

# Court Attendance & Subpoena Policy

Balanced Perceptions Therapy & Consulting (BPTC) may occasionally receive subpoenas or legal requests requiring the production of client records, preparation of written material, or attendance in court by the treating therapist.

This policy outlines how such matters are managed and the professional fees that apply.

## Purpose

The purpose of this policy is to ensure BPTC complies with legal obligations while maintaining professional, ethical, and clinical boundaries. It also clarifies the conditions and professional fees associated with legal requests, subpoenas, and court attendance.

### 1. Subpoenas and Legal Requests

If you, your legal representative, or another external party requests information from BPTC or issues a subpoena, the following conditions apply:

- All subpoenas must be formally addressed to Balanced Perceptions Therapy & Consulting or the treating therapist.
- Subpoenas are reviewed for legal validity before any documents are released.
- Conduct money (a nominal payment required under law) must accompany the subpoena.
- Time spent reviewing subpoenas, preparing documents, redacting records, or communicating with legal representatives is billable at professional rates.
- BPTC will only release information that is legally required or permitted.

### 2. Fees for Legal Work

Professional fees apply to all work associated with subpoenas, legal correspondence, or court proceedings.

Review of subpoena or legal correspondence

Initial review of subpoena, document collation, and redaction of records

Fee: \$250 per hour plus GST

Preparation of statement or file summary

Preparation of written summaries, statements, or documentation required by subpoena or legal request

Fee: \$250 per hour plus GST

Court attendance or testimony

Preparation time, travel, court attendance, and follow-up documentation

Fee: \$433 per hour plus GST

Minimum booking: 6 hours (prepaid)

Travel time is billed at the same hourly rate plus GST.

The minimum attendance fee applies even if the matter is delayed, adjourned, settled, or cancelled after time has been reserved for court attendance.

### **3. Professional Boundaries**

Therapists at BPTC attend court only as factual witnesses and do not act as expert witnesses.

The treating therapist cannot provide opinions or assessments regarding:

- legal determinations
- parenting capacity
- risk assessments for court purposes
- credibility of individuals
- factual determinations regarding disputed events

Information provided by BPTC is limited to:

- confirmation of attendance
- participation in therapy
- factual observations documented within therapy sessions

BPTC reserves the right to decline requests that fall outside the appropriate therapeutic role or ethical boundaries.

### **4. Payment Conditions**

All legal and court-related work requires prepayment based on an estimated number of hours.

Invoices must be paid prior to:

- preparation of statements or summaries
- release of documents (unless released directly under subpoena)
- court attendance

If work extends beyond the prepaid estimate, additional time will be invoiced accordingly.

Where a therapist is compelled to attend court by subpoena, the client and/or the requesting party (for example a solicitor, court, or government agency) remain responsible for all associated professional fees unless otherwise ordered by the court.

### **5. Ethical and Legal Compliance**

Balanced Perceptions Therapy & Consulting complies with all relevant ethical and legal obligations, including:

- Australian Association of Social Workers (AASW) Code of Ethics
- Family Law Act 1975 (Cth)
- Privacy Act 1988 (Cth)
- Evidence Act 2008 (VIC)
- Other relevant state and federal legislation

All information disclosed through legal processes is handled with strict professional confidentiality and released only in accordance with lawful requirements.

### **Practice Position**

Balanced Perceptions Therapy & Consulting is a therapeutic practice. The primary role of the therapist is to provide counselling and psychological support. The practice does not conduct forensic assessments and does not provide expert reports for court proceedings.

If legal representatives require documentation or evidence, this must occur through the appropriate legal process.

### **Balanced Perceptions Therapy & Consulting**

*See Differently. Live Differently.*

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