomenological research tradition, I designed interview questions to acquire information about participants' experiences and perceptions in regards to the phenomena of interest. Patton (2002) recommended that



researchers ask questions that focus on the following information in regards to participants: experiences and behaviors, opinions and values, feelings, factual knowledge, sensory information, and demographics. Thus, I adhered to this suggested criteria when crafting interview questions.

Because this phenomenological study is focused on exploring the experiences and perceptions of school counselors who have had court involvement in child custody matters, the interview questions were carefully designed to prompt participants to reflect upon the topic under investigation. It is also important to note that some of the interview questions were influenced by the current literature. For example, as previously mentioned, a study by Hermann (2002) revealed that responding to a subpoena was the legal issue experienced least often by professional school counselors in that only 23% of survey participants indicated that they felt prepared to do so. Thus, given this information, I designed an interview question to assess participants' level of preparedness after receiving a court subpoena or learning that they would have some form of court involvement in a child custody matter. Similarly, because professional school counselors are encouraged to abstain from becoming involved in child custody disputes (ASCA, 2010; Remley & Herlihy, 2014), I designed research questions to determine how their overall work may have been impacted, if at all, due to their involvement.

### **Data Collection Procedures**

Before beginning the semi-structured interview, I provided participants with an informed consent form (Appendix F) and explained it thoroughly. Once all questions and concerns had been answered and addressed, I requested that participants sign the informed consent form and provided them with a copy for their records. I then asked

participants to complete a participant demographic sheet in order to learn more about their personal and professional backgrounds (Appendix G). The participant demographic sheet was an integral part of the data collection process because it provided me with the opportunity to gather relevant information about participants as it related to the study (Merriam, 2009; Patton, 2002). In addition, the participant demographic sheet allowed me to gather information that may not have been discussed in detail during the actual interview process. Thus, during the analysis process, this information assisted me and members of the research team to link identified themes, categories, and patterns to participant demographics, thereby increasing the likelihood of acquiring a rich and thick description of the participants' experiences and perceptions.

To continue the data collection process, I conducted face-to-face, semi-structured interviews with research participants using the aforementioned semi-structured interview questions. The interviews lasted approximately 40 minutes and were recorded using a handheld digital recorder and then transcribed by me. Engaging in the transcription process allowed me to immerse myself in the data and reflect on the interview process with participants. At the conclusion of the semi-structured interview process, I asked each participant to respond to a writing prompt that consisted of three open-ended inquiries (Appendix H). Participants were instructed to take as much time as needed to write their responses. All written responses were collected from participants upon completion. I decided to request that the writing prompt be completed at the conclusion of the semi-structured interview process in order to preserve the school counselors' time and willingness to participate in the study.

Finally, I engaged in member checking during the semi-structured interview process by paraphrasing participants' responses and asking them to clarify or elaborate as necessary. In addition, I also facilitated member checking after the semi-structured interview by providing participants with a summary of their main points and sending them an official transcript to review for clarity. This process of member checking also afforded me the opportunity to collaborate with participants as co-researchers by exposing them to their interview data and inviting them to make adjustments, clarifications, or additions if necessary. As previously mentioned, this method of member checking was chosen to preserve the school counselors' time and willingness to participate in the study.

### **Data Reduction & Analysis**

In order to immerse myself within the data, I transcribed each participant's interview responses. After each transcription had been completed, I listened to the corresponding audio file while proofreading the transcription simultaneously to check for any errors that may have impacted the data analysis process. I corrected any errors to ensure that the coding process was not compromised due to inaccurate information.

To effectively analyze the data acquired through participant interviews and follow-up email responses, I required the assistance of a research team. It is important to note that the members of the research team were selected based on their interest in the topic, knowledge of qualitative coding, and availability for team meetings. I also made an effort to select members who contributed to a diverse group dynamic in terms of personal characteristics and professional experiences.

The research team consisted of three members. I served as the leader of the research team and two other members collaborated with me. All members of the research team completed the research member demographic sheet to reveal relevant background information (Appendix I). All three members of the research team were doctoral students in the Counselor Education and Supervision program at Old Dominion University. In addition, all three members earned the National Certified Counselor (NCC) credential and had academic training in qualitative research. As the primary researcher and first team member, I identified as a 30 year-old African American female with seven years of school counseling experience. The second team member identified as an African American female in her late 30s with experience working with adults in mental health counseling. The third member identified as a Caucasian and Hispanic female in her early 30s with experience working with children in mental health counseling.

The research team members and I practiced data reduction in order to manage the amount of data that were gathered during the qualitative process. More specifically, the research team and I organized the data, identified broad themes, and then extracted more defined categories and patterns. Although Hays and Singh (2012) argued that data reduction occurs even before the researcher collects data, they also mentioned that the process involves organizing, separating, and making sense of the information that has been gathered.

After the interview data had been transcribed and the writing prompts had been reviewed, the research team and I embarked upon Moustakas's modification of the Stevick-Colaizzi-Keen phenomenological data analysis process to understand the true

essence of participants' experiences and perceptions. We first engaged in horizontalization to pinpoint any statements that did not repeat or overlap in an effort to identify meaning units, or unique aspects of participants' experiences and perceptions. To perform this task, we identified significant and unique statements within the transcribed interview data. Next, we reviewed the data gathered from the horizontalization process to derive a textural description of the participants' experiences and perceptions in order to understand their meaning and depth. To derive the textural description, we listed the participants' statements and began to group them into categories. The textural description was then reviewed to develop a structural description whereby multiple meanings and variations related to the participants' experiences and perceptions were identified. Once the coding processes were complete, we developed a textural-structural description to describe the overall essence of the participants' experience and perception in regards to the phenomena of interest. Finally, the research team and I engaged in consensus coding to develop a final codebook (Hays & Singh, 2012; Moustakas, 1994). To facilitate consensus coding, each member of the research team followed the same aforementioned coding process. Collectively, we discussed similarities and differences in regards to the developed codes and provided each other with explanations when necessary in order to reach a consensus (Patton, 2002).

As previously mentioned, members of the research team and I engaged in the process of epoche by bracketing our assumptions and biases even before collecting and analyzing data. During this process, we explored our thoughts, feelings, biases, and assumptions about school counselors, their professional roles, divorce, separation, and

child custody. Implementing this process aided me and members of the research team to develop a fresh perspective when embarking upon the research process.

### **Verification Procedures**

Within qualitative research, trustworthiness is synonymous to the validity of the study. In other words, it determines the extent to which the findings of the study represent the true essence of participants' experiences and perceptions (Hays & Singh, 2012). There were several strategies that were implemented in order to maximize trustworthiness within this particular study. Thus, it is necessary to explain how the study was enhanced due to bracketing, reflexive journaling, the use of multiple data sources, the use of a research team, member checking, and the implementation of an audit trail.

As the researcher for this study, I realized that I was the primary instrument of data collection. Therefore, it was important for me to engage in the process of epoche by bracketing my personal biases, assumptions, and preconceived notions about my topic of interest. This practice helped to minimize my influence on the research process (Hays & Singh, 2012; Patton, 2002). Similarly, I also maintained a reflexive journal throughout the data collection and analysis processes to increase my own self-awareness and knowledge of how I was being impacted as a human instrument (Hays & Singh, 2012; Watt, 2007).

The triangulation of data sources, or the act of gathering data from multiple sources, helped to ensure that participants' voices were heard from various perspectives. In this particular study, because each participant had a unique experience or perception to share, they served as multiple data sources. Furthermore, triangulation of data sources

was also implemented when the participants verbally answered interview questions in addition to completing writing prompts. Investigator triangulation, or the presence of a research team, enhanced credibility or truthfulness because multiple individuals were able to engage in the data analysis process. The presence of the research team helped to ensure that multiple perspectives were considered and biases were acknowledged and minimized. In this particular study, the research team worked together to share diverse perspectives and interpretations when analyzing data from the participant interviews. Furthermore, the research team engaged in bracketing and reflexive journaling during the data analysis process to enhance the trustworthiness of the study (Hays & Singh, 2012; Merriam, 2009).

After the interview and email data had been collected and transcribed, the research team members and I conducted member checking by asking participants to review the interview transcripts and coded data to ensure that the true essence of their experiences and perceptions had been accurately represented. As stated by Hays and Singh, (2012), member checking allows the researcher to maintain an ongoing relationship with participants and involve them as co-researchers within the research process. In addition, the research team members and I maintained an audit trail that preserved the various steps that had been taken during the research process. Maintaining a comprehensive audit trail that contained important aspects of the study allowed me to develop a rich and thick description of the research findings, therefore increasing the credibility and rigor of the research study (Creswell, 2007; Hays & Singh, 2012). For this particular study, the audit trail contained information such participant demographics,

research team demographics, reflexive journals, bracketing notes, coding processes, and other documentation that is relevant to the research process.

### **Criteria of Trustworthiness**

In addition to the aforementioned strategies of trustworthiness, it is important to discuss how credibility, confirmability, authenticity, transferability, and dependability were achieved during this study.

Credibility is defined as the overall accuracy and truthfulness of the study (Hays & Singh, 2012; Lincoln & Guba, 1985). As the primary researcher, I understood that it was important for me to achieve credibility by working to ensure that the findings of this research study were accurate and believable. When the findings of the study are read and interpreted by others, they must seem legitimate, genuine, and realistic. Maintaining a comprehensive audit trail and providing a rich and thick description of findings enhanced the credibility of the research process.

Similarly, confirmability is defined as the extent to which the research findings showcase the true essence of the information that was gathered from participants during the research process (Hays & Singh, 2012; Lincoln & Guba, 1985). Thus, in order to meet the criteria for confirmability, members of the research team and I engaged in bracketing and reflexive journaling to lessen the possibility that our biases, assumptions, thoughts, and feelings affected the data collection and analysis processes. In addition, I also engaged in member checking to confirm that I accurately understood the information that participants conveyed during the data collection process. Implementing these strategies of trustworthiness increased the likelihood that the participants' voice was preserved and protected from researcher bias.



Likewise, the authenticity of a study refers to the degree to which the participants' points of view are acknowledged and presented accordingly (Guba & Lincoln, 1989; Hays & Singh, 2012). Operating from the social constructivist paradigm, it is important to understand that there are multiple realities instead of one objective truth. Therefore, the participants in this study were able to construct their own realities and truths as they related to their experiences and perceptions. To maintain authenticity, I made an effort to ensure that the research findings remained true to the voice of the participants.

The criteria for transferability was met by providing specific details about the methodology of the study so that others would be able to determine if its findings could extend beyond the participants in the study (Hays & Singh, 2012; Lincoln & Guba, 1985). More specifically, I anticipated that readers of this study would be able to determine if the research findings applied to themselves, other professional school counselors, or others with similar professional characteristics. When the criteria for transferability are met, professionals in similar fields will be able to utilize the findings of the study to learn more about their own professional issues.

Dependability is defined as achieving consistent findings across researchers and similar studies (Hays & Singh, 2012; Lincoln & Guba, 1985). Being that a thorough review of the literature did not yield any comparable qualitative studies, it was necessary to evaluate dependability in terms of the level of agreement that existed among research team members. The practice of consensus coding was a pivotal step that increased the dependability of this study. As mentioned previously, consensus coding helped to ensure that research team members agreed on the major themes, categories, and patterns that were identified within the data.

### Summary

As a phenomenological researcher, I conducted a qualitative study to explore the experiences of professional school counselors who have had court involvement in matters related to child custody and how their perceptions of their role in assisting children and families who are undergoing divorce, separation, or child custody disputes may have been affected as a result of such experiences. I used a random purposeful, convenience, and snowball sampling methodology to secure nine participants in accordance with the phenomenological research tradition. Data were collected using a semi-structured interview protocol and written reflection. In order to improve the rigor and trustworthiness of the study, I employed various strategies of trustworthiness including bracketing, reflexive journaling, the use of a research team, member checking, and the implementation of an audit trail. The research team and I utilized Moustakas's modification of the Stevick-Colaizzi-Keen data analysis process, a coding scheme associated with the phenomenological research tradition, to identify relevant themes within the data. I anticipate that the findings of this study will help to address a gap within the literature and provide professional school counselors with a platform to share their stories in regards to the phenomena of interest.

## **CHAPTER FOUR**

### **FINDINGS AND INTERPRETATIONS**

#### **Overview**

This chapter reveals findings from this study. It provides significant background information about participants and offers specific quotes to highlight details about their experiences and perceptions in an effort to derive a rich and thick description that is unique to qualitative research. The findings bring attention to the participants' voice and disclose the meanings that they have attached to their experiences.

The following information is discussed within this chapter: synopsis of data collection and analysis, verification procedures, group profile, individual profiles and themes, and core themes. In addition, the presented findings answer the following research questions:

- What are professional school counselors' experiences with court involvement in child custody matters?
- How might professional school counselors' perceptions of their role in assisting children and families experiencing divorce, separation, or custody disputes be affected, if at all, by court involvement in a child custody matter?

#### **Synopsis of Data Collection**

The participants in this study included nine professional school counselors who were recruited via random purposeful, convenience, and snowball sampling methods from a school division in Virginia. Prior to collecting data, I contacted all participants via phone or email to explain the purpose of the study, discuss the nature of their court involvement in a child custody matter, and arrange a meeting time and location of their

own choosing. As a professional school counselor within the school division, I had access to the participants' contact information and it was also published on the school division's website. During the data collection process, each participant completed a 30-45 minute semi-structured interview followed by a three-item written reflection.

### **The Semi-Structured Interview**

The semi-structured interview questions were designed to answer the research questions for this study. More specifically, the questions prompted the participants to reflect upon their experience with court involvement in a child custody matter and determine how their professional work has been impacted, if at all, as a result. Each semi-structured interview was recorded using a digital recorder and transcribed by me. Taking the time to transcribe the data provided me with the opportunity to reflect on the participants' words and the feelings that emerged during the interviews. Furthermore, I was able to understand participants' points of view and identify the meanings that they attached to their experiences.

### **The Written Reflection**

The written reflection was used as a method to triangulate the data that were gathered during the semi-structured interviews. The written reflection consisted of three open-ended questions that prompted participants to further explain their thoughts and feelings about experiencing court involvement in a child custody matter. It also provided participants with an opportunity to elaborate on their experiences and perceptions through writing. Thus, through the written reflection, the participants were also able to communicate any information that they did not share during the semi-structured interview.

### **Synopsis of Data Analysis**

Data collected during the semi-structured interview and written reflection were analyzed by me and members of the research team to identify major themes and subthemes. The data were sent to members of the research team via email attachment in four distinct groupings. Group 1 consisted of interview data for participants 01, 02, and 03; group 2 consisted of interview data for participants 04, 05, and 06; group 3 consisted of interview data for participants 07, 08, and 09; and group 4 consisted of data gathered during the written reflections for all nine participants. Members of the research team and I coded data from the semi-structured interviews and written reflections by identifying the major themes and subthemes for each individual participant as well as for the group as a whole. Data from the written reflections did not yield any new themes or subthemes, but rather confirmed those that were already identified during the semi-structured interviews. As the primary researcher for this study, I facilitated a consensus coding meeting and developed the final codebook. In the event that we were not able to reach a consensus, the research team allowed the majority view to be adopted for the study.

### **Verification Procedures**

#### **Member Checking**

In order to improve the trustworthiness of this study, member checking was done both during and after the semi-structured interviews. Member checking allowed me to share findings with participants and solicit their feedback to ensure that my interpretations were accurate (Merriam, 2009). While conducting the semi-structured interviews, I, the primary researcher, engaged in member checking by summarizing participants' responses to ensure that I was interpreting their comments correctly and

capturing the true essence of their experiences and perceptions. This method of member checking helped the conversation to flow smoothly and provided participants with an opportunity to feel validated while sharing their stories. It also granted participants the opportunity to correct my impressions or interpretations if they did not match the thoughts that they were trying to convey. At the conclusion of each semi-structured interview, I engaged in member checking once again by summarizing the major details of the participant's responses to further ensure that I captured their overall points of view. Lastly, as a final means of member checking I sent each participant a copy of their transcribed interview responses via email and requested that they review them and contact me if any information needed to be added or changed.

### **Triangulation of Data Methods**

Within this study, multiple methods were used in order to acquire data and identify themes. Employing multiple methods to collect data enhanced the credibility of this study by ensuring that the participants' voice is being heard from multiple perspectives (Hays & Singh, 2012; Merriam, 2009). As mentioned previously, in addition to the semi-structured interviews, participants also completed a written reflection to further explore their experiences and perceptions in regards to the phenomena of interest. Data collected during the written reflection did not yield any new themes or subthemes, but rather confirmed those that were already identified within the semi-structured interviews.

### **Research Team**

A research team was used to introduce and explore diverse perspectives during the data analysis process. As we derived various codes and discussed the data gathered

during the semi-structured interviews and written reflections, we were able to ask each other questions, establish definitions, and bounce ideas back and forth until we reached agreement. As the primary researcher, collaborating with a research team helped me to broaden my knowledge, reflect upon my personal experiences, and understand others' interpretations.

### **Bracketing and Reflexive Journaling**

Before collecting data, I bracketed my biases and assumptions to ensure that I was immersing myself within the participants' world with a fresh perspective (Hays & Singh, 2012; Patton, 2002). In addition, I instructed members of the research team to bracket their biases and assumptions before engaging in the data analysis process to minimize the likelihood that they were imposing their thoughts and perceptions onto the participants. To further preserve the authenticity of participants' voice, members of the research team and I maintained a reflexive journal throughout the research process so that we could separate our thoughts and gauge how we were being impacted by the research process (Hays & Singh, 2012; Watt, 2007).

### **Thick Description**

I sought to develop a rich and thick description of the participants' experiences and perceptions by conducting an individual analysis of each participant's words and then a collective analysis of the group as a whole. Because deriving a thick description requires the researcher to look beyond participants' reported details and feelings to identify meanings and explanations (Hays & Singh, 2012), I reflected upon my interpretation of participants' quotes and the details that they shared. Based on

participants' reports, I was able to gain access into their backgrounds to understand the true essence of their experiences and perceptions.

### **Audit Trail**

A comprehensive audit trail was maintained for this study to preserve various components of the research process and provide a thick description of its findings (Hays & Singh, 2012). In addition, the audit trail encompasses information about the data collection, analysis, and other important information pertaining to the research methodology (Creswell, 2007; Merriam, 2009). The audit trail consisted of the following: semi-structured interview protocol, informed consent forms, participant and research member demographics, bracketing documents, reflexive journals, participants' transcribed interview responses, participants' written reflections, proof of coding analyses, and the final codebook.

## **Participant Profiles**

### **Group Profile**

A demographic description of each participant's personal and professional background is shown in Table 1.1. Information was gathered from participants via a demographic sheet that was completed at the beginning of the semi-structured interview. Thus, this section presents a group profile, or an overview of participants as a whole, therefore comparing and contrasting their differences and similarities.

All nine participants were female. In terms of race and ethnicity, five of the participants identified as African American, three as Caucasian, and one as both Caucasian and Native American. In terms of age, one participant was within the 61-70 range, six were within the 51-60 range, and two were within the 31-40 range. Two



participants worked in preschools, four in elementary schools, and three in middle schools. All participants were licensed as professional school counselors in Virginia and had at least 10 years of professional school counseling experience. Eight of the participants indicated they had membership in at least one regional, state, or national professional counseling organization. It is important to note that the actual name of the regional counseling association is not revealed in Table 1.1 in order to preserve the anonymity of the locale in which the study was conducted.

Table 1.1

## Demographic Overview of Participants

ACA = American Counseling Association

ACES = Association for Counselor Education and Supervision

ASCA = American School Counselor Association

VCA = Virginia Counselors Association

VSCA = Virginia School Counselor Association

\*\*\* = name of regional counselors association

NEA = National Education Association

VEA = Virginia Education Association

SACES = Southern Association for Counselor Education and Supervision

#	Name	Race/ Ethnicity	Gender	Age	School Level	Years of Service	Professional Affiliations
01	Tina	Caucasian	Female	51-60	Preschool	26	VSCA, VCA
02	Laura	Caucasian	Female	51-60	Elementary	12	VSCA
03	Victoria	African American	Female	51-60	Elementary	25	VCA, ***
04	Monica	Caucasian	Female	61-70	Middle	12	ASCA, ACA, VSCA, ***, NEA, VEA

#	Name	Race/ Ethnicity	Gender	Age	School Level	Years of Service	Professional Affiliations
05	Dorothy	African American	Female	51-60	Preschool	20	none
06	Shirley	African American	Female	51-60	Elementary	25	VSCA, VCA, ***
07	Brenda	African American	Female	31-40	Elementary	10	ASCA, ACA VSCA, VCA, ***, ACES, SACES
08	Denise	Caucasian/ Native American	Female	51-60	Middle	28	ASCA, ACA, VSCA, VCA, ***
09	Cheryl	African American	Female	31-40	Middle	10	ASCA, VSCA, ***

In addition to personal and professional characteristics, it was also necessary to explore significant details surrounding the participants' court involvement in order to understand the true essence of their experiences and perceptions. Table 1.2 provides a snapshot of general information about the nature of each participant's court involvement. Information was gathered from participants via the participant demographic sheet that was completed at the beginning of the semi-structured interview as well as within the actual interview itself.

The data revealed that all nine participants worked in either elementary or middle school settings at the time of their court involvement. In addition, all of the participants in the study received a subpoena and made a court appearance. However, once arriving at the court, six of the participants were called to provide testimony and three were dismissed because they were no longer needed. Two participants acknowledged that they had agreed to assist a parent or parents' attorney prior to their court involvement, while the remaining seven participants indicated that they did not agree to do so. When asked to estimate the number of times that they had experienced court involvement during the course of their professional school counseling careers, all nine participants cited three times or less.

Table 1.2  
General Overview of Participants' Court Involvement

#	Name	School Level During Court Involvement	Type of Court Involvement	Testimony Needed?	Agreed to participate prior to subpoena?	Number of Experiences
01	Tina	Elementary	Subpoena, court appearance	No	No	1
02	Laura	Elementary	Subpoena, court appearance	Yes	Yes	2
03	Victoria	Elementary	Subpoena, court appearance	Yes	Yes	2
04	Monica	Middle	Subpoena, court appearance	Yes	No	3
05	Dorothy	Elementary	Subpoena, court appearance	No	No	2
06	Shirley	Elementary	Subpoena, court appearance	Yes	Unknown	2

#	Name	School Level During Court Involvement	Type of Court Involvement	Testimony Needed?	Agreed to participate prior to subpoena?	Number of Experiences
07	Brenda	Elementary	Subpoena, court appearance	No	No	3
08	Denise	Middle	Subpoena, court appearance, written document	No	No	2
09	Cheryl	Middle	Subpoena, court appearance	Yes	No	1

### **Individual Profiles**

In order to provide the rich and thick description that is characteristic of qualitative research, this section consists of an individual profile or within-case analysis of each participant. Conducting a within-in case analysis allowed me to understand the unique nature of each participant's experience and perception as it relates to her consciousness. In addition, the major themes and subthemes that were identified during each participant's semi-structured interview and written reflection are presented.

#### **Participant 01: "Tina"**

##### **Introduction**

I met Tina for the first time when I arrived at her school to interview her in her office. Her office was located on the second floor of the building and she greeted me once I arrived at the top of the stairs. We had previously conversed via email and telephone to discuss the purpose of my study, determine the nature of her court involvement, and arrange a meeting time and location. During the interview, Tina

mentioned that she was glad to participate in the study and permitted me to ask any questions about her experience with court involvement in a child custody matter.

According to the participant demographic sheet, Tina identified as a Caucasian female between the ages of 51-60. At the time of this study, Tina was employed as a professional school counselor in a preschool setting where she served children ages four and five in preparation for kindergarten. Although Tina has 26 years of school counseling experience, she took “a six-year hiatus” from the field in 2005 to become a school administrator. She reentered the field of school counseling three years ago and has worked in the preschool setting ever since. Tina noted that she values professional development and is currently affiliated with the Virginia School Counselor Association and the Virginia Counselors Association.

In terms of court involvement, Tina recalled one incident in which she received a subpoena and made a court appearance. The case involved two parents who were having a custody dispute over their son and daughter. The father had recently acquired custody of the children and Tina was asked to meet with them to help them process some issues that occurred when they were in the care of their mother. Subsequently, the father’s attorney contacted Tina via phone to request that she appear in court. As a result of this contact, Tina received a court subpoena, arrived at the court on the scheduled day and time, but was not called to testify.

### **Individual Themes**

This section provides information about the major themes that were identified within Tina’s semi-structured interview and written reflection. The following themes were identified: uncomfortable feelings and interactions, inconvenience, acquired

knowledge, unpreparedness, child advocate, and professional impact. Table 1.3 presents a graphic representation of the major themes along with supporting evidence.

Table 1.3

Analysis of Participant 01: "Tina"

Theme	Supporting Evidence
Uncomfortable Feelings and Interactions	<p>"It's a very tense situation."</p> <p>"Everybody in one room jumbled up together like this!"</p> <p>"Basically me by myself"</p> <p>"The attorney was rather insistent."</p> <p>"Like we're opposing teams"</p>
Inconvenience	<p>"Waiting pretty much all day"</p> <p>"Missed a day of work"</p> <p>"It wasn't the best time of year"</p> <p>"I was never actually called to be questioned or appear in front of the judge"</p>
Acquired knowledge	<p>District-sponsored trainings</p> <p>Informal conversations with colleagues</p> <p>Reporting only the facts</p>
Unpreparedness	<p>"I needed help with the legalities of what I could and could not do."</p> <p>Sitting in the same room with other witnesses</p>

Theme	Supporting Evidence
Child Advocate	<p>“You are there for the child.”</p> <p>Informing teachers that child is in need of support</p>
Professional Impact	<p>Remaining neutral</p> <p>Taking minimal notes</p>

**Theme 1: Uncomfortable Feelings and Interactions.** During the semi-structured interview, Tina noted various uncomfortable feelings in regards to her court involvement. Even prior to receiving her subpoena, Tina revealed that she felt pressured by the attorney to serve as a witness. Although she tried to inform him of her need to remain neutral and uninvolved, he was “rather insistent” that she appear in court. When Tina arrived at the courthouse, she mentioned that she felt isolated because the other witnesses had people with them for support and she was there by herself. In addition, Tina also acknowledged that she felt the presence of tension and conflict emerge while at the courthouse due to the fact that she was physically positioned in such close proximity to the parents who were in the midst of the custody battle. The following statement illustrates this point:

And you know, people are talking amongst themselves and it’s a very tense situation, I thought. I remember thinking, why do they have everybody in one room [laughter], jumbled up together like this! Like we’re opposing teams [laughter].

This particular theme was also identified within Tina's written reflection when she acknowledged that she felt rather "anxious" about her court involvement because she did not know exactly what to expect. Although she had spoken with other individuals about their court experiences, Tina reported that she was still unsure of how the process would be for her. When asked to identify something that she would do differently, Tina cited that she would have done some relaxation techniques prior to entering the courthouse because it would have helped her to remain calm when sitting with witnesses who are in the midst of the custody dispute. This statement served as yet another testament to the discomfort and anxiety that Tina experienced due to her court involvement.

**Theme 2: Inconvenience.** Tina also referenced various inconveniences due to her court involvement. For example, she expressed frustration with "waiting pretty much all day" and missing a day of work. More specifically, Tina stated that she was concerned about missing work near the end of the school year since faculty, staff, and students were preparing for state testing. Nevertheless, according to Tina, perhaps the most significant inconvenience occurred when she was never actually called to the stand after spending a significant amount of time waiting at the courthouse after receiving a subpoena to appear.

**Theme 3: Acquired Knowledge.** During the semi-structured interview Tina reported that she had acquired some knowledge regarding school counselors, child custody, and court involvement prior to receiving a subpoena and making a court appearance. According to Tina, her knowledge was acquired from formal training experiences such as professional development meetings. As for formal training, Tina



reported that she felt as though the training that she had received via her district school counseling supervisor was beneficial. The following statement illustrated this point:

I think there is always room for more information and training, but I know in [name of city], [name of supervisor], even when I reentered counseling after being on a six-year hiatus after being an assistant principal, I started back as a new counselor as far as attending new counselor meetings and orientations. And the new counselors met as a cohort group for a whole year and we were given information on how to deal with situations, like court situations, so I think that was a good way to get information out there. But certainly having a full blown session just on court would be extremely helpful.

In addition to formal training, Tina also relied on knowledge that she had gained from informal sources such as conversations with school counseling colleagues. The following statement illustrated this point:

I had been told about that from another counselor who had an experience where she had almost been badgered and she told me to almost sound like a broken record. Even if you have to keep saying, "I'm sorry, I have no direct knowledge of that." And to keep saying it over and over again if you need to until they get tired of asking.

Undoubtedly, Tina articulated the fact that knowledge gained through formal and informal experiences helped to shape her expectations regarding court involvement.

**Theme 4: Unpreparedness.** Although Tina revealed that she knew that she would receive a subpoena, she mentioned that she still felt unprepared for many aspects of her court involvement. Although she had acquired knowledge from both formal and

informal sources, Tina reported that she still had a lack of knowledge about the court environment. As she reflected on her experience at the courthouse, she remembered things that “no one had prepped [her] for” and “things that [she] was not aware of” in regards to her role as a witness. In her written reflection, Tina further emphasized her lack of knowledge regarding her court involvement by revealing that she needed assistance with understanding the “legalities of what [she] could and could not do.” Furthermore, Tina’s unfamiliarity with the court environment also revealed her level of unpreparedness. While Tina reported that she was relatively prepared to formulate verbal responses if called to the stand, she recognized that some aspects of the experience itself were new and unexpected circumstances. For example, Tina did not expect to sit in the same room with other witnesses for such a lengthy period of time.

**Theme 5: Child Advocate.** Although Tina noted that she was not thrilled to make a court appearance for a child custody matter, she viewed her involvement as a way to help the child. In fact, Tina stated that school counselor involvement in child custody matters may be necessary if the school counselor has information that would protect the child from foreseeable harm or danger. When such situations arise, Tina mentioned that she was willing to intervene to preserve the safety of the child. However, she also noted that school counselors must remember that they are there to serve the child and not the parents.

**Theme 6: Professional Impact.** Tina indicated that her experience with court involvement has impacted her work with children and families who are undergoing divorce, separation, or child custody disputes. Tina revealed that it “gave [her] some insight” because she now she can “see these things coming on” because “some parents

will lay the groundwork for building their case.” Tina also contended that her experience has made her more “cautious” and cognizant of her professional practices. As previously mentioned, she emphasized the importance of remaining neutral by “saying the same thing to both parents because you don’t want to get caught up” and taking minimal notes because “[you] don’t write things down that you don’t want others to see later.” Although Tina strived to remain neutral and take minimal notes prior to her court involvement, she acknowledged that she became more sensitive to these practices after receiving a subpoena and making a court appearance.

### **Summary**

Tina’s experience with court involvement in a child custody matter was characterized by several uncomfortable feelings and interactions. In addition, Tina considered the experience to be an inconvenience and although she had acquired knowledge from trainings and conversations with colleagues, she was unprepared for many aspects of it. Although Tina is an advocate for children who are in the middle of divorce, separation, or child custody disputes, her experience with court involvement has impacted her professional practice in that she is now more insightful, cautious, and sensitive to ethical standards.

## **Participant 02: “Laura”**

### **Introduction**

I met Laura for the first time on the day that I arrived at her school to interview her. As I walked down the sidewalk to enter the school building, I overheard students saying “goodbye” to her as she managed the parent pickup line outside of the school. When I arrived at the entrance of the school, I introduced myself to Laura and observed her for nearly 10 minutes as she used her handheld radio to summon students to exit the

building and enter their parents' vehicles. After all of the students were dismissed and the car traffic had dispersed, I accompanied Laura to her office and we began the semi-structured interview.

According to the participant demographic sheet, Laura described herself as a Caucasian female between the ages of 51-60. At the time of this study, Laura worked as an elementary school counselor for students in kindergarten through fifth grade. She noted that she had been a school counselor for the past 12 years and currently belonged to the Virginia School Counselor Association.

In terms of court involvement, Laura recalled two experiences in which she received a subpoena and made a court appearance. However, after arriving at the court both times, Laura's testimony was only needed on one occasion. The case that required Laura's testimony involved a grandmother who was in a custody dispute with her son to retain custody of her grandson. During the semi-structured interview, Laura was able to recall vivid details about her experience.

### **Individual Themes**

This section provides information about the major themes that were identified within Laura's semi-structured interview and written reflection. The following themes were identified: uncomfortable feelings and interactions, inconvenience, ethical concerns, and professional impact. Table 1.4 presents a graphic representation of the major themes along with supporting evidence.

Table 1.4

## Analysis of Participant 02: "Laura"

Theme	Supporting Evidence
Uncomfortable Feelings and Interactions	<p>"I wasn't delighted about it."</p> <p>"I had to reconcile resenting it."</p> <p>Guardian "laying seeds" to get school staff to serve as witnesses</p>
Inconvenience	<p>Driving the distance to the court and searching for a parking space</p> <p>Traveling to an unfamiliar locale</p> <p>Enduring excessive heat during commute</p> <p>Missing a day of work</p>
Ethical Concerns	<p>Belief that courts and legal personnel misunderstand role of school counselor</p>
Professional Impact	<p>Remaining neutral</p> <p>Taking minimal notes</p>

**Theme 1: Uncomfortable Feelings and Interactions.** When asked to describe her experience with court involvement, Laura reflected on having several uncomfortable feelings about the overall process. Although she contended that she was not anxious about making a court appearance and testifying, she indicated that she was "frustrated that [she] had been dragged into it" and "a little ticked that [she] had to go down there

and do it.” Being that Laura was relatively unfamiliar with the locale in which the courthouse was located, she mentioned that she felt nervous about finding a place to park her car and arriving on time. Laura also reported experiencing feelings of resentment during the time leading up to her court appearance because she considered it to be a significant inconvenience for her. However, Laura explained that her resentment was later replaced with guilt because she felt as though she should be willing to help a student in need without complaining. When asked to write about how she felt about her court involvement in a child custody matter, Laura declared, “I felt mad because I didn’t think I needed to be involved in a custody case.”

Laura also expressed the concern that her student’s grandmother was attempting to use her and other school staff members to establish witnesses for a child custody case. Laura recalled that her student’s grandmother “was laying those seeds all during the boy’s third grade year” because “she would come to the school to the point of bringing cakes to the teacher’s lounge [or] stopping teachers or me in the parking lot [or] she would just be happening to take her walk just when we would be leaving or arriving to school.” Laura stated that the grandmother wanted others to know that she was doing her part to support her grandson.

**Theme 2: Inconvenience.** Although Laura articulated feelings of guilt about acknowledging the inconveniences that she experienced as a result of her court involvement, she was still able to identify several of them during her semi-structured interview. More specifically, Laura mentioned that she was inconvenienced because she was forced to miss a day of work at such a busy time of the school year. In addition, she also reported that she did not look forward to enduring the summer heat in order to

commute to the courthouse and vie for a parking space in the downtown area, a part of the city that was unfamiliar to her. Overall, Laura expressed her belief that the child custody case could have been resolved without court proceedings or her involvement.

**Theme 3: Ethical Concerns.** Laura identified an ethical concern in regards to her court involvement in a child custody matter. More specifically, she emphasized the fact that she felt as though she was practicing beyond her scope when she was subpoenaed to court to testify in a child custody case. As a school counselor, Laura was adamant that her role is to assist students with issues that impact the school environment. The following statement illustrated this point:

Yeah, and I think, “you want me to come?” I am a school counselor. I am not a therapist. I am not a marriage and family counselor. I’m a school counselor. I do behavior, and attendance, and charts, and behavior charts or whatever. I didn’t think I was an expert by any means. Like, ya’ll must think that...I’m more than what I am.”

**Theme 4: Professional Impact.** Laura revealed that her court involvement in a child custody matter has impacted her work with children and families who are undergoing divorce, separation, or child custody disputes. More specifically, Laura reported that she is more sensitive to the need to remain neutral and unbiased when working with the child and any adults who are involved in the custody situation. In addition, Laura indicated that she is also more cautious of her interactions and the information that she shares with all parties involved.

**Summary**

Although Laura acknowledged that she did not perceive her experience with court involvement in a child custody matter to be very traumatic, she did admit that it did elicit several uncomfortable feelings and interactions. In addition, Laura considered the experience to be both a personal and professional inconvenience. In terms of ethical concerns, Laura reported that her court appearance placed her in a position in which she was challenged to practice beyond her scope. As a result of her court involvement, Laura is more conscientious of ethical standards and more cautious of her professional interactions with children and families who are experiencing divorce, separation, or child custody battles.

**Participant 03: “Victoria”**

I met Victoria at her school one afternoon as the students were preparing to leave for the day and the atmosphere was quite busy. When I arrived at her office, Victoria was meeting with a student and attempting to make a telephone call. As I stood outside of the school counseling office, I watched several staff members and students transition in and out of the school counseling suite. Once her student left the office, I entered the waiting area, greeted Victoria, and we began the semi-structured interview.

According to the participant demographic sheet, Victoria described herself as an African American female between the ages of 51-60. At the time of this study, Victoria was employed as a professional school counselor in an elementary school for students in kindergarten through fifth grade. She has 25 years of school counseling experience and has also obtained higher education in the field of school leadership and administration. Victoria works with a part-time school counselor who is present at the school at least two



days a week. She is currently affiliated with the Virginia School Counselor Association and her regional counselors organization.

In terms of her court involvement, Victoria referenced two incidents in which she received a subpoena and made a court appearance. She was unable to recall specific information about one of the incidents, but the incident that she discussed during the semi-structured interview involved two biological parents who were in a custody dispute over their child. Victoria became involved in the custody dispute when she received a telephone call from the child's guardian ad litem. During the phone conversation, Victoria informed the guardian ad litem of an incident in which the biological mother brought the child to school late one morning and "reeked of alcohol." Shortly after the phone conversation, Victoria mentioned that was rather surprised to receive a subpoena. When she arrived at the court, Victoria was questioned about the information that she had mentioned to the guardian ad litem during the phone conversation.

### **Individual Themes**

This section provides information about the major themes that were identified within Victoria's semi-structured interview and written reflection. The following themes were identified: uncomfortable feelings and interactions, acquired knowledge, unpreparedness, ethical concerns, child advocate, and professional impact. Table 1.5 presents a graphic representation of the major themes along with supporting evidence.

Table 1.5

## Analysis of Participant 03: "Victoria"

Theme	Supporting Evidence
Uncomfortable Feelings and Interactions	<p>"However, it was uncomfortable, very uncomfortable."</p> <p>"Needless to say, I was not a happy camper."</p> <p>"And that was the father's lawyer who...in a sneaky way got information out of me and subpoenaed me."</p>
Acquired Knowledge	<p>"My experience has been that you only stick to the facts."</p>
Unpreparedness	<p>Not expecting to divulge certain information during testimony</p>
Ethical Concerns	<p>"So I let them know up front that it is not in the child's best interest and neither is it in my best interest."</p> <p>Risk of having to submit records or divulge confidential information</p>
Child Advocate	<p>Ensuring that the child is not put in harmful or unsafe situations</p> <p>Assisting the child with coping strategies</p>

Theme	Supporting Evidence
Professional Impact	Choosing words wisely

**Theme 1: Uncomfortable Feelings and Interactions.** Victoria stated that she endured uncomfortable feelings and interactions as a result of her court involvement. She contended that she felt manipulated and betrayed by the guardian ad litem who contacted her via telephone. He did not mention a court subpoena during their telephone conversation and Victoria thought that she was providing him with confidential information that would enable him to help the child in some manner. Victoria mentioned that she felt as though she was used as a means to acquire private information that would help the guardian ad litem to make his case. While on the stand, Victoria recalled that she felt forced and pressured to repeat the information that she had previously shared with the guardian ad litem because she was under oath and did not want to run the risk of reaping any negative consequences for being an uncooperative witness.

**Theme 2: Acquired Knowledge.** Victoria acknowledged that she reflected upon her professional development and graduate level coursework when she was confronted with her court involvement. Although Victoria cited very few incidents in regards to court involvement for child custody matters, she emphasized that she had learned the importance of reporting only factual information. As a school counselor, Victoria was determined to remain neutral and unbiased. Thus, in order to do this, she mentioned that

her “experience” has taught her to report only the facts and refrain from interjecting her opinion or partial observations.

**Theme 3: Ethical Concerns.** During the semi-structured interview, Victoria explained that she has only received two subpoenas during her professional career because she often informs parents and guardians of her desire to avoid any court involvement in child custody matters. In addition, she was able to identify ethical concerns in regards to her court involvement. Victoria also expressed the concern that becoming legally involved in child custody matters “is not in the best interest of the child and the counseling relationship” because “the child is not supposed to see [her] favor one parent over the other, regardless of how bad one parent can be.” More specifically, she articulated a concern that her court involvement compromised her ethical obligation to demonstrate a neutral and unbiased stance when assisting children and families who are experiencing divorce, separation, and child custody disputes. In addition, Victoria also noted that court is a forum in which confidentiality can be breached and school counselors are forced to divulge sensitive and private information that has been told to them by their students. Thus, in regards to recordkeeping, Victoria stated, “keep in mind that your work is confidential, but not according to the judge...if he wants to see it, then you have to show it to him.”

**Theme 4: Child Advocate.** As a professional school counselor, Victoria emphasized that her main focus is on “the child” when she is faced with situations that involve divorce, separation, or custody disputes. Even when Victoria shared information with the guardian ad litem and testified in court, she recalled that she was thinking about the child’s best interest. The following quote illustrated this point:

Only work with the child in regards to how you can help the child. Your job is not to get in between the parents, the mother, father, or other individuals. Work with the child. Make sure the child has his or her needs met in a way. You know, making sure they are studying, eating properly, exercising, taking care of their little health. So you're thinking in terms of what's healthy and beneficial for the child. The other thing is that I take students through divorce groups. I have not had one in a while, but I definitely do separation and divorce groups. My job is to make sure that the child is coping. So I provide the child with coping strategies, whether it is through individual counseling or group counseling, but as far as getting or becoming personal or taking sides, I make sure I don't cross the line.

Although receiving a court subpoena and making a court appearance was a very “uncomfortable” situation that caused Victoria to become even more cautious in her professional work, it has not deterred her from taking the necessary steps to keep a child safe from other troubling situations such as child abuse, neglect, or self-harm. Victoria was adamant that she will “step up” and take necessary action to ensure the safety and wellbeing of the child regardless of whether or not her involvement could lead to a court subpoena.

**Theme 5: Professional Impact.** Victoria admitted that her professional practice has been impacted due to her court involvement. She now “[keeps] the possibility of a subpoena in the back of [her] mind” so that she will not be surprised and taken aback like she was the first time. Victoria also proactively broaches the topic of being a court witness with parents and guardians when she is made aware of any contentious divorce, separation, or custody dispute involving her students. According to Victoria, she has

found that taking a proactive stance has enabled her to educate parents about her role as a school counselor and the services that she can provide for children to support them in the school setting.

Victoria also advised that she now is more cognizant of choosing her words wisely when she learns that a custody dispute is taking place. Due to the aforementioned situation with the guardian ad litem, Victoria has also developed a degree of distrust and suspicion when interacting with legal personnel. She stated that “they are lawyers and they’re clever...because they have to make their point...and so, they will do whatever it takes, you know, to make that happen.”

Although Victoria’s written notes were not subpoenaed, she declared that her court involvement has undoubtedly impacted her method of recordkeeping. In terms of recordkeeping, Victoria admitted that she keeps “real sketchy notes” that only contain the names of the students she has seen and brief notes about the nature of their concerns.

### **Summary**

Victoria’s court involvement in a child custody matter caused her to experience various uncomfortable feelings and interactions. She also articulated several ethical concerns about her court involvement such as compromises to the counseling relationship, favoring one parent over the other, and breaching confidentiality. As a professional school counselor, Victoria is dedicated to supporting children and assisting them in the midst of their familial transitions. However, due to her experience with court involvement, her professional practice has been impacted in that she is now more cautious, more sensitive to ethical issues, and more suspicious of legal personnel.

#### **Participant 04: “Monica”**

I met Monica at her school very early in the morning before the students arrived. We pulled into the parking lot at the same time and walked into the building together to her office. It was my first time visiting Monica’s school and seeing her function within her work environment. Many of Monica’s colleagues consider her to be a true advocate of the school counseling profession and she often reminds the middle school counselors in her district to join professional organizations. In addition, she often shares information and resources that she has gained at conferences.

According to the participant demographic sheet, Monica described herself as a Caucasian female between the ages of 61-70. At the time of this study, she was employed as an eighth grade professional school counselor at the middle school level. Monica has been a school counselor for the last 12 years. Her school houses a rather large military population, so she also works with a significant number of families who are experiencing deployment or other family transitions due to military service. She is currently affiliated with several counseling and educational organizations including the American School Counselor Association, Virginia School Counselor Association, and National Education Association.

Monica recalled at least three separate incidents in which she experienced some type of court involvement for a child custody matter. For the purposes of this study, she chose to discuss one incident in which she received a subpoena and had to testify at a courthouse outside of the jurisdiction where her school is located. The case involved a grandfather who was suing his biological daughter for custody of his grandson. During the time leading up to the custody case, Monica had several interactions with the

student's grandparents and they often expressed concern about the lack of consistency and stability that their grandson was experiencing due to transitioning back and forth between them and his mother. When she was approached about becoming involved in the court case, Monica mentioned that she informed the grandparents that she would be limited in her involvement because she could only report on school-related matters. However, according to Monica, the grandparents were "insistent" and she received a subpoena to appear in court. While on the stand, Monica was questioned by the grandparents' attorney and her student's biological mother.

### Individual Themes

This section provides information about the major themes that were identified within Monica's semi-structured interview and written reflection. The following themes were identified: uncomfortable feelings and interactions, inconvenience, acquired knowledge, unpreparedness, ethical concerns, child advocate, and professional impact. Table 1.6 presents a graphic representation of the major themes along with supporting evidence.

Table 1.6

#### Analysis of Participant 04: "Monica"

Theme	Supporting Evidence
Uncomfortable Feelings and Interactions	<p>"...this is really uncomfortable and if I'm uncomfortable, I can imagine how uncomfortable [my student is.]"</p> <p>"...the first time you see [the subpoena], it scares the pee out of you."</p> <p>"The grandparents were insistent, and so we go to the subpoena."</p>



Theme	Supporting Evidence
Inconvenience	<p>Missing a day of work</p> <p>Not servicing other students on caseload due to attending court for one student</p> <p>Having to travel to a different and unfamiliar city to find courthouse</p>
Acquired Knowledge	<p>Contacting NEA lawyer</p> <p>Reading textbook</p>
Unpreparedness	<p>Did not expect to sit in same waiting area with those involved in custody dispute</p> <p>“You think you’re all calm and collected and then you get in there and something happens.”</p> <p>Caught off guard due to being questioned by parent in court</p>
Ethical Concerns	<p>Only discussing matters related to grades, attendance, and discipline</p> <p>Feeling pressured to make a judgment about custody</p>
Child Advocate	<p>Ensuring that the child is not put in harmful or unsafe situations</p> <p>Assisting the child with coping strategies</p>
Professional Impact	<p>Not favoring one parent over the other</p> <p>Focusing more on the child</p>

**Theme 1: Uncomfortable Feelings and Interactions.** As Monica reflected on her court involvement in a child custody matter, she acknowledged that the experience was rather uncomfortable for her. In fact, during the semi-structured interview, Monica recalled uncomfortable feelings that emerged even before she arrived at the courthouse. Monica reported that although she had communicated with her student's grandparents in an effort to avoid going to court, "[they] were rather insistent" and she was served with a subpoena by their attorney despite her expressed wish to remain neutral. Monica also mentioned that she experienced more uncomfortable feelings when she arrived at the court because she did not feel comfortable waiting in the same room with the parents and grandparents. In addition, Monica stated that she felt saddened by the fact that her student was also caught in the middle of such a conflict between his family members. The following quote from Monica illustrated this point:

So when we got into the courthouse, I met the birth father and we all sat in the same conference room while we were waiting to go into the court and it was a very uncomfortable situation. I didn't want to sit with the parents, I didn't want to sit with the grandparents, but I wanted to sit with [my student], and he was kind of stuck there...I thought this is really uncomfortable and if I'm uncomfortable, I can imagine how uncomfortable [my student] is."

**Theme 2: Inconvenience.** Monica encountered several inconveniences as a result of her court involvement in a child custody matter. Monica's subpoena required that she travel to a neighboring city outside of the school district in which she worked. Therefore, Monica was unfamiliar with the area and "had to do a go and look for the courthouse kind of thing." Missing a day of work presented another inconvenience for

Monica because she was unable to complete work-related tasks and assist students who were in need. When asked if she would have done anything differently in regards to this case, Monica said that she would have asked for a deposition. She mentioned that she was able to avoid at least one court appearance by educating an attorney about the inconvenience that she would incur as a result of spending a day in court. As she reflected on this situation, Monica stated:

I had to go to court for some other reasons and I was able to get out of testifying one time by doing a deposition. I told them, I have no problem coming to court, but when I have to come to court for one child, I am not servicing my 399 others.

**Theme 3: Acquired Knowledge.** When Monica found out that she would have to make a court appearance for a child custody matter, she took various steps to enhance her knowledge and prepare for the event. For example, she prepared for her experience by gathering student data in terms of academic progress, attendance, and discipline. She revealed that she felt comfortable sharing this information because it was factual, concrete, and free of any judgment or bias. Thus, Monica informed her student's grandparents that she could only address those topics and not any private information that was shared by the student. To further prepare for her court involvement, Monica also contacted a lawyer from the National Education Association and read excerpts from a book written by a well-known counselor educator.

**Theme 4: Unpreparedness.** Although Monica had taken various steps to prepare for her court involvement, she stated that she was still unprepared for many of the incidents she encountered upon her arrival to the courthouse. As previously mentioned, Monica did not expect to sit in the same room with the parents and grandparents before

rendering her testimony. Furthermore, when Monica entered the courtroom to provide her testimony, she mentioned that she was taken aback by the position of the witness box because it was placed in the middle of the room and the family members sat on both sides. However, according to Monica, the most significant surprise of all occurred when she was vehemently questioned by her student's mother while she was on the witness stand. In regards to this incident, Monica revealed that she was caught off guard by this line of questioning because she "expected to be interviewed by the lawyers, [but] did not expect to be interviewed by mom." Monica was definitely unprepared for this uncomfortable interaction and although she could remain in the courtroom after her testimony, she opted to leave due to this incident.

**Theme 5: Ethical Concerns.** Monica reported ethical concerns in regards to her court involvement. When she was first asked to appear in court, Monica informed her student's grandparents of her desire to maintain confidentiality and preserve the integrity of the counseling relationship. More specifically, Monica emphasized that she could only report on her student's progress in terms of academics, attendance, or discipline because if she chose to divulge any private information, she feared that the student would not see her as a "resource," but rather as "an authority figure" who was providing information to the adults who are in the midst of the custody battle.

In addition to the possibility of being asked to breach confidentiality, Monica revealed that she was also concerned that testifying in court would also cause her to be seen as a biased person who was supporting one parent over the other. The following quote illustrated this point:

The first time I got to see mom was when I was put on the stand. So she viewed me as not a school counselor, as not someone who was helping her son. She viewed me as someone who was helping her father take her son away from her. Monica also acknowledged that she felt as though her student's mother was pressuring her to practice beyond her scope and make a judgment about which household environment would be more suitable for the child. At the conclusion of the mother's questions, Monica found herself reiterating the fact that she would not make a judgment, but would only speak about school-related matters.

**Theme 6: Child Advocate.** As a school counselor, Monica revealed that she strives to advocate and support all children. Monica asserted that "you always have to make sure that you're there for the child, to help them get through whatever situation is going on in their life...because the child really has no choice." In her role as an advocate, Monica also is committed to ensuring that her students' wellbeing is protected in midst of familial transitions. She also believes that "[it is] important for children to know that they're loved and not fought over."

**Theme 7: Professional Impact.** Monica acknowledged that her experience with court involvement in a child custody matter has impacted her professional work with children and families who are undergoing divorce, separation, or child custody disputes. She now works to ensure that she meets the needs of both parents rather than assuming that one party is automatically informing the other. In addition, she now focuses more on the child and less on the family issues.

## **Summary**

Monica's court involvement in a child custody matter caused her to experience several uncomfortable feelings and interactions. In addition, Monica considered her court involvement to be an inconvenience. Although she took steps to prepare for her court appearance, Monica still encountered several incidents that she was unprepared to handle. She also expressed various ethical concerns about her court involvement such as compromises to the counseling relationship, favoring one parent over the other, breaching confidentiality, and practicing beyond her scope. In her role as a professional school counselor, Monica is committed to supporting students who are in the midst of child custody disputes. Due to her experience with court involvement, Monica now focuses more on the child and does not assume that one party is keeping the other party informed of school-related information.

### **Participant 05: "Dorothy"**

#### **Introduction**

I met Dorothy one morning at my school to discuss her experience with court involvement in a child custody matter. We met in the conference room of the main office to minimize interruptions. Dorothy was one of the first school counselors I met when I was hired to work in the school division seven years ago. Whenever I had the opportunity to see her, she would always give advice about best practices and other counseling related issues. She is considered a veteran school counselor who is knowledgeable about school counseling and education.

According to the participant demographic sheet, Dorothy described herself as an African American female between the ages of 51-60. She has worked as a professional

school counselor for over 20 years at both the elementary and middle school levels. She recently retired from the field a few years ago, but decided to return on a part-time basis. At the time of this study, Dorothy was employed as a part-time school counselor in a preschool setting.

Dorothy had two incidents in which she experienced some type of court involvement for a child custody matter. During the semi-structured interview, Dorothy recalled a situation in which a father and mother were in a custody dispute over their son. Their son was in second grade at the time and was experiencing a significant amount of anxiety due to his parents' separation. When Dorothy became involved, the father had custody and the mother had visitation on the weekends. After Dorothy had counseled the student for several months, his father contacted her and requested that she begin to "write down things that [she] noticed about the young man." Although Dorothy informed the father that she would not be able to honor his request, she was still served with a subpoena from his attorney and had to appear in court. However, once she arrived at the court, she was not called to testify.

### **Individual Themes**

This section provides information about the major themes that were identified within Dorothy's semi-structured interview and written reflection. The following themes were identified: uncomfortable feelings and interactions, inconvenience, ethical concerns, acquired knowledge, child advocate, and professional impact. Table 1.7 presents a graphic representation of the major themes along with supporting evidence.

Table 1.7

## Analysis of Participant 05: "Dorothy"

Theme	Supporting Evidence
Uncomfortable Feelings and Interactions	<p>Feeling used as a means to an end</p> <p>Parent requesting counselor to document observations and meetings with student</p>
Inconvenience	<p>Missing part of a work day</p> <p>Having to wait at the court before being dismissed</p>
Acquired Knowledge	<p>"We were trained not to write a lot of things down because it could get in the wrong hands."</p> <p>Reporting only the facts</p>
Ethical Concerns	<p>School counselors seen as credible and reputable</p> <p>Being put in the middle of familial conflict</p>
Child Advocate	<p>"We arranged for me to call midday so that he could hear his dad's voice."</p>
Professional Impact	<p>"Of course the lawyer would try to get you to say more, but you say as few words as possible."</p> <p>Fear of being misquoted</p> <p>Remaining neutral</p>

**Theme 1: Uncomfortable Feelings and Interactions.** Dorothy acknowledged that she encountered various uncomfortable feelings and interactions due to her court



involvement. In regards to her court subpoena, she was not surprised when she received it from the father's attorney. By the time Dorothy was served with the order, "[she] could see that [she] was one of the people that [the father] was going to use to build a case as to why he should have total custody of his son and the mom not have any." Even prior to receiving the subpoena, Dorothy reported that she felt as though she was being set up or primed to serve as a witness for her student's father due to the fact that he contacted her to request that she begin keeping notes about her observations and meetings with the child. During the semi-structured interview, Dorothy discussed another situation in which a parent visited her office to discuss a child custody situation and she was quite sure that "[the parent] had a tape recorder in her pocket." Dorothy recalled hearing the parent "click something when she left [the] room" and described the situation to be very uncomfortable and unnerving. Dorothy noted that these situations have definitely impacted her feelings about child custody matters.

**Theme 2: Inconvenience.** Dorothy revealed that she was inconvenienced due to her court involvement. In fact, she reported that the most significant inconvenience occurred when she missed a half day from work to make a court appearance only to find out that her testimony was not needed. Dorothy also remembered having to wait at the court for a while before learning that she would not be called to testify. In fact, she revealed that she was not told right away that she would be dismissed. Instead she figured that the decision had been made when she was never called into the courtroom.

**Theme 3: Acquired Knowledge.** Dorothy revealed that she felt prepared for her court involvement due to information that she had received during her graduate training and job-related professional development meetings. Although she was dismissed without

providing testimony, Dorothy indicated that she was prepared to keep her answers short and only report the facts of the situation if she had been called to testify. However, Dorothy mentioned that the attorney asked her a question as soon as she entered the foyer of the courthouse and although she could not remember the exact question, she stated that her answer helped the attorney to determine that “[she] would not be worthy to the cause” because she made it clear that she would not favor one parent over the other.

**Theme 4: Ethical Concerns.** Dorothy cited ethical concerns in regards to her court involvement. She contended that parents and legal personnel want school counselors to appear in court because their professional position sounds credible and reputable. In referencing her court involvement, Dorothy stated, “they wanted to use me because I was a quote, ‘counselor’ and that sounds significant to the judge and they feel that we have a lot of credence to our reputations.” While school counselors may be considered credible and reputable, Dorothy made the point that school counselors are supposed to assist students with difficulties that emerge during the school day instead of appearing in court to help make decisions regarding custody matters. Therefore, Dorothy expressed concern that school counselors are put in a position to practice beyond their scope when asked to intervene in child custody matters. Dorothy also emphasized that court involvement places school counselors in the middle of familial conflict and this presents a problem because the counseling relationship is compromised and objectivity is sacrificed.

**Theme 5: Child Advocate.** Dorothy declared that she is committed to assisting her students who are experiencing familial difficulties due to divorce, separation, or child custody disputes. However, she noted that she prefers to assist the child within the

school setting instead of appearing in court. For Dorothy, her role as a professional school counselor is intertwined within the larger role of being a child advocate. The following quote illustrated this point:

...For those youngsters who are going through these custody situations, we need to have them on our weekly docket to check in with them to provide services in spite of how the parents are. They need support during the school day and I would like to give them an opportunity to express their feelings about what they are going through. Because what they see beyond the school day can really affect their mental status in school.

**Theme 6: Professional Impact.** Dorothy stated that her experience with court involvement and some of her previous interactions with parents who were involved in custody disputes have impacted her professional practice. Thus, Dorothy is now more cautious of her words and interactions when speaking with parents and guardians who are involved in child custody situations. In addition, she has become suspicious and distrusting when discussing child custody situations with parents, guardians, legal personnel, and other interested parties because she does not want to be misquoted or misunderstood. As a result, Dorothy takes notes when possible court situations arise so that she can have a record and a reference to utilize should she receive a subpoena.

### **Summary**

Although Dorothy mentioned that she was not surprised that she received a subpoena to appear in court for a child custody matter, she did indicate that she felt as though she had been used by her student's father as a means to help him win the custody case. However, despite the uncomfortable feelings and interactions that Dorothy

experienced, she acknowledged that she felt as though she was prepared to testify in court. Although she was not called to testify, Dorothy prepared for possible testimony by reflecting on her graduate training and training that she had received during professional development meetings. Dorothy also expressed concerns about remaining neutral, upholding confidentiality, and not practicing beyond her scope. As a result of her court involvement, Dorothy now distrusts legal personnel and parents who are involved in child custody disputes and practices with increased caution.

### **Participant 06: “Shirley”**

#### **Introduction**

I met Shirley at my school one afternoon after school hours to discuss her experience with court involvement in a child custody matter. On the day of our meeting, Shirley was being honored for 30 years of service with the school division and the event was taking place in the cafeteria of my school. Shirley and I met in my office for the semi-structured interview prior to her attending the banquet. Although I have known Shirley for approximately seven years and was her daughter’s middle school counselor, this was the first time that we had ever discussed her court involvement in a child custody matter.

According to the participant demographic sheet, Shirley described herself as an African American female between the ages of 51-60. She has 25 years of professional school counseling experience and was affiliated with the Virginia School Counselors Association, Virginia Counselor Association, and her regional counselors association at the time of this study. She is currently employed as an elementary school counselor for students in kindergarten through fifth grade.

Shirley recounted two incidents in which she experienced court involvement in a child custody matter. The first incident involved a mother and father who were in a custody dispute over their two sons. The children resided with their mother and her boyfriend and the father wanted custody. As a result of the familial conflict, the mother contacted Shirley and requested that she meet with one of the children due to adjustment issues. According to Shirley, the father was a very strict disciplinarian who would punish by the children by requiring them to do “military-style” exercises like “pushups, sit-ups, and chin-ups.” When Shirley attempted to provide the father with other ideas for discipline, “[he] insisted that that was the best way to discipline the boys and he resented [her] giving him other ideas.” After receiving a subpoena from the mother’s attorney, Shirley made a court appearance and was called to the stand to testify.

The second incident in which Shirley experienced court involvement in a child custody matter also involved a mother and a father who were in a custody dispute over their son. According to Shirley, the father was in the military and the mother was involved in an extramarital affair. After the father found out about it, the mother attempted suicide and the father was awarded custody of the children. After getting therapy, the mother decided to go to court to regain custody of the children. Thus, Shirley received a subpoena and had to appear at an attorney’s office for a deposition.

### **Individual Themes**

This section provides information about the major themes that were identified within Shirley’s semi-structured interview and written reflection. The following themes were identified: uncomfortable feelings and interactions, inconvenience, acquired knowledge, unpreparedness, ethical concerns, child advocate, and professional impact.

Table 1.8 presents a graphic representation of the major themes along with supporting evidence.

Table 1.8

Analysis of Participant 06: "Shirley"

Theme	Supporting Evidence
Uncomfortable Feelings and Interactions	<p>"[It] is an awkward position for counselors to be put in."</p> <p>Sitting in the same room with parents</p>
Inconvenience	<p>"It was just a wait game."</p> <p>Not being allowed to leave attorney's office</p> <p>Being subpoenaed while on maternity leave from work</p>
Acquired Knowledge	<p>Reporting only the facts</p> <p>Adhering to a code of ethics</p>
Unpreparedness	<p>No support at courthouse</p>
Ethical Concerns	<p>"They asked me about things that the children had reported to me."</p> <p>Referring the family to outside counseling for non-school issues</p> <p>"I made sure I was not in the middle of it."</p>

Theme	Supporting Evidence
Child Advocate	Supporting student in school and at the court  “Make sure you are there to protect the child.”
Professional Impact	“Because of the uncomfortable situations, I know that’s the reason why I shy away.”  Keeping factual notes  Remaining neutral

**Theme 1: Uncomfortable Feelings and Interactions.** When reflecting on her court involvement, Shirley recounted various uncomfortable feelings and interactions. She revealed that she began feeling quite uncomfortable at the moment in which she received the court subpoena because she found it to be “nerve wracking” and scary. She also cited that “she can just remember being very uncomfortable and not liking the situation at all” because she considered it to be “an awkward position for counselors to be put in.” During one of the custody cases, Shirley reported that “the dad’s attorney tried to get [her] to say something that he assumed was reported to [her] regarding how [the mother’s] boyfriend was playing with the boys.” Shirley mentioned that she was confused by the attorney’s line of questioning because the involved parties assumed that she was knowledgeable about an incident and such was not the case. Shirley also recalled feeling rather awkward and uncomfortable having to sit in a small waiting room with the parents prior to rendering her testimony. Overall, Shirley described her

experiences with custody disputes as being “very sticky” situations that school counselors should avoid.

**Theme 2: Inconvenience.** Shirley encountered various personal inconveniences due to her court involvement. For one of her cases, she had to make a court appearance at a time when she was on maternity leave and still nursing a one month old infant. Despite her personal circumstance, Shirley still had to wait at the court for a long period of time before testifying. In another child custody case, Shirley recalled that she was also inconvenienced while waiting to make a deposition in an attorney’s office. The following quote illustrated this point:

“I was sequestered and I remember that I had to wait and I could not leave. My daughter was in kindergarten or first grade at the time and I couldn’t pick her up. I had to ask for permission to make an emergency phone call to a neighbor to pick her up from daycare because I wasn’t going to be ready at a certain time.”

When Shirley was finally called into the attorney’s office, she mentioned that he “asked [her] one or two questions, but it was just a wait game.” Due to Shirley’s court involvement, she was personally inconvenienced and her family and friends were as well.

**Theme 3: Acquired Knowledge.** As she prepared to make a court appearance for a child custody matter, Shirley discussed consulting with her supervisor and reflecting upon her academic coursework. She reported that she “contacted [her] supervisor at the time for advice on what [she] should say or not say and what is legal” and was “advised to only state facts and not her opinion.” In addition, Shirley noted that she revisited the information that she learned in her ethics course when she was faced with court involvement.



**Theme 4: Unpreparedness.** Thus, despite her acquired knowledge, there were still aspects of Shirley's court involvement that were only learned through experience. Although she received knowledge from her supervisor and reflected upon her academic training, Shirley reported that she felt as though she "learned on the job" and "learned by being there." During the semi-structured interview, Shirley reflected upon a time in which her school division employed a school-court liaison who would meet school personnel at the courthouse to provide guidance and support. Shirley mentioned that this position was helpful for her in terms of preparing her for her court involvement. However, now that this position is no longer in existence, Shirley stated that she is concerned that some school counselors are not prepared for court. The following quote from Shirley illustrated this point:

And, at one time the school system had a school-court liaison person and that was his job. He was the husband of a former coworker of mine and he was very helpful because he met me down at the courtroom and gave me some reminders of what to do, guidelines on what to say, and he was just a friendly face. And it helped because you didn't have to go there not knowing anybody and even if he had something else to do, he would stop by to say hello or stay for 15 minutes or so to make sure that you were okay.

**Theme 5: Ethical Concerns.** Shirley discussed ethical concerns in regards to her court involvement. When Shirley testified in court for one of the child custody cases, she mentioned that she was asked to breach confidentiality because "they asked about things that the children had reported to [her]...about situations that happened in both homes." Shirley emphasized that this situation made her feel uncomfortable and put in

the middle of the familial conflict. Furthermore, Shirley also emphasized the point that becoming involved in child custody disputes puts her in the unethical position of practicing beyond her scope. As a professional school counselor, Shirley reported that she informs families that her role is to assist the child with school-related matters and make a referral to outside counseling if additional services are needed. The following quote illustrated this point:

I suggested that they seek outside counseling because it was a family issue and I said that I would help the child with anything that happened at school. I tell them that I can do a divorce group, I can provide support, I can listen, I can talk about coping, but anything else would be out of my realm as a school counselor and I do a referral.

**Theme 6: Child Advocate.** When dealing with children and families who are in the midst of custody disputes, Shirley declared that she is an advocate for children. She is “there for the child” and “there to protect the child.” In her role as a professional school counselor, Shirley is committed to providing counseling and referral services when necessary. When Shirley appeared in court, she sought to serve as a support for the children who were caught in the middle of the custody matter.

**Theme 7: Professional Impact.** Shirley agreed that her experiences with court involvement have impacted her professional interactions with children and families who are experiencing divorce, separation, or child custody disputes. As a result of her involvement, she makes a special effort to avoid situations that may lead to a subpoena or court appearance. The following quote illustrated this point:

You are there for the child. You have to remember that you are there for the child and the parents like to try and use you as a token to be in the middle. It's a very awkward situation to be in because someone is going to win and someone's going to lose. So, because of the uncomfortable situations, I know that's the reason why I shy away. Because if they mention court, I tell them that I can perhaps refer them to someone who can help the family.

In terms of professional practice, Shirley revealed that she now prefers to take meticulous notes when she suspects that a case may require court involvement. The notes help her to remember the facts and "know exactly what to say" if she is called to render testimony.

### **Summary**

Shirley recalled two incidents in which she experienced court involvement in a child custody matter. One case required Shirley to testify in court while the other required her to have a deposition in an attorney's office. Shirley found both experiences to be quite uncomfortable and inconvenient for various reasons. Although Shirley had reflected upon knowledge gained during her graduate training and job-related professional development meetings, there were several aspects of her court involvement that she only learned about while being present at the court and attorney's office. Shirley also expressed various ethical concerns such as breaching confidentiality, practicing beyond her scope, and remaining neutral. As a result of this experience, her professional practice has been impacted in that she is now more cautious when interacting with individuals involved in custody disputes and more sensitive to ethical issues.

**Participant 07: “Brenda”**

When I arrived at Brenda’s school to discuss her court involvement in a child custody matter, the school secretary informed me that she was making an appearance on the “morning show,” a televised version of the morning announcements. As I waited in the main office for Brenda, I noticed that several parents and students were visiting the main office to ask questions, get visitor’s passes, and turn in excuse notes for absences. It was a lively environment that was full of bright colors and social interaction. When Brenda finished her morning task, she invited me into a small room in the library and we began the semi-structured interview.

According to the participant demographic sheet, Brenda identified as an African American female between the ages of 31-40. She has 10 years of professional school counseling experience and was working in an elementary setting at the time of this study. She is affiliated with various counseling organizations including the American School Counselor Association, American Counselor Association, and the Association for Counselor Education and Supervision.

In terms of court involvement, Brenda revealed that she has had a least three experiences in which she received a subpoena and had to make a court appearance. For the purposes of this study, Brenda recounted an incident in which a set of grandparents were petitioning the court for custody of their grandchild. According to Brenda, the grandparents were very involved with the child’s schooling and “the relationship with [the mother] was damaged even before [going] to court [because] she was not accepting of any of [the school’s] efforts or assistance.” Thus, Brenda, her assistant principal, and three of the child’s teachers received a subpoena to appear in court for the custody

hearing. However, once arriving to the court, Brenda and her assistant principal were not called to testify because adequate information had been gathered from the child's teachers.

### **Individual Themes**

This section provides information about the major themes that were identified within Brenda's semi-structured interview and written reflection. The following themes were identified: uncomfortable feelings and interactions, inconvenience, ethical concerns, child advocate, and professional impact. Table 1.9 presents a graphic representation of the major themes along with supporting evidence.

Table 1.9

#### **Analysis of Participant 07: "Brenda"**

Theme	Supporting Evidence
Uncomfortable Feelings and Interactions	<p>"It was just a mess."</p> <p>"It was an ugly situation and the room was very tense."</p>
Inconvenience	<p>Waiting for late parent to show to court</p> <p>Spending time preparing notes for testimony and not being called to testify</p>
Ethical Concerns	<p>Only reporting factual information and not opinions</p> <p>Supporting both parents</p>

Theme	Supporting Evidence
Child Advocate	<p>“I will work with the kid...I will help the kid.”</p> <p>Providing counseling in school setting</p>
Professional Impact	<p>Focusing on the child</p> <p>Being careful about information that is shared</p>

**Theme 1: Uncomfortable Feelings and Interactions.** Brenda described her court involvement to be a tense and “very uncomfortable situation.” She recalled waiting in the courtroom with all parties involved and listening to each person’s testimony. The situation was also quite uncomfortable because the child’s mother was “very vocal” and kept speaking out of turn in response to information that was being provided by those rendering testimony. Brenda remembered that “it was just a mess” and “it was an ugly situation and the room was very tense.”

**Theme 2: Inconvenience.** Brenda acknowledged that her court involvement presented an inconvenience for various reasons. When Brenda received her court subpoena, she referenced her notes about her student and decided to type them to ensure that she was organized and prepared to answer questions while on the stand. However, although Brenda was glad that she was not called to the stand, she was still “a little frustrated that [she] had eaten up [her] time and energy [preparing] and didn’t even get a

chance to testify.” Brenda reported that she felt as though she had wasted a significant amount of time preparing for a testimony that did not happen. Brenda also recalled spending at least 45 minutes waiting for the proceedings to begin because the child’s mother was late arriving to the courthouse.

**Theme 3: Ethical Concerns.** As she reflected on her experience with court involvement, Brenda indicated that she was concerned about ethical guidelines. She mentioned that she made an effort to remain neutral by reporting factual information instead of personal opinions. As a school counselor, she strived to maintain positive relationships with parents and students by not showing bias or favoring one parent over the other. Brenda mentioned that she was not interested in taking sides because it was not in the best interest of anyone involved.

**Theme 4: Child Advocate.** When families are in in the midst of separation, divorce, or child custody disputes, Brenda “[is] an advocate for the child and [helps him or her] with the situation that is going on.” In her role as a professional school counselor, Brenda meets with students to provide support for them in the school setting and makes referrals to outside counseling resources when necessary. Her main goal is to assist the student without becoming involved in the adults’ situation.

**Theme 5: Professional Impact.** Brenda noted that her court involvement has impacted her professional practice. Although Brenda acknowledged that “we’re human and it’s hard not to get sucked into situations when people are telling you [a lot of horrible things],” she emphasized that she is now careful about the information that she shares with both parents and students “because information gets back to a lawyer and then [she gets] a subpoena.” As a result of her experiences with court involvement,

Brenda revealed that she is now more cognizant of the child's needs and makes an effort "not to get caught up in the parent's stuff." Overall, she ensures that she remains neutral and keeps the child's best interest as her main priority.

### **Summary**

Although Brenda has received at least three subpoenas to appear in court for child custody issues, she has never been called to testify. During the interview, Brenda recounted an experience that was characterized by uncomfortable feelings and interactions that emerged as she waited in the courtroom. Brenda also discussed how her involvement presented an inconvenience for her because she took time out of her schedule to prepare notes and make a court appearance only to learn that her testimony and services were not needed. As a professional school counselor, Brenda noted that she focuses on the child and makes an effort to remain neutral and report only the facts should she be subpoenaed to court. In terms of professional practice, Brenda's experience with court involvement has made her more cautious and aware of the potential for child custody issues to arise.

### **Participant 08: "Denise"**

Several months ago, Denise and I had a conversation at a staff development meeting about school counselors and court involvement with child custody matters. At that time, she indicated that she would be interested in talking more about her experience. However, when I began to secure participants for the study, Denise was not available at her school because she was on medical leave. We conversed via email and Denise agreed to participate in the study. Because Denise was unable to meet in person, I contacted her via telephone and used the speaker phone feature to record the semi-structured interview.



I emailed Denise the informed consent form, participant demographic sheet, and written reflection questions and she mailed the completed documents back to me.

According to the participant demographic sheet, Denise identified as a Caucasian and Native American female between the ages of 51-60. She has 28 years of professional school counseling experience and was employed as a middle school counselor at the time of this study. Denise is currently affiliated with the American School Counselor Association, American Counseling Association, Virginia School Counselor Association, and Virginia Counselors Association.

In terms of court involvement, Denise recalled that she had experienced two incidents during her school counseling career. For the purposes of this study, she discussed a situation in which two parents were in a custody dispute over their son. After meeting with the child to provide support, Denise received a subpoena from the father's attorney. In addition to appearing in court, Denise was asked to submit a written report that provided answers to questions regarding the mother's involvement with the child. After waiting at the court and submitting her written report to the judge, Denise was released from the court and informed that her testimony was not needed.

### **Individual Themes**

This section provides information about the major themes that were identified within Denise's semi-structured interview and written reflection. The following themes were identified: uncomfortable feelings and interactions, inconvenience, acquired knowledge, unpreparedness, ethical concerns, child advocate, and professional impact. Table 1.10 presents a graphic representation of the major themes along with supporting evidence.

Table 1.10

## Analysis of Participant 08: "Denise"

Theme	Supporting Evidence
Uncomfortable Feelings and Interactions	<p>"I was really nervous."</p> <p>"It was a little traumatic, believe it or not."</p> <p>Not feeling supported by administrators</p>
Inconvenience	<p>Waiting at the court</p> <p>Growing tired early in the day</p> <p>Feeling useless and unneeded</p> <p>Preparation for court appearance and no testimony needed</p>
Acquired Knowledge	<p>Contacting outside counselor</p> <p>Contacting personal attorney</p> <p>Learning to report facts and not opinions</p>
Unpreparedness	<p>Not knowing which resources are available</p> <p>Not knowing exactly what would happen at the court</p>
Ethical Concerns	<p>Not reaching out to other school counselors</p> <p>Feeling incompetent</p> <p>Being seen as an adversary</p>
Child Advocate	<p>Supporting student in school and at the court</p> <p>Assisting with adjustment</p>

Theme	Supporting Evidence
Professional Impact	<p>Being careful about information that is shared</p> <p>Second-guessing professional practices</p>

**Theme 1: Uncomfortable Feelings and Interactions.** Denise discussed uncomfortable feelings and interactions that occurred due to her court involvement. Even before appearing at the court, Denise reported that she experienced some discomfort when she discovered that she was being used by the student's parents as a means to gather information that was then shared with the judge. Thus, Denise mentioned that she felt as though she was caught in the middle of the parents' marital conflict. As Denise prepared to submit her written report and appear in court, she acknowledged that she "was really nervous about it" because it was a new experience. Although Denise indicated that she was "glad" that she did not have to testify, she revealed that making a court appearance caused her to feel out of sorts because she did not know what to expect. Even after the bailiff informed Denise that she was free to go, she was "sweating bullets." She noted that it was rather difficult for her to remain calm and composed for her student when she was so unfamiliar with the court environment and protocol.

Denise explained that she deemed it necessary to contact an outside counselor and personal attorney because she did not feel as though her school administrators were able to assist her with the court situation. They did not understand that certain aspects of her job were confidential and "not public record." The following quote from Denise illustrated this point:

And you know what is really interesting? I spoke with my administrators and I'm not sure that they have the same concerns that we do because I felt that they were blowing me off. Like they'd say, "give them what they want, it's no big deal."

And, I'm like that doesn't make sense because the information that I have is not public record. I didn't feel a lot of support from my administrators. I'm not saying they weren't good or anything, but I don't think they understood my point of view which is why I went to an outside counselor and to my own lawyer.

**Theme 2: Inconvenience.** Although Denise reported that she was glad that she was not needed to testify, she acknowledged that this experience did create an inconvenience for her. After receiving her subpoena, Denise complied with the legal requests to submit a written report and appear in court. However, after waiting at the court for approximately two hours, she was called into the courtroom to verify her identity and acknowledge that she was the author of the written report. Denise mentioned that she was surprised that she was released and did cite the experience as an inconvenience because of "how difficult it is to get out of the [school] building" when there are so many issues that need the school counselor's attention.

**Theme 3: Acquired Knowledge.** In order to prepare for her court involvement, Denise sought supervision from an outside counselor and contacted her personal attorney. They both encouraged her to "stick to the hard cold facts" that could be proved via grades, attendance records, or discipline reports. Denise noted that she would more than likely follow the same procedures if faced with court involvement for a child custody matter in the future.

**Theme 4: Unpreparedness.** Despite having acquired knowledge from external resources, there were still aspects of Denise's court involvement that she was not prepared to encounter. While at the court, Denise was not given any information about court protocol. She did not know how to fulfill her role as a court witness and she did not have any knowledge about the events that would occur from one moment to the next. Denise also emphasized that her lack of knowledge was directly related to a lack of training about court involvement. The following quote illustrated this point:

I wished that we as counselors had some sort of training, preparation, or in-service because I was totally unprepared and my biggest concern was that I have the possibility of messing up this little guy's life...and that tore me up.

In addition to a lack of training, Denise did not know how or where to access available resources to assist her with her court involvement. For example, she did not learn that the school board attorney was available to her until much later because she did not think about making contact when she was in the midst of the court situation. Furthermore, Denise's unpreparedness contributed to the uncomfortable feelings and ethical concerns that she attributed to her court involvement.

**Theme 5: Ethical Concerns.** Denise articulated various ethical concerns in regards to her court involvement. When Denise was confronted with a court subpoena that required her to submit a written statement and appear in court, she reported that she felt as though she would be breaching confidentiality if she discussed the situation with other school counselors. Denise also expressed a concern that her court involvement caused her to transition beyond the realm of school counseling and practice beyond her scope. As she reflected on her court involvement, Denise acknowledged that she "felt

extremely incompetent” because she was confronted with a new experience and did not know how to prepare or what to expect. According to Denise, she “felt like a fish out of water and [did not] know who would be able to help [her].”

During the child custody dispute, Denise mentioned that her student’s father “saw [her] as an adversary,” due to her involvement. Denise reported that although the father’s attorney issued the subpoena, the father still believed that she was working against him. As a result, the father was “rude and mean” to Denise and her relationship with him was negatively impacted for a period of time until after the custody case was over. At that point, Denise explained that her intention was to remain neutral and objective while acting in the best interest of the child. Overall, due to her court involvement, Denise believed that her relationship with one parent was compromised because he felt as though she was favoring one parent over the other.

**Theme 6: Child Advocate.** When Denise made her court appearance, her main goal was to support her student and serve as his advocate. She stated that she wanted to ensure that “he had someone there in his corner.” Even prior to the custody case, Denise counseled the student in the school setting and helped to connect him to some outside counseling resources to ensure that he received adequate support and assistance. When the custody case was over, Denise’s student thanked her for being there for him and Denise revealed that it was at that moment that she felt as though her service to the court had some significance.

**Theme 7: Professional Impact.** Denise’s experience with court involvement in a child custody matter has impacted her professional work. When Denise interacts with parents, guardians, lawyers, and other adults involved in the custody case, she is “very

closed” and “very careful” about the information that she discloses. Denise also revealed that this incident has impacted her confidence in her work in that she often overanalyzes situations and feels unsure about her decisions. However, she noted that the way in which she interacts with students has not changed at all.

### **Summary**

Denise’s court involvement in a child custody matter caused her to experience various uncomfortable feelings and interactions as well as personal and professional inconveniences. Although Denise acquired knowledge from an outside counselor and her personal attorney in order to prepare for her court involvement, she still felt unprepared once she arrived to the court. In addition to feeling unprepared, Denise acknowledged various ethical concerns in regards to her court involvement such as breaching confidentiality, practicing beyond her scope, and remaining neutral. Although Denise was committed to supporting her student both in school and at the courthouse, her court involvement has impacted her confidence and has caused her to be very guarded when interacting with parents, attorneys, and other adults who are involved in the child custody dispute.

### **Participant 09: “Cheryl”**

#### **Introduction**

I met Cheryl at her school one morning to discuss her experience with court involvement in a child custody matter. Once I signed in at the main office, Cheryl came downstairs to meet me and we walked back upstairs to her office. The hallway was quiet and I noticed that many of the students were wearing the school’s colors to show their school spirit. When I arrived at Cheryl’s office, she explained that her court involvement

in a child custody matter was an atypical situation in that it was not characteristic of most custody cases that school counselors encounter. After I thanked Cheryl for meeting with me, we sat down at a small table and began the semi-structured interview.

According to the participant demographic sheet, Cheryl identified as an African American female between the ages of 31-40. She has been employed as a professional school counselor for the past 10 years and worked as a middle school counselor at the time of this study. She is currently affiliated with the American School Counselor Association, Virginia School Counselor Association, and her regional counselors association.

In terms of court involvement, Cheryl discussed an incident in which one of her students gave birth to a child after being sexually abused by two family members. The infant was adopted and the adoptive parents did not abide by the visitation arrangements that were outlined in the open adoption agreement. As a result, the student and her mother petitioned the court for custody of the child. Shortly thereafter, Cheryl and the student's teachers received subpoenas to appear in court. Cheryl remembered that she was called to testify and was questioned by both parties' attorneys while her student and the adoptive parents watched in the courtroom.

### **Individual Themes**

This section provides information about the major themes that were identified within Cheryl's semi-structured interview and written reflection. The following themes were identified: uncomfortable feelings and interactions, inconvenience, unpreparedness, child advocate, and professional impact. Table 1.11 presents a graphic representation of the major themes along with supporting evidence.



Table 1.11

## Analysis of Participant 09: "Cheryl"

Theme	Supporting Evidence
Uncomfortable Feelings and Interactions	<p>"It was the craziest and weirdest thing I ever experienced."</p> <p>Being questioned aggressively by attorney</p>
Inconvenience	<p>Waiting for a long period of time</p> <p>Remaining at the court beyond work hours</p>
Unpreparedness	<p>Not knowing how to prepare</p> <p>Need for training</p> <p>Not contacting district supervisor</p>
Child Advocate	<p>Assisting student with transition back to school after pregnancy</p> <p>Keeping child as first priority</p>
Professional Impact	<p>Learning that child custody situations can be unique</p> <p>Informing adults of desire to remain neutral and focus on the child</p>

**Theme 1: Uncomfortable Feelings and Interactions.** Cheryl mentioned that her court involvement caused her to experience uncomfortable feelings and interactions. Cheryl recalled that she began to feel quite uncomfortable when she arrived at the court

because she was sitting in one room with all of the witnesses and “[she] could feel the tension in the room.” In addition, Cheryl reported that she continued to feel uncomfortable when she took the stand to testify because the opposing attorney was “more aggressive” and tried “to make [her] stumble on [her] words and appear unbelievable or uncertain. In regards to her testimony, Cheryl stated that she “was glad when it was done” due to the discomfort that she experienced.

**Theme 2: Inconvenience.** Cheryl recalled that her court involvement presented an inconvenience for her. More specifically, she spent a significant amount of time waiting at the court before she was allowed to leave. As she reflected on the experience, Cheryl remembered that “it was after five when [she] got out of there.” Thus, Cheryl missed time away from work and was still waiting at the court after her work day had ended.

**Theme 3: Unpreparedness.** When asked about preparation, Cheryl noted that she did not do much to prepare for her court involvement. In fact, she said that she did not know exactly how much she could prepare because court is unpredictable and witnesses never know exactly what they will be asked until they are on the stand. Therefore, Cheryl knew that she would “tell the truth” and that was the extent of her preparation. In hindsight, Cheryl realized that she really did not know what to say when she was on the stand. Furthermore, she mentioned that she did not think to contact her district supervisor or access other resources for support or guidance while she was in the midst of the court situation.

**Theme 4: Child Advocate.** Cheryl indicated that she believed that she was advocating for her student during her court testimony. In fact, she revealed that she was

called to court to serve as a character witness for her student who was trying to regain custody of her child. Thus, Cheryl saw her court appearance as a way to advocate and support her student. In addition to supporting her student at the court, Cheryl noted that she and the student's teachers sought to "help her [to] transition with all that was going on" because school was a place of safety and consistency.

**Theme 5: Professional Impact.** As a result of her court involvement, Cheryl stated that her professional practice has been impacted. She reported that she learned that child custody situations can be quite unique depending upon the circumstances of the individuals who are involved. More specifically, Cheryl realized that custody cases are not always about divorce because she "never thought in a million years that [she] would be involved in a child custody case where [her] student was trying to get custody of her own child." When confronted with child custody situations, Cheryl mentioned that she makes a point to let parents know that she is to remain neutral and ensure that the child is her "first priority."

### **Summary**

Cheryl's court involvement with child custody involved a case in which one of her students was trying to obtain custody of her child who was previously adopted. Due to this situation, Cheryl received a court subpoena and was asked to testify in court as a character witness. Her court involvement elicited various uncomfortable feelings and interactions and did present some degree of inconvenience. Although Cheryl prepared for her court involvement by deciding to tell the truth, she realized that she was still unprepared in many ways. As a school counselor, Cheryl is an advocate for children, but strives to avoid court involvement by remaining neutral.

## **Core Themes**

This section reveals a cross-case analysis of the major themes and subthemes that were identified across participants within their semi-structured interviews and written reflections. The following core themes are discussed in the subsequent sections along with their accompanying subthemes: uncomfortable feelings and interactions, inconvenience, acquired knowledge, unpreparedness, ethical concerns, child advocate, and professional impact.

### **Theme 1: Uncomfortable Feelings and Interactions**

Information in this section discusses the core theme of “uncomfortable feelings and interactions.” In addition, this core theme is divided into two subthemes that are presented below. The subthemes highlight uncomfortable feelings and interactions that occurred prior to participants’ court involvement and during participants’ court involvement.

#### **Subtheme A: Uncomfortable Feelings and Interactions Prior to Court Involvement**

Eight of the nine participants reported uncomfortable feelings and interactions that occurred with family members prior to them receiving a court subpoena or making a court appearance. Tina, Victoria, and Monica noted that they were either pressured into becoming involved in the custody dispute or were being primed to serve as witnesses. Tina recalled that she was persuaded to serve as a court witness by a “pretty persistent” attorney who contacted her via telephone and pressured her into acting against her better judgment. Similarly, Victoria recounted an incident when a guardian ad litem contacted her via telephone, gathered sensitive information, and “used what [she] said to subpoena [her].” On a similar note, Monica revealed that, like attorneys, parents and guardians are

also capable of being “insistent” and pressuring school counselors to become legally involved in child custody disputes. In her situation, she received a court subpoena when her student’s grandparents demanded that she appear to testify on their behalf.

Although the aforementioned acts of coercion were quite apparent, Laura and Dorothy revealed that they had also experienced subtle hints that they were being primed to receive a subpoena to appear in court for a child custody matter. Laura discussed maintaining a professional relationship with a grandmother who was vying for custody of her grandchild. While the grandmother did not directly ask Laura to support her in court, Laura remembered that she would often “[lay those seeds]” by bringing treats to the teachers’ lounge or “just [would] be happening to take her walk” when teachers were either arriving at school or leaving for the day. On the same note, Dorothy discussed a situation in which a father contacted her to request that she begin to write down information about the meetings that she had with his son. Although the father did not directly mention court, Dorothy had a suspicion that she was “being prepared for the [subpoena]” and informed the father that she was unable to accommodate his request.

Furthermore, Shirley, Brenda, and Denise believed that relationships with parents and guardians were strained even before their court involvement. Shirley discussed a situation in which a strict father “did not like [her involvement]” and “resented [her] giving him other ideas” in regards to how to effectively discipline his children. Similarly, Brenda revealed that her relationship with her student’s mother “was damaged even before [going to court] [because] she was not accepting of any of [the school’s] efforts or assistance.” Likewise, Denise recalled that she mainly communicated with her student’s father via his attorney “and it quickly became very apparent to [her] that they were going

to try to use any information that [she] gave either one of them to give to the judge to determine who the young man stayed with.” These unpleasant experiences served as precursors to the traumatic experiences that the school counselors experienced when they arrived at the courthouse.

### **Subtheme B: Uncomfortable Feelings and Interactions During Court Involvement**

All nine participants indicated uncomfortable feelings and interactions that occurred during their court involvement. Dorothy, Shirley, and Monica noted that they experienced uncomfortable feelings when their court subpoenas arrived at their schools. While Dorothy explained that she felt “used” once she received the subpoena, Monica and Shirley revealed that feelings of fear emerged when they were served with a subpoena for the very first time. Monica contended that being served with a subpoena “scares the pee out of you” and Shirley remembered that it was a “scary” and “nerve wracking” experience.

Similarly, Tina, Monica, and Cheryl discussed feeling tense and awkward while waiting in the same room with opposing family members and other witnesses prior to being called into the courtroom. According to Tina, she wondered why everyone was “jumbled up together like this” and felt as though she was sitting in the midst of two “opposing teams.” Monica experienced a similar situation when she sat in the waiting room with her student’s parents and grandparents. The physical arrangement caused Monica to experience some discomfort as she was waiting to render her testimony because she “didn’t want to sit with the parents and [she] didn’t want to sit with the grandparents but wanted to sit with [her student].” Likewise, Cheryl described her waiting room experience as “the craziest and weirdest thing that [she] had ever

experienced” because “she [could] feel the tension in the room” and she did not know many of the other people in the room. The participants reported that such uncomfortable interactions caused them to feel as though they were literally caught in the middle of the familial conflict.

Laura, Victoria, Monica, and Cheryl reported that they experienced a very hostile and unpleasant courtroom environment at the time of their court appearance. Laura remembered feeling quite uneasy as her student’s grandmother “bore a hole right through her” during her testimony. Similarly, Victoria emphasized that she “felt very uncomfortable” while she was on the witness stand because the attorney who subpoenaed her compelled her to divulge sensitive information about her student’s mother. When the attorney first contacted Victoria to gather information, she believed that she was revealing confidential information that would help the student and not be shared in court. In regards to court testimony, Monica and Cheryl mentioned that they endured harsh and aggressive questioning by the opposing attorney and the opposing parent and that caused them to experience a significant degree of discomfort and awkwardness. More specifically, Monica remembered that her student’s mother “[peppered] [her] with questions” because she “viewed [her] as not a school counselor... [but] as someone who was helping her father take her son away from her.” On the same note, Cheryl contended that the opposing attorney “was just more aggressive [and] was going in.” Cheryl also believed that “he wanted to make [her] stumble on [her] words” and she remembered that she “was stuttering.....was sweating...and glad when it was done.”

Laura, Shirley, and Denise acknowledged that they experienced negative feelings at the onset of their court involvement in a child custody matter. Although Laura wanted

to help her student, she mentioned that she resented her involvement and did not wish to be “dragged into [the custody situation].” On the same note, Shirley did not want to become involved because she knew that it would place her in an “awkward position” as a school counselor. Furthermore, when Denise discovered that her subpoena was accompanied by a list of questions that she had to respond to in writing, she acknowledged that she became quite uncomfortable because she thought the questions were “very biased” and forced her to favor one parent over the other.

## **Theme 2: Inconvenience**

Information in this section discusses the core theme of “inconvenience.” In addition, this core theme is divided into two subthemes that are presented below. The subthemes highlight professional inconveniences and personal inconveniences that participants experienced due to their court involvement.

### **Subtheme A: Professional Inconveniences**

Five of the school counselors within this study cited professional inconveniences due to their court involvement. They discussed concerns regarding missing time from work and taking time to prepare and make a court appearance only to discover that their testimony was not needed. Tina reported that she was concerned when she received her court subpoena due to the time of year because “it was in the spring [and] children were doing testing and things.” Furthermore, she indicated that she was frustrated that she had “waited pretty much all day” and “missed a day of work, but when it got down to it, [she] was never actually called to be questioned or to appear in front of the judge.” Likewise, Denise acknowledged “how hard it is to get out of the school building” and admitted that she was surprised and taken aback when she spent hours at the court and was released after submitting her written document and identifying herself in the presence of the judge.



Brenda also expressed frustration with taking time out of her work day to prepare for a court appearance that never occurred. According to Brenda, “[the situation] had gone on for months and months [and] [she] was a little frustrated that [she] had eaten up [her] time and energy for this and didn’t even get a chance to testify.” In addition, Laura also acknowledged that her court involvement came at a time when “[she] had a lot to do” [and, as a result,] “[she] felt inconvenienced and frustrated with the whole thing.” Moreover, Monica also expressed a concern that “when [she comes] to court for one child, [she] is not servicing [her] 399 others.”

#### **Subtheme B: Personal Inconveniences**

Six of the school counselors within this study cited personal inconveniences due to their court involvement. Laura and Monica mentioned that they were inconvenienced due to the fact that they had to travel to the courthouse. Laura indicated that the “biggest worry [she] had....was finding a place to park” in a busy area and Monica revealed that she “had to do a go and look for the courthouse kind of thing” because she had to appear at a courthouse that was located outside of her school division. On the same note, Dorothy, Denise, and Cheryl remembered waiting at the courthouse for hours before they were either called to testify or released from their subpoenas. Dorothy stated that she “sensed [she was dismissed] when they never called [her]” and Denise remembered that she waited for about two hours and was told that “you need to wait here until if we need you and if we need you, someone will come and get you.” Cheryl also emphasized the fact that she was “there for a long while waiting” and “it was after five when [she] got out of there.” Shirley further corroborated these concerns when she described her court involvement as “a wait game” that caused her to be held for hours despite the fact that

she needed to attend to her children. Shirley mentioned that one inconvenience occurred when “she was still nursing [and] on maternity leave” and another occurred when she “had to ask for permission to make an emergency phone call to a neighbor to pick her [daughter] up from daycare” because she was being held at an attorney’s office for a deposition.

### **Theme 3: Acquired Knowledge**

Information in this section discusses the core theme of “acquired knowledge.” In addition, this core theme is divided into two subthemes that are presented below. The subthemes highlight ways in which participants sought assistance with preparation for their court involvement and vowed to report only factual information if called to the witness stand.

#### **Subtheme A: Assistance with Preparation**

Five of the participants revealed that they referenced information that was acquired during professional development meetings and graduate coursework in preparation for their court involvement in a child custody matter. In addition, they reported that they had consulted with other counselors, attorneys, and a district supervisor prior to their court involvement. When Tina received her court subpoena, she mentioned that she had been “well versed” by her district supervisor due to attending new counselor meetings. Shirley also mentioned that she “contacted [her] supervisor at the time for advice on what [she] should say or not say and what is legal” and also reflected on her graduate training in ethics. Similarly, both Victoria and Dorothy referenced contacting their district supervisor and reflecting upon their graduate coursework when they were confronted with court involvement in a child custody matter. Victoria asserted that “in

your coursework, you are reminded that you can or may be subpoenaed” and Dorothy revealed that her academic and professional training taught her to “limit her answers... [to] five words or less” during any type of court testimony. Both Monica and Denise sought assistance from other professional resources to prepare for their court involvement. While Monica contacted her NEA lawyer, Denise sought the assistance of a clinical supervisor and personal attorney.

### **Subtheme B: Reporting Only the Facts**

All nine of the school counselors in this study knew that it was most appropriate for them to report only facts rather than their opinions during their court involvement in a child custody matter. Some were prepared to report factual information in regards to grades, attendance, and discipline data while others were prepared to only report firsthand information. If she had been called to testify, Tina revealed that she would have only testified about “things that [she] had actually seen or heard from the children herself” and would have sounded like “a broken record” when she refused to answer questions about situations or topics that were beyond her knowledge or realm of expertise. In order to adhere to the facts, Laura acknowledged that she appeared at the court equipped with “a nice folder” that contained student data. Similarly, Denise was told to “stick to hard cold facts that had other ways of being proved...like with [a student’s] grades, attendance, or discipline.” Monica further explained that “she [kept] to [her] mantra” while on the witness stand by saying that “[she] could only speak about attendance, grades, [or] discipline.” Shirley, Brenda, and Cheryl discussed the importance of keeping opinions separate from the facts during their court involvement. While Victoria emphasized the

need to answer all questions while making a court appearance, Dorothy discussed the importance of doing so without “a large elaboration.”

#### **Theme 4: Unpreparedness**

Information in this section discusses the core theme of “unpreparedness.” In addition, this core theme is divided into two subthemes that are presented below. The subthemes highlight the unexpected circumstances that participants encountered during their court involvement and how their lack of knowledge regarding court protocol and available resources impacted their experience.

##### **Subtheme A: Unexpected Circumstances**

Five of the participants indicated that they were met with unexpected circumstances as a result of their court involvement. Such unexpected circumstances occurred when the school counselors received an unanticipated subpoena, were caught off guard by methods of questioning, or encountered other situations that did not match their expectations. Although Victoria had spoken to an attorney via telephone, she explained that she was caught off guard when a subpoena arrived at her school the following week. By the same token, although Tina felt prepared for her court involvement, she still encountered an uncomfortable situation that “no one had prepped [her] for” once she arrived at the courthouse. In addition, Monica was confronted with an unexpected circumstance during her court testimony when she was questioned aggressively by her student’s mother. Monica stated that “[she] expected to be interviewed by the lawyers, [but] did not expect to be interviewed by mom.” Similarly, Brenda encountered an unexpected circumstance when she arrived at the court and was not called to testify after receiving a subpoena and preparing for her testimony. As for

Denise, she recalled that the entire situation was “draining” and full of unexpected circumstances because “[she] didn’t have someone there telling [her] what was going to happen or what to do.”

### **Subtheme B: Lack of Knowledge**

When experiencing court involvement in a child custody matter, six of the participants indicated that a lack of training and knowledge contributed to their unpreparedness. They asserted that even though they felt prepared, they still lacked knowledge in terms of how to effectively prepare for their court involvement. In addition, the participants also emphasized the need for adequate training and support when confronted with court involvement due to child custody situations. Although Tina believed that she had learned valuable information about court involvement due to new counselor meetings, she revealed that “having a full blown session just on court would be extremely helpful...because if you don’t know what to do, you can find yourself in a very thick situation without knowing it.” Laura admitted that she “didn’t know any other way to be prepared” and Shirley acknowledged that she “unfortunately learned on the job.” Brenda mentioned that she did not believe that many school counselors are knowledgeable in regards to how to respond when faced with court involvement for child custody matters. She contended that “we’re human and it’s hard not to get sucked into situations when people are telling you all of these horrible things.” Thus, Denise emphatically agreed that training is needed to address the issue of school counselors experiencing court involvement in child custody matters because “it is extremely frustrating and disheartening to spend time looking for resources rather than knowing where to go to access them.” In reflecting on a conversation with an assistant principal

who had been to court for a student-related matter, Cheryl mentioned, “[my assistant principal] felt like she didn’t know what to say and I told her that I felt the same way.”

### **Theme 5: Ethical Concerns**

Information in this section discusses the core theme of “ethical concerns.” In addition, this core theme is divided into three subthemes that are presented below. The subthemes highlight participants’ concerns with remaining neutral, practicing beyond their scope, and breaching confidentiality.

#### **Subtheme A: Remaining Neutral**

Eight of the participants articulated their preference to remain neutral when they were confronted with child custody situations. More specifically, they discussed maintaining an unbiased stance both during their court involvement and when assisting children and families within the school setting. During her testimony, Laura mentioned that she “did not have anything negative to say about either [party]” because she did not want to show any bias or favoritism. Similarly, Monica mentioned that she made an effort not to make a judgment about any individual when she appeared in court. Victoria noted that she has experienced minimal court involvement for child custody matters because “when [she] realizes that it is a custody issue, [she lets] parents know that [she does not] do the court thing.” While Dorothy, Shirley, Brenda, and Cheryl discussed their preference to avoid getting caught in the middle of adults who are involved in custody disputes, Tina stated that she often educates and encourages teachers to “be careful, [and not] play one side against the other.”

### **Subtheme B: Practicing Beyond Scope**

Six of the participants acknowledged that experiencing court involvement in child custody situations often places them in the unethical position of practicing beyond their scope or level of expertise. As school counselors, the participants' confirmed that their role is to assist children and families with issues that impact the educational setting.

Thus, they were concerned that they were operating outside of their role when they were summoned into court for child custody matters. When Laura first received her subpoena, she thought, "you want me to come? I am a school counselor...I am not a therapist...I am not a marriage and family counselor...you must think that I'm more than what I am."

Dorothy explained that "[her] job is to help [youngsters] be successful during the school day... [and] they wanted to use [her] because [she] was a quote, "counselor" and that sounds significant to the judge and they feel [counselors] have a lot of credence to [their] reputations." Similarly, Shirley mentioned that she can provide various types of counseling support during the school day, but "if they mention court, [she tells] them that [she] can perhaps refer them to someone who can help the family."

As she recounted the details of her court experience, Monica remembered that she was questioned about topics that were outside of her realm of expertise. In fact, Monica stated that the judge had to intervene and say, "we've gone there, we have already covered that, and Mrs. [participant's last name], has testified about what she has professional knowledge on." Moreover, Denise and Cheryl contended that their experiences with court involvement caused them to feel incompetent and unsure of themselves because they were operating outside of their comfort zones. Denise reported

that she “felt like a fish out of water” and “extremely incompetent” while Cheryl acknowledged that she “was nervous” and “probably sounded like an idiot.”

### **Subtheme C: Breaching Confidentiality**

Four school counselors alluded to the possibility of breaching confidentiality as a result of their court involvement. While Monica explained that “the only thing that [she] could comment on [was] [her student’s] academic situation in [her] school,” Victoria emphasized the fact that “[school counselors’ work] is confidential, but not according to the judge.” During Shirley’s testimony, she revealed that she was compelled to breach confidentiality and share information that her students had discussed when “they asked what [she] knew about the parents...and they asked about things the children had reported to [her]...about situations that happened in both homes.”

Although Denise sought direction from her school administrators regarding how to prepare for her court involvement, she revealed that she was not satisfied with their response in that she was told to provide the attorney with any and all information that was requested. According to Denise, her administrators told her to “give them what they want, it’s no big deal.” As a school counselor, Denise mentioned that this presented a concern for her because she did not want to divulge confidential information. In addition, due to the confidentiality of the court situation, Denise “didn’t know if [she] could speak to any other school counselors about it.”

## **Theme 6: Child Advocate**

Information in this section discusses the core theme of “child advocate.” In addition, this core theme is divided into two subthemes that are presented below. The



subthemes highlight the participants' concerns for the child's wellbeing and their intention to focus on the child and his or her best interests when custody situations arise.

### **Subtheme A: Concern for Child's Wellbeing**

Seven of the participants in this study articulated concerns about children who are in the middle of custody disputes. They were concerned about the children's feelings and reactions to the adults' conflict. Shirley contended that [the custody dispute] was really hard for the young child" and Denise acknowledged that "[her] heart broke for her student." Monica declared that she "[wished] that adults would act like adults and not put children in the situation as a car or a dog, or something [because] it's important for a child to know that they're loved and not fought over." In regards to the school environment, Tina was concerned that custody disputes "[are] probably going to come into the classroom in some aspect [and] you may have to adjust things for that child especially if they're going through a difficult time during that phase." Dorothy validated Tina's assertion when she stated that children "need support during the school day...because what they see beyond the school day can really affect their mental status in school." When her student arrived back at school after giving birth to a child who was conceived due to sexual abuse, Cheryl made an effort to "help her transition with all that was going on" because "school was her safety net." However, at times, children may need more services than the school counselor can provide and Brenda mentioned that she will "offer the resource list to them... [and] do a lot of referring out."

### **Subtheme B: Concentration on Child's Needs**

Eight of the participants in this study discussed the importance of focusing on the child when confronted with child custody disputes. According to them, the child is often

overlooked due to the adults' conflict, and the needs of the child must be at the forefront. Both Tina and Shirley vehemently declared that "you are there for the child." On the same note, Cheryl stated that "[her] first priority is the child and Victoria reported that she is committed to "[making] sure the child has his or her needs met in a way...making sure they are studying, eating properly, exercising, and taking care of their little health." In terms of school counseling services, Dorothy discussed the need to "have [the children] on [her] weekly docket to check in with them." Similarly, Denise affirmed that "[her] kids are the most important thing" and she wants them to know that she is there to support them. Monica discussed her intention to "do what is in the best interest of the child" and Brenda acknowledged that "[she] will do anything [she] can to help [the] child."

### **Theme 7: Professional Impact**

Information in this section discusses the core theme of "professional impact." In addition, this core theme is divided into two subthemes that are presented below. The subthemes highlight the fact that participants' act with heightened caution and demonstrate a suspicion and distrust for parents and legal personnel who are involved in child custody disputes.

#### **Subtheme A: Increased Caution**

Five of the participants in the study indicated that they are now more cautious of their words and interactions when they are serving children and families who are in the middle of a child custody dispute because they believed that they will be used to provide information to legal personnel and elicit court involvement. As a result of this belief, Victoria encouraged herself and others to "operate with wisdom, good judgment, [and a

little caution]” when confronted with child custody situations. Likewise, Laura mentioned that she “[thinks] in the back of [her] mind that [she has] to be careful ...because you don’t want to favor one over the other” and Dorothy revealed her strategy to “answer the questions directly” without providing “too much information.” Furthermore, Brenda declared that “[she is] more careful about what [she says] to parents and [lets] them know up front that [she] cannot get involved in custody issues and Denise acknowledged that she is “much more protective” when interacting with parents.

### **Subtheme B: Heightened Suspicion and Distrust**

Seven of the participants acknowledged that they have become apprehensive and suspicious of parents and legal personnel who are involved in child custody disputes as a result of their experiences with court involvement. They revealed that they are suspicious and distrustful of parents and guardians who are involved in custody disputes because they feel that they are often going to be placed in the middle of the conflict and used as a means to favor one parent against the other. In addition, they declared that parents often use them as a way to gather information that is then shared with attorneys. Tina was concerned about “the counselor being used as a pawn in trying to help parents win their side.” Similarly, Shirley mentioned that “parents like to try and use [the school counselor] as a token to be in the middle” and Cheryl agreed when she stated that “parents want you to take sides.” Dorothy cautioned that “parents...will do anything in their power to make [school counselors] get in the middle of [custody situations]” and Brenda recounted experiences in which “parents [would] go and tell their children to tell [her] things that are against the other parent.”

By the same token, Monica revealed that she learned not to automatically trust adults who are involved in child custody disputes or assume that they are behaving appropriately towards each other. Furthermore, both Victoria and Dorothy acknowledged that they are suspicious of attorneys who represent those who are involved in child custody disputes. As she reflected on her interactions with legal personnel, Victoria stated that “they’re clever...because they have to make their point...and so, they will do whatever it takes...to make that happen.” In addition, Dorothy revealed her belief that during court testimony, “the lawyer would try to get you to say more”....because the more you say, the more they can pick at.”

### **Chapter Summary**

This chapter provided an overview of the data collection and analysis procedures for this phenomenological qualitative study. In order to provide a rich and thick description of participants’ experiences and perceptions, individual themes along with group themes and subthemes were identified within the semi-structured interviews and triangulated written reflections. The data analysis process yielded the following major group themes: uncomfortable feelings and interactions, inconvenience, acquired knowledge, unpreparedness, ethical concerns, child advocate, and professional impact. In order to further increase the trustworthiness of this study, I also engaged in member checking, utilized a research team, practiced bracketing and reflexive journaling, and maintained an audit trail.

## **CHAPTER FIVE**

### **DISCUSSION**

#### **Overview**

This chapter begins with a review of the purpose, research questions, and methodology of this phenomenological qualitative study. It provides a summary of the major findings and compares them to existing literature. The chapter pinpoints limitations of the study and highlights implications for school counselors, parents and guardians, legal personnel, counselor educators, supervisors, and leaders of professional associations. Suggestions for future research are discussed and a brief personal reflection is provided.

#### **Purpose of Study**

The purpose of this qualitative phenomenological research study was to explore professional school counselors' experiences with court involvement in child custody matters and to understand how such experiences may have affected how they perceive their role in assisting children and families who are undergoing divorce, separation, or child custody disputes.

#### **Methodology**

This study utilized a qualitative methodology because it sought to explore individuals' stories and truths in regards to the lived phenomenon of experiencing court involvement in a child custody matter. In order to conduct this study, nine professional school counselors from a school division in Virginia were recruited using random purposeful, convenience, and snowball sampling methods. Each professional school counselor participated in a semi-structured interview and completed a written reflection at a location of her own choosing. After bracketing our assumptions and biases, members

of the research team and I analyzed each transcribed interview and written reflection to identify the major themes and subthemes that were present for each participant as well as for the group as a whole. More specifically, a within case analysis was conducted to develop themes and subthemes for each participant and a cross case analysis was conducted to develop core themes and subthemes for the participants as a group. In order to enhance the trustworthiness of this study, I engaged in member checking, utilized a research team, provided a rich and thick description of participants' experiences and perceptions, practiced bracketing and reflexive journaling, and maintained an audit trail. It is important to note that members of the research team also engaged in bracketing and maintained a reflexive journal during the data analysis process.

### **Summary of Findings**

This section provides an overview of the major findings of this study and compares them to existing literature. The following themes will be discussed in detail and supported with actual quotes from participants: uncomfortable feelings and interactions, inconvenience, acquired knowledge, unpreparedness, ethical concerns, child advocate, and professional impact. In addition, it is important to note that the findings of this study answer the following research questions:

- What are professional school counselors' experiences with court involvement in child custody matters?
- How might professional school counselors' perceptions of their role in assisting children and families experiencing divorce, separation, or custody disputes be affected, if at all, by court involvement in a child custody matter?

**Theme 1: Uncomfortable Feelings and Interactions**

Existing literature revealed that school counselors often experience uncomfortable feelings and interactions when they receive court subpoenas and subsequently make court appearances. Being involved in court proceedings presents problems for school counselors because they are taken outside of their personal and professional comfort zones and placed in situations that are infused with opposition and controversy (Remley, 1991; Remley & Herlihy, 2014). Furthermore, uncomfortable feelings and interactions occur within the court setting due to the fact that counselors are accustomed to mediating conflicts and achieving compromises while legal personnel are interested in competing to win cases (Remley, 1991).

Thus, the findings present within the existing literature were confirmed in this research study. Eight of the participants acknowledged that they had encountered uncomfortable feelings and interactions prior to their court involvement due to strained relationships with parents and insistent adults priming them to serve as court witnesses. Furthermore, all nine participants indicated that they experienced uncomfortable feelings and interactions during their actual court involvement. More specifically, three participants cited feelings of fear and apprehension when they were served with their court subpoena. For example, when Monica reflected upon receiving a subpoena to make a court appearance for a child custody matter, she mentioned that “the first time you see [a court subpoena] it scares the pee out of you.” Similarly, Shirley emphasized that “receiving a subpoena scares you [because] it’s a big deal [and] it’s nerve wracking.” In addition, Dorothy stated, “when you finally get the subpoena, you know finally what they were using you for...and you do feel used.” These quotes from the participants confirmed

the existing claim that receiving a court subpoena is a stressful and intimidating event for school counselors.

Such uncomfortable feelings and interactions also occurred when participants waited in the same room with opposing family members and endured distressing moments while rendering their testimony. The following quote from Tina illustrated this point:

I remember being very uncomfortable about the situation... and you know, people are talking amongst themselves and it's a very tense situation, I thought. I remember thinking, why do they have everybody in one room [laughter] jumbled up together like this! Like we're opposing teams! [laughter].

Similarly, Cheryl cited an unpleasant experience that occurred when she was being questioned by an antagonistic attorney when she was on the witness stand. She discussed the following situation:

When my student's attorney questioned me, it was more of a pleasant experience. But, when the adoptive parents' attorney questioned me, he was just more aggressive, he was going in. He wanted to make me stumble on my words and I was just saying how [my student] was at school. So it was uncomfortable, it was awkward. I know I was sweating. I was stuttering and I was glad when it was done.

These quotes confirmed that making court appearances for child custody matters is an uncomfortable and unnerving situation for school counselors.



## **Theme 2: Inconvenience**

The participants in this study acknowledged that their court involvement caused them to be inconvenienced in various ways. More specifically, six participants cited personal inconveniences such as having to arrange for childcare, waiting at the courthouse for a significant amount of time, and driving to another locale to find a courthouse as a result of their court involvement. In addition, five participants cited professional inconveniences such as missing time away from work and taking time to prepare for testimony that was not needed. Thus, Remley, Hermann, and Huey (2003) advised school counselors to refrain from making court appearances voluntarily because doing so requires them to be away from the school setting and unable to fulfill their professional responsibilities. Furthermore, it is important to note that school counselors are often confronted with complex legal and ethical challenges (Froeschle & Crews, 2010; Glosoff & Pate, 2002) such as reporting instances of suspected child abuse and neglect (Bryant, 2009) and suicide (Moyer & Sullivan, 2008). Therefore, due to this fact, it is plausible to conclude that they are needed during the school day to meet the diverse needs of their students. In this particular study, Monica discussed missing time away from work to appear in court for a child custody case. The following quote from her confirmed the aforementioned concern that school counselors forfeit their professional responsibilities when they make court appearances.

Well, I first thought, well, “how do I get off of work?” [chuckles]... I told them, I have no problem coming to court, but when I have to come to court for one child, I am not servicing my 399 others.

On the same note, Brenda mentioned that she was inconvenienced because she took time out of her work day to prepare documentation for court and later discovered that her services were no longer needed after she travelled to the court and spent a significant amount of time waiting to render her testimony. The following quote characterized Brenda's thoughts about the inconvenience she experienced.

I was expecting to testify because this had gone on for months and months and I had even typed up notes, taken my time to prepare, and then we get there and I don't testify. I'm glad I didn't have to testify, but at the same time I was a little frustrated that I had eaten up my time and energy for this and didn't even get a chance to testify.

The aforementioned quotes support the notion that experiencing court involvement presents a significant inconvenience for school counselors because it imposes on their time and daily responsibilities.

### **Theme 3: Acquired Knowledge**

The findings of this research study also indicated that five participants took active steps to prepare for their court involvement in various ways. More specifically, they mentioned that they reflected upon academic preparation, revisited knowledge gained in professional development meetings, sought supervision, contacted a professional association, or consulted with a personal attorney. Thus, existing literature advised that school counselors contact their supervisor (Remley & Herlihy, 2014) and request to consult with the school board attorney when they receive a subpoena or plan to make a court appearance (James & Devaney, 1995; Remley & Herlihy, 2014).

When school counselors are called to court, they are most apt to serve as fact witnesses as opposed to expert witnesses. In other words, they are most likely called upon to recount the factual details of situations instead of inserting their professional opinions (James & Devaney, 1995; Remley, 1985; Remley & Herlihy, 2014). In this study, all nine participants indicated that they learned and planned to discuss factual information instead of their personal opinions during their court involvement. The following quote from Victoria illustrated this point:

My experience has been that you only stick to the facts. You say nothing more.

And whatever they ask of you, you answer, but you just stick to the facts.

Furthermore, Monica revealed that she had planned to adhere to the facts by only discussing information that pertained to school-related matters that could be corroborated via educational records. For example, the following quote from her supported this assertion:

So I had to keep to my mantra, "I will not make a judgment, I have not made a judgment. I can only speak about attendance, grades, [and] discipline...so I was glad I brought those pieces of paper because I kept staring at them saying, pick one, two, or three.....that's all I can talk about.

The aforementioned quotes from participants validated the point that they were best prepared to serve as fact witnesses.

#### **Theme 4: Unpreparedness**

While most participants prepared for their court involvement to the best of their ability, it is important to note that some also acknowledged that they did not know which resources were available to them at the time of their court involvement or how to prepare

for their court involvement. More specifically, six participants acknowledged that they had a lack of knowledge regarding available resources for support and guidance. For example, although Denise sought supervision and contacted her personal attorney, she revealed that she “later realized that [the] school board attorney could have provided [her] with some advice, but did not think of that at the time.” In addition, she made the following statement:

[This experience] taught me that I am lacking resources and I don’t know how to find them. With our job, time is of the essence. It is extremely frustrating and disheartening to spend time looking for resources rather than knowing where to go to access them.

This statement and similar ones from participants helped to identify professional implications for counselor educators and school counseling supervisors.

Although all nine of the participants planned to “stick to the facts” when rendering their testimony, it is important to note that five of them still recalled incidents that occurred during their court involvement that left them feeling confused and unprepared. For example, the participants revealed that they did not expect to sit in the same room with opposing parties or experience aggressive questioning while on the witness stand. The following quote from Cheryl emphasized this point:

I was nervous and I thought that I probably sounded like an idiot... [the other attorney] was just more aggressive... he wanted to make me stumble on my words and I was just saying how [my student] was at school.

Furthermore, when school counselors are unable to avoid making a court appearance, it is important for them to develop their knowledge of court protocol,

become familiar with the events that will occur, and understand their roles and responsibilities as a witness (Remley & Herlihy, 2014). However, this study revealed that participants were unprepared for many aspects of their court involvement and encountered unexpected circumstances. As Denise reflected upon her courthouse experience, she stated the following:

It shakes you up because you have no idea of what it is that they want. And, in my situation, there was no, 'and this is what is going to happen next.' I was just told that 'you need to wait here until if we need you and if we need you someone will come and get you.' Certainly, I had my lawyer's recommendations, but I didn't have someone there telling me what was going to happen or what to do and it was draining.

This quote highlighted the fact that the school counselors in this study were unprepared for court involvement and needed additional training on courtroom procedures and protocol.

#### **Theme 5: Ethical Concerns**

The participants in this study also pinpointed various ethical concerns associated with their court involvement. Eight participants in this study acknowledged a concern that their court involvement caused them to appear biased and seem as though they were favoring one parent over the other. When encountering children and families who are in the midst of divorce, separation, or custody disputes, it is important for the school counselor to make an attempt to collaborate with both parents and maintain positive working relationships (ASCA, 2010; Remley, Hermann, & Huey, 2003). The following quote from Victoria illustrated this point:

I am to remain neutral and I do not prefer to be between custody battles.....when I realize that it is a custody issue, I let parents know that I don't do the court thing. It really hampers the relationship between student and counselor. I don't want to even be put in a position where I even allow the child to question or see that I am taking one side over the other. So I let them know up front that it is not in the child's best interest and neither is it in my best interest.

The findings of this study also indicated that six participants believed that they were placed in the unethical position of practicing beyond their scope when they were forced to have court involvement in child custody matters. To illustrate this assertion, Denise revealed that she felt "incompetent" and "like a fish out of water" during her court involvement because it was a new experience that she had to navigate blindly. As previously stated, the court environment is one that counselors are not accustomed to because the nature of the setting conflicts with their training (Remley, 1991; Remley & Herlihy, 2014). In addition, Davis and Ritchie (1993) stressed the importance of school counselors practicing within their realm of expertise. They declared that school counselors must realize when they are being asked to practice beyond their training and make a referral to another qualified mental health professional. The following quote from Shirley aligned with the existing literature.

...If they mention court, I tell them that I can perhaps refer them to someone who can help the family... I tell them that I can do a divorce group, I can provide support, I can listen, I can talk about coping, but anything else would be out of my realm as a school counselor and I do a referral.

Four of the participants also revealed concerns in regards to confidentiality and court involvement for a child custody matter. Huss, Bryant, and Mulet (2008) emphasized that it is important for school counselors to maintain confidentiality in order to foster a trusting relationship with students. The following quote from Monica illustrated this point:

I can tell his attendance, the behavior and some of the things I had observed of him, but I cannot comment about things that he has told me or anything that I am privy to because it's just not a good situation to put [my student] in because [my student] would not have me as a resource then. He would then think of me as an authority figure that is going to report to either side that is fighting to get custody of him.

The aforementioned quotes illustrated the claim that the participants had various ethical concerns in regards to their court involvement in a child custody matter.

#### **Theme 6: Child Advocate**

Divorce, separation, and custody disputes often cause children to experience stress and other uncomfortable feelings (Jolivet, 2011) and school counselors are in a position to identify problems and intervene accordingly. When faced with court involvement for child custody disputes, seven participants indicated that they were concerned about the children's wellbeing due to their familial situations and eight of the participants indicated the need to concentrate on the child's wellbeing and focus on their needs during the school day. More specifically, the participants reported assisting children through individual and group counseling, advocating for them if they need

academic modifications, and looking out for their best interests. The following quote from Dorothy represented both viewpoints.

They need support during the school day and I would like to give them an opportunity to express their feelings about what they are going through. Because what they see beyond the school day can really affect their mental status in school.

This quote provided a snapshot of the work that school counselors in this study performed to meet the needs of children who are undergoing stressful situations due to divorce, separation, or custody situations.

#### **Theme 7: Professional Impact**

As previously mentioned, receiving a subpoena and appearing in court are uncomfortable experiences (Remley, 1991; Remley & Herlihy, 2014) that have left lasting impressions on all of the participants in this study. More specifically, five participants in this study revealed that their professional practice has been impacted due to their court involvement in a child custody matter in that they are more cautious of their conversations and interactions with parents and legal personnel because they do not want to receive a subpoena to appear in court. The following quote from Denise illustrated this point:

I am very, very leery. It's kind of like I compartmentalize my work. When I'm talking to my students, he or she gets whatever it is they tell me they need or whatever I can provide for them. I feel like I am very willing and open to do whatever I can to help them. But then, when I deal with their parents or the



lawyers, I'm very closed. I'm very careful about what it is that I say or don't say.

I force myself with the interaction to have some wait time, if that makes sense.

In addition, as a result of their court involvement, seven participants reported that they are also more distrustful and suspicious of parents and legal personnel. The participants recounted instances where parents and adults were priming them for court involvement in a child custody matter. In reflecting on the actions of legal personnel who represent parents in child custody disputes, Victoria declared, "you have to keep in mind that they are lawyers and that they're clever.... because they have to make their point... and so, they will do whatever it takes, you know, to make that happen." Similarly, in regards to parents who are involved in child custody disputes, Shirley stated that her court involvement has "absolutely" impacted her professional practice. The following quote illustrated her point:

Because a lot of the times, the parent wants to use the counselor as a way to find out what the children are saying or what their opinion is. And, they also want to use the counselor to determine which one is, quote, 'bad parent' and not doing what they're supposed to do.

The aforementioned experiences and perceptions provided by the participants supported the claim that school counselors in this study are more cautious, and even distrustful when interacting with parents and legal personnel.

### **Limitations**

The following section contains information about the limitations of this study.

The following limitations will be discussed in detail: researcher's bias, researcher's limited experience, participant selection, and data collection.

**Researcher's Bias**

As the primary researcher for this study, I am aware that I was the main instrument for data collection. Thus, as a human instrument, I understood that the research process may have been inevitably impacted by my personal biases and assumptions about school counseling and my experience as a practicing school counselor. Although I maintained a reflexive journal throughout the research process and engaged in bracketing prior to data collection by writing down by assumptions and biases, it is still possible that the results of this study were affected in some way. Similarly, although members of the research team participated in bracketing and reflexive journaling, it is also possible that the data analysis process was impacted due to their own personal experiences and perceptions. In addition, due to the fact that all of us were female researchers in the Counselor Education and Supervision doctoral program, it was possible that our similar characteristics and experiences may have influenced the data analysis process thereby causing us to overlook aspects that may have been detected by others with diverse personal or professional characteristics.

**Researcher's Limited Experience**

Although I have taken both introductory and advanced qualitative research courses and have completed several qualitative projects as part of my doctoral studies, I was not a qualitative research expert at the time of this study. This qualitative research endeavor has been a learning experience for me and my confidence improved as I progressed through the research process. Thus, as the primary researcher, I understand that my limited experience may have impacted the research process in some manner. For example, when I first began the semi-structured interview process, I was somewhat

apprehensive and uncertain and it is possible that my comfort level may have affected my interactions with early participants, thereby impacting the quality or quantity of information that was received. Overall, I am aware that my limited experience may have impacted the quality of my methodology, my research questions, and my thoughts about the overall research process.

### **Sample Selection**

The sample for this qualitative phenomenological study accounted for another limitation that must be discussed. Being that the sample consisted of nine professional school counselors who were all female, it was possible that it was biased for that reason. Therefore, due to this potential bias, there was no way of determining if the findings of this study would have been different if males were included in the sample. Similarly, all of the school counselors who participated in the study were employed at either the elementary or middle school level. Thus, because there were no high school counselors in the sample, it was not possible to conclude if the findings would have been any different due to their involvement. Due to the fact that the sample consisted of nine professional school counselors from the same geographic location and school division, it is possible that the findings of the study may not represent the experiences and perceptions of school counselors in a different locale or the larger population of school counselors as a whole.

### **Data Collection**

The manner in which data was collected for this study also presented a limitation that must be taken into consideration. Although I made an effort to establish an environment where participants felt comfortable and willing to share personal details

about their experiences and perceptions, I understand that it is possible that the semi-structured interview process may have caused some participants to feel guarded and less apt to respond openly and honestly. If such were the case, then it would be plausible to conclude that the quality or quantity of the data gathered during the interview process was impacted as a result. Likewise, the same explanation can be provided for the written reflection component of the data collection process in that some participants may not have felt comfortable with writing about their experiences. Furthermore, because the written reflection was administered to participants immediately after the conclusion of the semi-structured interview, it is possible that the short amount of timing between the exercises may have impacted the quality or quantity of the data that were gathered. Therefore, it is possible that participants' written responses may have been different if they had additional time to process their thoughts and feelings about their experiences and perceptions.

Because the professional school counselors in this study knew that I was also employed as a school counselor within the same school division, it is possible that this knowledge also impacted the data collection process. While I believe that my professional affiliation may have prompted me to quickly build rapport and a sense of camaraderie with many of the participants, I am also aware that it may have impacted the way in which others presented themselves since there is a possibility that I was perceived as a knowledgeable colleague rather than an interested and inquisitive researcher.

### **Implications**

The findings of this study have several implications for professional practice. Implications for the following will be discussed in detail: school counselors, parents and

guardians, legal personnel, counselor education, supervisors, and professional organizations.

### **School Counselors**

Although they are often advised to avoid court involvement for child custody matters (Remley, 1991; Remley & Herlihy, 2014), it is important that school counselors understand and articulate their ethical responsibilities surrounding this phenomenon. Therefore, it is possible that the findings of this study will equip school counselors with the language to advocate for their appropriate roles and understand how they will be affected both personally and professionally should they become legally involved in child custody matters. After acquiring such knowledge, it is possible that school counselors will be able to provide credible explanations to parents, guardians, and attorneys in regards to why they should make a referral to outside counseling services and not become involved in child custody disputes.

### **School Administrators**

It is possible that the findings of this study will have important implications for school administrators who directly supervise school counselors within school buildings. As immediate supervisors to school counselors, school administrators are in a position to assist school counselors with advocacy efforts and educate parents, guardians, and other adults about their appropriate professional roles. If school administrators understand school counselors' experiences with court involvement for child custody matters, it is possible that they will support school counselors' efforts to avoid becoming legally involved in custody disputes. In addition, school administrators have the ability to

connect with other leaders to increase the likelihood that school counselors' voices are heard.

### **School Counselor Supervisors**

As mentioned in the findings and interpretations of this study, professional school counselors articulated a need for additional training in regards to preparing for court involvement. Therefore, although school counselors may have discussed court involvement during their academic training, it is important that school counseling supervisors establish a division-wide protocol that school counselors are encouraged to follow when they receive a subpoena to appear in court for child custody matters. It is possible that such a protocol will provide school counselors with a professional roadmap to guide their actions and interactions in regards to court involvement.

The findings of this study may also enhance school counseling supervisors' knowledge of the experiences and perceptions of school counselors in their school districts who become legally involved in child custody matters. It is possible that acquiring detailed knowledge of the true essence of school counselors' experiences and perceptions will enable supervisors to better empathize and respond to the personal and professional needs of school counselors under their supervision. As a result, it is likely that supervisors will be better apt to assist school counselors with processing their thoughts and feelings about court involvement in child custody matters.

Furthermore, it is also possible that the results of this study will encourage school counseling supervisors to bring attention to the phenomenon of school counselors having court involvement for child custody matters. For example, supervisors can utilize public resources such as school and division-wide webpages and brochures to educate others

about the appropriate services that school counselors can provide to students and families who are undergoing divorce, separation, or child custody disputes. In addition, the same resources can be used as a means to provide a rationale for why school counselors should not be placed in the middle of child custody disputes. If school counseling supervisors take a public stance on this issue, it is possible that attorneys and others who are involved in child custody disputes will be less likely to issue court subpoenas to school counselors.

### **Parents and Guardians**

The findings of this study could serve as a valuable resource for parents, guardians, and other adults who are directly involved in child custody disputes. By reading the school counselors' stories and gaining an in depth knowledge of their experiences and perceptions, it is possible that parents, guardians, and other adults will understand how school counselors' professional roles become compromised when they are placed in the middle of familial conflicts and custody disputes (ASCA, 2010). More specifically, it is possible that parents, guardians, and other adults will recognize that it is more appropriate for school counselors to assist their children with difficulties that arise during the school setting by offering individual counseling, group counseling, or classroom guidance services instead of becoming legally involved in custody disputes. Thus, it is also possible that the findings of this study will persuade parents, guardians, and other adults to refrain from involving school counselors in their custody disputes and accept referrals to other mental health professionals.

### **Legal Personnel**

When families are undergoing divorce, separation, or child custody disputes, attorneys often collaborate with school counselors and other school officials to

communicate about the child in an effort to gather information about academic, personal, or social progress within the school setting (Mabry, 2013; Weinstock & Markan, 2006). However, as indicated by the findings of this study, some school counselors possess a distrust or suspicion of legal personnel due to their experiences with court involvement in child custody matters. School counselors' distrust and suspicion presents a problem for attorneys because it can definitely impact the quality or quantity of information that is shared with them. For example, some school counselors may be hesitant or reluctant to discuss information with legal personnel because they do not want to receive a court subpoena. It is also important for legal personnel to understand that subpoenaing school counselors to court for child custody matters places them in a position that conflicts with their ethical standards in that they are asked to breach confidentiality, take sides, or practice beyond their scope. Overall, it is important for legal personnel to understand school counselors' experiences and perceptions and reflect upon them when they are planning to issue a court subpoena. As a result of these findings, it is possible that legal personnel will understand that there are other professionals who are better suited to make court appearances for child custody matters.

The findings of this study also present implications for school board attorneys. Within this particular study, the majority of the school counselors did not contact the school board attorney when they became legally involved in a child custody matter. In response to the findings of this study and the existing literature, it is important for school board attorneys to identify themselves as a resource for school counselors and provide them with pertinent information in regards to how to respond to a court subpoena or navigate court procedure when making a court appearance.



**Counselor Education**

Thus, the findings of this study have important implications for counselor educators who are responsible for training school counselors to work in the elementary, middle, and high school levels. In terms of teaching, it is important for counselor educators to explore this topic with school counselors-in-training and equip them with the necessary knowledge about their roles and ethical standards prior to them working in the school setting. When such teaching is done effectively, it is likely that school counselors will enter the field with a voice to advocate for their students and themselves. It is also possible that the findings of this study will encourage counselor educators to partner with local school divisions to provide training opportunities, clinical supervision, and consultation services.

**Professional Associations**

Based on the findings of this study, it is essential that professional counseling and educational associations accept and solicit publications that can be used as resources for school counselors and their supervisors. In addition, it is also important that information about this topic is presented at conferences and published on webpages in order to reach the greatest amount of school counselors, supervisors, and other interested parties. Being that school counselors are encouraged to contact their professional associations when legal and ethical questions and situations arise, it is imperative that such organizations ensure that their staff members are knowledgeable about the phenomenon of interest in order to effectively consult and provide professional advice.

### **Suggestions for Future Research**

To address the limitations that were identified within the current study, it would be beneficial to conduct a follow-up qualitative study. The follow-up study would need to consist of a more diverse sample in regards to gender and work setting since all of the participants in the current study were females who were employed in either the elementary or middle school settings. Furthermore, it would also be beneficial to secure a diverse sample from various geographic locales to enhance to validity of the findings from the follow-up study.

In addition to experiencing court involvement for child custody matters, school counselors may experience court involvement for other student-related issues such as child abuse, suicide, and other legal matters. Therefore, in terms of future research, it would be beneficial to conduct a qualitative study with professional school counselors who have experienced court involvement for matters other than child custody and compare and contrast its findings to the findings of this current study. It is possible that analyzing the results of both studies will reveal how school counselors' court involvement for child custody situations is similar to or different than school counselors' court involvement for other situations involving students.

Aside from school counselors, school administrators, teachers, and other school personnel who have close interactions with students and parents are sometimes subpoenaed to court for child custody matters. A qualitative study that explores their experiences and perceptions will reveal how their court involvement for child custody matters is similar to or different than that experienced by school counselors. For example, it is possible that the study will reveal if administrators, teachers, and other

school personnel report uncomfortable feelings and interactions, inconveniences, unpreparedness, or other concerns that were identified by school counselors. In other words, the findings of the study could reveal if the concerns that were previously identified by the school counselors are either unique to the school counseling profession or applicable to other school personnel as well.

The findings in this qualitative study could also provide a foundation for future quantitative research. More specifically, a survey instrument could be constructed that enables school counselors to report their experiences with court involvement in child custody matters. For example, the instrument could encompass a Likert scale in which school counselors rate the degree in which they felt uncomfortable or inconvenienced due to their court involvement in a child custody matter.

### **Personal Reflection**

This research endeavor has been a pivotal point of both professional and personal growth and development for me. As a school counselor, I was afforded the opportunity to connect with colleagues, meet new people, and acquire a wealth of information and advice in regards to the topic of interest. I was captivated by the details of participants' stories because many of them mirrored some of my professional experiences. Although I made an effort to ensure that participants felt validated during the interview process, I must admit that I too felt a sense of validation as I learned about their experiences and perceptions. As a school counselor, I discovered that I was surrounded by a group of colleagues with whom I shared a common bond.

As a result of this research study, I was also able to further enhance my qualitative research skills during the data collection and analysis processes. I learned to trust the

ambiguity of the qualitative process, examine my personal biases and assumptions, and entertain divergent points of view. In my role as the primary researcher and leader of a research team, I was also able to hone my leadership skills and make important decisions about this research study.

Overall, I am confident that I learned just as much about myself as I did about the participants. It is my hope that this research endeavor will contribute to the existing literature and enhance professional knowledge of school counselors and others who are closely related to the profession. I can unequivocally declare that this research endeavor has made me a better professional and an even better person.

### **Summary**

This chapter reviewed the purpose, research questions, and methodology of the current study and connected its major findings to the existing literature. It also identified the limitations of this study which included researcher's bias, researcher's limited experience, sample selection, and data collection. It also highlighted various implications for school counselors, parents and guardians, legal personnel, counselor education, school counselor supervisors, and professional associations. Finally, suggestions for future qualitative and quantitative research studies were outlined and a brief personal reflection of the research endeavor was provided.

**CHAPTER SIX**  
**MANUSCRIPT SUBMISSION**

The Experiences of School Counselors  
With Court Involvement Related to Child Custody

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### **Abstract**

This qualitative phenomenological study explored school counselors' experiences with court involvement in child custody matters and their perception of their role in assisting children and families with custody situations after having such experiences. Semi-structured interview questions and a written reflection were utilized with a random purposeful, convenience, and snowball sample of nine school counselors. Findings suggest that experiencing court involvement for child custody matters impacts school counselors' work and presents various personal and professional concerns.

## **The Experiences of School Counselors**

### **With Court Involvement Related to Child Custody**

#### **Legal and Ethical Issues for the School Counselor**

Professional school counselors are often at the forefront of various ethical and legal challenges. In fact, research suggests that professional school counselors encounter legal and ethical challenges more often than mental health professionals in any other field (Froeschle & Crews, 2010; Remley, 2002; Remley, Hermann, & Huey, 2003).

Therefore, professional school counselors must be equipped with the knowledge and expertise necessary to effectively respond and intervene in ethical and legal situations such as child abuse, suicide, parental requests for information, and other instances where confidentiality may be breached (Froeschle & Crews, 2010; Remley, et al., 2003). It is imperative that professional school counselors are knowledgeable about legal and ethical issues that can arise within the school setting. Parents and students are aware of their legal rights and they are willing and prepared to solicit the assistance of the legal system. Thus, in order to work effectively and avoid legal dilemmas, professional school counselors must receive continuing education and training to enhance their professional development (Hall, Rushing, & Beale, 2010; Hermann, 2002). Furthermore, professional school counselors must have knowledge of ethical codes in order to make decisions in ambiguous situations (Froeschle & Crews, 2010; Glosoff & Pate, 2002).

#### **Divorce, Separation, and Child Custody Disputes**

In their daily practice, professional school counselors often find themselves working with children and families who are undergoing divorce, separation, or custody disputes. Between the 1950s and 1970s, divorce was considered a shameful and embarrassing act and one parent was often blamed for the marital demise. Children of

divorced parents were expected to suffer academically and develop various personal and social difficulties throughout their lives. However, since the 1970s, attitudes about divorce changed dramatically in that it became more commonplace and accepted within society. Thus, children of divorced parents were considered resilient and able to endure the subsequent familial, personal, and social transitions (Jolivet, 2011). In citing 2007 findings from the U.S. Census Bureau, Patel and Jones (2008) found that 1.2 million marriages end in divorce each and every year and, as a result, approximately 14% of children are left to reside with only one divorced parent. Similarly, the failure rate for second marriages rests at 60% (Jones, 1996) and many more children in today's society are born to parents who are not married (Remley & Herlihy, 2014).

Divorce and separation are widespread problems that affect many families (Clark, 2013; Jolivet, 2011; Jones, 1996; Patel & Jones, 2008; Remley & Herlihy, 2014) and professional school counselors are in a position to facilitate counseling interventions to assist students and their families within the school setting (Jolivet, 2011; Ziffer, Crawford, & Penney-Wietor, 2007). However, professional school counselors are often placed in difficult situations when they are asked to intervene within child custody disputes (Remley & Herlihy, 2014; Stenger, 1986). Although they are advised to refrain from favoring one parent over the other (ASCA, 2010) and avoid voluntarily serving as court witnesses (Remley, et al., 2003), some still find themselves making court appearances in child custody matters.

### **The School Counselor as Court Witness**

In some cases, the professional school counselor may still be required to render witness testimony in court proceedings even after they have attempted to avoid doing so.



Thus, when making a court appearance, it is important for professional school counselors to understand their role as a witness. During legal proceedings, the professional school counselor may serve as either a fact witness or expert witness (James & DeVaney, 1995; Remley, et al., 2003). Because professional school counselors are tasked with providing students with immediate assistance rather than intensive, long-term therapeutic interventions, they may be more suitable to serve as fact witnesses (James & DeVaney, 1995) and objectively report information without rendering their opinions (Remley, 1985; Remley & Herlihy, 2014). When asked to become involved in court proceedings for matters of child custody, it is appropriate for the school counselor to request that a mental health professional with specific training in family evaluation be asked to fulfill the expert witness role of child custody evaluator (James & DeVaney, 1995).

### **Rationale for Study**

A review of the literature revealed that a paucity of research exists on the topic of school counselors and legal issues (Davis, 1995; Hermann, 2002; Hermann, Leggett, & Remley, 2008). Although some studies have contributed to the literature by exploring the prevalence of legal issues experienced most often and school counselors' perceived level of preparedness when encountering such issues, the data were gathered using survey instruments that did not provide participants with an opportunity to elaborate about their experiences and share the thoughts and feelings that they had attached to their experiences. To date, there are no known studies that have explored the experiences of professional school counselors who have had court involvement in child custody matters and how such experiences may have affected their perception of their role in assisting children and families of divorce or separation.

## **Method**

This study was best suited for phenomenology because it focused on the lived experiences and perceptions of the participants in regards to a certain phenomenon or event (Hays & Singh, 2012). Before the phenomenon of professional school counselors making court appearances related to child custody matters could be fully understood, professional school counselors who have had such experiences needed to be given an opportunity to fully explore and describe their experiences.

### **Research Questions**

This study sought to answer the following research questions:

- What are professional school counselors' experiences with court involvement in child custody matters?
- How might professional school counselors' perceptions of their role in assisting children and families experiencing divorce, separation, or custody disputes be affected, if at all, by court involvement in a child custody matter?

For the purpose of this study, court involvement was defined as receiving a subpoena, making a court appearance regardless of whether or not testimony was needed, attending a hearing with a judge present, attending a deposition with attorneys present, or submitting a written document to a judge, attorney, guardian ad litem, or parent.

### **Participants**

Random purposeful, convenience, and snowball sampling methods were used to recruit nine participants from a school division in a southern state who met the following criteria: (1) were licensed as professional school counselors, (2) worked in an elementary, middle, or high school, and (3) had experience with court involvement in a matter related to child custody. All nine participants were female. In terms of race and ethnicity, five

of the participants identified as African American, three as Caucasian, and one as both Caucasian and Native American. In terms of age, one participant was within the 61-70 range, six were within the 51-60 range, and two were within the 31-40 range. Two participants worked in preschools, four in elementary schools, and three in middle schools. All participants were licensed as professional school counselors in Virginia and had at least 10 years of professional school counseling experience. Eight of the participants indicated they had membership in at least one regional, state, or national professional counseling organization.

### **Data Collection and Analysis**

Each participant completed a 30-45 minute semi-structured interview followed by a three-item written reflection. Each semi-structured interview was recorded using a digital recorder and transcribed by the primary researcher. The semi-structured interview questions were designed to answer the research questions for this study. More specifically, the questions prompted the participants to reflect upon their experience with court involvement in a child custody matter and determine how their professional work has been impacted, if at all, as a result. The written reflection was used as a method to triangulate the data that were gathered during the semi-structured interviews. It also provided participants with an opportunity to elaborate on their experiences and perceptions through writing. Thus, through the written reflection, the participants were also able to communicate any information that they did not share during the semi-structured interview.

Data collected during the semi-structured interview and written reflection were analyzed by me and the research team to identify major themes and subthemes. Data from the semi-structured interviews and written reflections were coded by identifying the

major themes and subthemes for each individual participant as well as for the group as a whole. Data from the written reflections did not yield any new themes or subthemes, but rather confirmed those that were already identified during the semi-structured interviews. As the primary researcher for this study, I facilitated a consensus coding meeting and developed the final codebook.

### **Verification Procedures**

#### **Member Checking**

In order to improve the trustworthiness of this study, member checking was done both during and after the semi-structured interviews. Member checking allowed me to share findings with participants and solicit their feedback to ensure that my interpretations were accurate (Merriam, 2009). While conducting the semi-structured interviews, I, the primary researcher, engaged in member checking by summarizing participants' responses to ensure that I was interpreting their comments correctly and capturing the true essence of their experiences and perceptions. At the conclusion of each semi-structured interview, I engaged in member checking once again by summarizing the major details of the participant's responses to further ensure that I captured their overall points of view. Lastly, as a final means of member checking I sent each participant a copy of their transcribed interview responses via email and requested that they review them and contact me if any information needed to be added or changed.

#### **Triangulation of Data Methods**

Within this study, multiple methods were used in order to acquire data and identify themes. Employing multiple methods to collect data enhanced the credibility of this study by ensuring that the participants' voice is being heard from multiple

perspectives (Hays & Singh, 2012; Merriam, 2009). As mentioned previously, in addition to the semi-structured interviews, participants also completed a written reflection to further explore their experiences and perceptions in regards to the phenomena of interest.

### **Research Team**

A research team was used to introduce and explore diverse perspectives during the data analysis process. All three members of the research team were doctoral students in the Counselor Education and Supervision program at Old Dominion University. In addition, all three members earned the National Certified Counselor (NCC) credential and had academic training in qualitative research. As we derived various codes and discussed the data gathered during the semi-structured interviews and written reflections, we were able to ask each other questions, establish definitions, and bounce ideas back and forth until we reached agreement.

### **Bracketing and Reflexive Journaling**

Before collecting data, I bracketed my biases and assumptions to ensure that I was immersing myself within the participants' world with a fresh perspective (Hays & Singh, 2012; Patton, 2002). In addition, I instructed members of the research team to bracket their biases and assumptions before engaging in the data analysis process to minimize the likelihood that they were imposing their thoughts and perceptions onto the participants. To further preserve the authenticity of participants' voice, members of the research team and I maintained a reflexive journal throughout the research process so that we could separate our thoughts and gauge how we were being impacted by the research process (Hays & Singh, 2012; Watt, 2007).

**Thick Description**

I sought to develop a rich and thick description of the participants' experiences and perceptions by conducting an individual analysis of each participant's words and then a collective analysis of the group as a whole. Because deriving a thick description requires the researcher to look beyond participants' reported details and feelings to identify meanings and explanations (Hays & Singh, 2012), I reflected upon my interpretation of participants' quotes and the details that they shared. Based on participants' reports, I was able to gain access into their backgrounds to understand the true essence of their experiences and perceptions.

**Audit Trail**

A comprehensive audit trail was maintained for this study to preserve various components of the research process and provide a thick description of its findings (Hays & Singh, 2012). In addition, the audit trail encompasses information about the data collection, analysis, and other important information pertaining to the research methodology (Merriam, 2009). The audit trail consisted of the following: semi-structured interview protocol, informed journals, participants' transcribed interview responses, participants' written reflections, proof of coding analyses, and the final codebook.

**Results**

The findings of this study yielded seven major themes with accompanying subthemes related to the defined research questions. The themes were as follows: theme 1: uncomfortable feelings and interactions; theme 2: inconvenience; theme 3: acquired knowledge; theme 4: unpreparedness; theme 5: ethical concerns; theme 6: child advocate;

and theme 7: professional impact. In regards to the first theme of uncomfortable feelings and interactions, subthemes identified were uncomfortable feelings and interactions that occurred *prior to court involvement* and *during court involvement*. As for the second theme of inconvenience, participants highlighted both *professional inconveniences* and *personal inconveniences* that occurred due to their court involvement in a child custody matter. In regards to the third theme of acquired knowledge, identified subthemes were *assistance with preparation and reporting only the facts*. The fourth theme, unpreparedness, was comprised of subthemes related to *unexpected circumstances* and *lack of knowledge*. The fifth theme of ethical concerns produced subthemes such as *remaining neutral*, *practicing beyond the scope*, and *breaching confidentiality*. The sixth theme, child advocate, encompassed participants' *concerns for the child's wellbeing* and *concentration on the child's needs*. The seventh theme, professional impact, revealed that participants operated with *increased caution* and *heightened distrust and suspicion* as a result of their experience with court involvement in a child custody matter.

## **Discussion**

### **Findings and Existing Literature**

**Theme 1: Uncomfortable Feelings and Interactions.** Existing literature revealed that school counselors often experience uncomfortable feelings and interactions when they receive court subpoenas and subsequently make court appearances. Being involved in court proceedings presents problems for school counselors because they are taken outside of their personal and professional comfort zones and placed in situations that are infused with opposition and controversy (Remley, 1991; Remley & Herlihy, 2014). Furthermore, uncomfortable feelings and interactions occur within the court

setting due to the fact that counselors are accustomed to mediating conflicts and achieving compromises while legal personnel are interested in competing to win cases (Remley, 1991).

Thus, the findings present within the existing literature were confirmed in this research study. Eight of the participants acknowledged that they had encountered uncomfortable feelings and interactions prior to their court involvement due to strained relationships with parents and insistent adults priming them to serve as court witnesses. Furthermore, all nine participants indicated that they experienced uncomfortable feelings and interactions during their actual court involvement. More specifically, three participants cited feelings of fear and apprehension when they were served with their court subpoena. For example, when one participant reflected upon receiving a subpoena to make a court appearance for a child custody matter, she mentioned that “the first time you see [a court subpoena] it scares the pee out of you.” Similarly, another participant emphasized that “receiving a subpoena scares you [because] it’s a big deal [and] it’s nerve wracking.” These quotes from the participants confirmed the existing claim that receiving a court subpoena was a stressful and intimidating event for school counselors in this study.

Such uncomfortable feelings and interactions also occurred when participants waited in the same room with opposing family members and endured distressing moments while rendering their testimony. The following quote from a participant illustrated this point:

I remember being very uncomfortable about the situation... and you know, people are talking amongst themselves and it’s a very tense situation, I thought. I



remember thinking, why do they have everybody in one room [laughter] jumbled up together like this! Like we're opposing teams! [laughter].

Similarly, another participant cited an unpleasant experience that occurred when she was being questioned by an antagonistic attorney when she was on the witness stand. She discussed the following situation:

When my student's attorney questioned me, it was more of a pleasant experience. But, when the adoptive parents' attorney questioned me, he was just more aggressive, he was going in. He wanted to make me stumble on my words and I was just saying how [my student] was at school. So it was uncomfortable, it was awkward. I know I was sweating. I was stuttering and I was glad when it was done.

These quotes confirmed that making court appearances for child custody matters was an uncomfortable and unnerving situation for school counselors in this study.

**Theme 2: Inconvenience.** The participants in this study acknowledged that their court involvement caused them to be inconvenienced in various ways. More specifically, six participants cited personal inconveniences such as having to arrange for childcare, waiting at the courthouse for a significant amount of time, and driving to another locale to find a courthouse as a result of their court involvement. In addition, five participants cited professional inconveniences such as missing time away from work and taking time to prepare for testimony that was not needed. Thus, Remley, Hermann, and Huey (2003) advised school counselors to refrain from making court appearances voluntarily because doing so requires them to be away from the school setting and unable to fulfill their professional responsibilities. Furthermore, it is important to note that school counselors

are often confronted with complex legal and ethical challenges (Froeschle & Crews, 2010; Glosoff & Pate, 2002) such as reporting instances of suspected child abuse and neglect (Bryant, 2009) and suicide (Moyer & Sullivan, 2008). Therefore, due to this fact, it is plausible to conclude that they are needed during the school day to meet the diverse needs of their students. In this particular study, one participant discussed missing time away from work to appear in court for a child custody case. The following quote from her confirmed the aforementioned concern that school counselors forfeit their professional responsibilities when they make court appearances.

Well, I first thought, well, “how do I get off of work?” [chuckles]... I told them, I have no problem coming to court, but when I have to come to court for one child, am not servicing my 399 others.

On the same note, another participant mentioned that she was inconvenienced because she took time out of her work day to prepare documentation for court and later discovered that her services were no longer needed after she travelled to the court and spent a significant amount of time waiting to render her testimony. The following quote characterized the counselor’s thoughts about the inconvenience she experienced.

I was expecting to testify because this had gone on for months and months and I had even typed up notes, taken my time to prepare, and then we get there and I don’t testify. I’m glad I didn’t have to testify, but at the same time I was a little frustrated that I had eaten up my time and energy for this and didn’t even get a chance to testify.

The quotes above support the notion that experiencing court involvement presents a significant inconvenience for school counselors because it imposes on their time and daily responsibilities.

**Theme 3: Acquired Knowledge.** The findings of this research study also indicated that five participants took active steps to prepare for their court involvement in various ways. More specifically, they mentioned that they reflected upon academic preparation, revisited knowledge gained in professional development meetings, sought supervision, contacted a professional association, or consulted with a personal attorney. Thus, existing literature advised that school counselors contact their supervisor (Remley & Herlihy, 2014) and request to consult with the school board attorney when they receive a subpoena or plan to make a court appearance (James & Devaney, 1995; Remley & Herlihy, 2014).

When school counselors are called to court, they are most apt to serve as fact witnesses as opposed to expert witnesses. In other words, they are most likely called upon to recount the factual details of situations instead of inserting their professional opinions (James & Devaney, 1995; Remley, 1985; Remley & Herlihy, 2014). In this study, all nine participants indicated that they had learned and planned to discuss factual information instead of their personal opinions during their court involvement. The following quote from a participant illustrated this point:

My experience has been that you only stick to the facts. You say nothing more.

And whatever they ask of you, you answer, but you just stick to the facts.

Furthermore, other participants revealed that they had planned to adhere to the facts by only discussing information that pertained to school-related matters that could be

corroborated via educational records. For example, the following quote from a participant supported this assertion:

So I had to keep to my mantra, “I will not make a judgment, I have not made a judgment. I can only speak about attendance, grades, [and] discipline...so I was glad I brought those pieces of paper because I kept staring at them saying, pick one, two, or three.....that’s all I can talk about.

The aforementioned quotes from participants validated the point that school counselors in this study were best prepared to serve as fact witnesses.

**Theme 4: Unpreparedness.** While most participants prepared for their court involvement to the best of their ability, it is important to note that some also acknowledged that they did not know which resources were available to them at the time of their court involvement or how to prepare for their court involvement. More specifically, six participants acknowledged that they had a lack of knowledge regarding available resources for support and guidance. For example, although one participant sought supervision and contacted her personal attorney, she revealed that she “later realized that [the] school board attorney could have provided [her] with some advice, but did not think of that at the time.” In addition, she made the following statement:

[This experience] taught me that I am lacking resources and I don’t know how to find them. With our job, time is of the essence. It is extremely frustrating and disheartening to spend time looking for resources rather than knowing where to go to access them.

Such statements from participants helped to identify professional implications for counselor educators and school counseling supervisors.

Although all nine of the participants planned to “stick to the facts” when rendering their testimony, it is important to note that five of them still recalled incidents that occurred during their court involvement that left them feeling confused and unprepared. For example, even though some of the participants went to court with the intent to state factual information, they were still treated as expert witnesses in that they endured harsh cross examinations by opposing parties who wanted them to not be credible as witnesses. The following quote from a participant emphasized this point:

I was nervous and I thought that I probably sounded like an idiot... [the other attorney] was just more aggressive... he wanted to make me stumble on my words and I was just saying how [my student] was at school.

Furthermore, when school counselors are unable to avoid making a court appearance, it is important for them to develop their knowledge of court protocol, become familiar with the events that will occur, and understand their roles and responsibilities as a witness (Remley & Herlihy, 2014). However, this study revealed that participants were unprepared for many aspects of their court involvement and encountered unexpected circumstances. As one participant reflected upon her courthouse experience, she stated the following:

It shakes you up because you have no idea of what it is that they want. And, in my situation, there was no, ‘and this is what is going to happen next.’ I was just told that ‘you need to wait here until if we need you and if we need you someone will come and get you.’ Certainly, I had my lawyer’s recommendations, but I didn’t have someone there telling me what was going to happen or what to do and it was draining.

This quote highlighted the fact that school counselors in this study were unprepared for court involvement and suggested they may need additional training on courtroom procedures and protocol.

**Theme 5: Ethical Concerns.** The participants in this study also pinpointed various ethical concerns associated with their court involvement. Eight participants in this study acknowledged a concern that their court involvement caused them to appear biased and seem as though they were favoring one parent over the other. When encountering children and families who are in the midst of divorce, separation, or custody disputes, it is important for the school counselor to make an attempt to collaborate with both parents and maintain positive working relationships (ASCA, 2010; Remley, Hermann, & Huey, 2003). The following quote from a participant illustrated this point:

I am to remain neutral and I do not prefer to be between custody battles...when I realize that it is a custody issue, I let parents know that I don't do the court thing. It really hampers the relationship between student and counselor. I don't want to even be put in a position where I even allow the child to question or see that I am taking one side over the other. So I let them know up front that it is not in the child's best interest and neither is it in my best interest.

The findings of this study also indicated that six participants believed that they were placed in the unethical position of practicing beyond their scope when they were forced to have court involvement in child custody matters. To illustrate this assertion, one participant revealed that she felt "incompetent" and "like a fish out of water" during her court involvement because it was a new experience that she had to navigate blindly. As previously stated, the court environment is one that counselors are not accustomed to

because the nature of the setting conflicts with their training (Remley, 1991; Remley & Herlihy, 2014). In addition, Davis and Ritchie (1993) stressed the importance of school counselors practicing within their realm of expertise. They declared that school counselors must realize when they are being asked to practice beyond their training and make a referral to another qualified mental health professional. Several of the participants in the study stated that they educate parents about their desire to avoid court situations and offer to assist them and their children according to their professional ethics. The following quote from a participant supported their claim and aligned with the existing literature.

...If they mention court, I tell them that I can perhaps refer them to someone who can help the family... I tell them that I can do a divorce group, I can provide support, I can listen, I can talk about coping, but anything else would be out of my realm as a school counselor and I do a referral.

Four of the participants also revealed concerns in regards to confidentiality and court involvement for a child custody matter. Huss, Bryant, and Mulet (2008) emphasized that it is important for school counselors to maintain confidentiality in order to foster a trusting relationship with students. The following quote from a participant illustrated this point:

I can tell his attendance, the behavior and some of the things I had observed of him, but I cannot comment about things that he has told me or anything that I am privy to because it's just not a good situation to put [my student] in because [my student] would not have me as a resource then. He would then think of me as an

authority figure that is going to report to either side that is fighting to get custody of him.

**Theme 6: Child Advocate.** Divorce, separation, and custody disputes often cause children to experience stress and other uncomfortable feelings (Jolivet, 2011) and school counselors are in a position to identify problems and intervene accordingly. When faced with court involvement for child custody disputes, seven participants indicated that they were concerned about the children's wellbeing due to their familial situations and eight of the participants indicated the need to concentrate on the child's wellbeing and focus on their needs during the school day. More specifically, the participants reported assisting children through individual and group counseling, advocating for them if they need academic modifications, looking out for their best interests. The following quote from a participant represented this viewpoint.

They need support during the school day and I would like to give them an opportunity to express their feelings about what they are going through. Because what they see beyond the school day can really affect their mental status in school.

This quote provides a snapshot of the work that school counselors in this study perform to meet the needs of children who are undergoing stressful situations due to custody situations.

**Theme 7: Professional Impact.** As previously mentioned, receiving a subpoena and appearing in court are uncomfortable experiences (Remley, 1991; Remley & Herlihy, 2014) that have left lasting impressions on the participants in this study. More specifically, five participants in this study revealed that their professional practice has



been impacted due to their court involvement in a child custody matter in that they are more cautious of their conversations and interactions with parents and legal personnel because they do not want to receive a subpoena to appear in court. As a result of their court involvement, the participants are more cautious of their conversations and interactions with parents and legal personnel because they do not want to receive a subpoena to appear in court. The following quote from a participant illustrated this point:

I am very, very leery. It's kind of like I compartmentalize my work. When I'm talking to my students, he or she gets whatever it is they tell me they need or whatever I can provide for them. I feel like I am very willing and open to do whatever I can to help them. But then, when I deal with their parents or the lawyers, I'm very closed. I'm very careful about what it is that I say or don't say.

I force myself with the interaction to have some wait time, if that makes sense.

In addition, as a result of their court involvement, seven participants reported that they are also more distrustful and suspicious of parents and legal personnel. The participants recounted instances where parents and adults were priming them for court involvement in a child custody matter. In reflecting on the actions of legal personnel who represent parents in child custody disputes, one participant declared, "you have to keep in mind that they are lawyers and that they're clever.... because they have to make their point... and so, they will do whatever it takes, you know, to make that happen." Similarly, in regards to interacting with parents who are involved in child custody disputes, one participant stated that her court involvement has "absolutely" impacted her professional practice. The following quote illustrated her point:

Because a lot of the times, the parent wants to use the counselor as a way to find out what the children are saying or what their opinion is. And, they also want to use the counselor to determine which one is, quote, “bad parent” and not doing what they’re supposed to do.

The aforementioned experiences and perceptions provided by the participants support the claim that school counselors are more cautious, and even distrustful when interacting with parents and legal personnel.

### **Limitations**

**Researcher’s bias.** Although members of the research team and I participated in bracketing and reflexive journaling, it is also possible that the data analysis process was impacted due to our personal experiences and perceptions. In addition, due to the fact that all of us were female researchers in the Counselor Education and Supervision doctoral program, it was possible that our similar characteristics and experiences may have influenced the data analysis process thereby causing us to overlook aspects that may have been detected by others with diverse personal or professional characteristics.

**Researcher’s limited experience.** Although I have taken both introductory and advanced qualitative research courses and have completed several qualitative projects as part of my doctoral studies, I was not a qualitative research expert at the time of this study. This qualitative research endeavor has been a learning experience for me and my confidence improved as I progressed through the research process. Thus, as the primary researcher, I understand that my limited experience may have impacted the research process in some manner.

**Sample selection.** Being that the sample consisted of nine professional school counselors who were all female, it was possible that it was biased for that reason. Therefore, due to this potential bias, there was no way of determining if the findings of this study would have been different if males were included in the sample. Similarly, all of the school counselors who participated in the study were employed at either the elementary or middle school level. Thus, because there were no high school counselors in the sample, it was not possible to conclude if the findings would have been any different due to their involvement. Due to the fact that the sample consisted of nine professional school counselors from the same geographic location and school division, it is possible that the findings of the study may not represent the experiences and perceptions of school counselors in a different locale or the larger population of school counselors as a whole.

### **Implications**

**School counselors.** Although they are often advised to avoid court involvement for child custody matters (Remley, 1991; Remley & Herlihy, 2014), it is important that school counselors understand and articulate their ethical responsibilities surrounding this phenomenon. Therefore, it is possible that the findings of this study will equip school counselors with the language to advocate for their appropriate roles and understand how they will be affected both personally and professionally should they become legally involved in child custody matters. After acquiring such knowledge, it is possible that school counselors will be able to provide credible explanations to parents, guardians, and attorneys in regards to why they should make a referral to outside counseling services and not become involved in child custody disputes.

**School administrators.** As immediate supervisors to school counselors, school administrators are in a position to assist school counselors with advocacy efforts and educate parents, guardians, and other adults about their appropriate professional roles. If school administrators understand school counselors' experiences with court involvement for child custody matters, it is possible that they will support school counselors' efforts to avoid becoming legally involved in custody disputes. In addition, school administrators have the ability to connect with other leaders to increase the likelihood that school counselors' voices are heard.

**School counselor supervisors.** As mentioned in the findings and interpretations of this study, professional school counselors articulated a need for additional training in regards to preparing for court involvement. Therefore, although school counselors may have discussed court involvement during their academic training, it is important that school counseling supervisors establish a division-wide protocol that school counselors are encouraged to follow when they receive a subpoena to appear in court for child custody matters. It is possible that such a protocol will provide school counselors with a professional roadmap to guide their actions and interactions in regards to court involvement.

The findings of this study may also enhance school counseling supervisors' knowledge of the experiences and perceptions of school counselors in their school districts who become legally involved in child custody matters. It is possible that acquiring detailed knowledge of the true essence of school counselors' experiences and perceptions will enable supervisors to better empathize and respond to the personal and professional needs of school counselors under their supervision. As a result, it is likely

that supervisors will be better apt to assist school counselors with processing their thoughts and feelings about court involvement in child custody matters.

Furthermore, it is also possible that the results of this study will encourage school counseling supervisors to bring attention to the phenomenon of school counselors having court involvement for child custody matters. For example, supervisors can utilize public resources such as school and division-wide webpages and brochures to educate others about the appropriate services that school counselors can provide to students and families who are undergoing divorce, separation, or child custody disputes. In addition, the same resources can be used as a means to provide a rationale for why school counselors should not be placed in the middle of child custody disputes. If school counseling supervisors take a public stance on this issue, it is possible that attorneys and others who are involved in child custody disputes will be less likely to issue court subpoenas to school counselors.

**Parents and guardians.** By reading the school counselors' stories and gaining an in depth knowledge of their experiences and perceptions, it is possible that parents, guardians, and other adults will understand how school counselors' professional roles become compromised when they are placed in the middle of familial conflicts and custody disputes (ASCA, 2010). More specifically, it is possible that parents, guardians, and other adults will recognize that it is more appropriate for school counselors to assist their children with difficulties that arise during the school setting by offering individual counseling, group counseling, or classroom guidance services instead of becoming legally involved in custody disputes. Thus, it is also possible that the findings of this study will persuade parents, guardians, and other adults to refrain from involving school

counselors in their custody disputes and accept referrals to other mental health professionals.

**Legal personnel.** When families are undergoing divorce, separation, or child custody disputes, attorneys often collaborate with school counselors and other school officials to communicate about the child in an effort to gather information about academic, personal, or social progress within the school setting (Mabry, 2013; Weinstock & Markan, 2006). However, as indicated by the findings of this study, some school counselors possess a distrust or suspicion of legal personnel due to their experiences with court involvement in child custody matters. School counselors' distrust and suspicion presents a problem for attorneys because it can definitely impact the quality or quantity of information that is shared with them. It is also important for legal personnel to understand that subpoenaing school counselors to court for child custody matters places them in a position that conflicts with their ethical standards in that they are asked to breach confidentiality, take sides, or practice beyond their scope. Overall, it is important for legal personnel to understand school counselors' experiences and perceptions and reflect upon them when they are planning to issue a court subpoena. As a result of these findings, it is possible that legal personnel will understand that there are other professionals who are better suited to make court appearances for child custody matters.

The findings of this study also present implications for school board attorneys. Within this particular study, the majority of the school counselors did not contact the school board attorney when they became legally involved in a child custody matter. In response to the findings of this study and the existing literature, it is important for school board attorneys to identify themselves as a resource for school counselors and provide

them with pertinent information in regards to how to respond to a court subpoena or navigate court procedure when making a court appearance.

**Counselor education.** In terms of teaching, it is important for counselor educators to explore this topic with school counselors-in-training and equip them with the necessary knowledge about their roles and ethical standards prior to them working in the school setting. When such teaching is done effectively, it is likely that school counselors will enter the field with a voice to advocate for their students and themselves. It is also possible that the findings of this study will encourage counselor educators to partner with local school divisions to provide training opportunities, clinical supervision, and consultation services.

**Professional associations.** Based on the findings of this study, it is essential that professional counseling and educational associations accept and solicit publications that can be used as resources for school counselors and their supervisors. In addition, it is also important that information about this topic is presented at conferences and published on webpages in order to reach the greatest amount of school counselors, supervisors, and other interested parties. Being that school counselors are encouraged to contact their professional associations when legal and ethical questions and situations arise, it is imperative that such organizations ensure that their staff members are knowledgeable about the phenomenon of interest in order to effectively consult and provide professional advice.

### **Suggestions for Future Research**

To address the limitations that were identified within the current study, it would be beneficial to conduct a follow-up qualitative study. The follow-up study would need

to consist of a more diverse sample in regards to gender and work setting since all of the participants in the current study were females who were employed in either the elementary or middle school settings. Furthermore, it would also be beneficial to secure a diverse sample from various geographic locales to enhance to validity of the findings from the follow-up study.

In addition to experiencing court involvement for child custody matters, school counselors may experience court involvement for other student-related issues such as child abuse, suicide, and other legal matters. Therefore, in terms of future research, it would be beneficial to conduct a qualitative study with professional school counselors who have experienced court involvement for matters other than child custody and compare and contrast its findings to the findings of this current study. It is possible that analyzing the results of both studies will reveal how school counselors' court involvement for child custody situations is similar to or different than school counselors' court involvement for other situations involving students.

Aside from school counselors, school administrators, teachers, and other school personnel who have close interactions with students and parents are sometimes subpoenaed to court for child custody matters. A qualitative study that explores their experiences and perceptions will reveal how their court involvement for child custody matters is similar to or different than that experienced by school counselors. For example, it is possible that the study will reveal if administrators, teachers, and other school personnel report uncomfortable feelings and interactions, inconveniences, unpreparedness, or other concerns that were identified by school counselors. In other words, the findings of the study could reveal if the concerns that were previously



identified by the school counselors are either unique to the school counseling profession or applicable to other school personnel as well.

The findings in this qualitative study could also provide a foundation for future quantitative research. More specifically, a survey instrument could be constructed that enables school counselors to report their experiences with court involvement in child custody matters. For example, the instrument could encompass a Likert scale in which school counselors rate the degree in which they felt uncomfortable or inconvenienced due to their court involvement in a child custody matter.

### **Conclusion**

The findings of this study suggest that experiencing court involvement in child custody matters presents various concerns for school counselors including uncomfortable feelings and interactions, inconvenience, unpreparedness, and ethical dilemmas. It is possible that these findings will reach populations of interest, provide a foundation for advocacy, impact training and professional practice, and serve as an impetus for future research endeavors.

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## Appendix A

### Preliminary Inquiry to Colleagues

**Subject: School Counselors & Court Appearances (Feedback Needed)**

**Sent: July, 8, 2013**

Hello School Counseling Colleagues:

I am sending this email out to all professional school counselors with the permission of [name of school counseling district supervisor].

Have you ever made a court appearance in relation to your job as a school counselor? By court appearance I mean attending either a hearing with a judge present or a deposition in a law office with only attorneys present. I am particularly interested in whether you have made an appearance related to a child custody issue. However, please let me know if you have been to court for any issue such as suspected child abuse, criminal activities of students, etc.

I am interested in conducting a research study about the experiences of school counselors who have been in court, but I would first like to get an estimate of how many current school counselors have actually made a court appearance in relation to their jobs.

Please respond to me at [email address] if you have made a court appearance in relation to your job as a school counselor. You can simply send me a very short and general response indicating which matter(s) caused you to make a court appearance and how many court appearances you have made.

**\*\*Please note that your email response does not obligate you to participate in any research study at this time. You are just responding to aid me in getting an idea of how many school counselors have made court appearances and their reasons for going to court.**

Thank you for your help!

Crystal E. Hatton, Ed.S., NCC  
 6th Grade Professional School Counselor  
 [Name of School]  
 [Street Name of School]  
 [City, Virginia, zip code]  
 [Phone Number of School]  
 [Fax Number of School]

## Appendix B

### Email to Identify Potential Research Participants

Hello School Counseling Colleague:

Have you ever experienced court involvement at any time during your career as a professional school counselor? By court involvement I mean receiving a subpoena, appearing in court (regardless of whether or not your testimony was needed), attending a hearing with a judge present, attending a deposition with attorneys present, or submitting a written document to a judge, attorney, guardian ad litem, or parent.

I am conducting a research study to explore the experiences of professional school counselors who have had court involvement in child custody matters. If you have encountered any of the situations listed above, please contact me at [email address] and provide me with a short and general summary of your experience. I am interested in hearing from you.

Once I receive your email response, I will contact you to either inquire about your participation in the study or provide you with instructions for how to access the results of the study.

I sincerely appreciate your assistance. Thank you for your help!

Crystal E. Hatton, Ed.S., NCC  
6th Grade Professional School Counselor  
[Name of School]  
[Street Name of School]  
[City, Virginia, zip code]  
[Phone Number of School]  
[Fax Number of School]

Appendix C

Exempt Approval Letter

**Eddie Hill, Ph.D., CPRP**  
Assistant Professor  
Park, Recreation and Tourism Studies Program



March 17, 2014

Approved Application Number 201401084

Dr. Theodore P. Remley, Jr.  
Department of Counseling and Human Services

Dear Dr. Remley:

Your Application for Exempt Research with Crystal Hatton entitled, "The Experiences of School Counselors with Court Involvement Related to Child Custody," has been found to be EXEMPT under Category 6.2 from IRB review by the Human Subjects Review Committee of the Darden College of Education. You may begin the research project when this condition has been met. The determination that this study is EXEMPT from IRB review is for an indefinite period of time provided no significant changes are made to your study. If any significant changes occur, notify me or the chair of this committee at that time and provide complete information regarding such changes.

In the future, if this research project is funded externally, you must submit an application to the University IRB for approval to continue the study.

Best wishes in completing your study.

Sincerely,

*Eddie Hill*

Eddie Hill, Ph.D., CPRP  
Assistant Professor  
Old Dominion University  
Human Movement Sciences  
Darden College of Education Human Subjects Review Committee

*Old Dominion University, Student Recreation Center, Room 2019, Norfolk, VA 23529*  
Phone: (757) 683-4881; Fax: (757) 683-4270  
E-mail: ehill@odu.edu

*Accredited by the National Recreation and Park Association Council on Accreditation*

## Appendix D

### Interview Protocol

#### Opening Script

Greetings \_\_\_\_\_,

My name is Crystal Hatton and I am a doctoral candidate in the Counseling program at Old Dominion University. As part of my dissertation, I am conducting a research study to gain more information about the experiences and perceptions of professional school counselors who have had court involvement in matters related to child custody.

Please understand that I will not judge your actions or decisions in regards to your court involvement. I am only interested in learning more about your experiences and perceptions. Therefore, it is important for me to know and understand the specific details that led to your experiences and perceptions.

I sincerely appreciate your willingness to participate in my research study. I understand that your time is valuable, so I am truly grateful to have the opportunity to speak with you. Thank you for your cooperation and participation in this research endeavor. This interview should last approximately 40 minutes and I will record our conversation so that I can pay attention to you instead of taking notes. At the conclusion of the interview process, I will listen to the entire recording and transcribe our conversation verbatim. After I have transcribed your responses, the audio recording will be erased and the transcriptions will be stored in a locked location for five years and then destroyed.

Your identity will remain anonymous and your individual responses will be kept confidential. Your participation is completely voluntary and you reserve the right to discontinue it at any time without any penalty or negative repercussion.

Each interview participant is required to sign a consent form that shows that he or she is familiar with the research process. By signing the consent form, you acknowledge that you understand that:

(1) your participation is voluntary and you can discontinue it at any given time, (2) your identity will be kept anonymous and your responses confidential, (3) your recorded interview responses will be shared with you to ensure that your voice is accurately represented, (4) your recorded responses will be erased at the end of the transcription process and (5) your interview responses will be stored in a secure and locked location and destroyed after five years. Please take a moment to review this consent form and sign accordingly if you agree with its terms. As always, please let me know if you have any questions or concerns thus far.



***\*Provide interview participant with a copy of the consent form and an ink pen for their signature.***

Thank you for your signature. I will keep this page for my records. Here is your copy for your records. Do you have any questions or concerns before we begin?

***\*Take time to answer questions and address any concerns. Provide participants with a copy of the participant demographic sheet.***

This is called a participant demographic sheet. It will allow me to get a snapshot of various characteristics about each participant. For the purposes of this research study, the term “court involvement” refers to receiving a subpoena to appear in court, making a court appearance (regardless of whether or not your testimony was needed), attending a hearing with a judge present, attending a deposition with attorneys present, or submitting a written document to a judge, attorney, guardian ad litem, or parent.

Please let me know if you have any questions as you complete the form and remember that you may omit any question if you would like to do so for any reason. Your information will be kept confidential.

***\*Collect the participant demographic sheet.***

We are now ready to begin the interview. I ask that you think about one experience with court involvement that you would like to share.

May I have your permission to begin recording at this time? Thank you.

***\*Turn on audio or video recorder and position it in an inconspicuous location.***

***\*Conduct the semi-structured interview. Be sure to review the participant demographic sheet to determine if there are any responses that need further explanation or clarification. In addition, be sure to paraphrase responses and ask participant to clarify or elaborate if necessary.***

Thank you for taking the time to answer the interview questions. At this time, I would like to take a moment to review your responses and main points to ensure that I accurately understand your experiences and perceptions.

***\*Engage in member checking.***

Is there anything that you would like to add at this time?

***\*Document any additions or modifications as necessary.***

Lastly, I ask that you take a moment to write a response to the following prompt.

***\*Provide participant with prompt, wait patiently for completion, and collect it.***

Thank you for time today. I sincerely appreciate your assistance. Please feel free to contact me if you have any questions or concerns. At the conclusion of the study, I will provide you with instructions on how to access the results.

## Appendix E

### Semi-Structured Interview Questions

1. Tell me about your experience with court involvement in a matter related to child custody.
2. How did you react when you first discovered that you were going to experience some form of court involvement in a matter related to child custody?
3. If I had been with you at the time of your court involvement, what would I have seen, heard, felt, or encountered during that time?
4. What, if anything, did you do to prepare for your court involvement?
5. What consequences, if any, did you encounter as a result of your court involvement?
6. What, if anything, did you learn from your experience?
7. How were your expectations similar to or different than what really happened during your court involvement?
8. When you think of school counselors experiencing court involvement for matters related to child custody, what words, thoughts, images, or feelings immediately emerge for you?
9. How has this experience with court involvement affected your overall work with children and families, if at all?
10. What advice would you give to another professional school counselor in regards to having court involvement in a matter related to child custody?

## Appendix F

**Informed Consent Form**

I agree to participate in a research study conducted by Crystal Hatton, a doctoral student in the Counseling program at Old Dominion University. I understand that the interview will last approximately one hour and will be recorded and transcribed for research purposes. In addition, I understand the following:

- My participation is voluntary and can be discontinued at any given time.
- My identity will remain anonymous and my responses will be kept confidential.
- My interview responses will be reviewed with me at the end of the interview to ensure that my voice is heard and my viewpoints are accurately represented.
- My interview responses will be recorded and erased after the transcription process has been completed.
- My transcribed interview responses will be stored in a secure and locked location at the conclusion of the research process and will be destroyed after five years.

I realize that I can direct any questions or concerns to Crystal Hatton or Dr. Ted Remley, Old Dominion University professor and dissertation chair, by using the contact information listed below. I understand that if I am dissatisfied in any way regarding my participation in this study, I can contact Dr. Eddie Hill, member of the ODU Darden College of Education Human Subjects Review Committee, by using the contact information listed below.

Crystal Hatton, Ed.S., NCC  
 Doctoral Candidate  
 Department of Counseling and Human Services  
 Old Dominion University  
 chatt003@odu.edu  
 (757) 971-2201

Theodore P. Remley, Jr., J.D., Ph.D., LPC  
 Dissertation Chair  
 Department of Counseling and Human Services  
 Old Dominion University  
 tremley@odu.edu  
 (757) 683-6695

Eddie Hill, Ph.D., CPRP  
 Member, Darden College of Education Human Subjects Review Committee  
 Assistant Professor  
 Human Movement Sciences Department  
 ehill@odu.edu  
 (757) 683-4881

Printed Name \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

## Appendix G

**Participant Demographic Sheet**

*This set of questions pertains to your professional background and work setting.*

1. How many years have you been a professional school counselor? \_\_\_\_\_
2. What is your current work setting? (please check all that apply)  
☐ elementary school                      ☐ middle                      ☐ high school  
☐ public                                      ☐ private
3. Please list any professional organizations in which you are affiliated (i.e., ASCA, ACA).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
4. Please list any licenses or certifications that you currently hold (i.e., LPC, NCC, NCSC).  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*This set of questions pertains to your experience(s) with court involvement in a matter related to child custody.*

5. Where did you work at the time of your court involvement? (please check all that apply)  
☐ elementary school                      ☐ middle                      ☐ high school  
☐ public                                      ☐ private
6. What prompted your court involvement in the child custody matter(s)? (please check that all that apply)  
☐ subpoena/court order                      ☐ parent request                      ☐ student request  
☐ volunteer
7. At any point prior to your court involvement, did you agree to assist a parent or a parent's attorney? ☐ yes ☐ no
8. Approximately how many times have you experienced court involvement related to child custody?  
 \_\_\_\_\_

*This set of questions pertains to your cultural background and personal characteristics.*

9. Race/Ethnicity \_\_\_\_\_

10. Gender \_\_\_\_\_

11. Age    \_\_\_ 22-30       \_\_\_ 31-40       \_\_\_ 41-50       \_\_\_ 51-60       \_\_\_ 61-70  
             \_\_\_ 70+

## Appendix H

### Follow-up Writing Prompt for Participants

When I think about my experience with court involvement,

I needed help with.....

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---

I felt \_\_\_\_\_ because.....

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---

---

If I could do something differently, I would.....

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(Please use the area below if more space is needed)

## Appendix I

**Research Team Member Demographic Sheet**

Name \_\_\_\_\_

***This set of questions pertains to your cultural background and personal characteristics.***

1. Age \_\_\_\_\_
2. Gender \_\_\_\_\_
3. Race/Ethnicity \_\_\_\_\_

***This set of questions pertains to your professional experiences and affiliations.***

4. Please list all academic degrees and majors/concentrations below.

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5. Please list all professional organizations in which you are affiliated.

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6. Please list any licenses or certifications that you currently hold.

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7. Please list any relevant work experience related to counseling or human services?

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8. Please list your experience(s) with qualitative research (classes, dissertation, teaching, etc.)?



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### **Vitae**

Crystal E. Hatton graduated from the College of William and Mary in 2005 with a Bachelor of Arts degree in Psychology and a minor in Sociology. She continued her education at the College of William and Mary and graduated with a Master of Education degree in Counseling with a concentration in school counseling in 2007. She also obtained an Ed.S. degree from Old Dominion University in 2013.

Crystal is a National Certified Counselor and holds a Pupil Personnel Services license with an endorsement in school counseling prek-12. She is currently employed as a professional school counselor at the middle school level. In her role as a school counselor, Crystal was selected to become a clinical faculty member at the College of William and Mary and has served as a site supervisor for several school counseling students.

While pursuing her doctoral studies at Old Dominion University, Crystal worked full-time as a school counselor, supervised master's level school counseling students, and served as a teaching assistant and guest instructor. She was also afforded the opportunity to present at a national conference. Crystal is currently a member of the Virginia Counselors Association and Virginia School Counselor Association.