**GUIDE: Getting PSYC Records for YOU & YOUR CHILD**

**Disclaimer and common sense:** Nothing contained herein is legal advice, and is freely available information retrieved from the internet and other resources.

**Demand from each Evaluator/Psychologist:**

1. ALL Psychological Testing Total Score/Outcome/Results for each test.
   1. Most all testing is standardized and you do not need the “raw data”, just the Results and Summary printouts. Also, most are computer scored, so they simply have to email you the printout and have no legal excuse not to comply. If you have some sort of order preventing access to the records you own, that seems to be someone not respecting the constitution, and you could ask about what happened to the constitution in your case; not legal advice, just common sense.
2. All Case Notes/Call Logs/Emails between all parties.
3. Any Other Unspecified Activity/files/docs/etc.
4. Everything but "Raw Data" from psychological testing, but you want the other test information.

**Note.**

You can file discovery for all of the documents above, for both yourself and the opposing party. You don't need discovery for what you own, your records and your child's records. You OWN your records and any records of your children; state clearly that you believe they are in violation of [HIPAA](https://www.hhs.gov/hipaa/for-professionals/faq/227/can-i-access-medical-record-if-i-have-power-of-attorney/index.html) if anyone refuses to provide those records. Allow them to correct their actions and provide the information, but be clear that you will seek legal remedies and file [BHEC complaints](https://bhec.texas.gov/discipline-and-complaints/) if they fail to provide the records.

If you want to send my credentials, feel free to send my CV ([*HERE*](https://www.dropbox.com/scl/fi/4e1ywj0uqq14braw2j102/20240717-McKenzie-Court-CV.pdf?rlkey=pjhvy9y8tczas8tu54xoisz01&dl=0)), and you can add the following to an email (you may want to soften the wording…):

# Sample Email Request:

*“Dr. McKenzie holds a Masters in Clinical Psychology, completed 2 practicums at the Wisconsin Forensic Unit, and has hand scored numerous MMPI-II, WAIS-II, WASI, WISC, and numerous other psychometric measures in both applied and research settings. In addition, Dr. McKenzie holds a PhD in Experimental/Developmental Psychology, and is extremely familiar with psychometric measures of all types, as a former academic and Assistant Director of Research for the TCI Institute of Child Development.*

*In line with Tex Fam Code 104.008 Dr. McKenzie is more than qualified to review the findings, results, scale scores, and outcomes of every measure you administered, and as the owner of these results I request that you provide those results immediately. As per the American Psychological Association’s (APA) Ethical Standard 9.04 "Release of Test Data" (retrieved from* [*https://www.apa.org/monitor/julaug03/ethics*](https://www.apa.org/monitor/julaug03/ethics)*):*

*“Pursuant to a client/patient release, psychologists provide test data to the client/patient or other persons identified in the release." Therefore, your adherence to the APA guidelines would be greatly appreciated. If you refuse, we request that you provide written reasons, specifically stating why you are refusing to comply, so that your response can be forwarded to the appropriate governing bodies.”*

*Thank you in advance for your prompt response,*

Sign and Send

**Report any Refusal to the** [**State**](https://www.bhec.texas.gov/discipline-and-complaints/index.html#:~:text=Anyone%20who%20wishes%20to%20file,to%20the%20appropriate%20licensing%20agency) **&** [**Fed**](https://www.hhs.gov/hipaa/for-professionals/faq/227/can-i-access-medical-record-if-i-have-power-of-attorney/index.html)

My guess is that they will try to refuse, rely upon immunity for court actors, and claim it would be harmful to release the results. If they fail to release the results, any Report should be challenged and formal complaints filed.

**Challenging an 'EXPERT'**

A [Daubert Challenge](https://www.expertinstitute.com/resources/insights/daubert-versus-frye-a-national-look-at-expert-evidentiary-standards/) can be employed to "challenge" an 'expert' such as a custody evaluator, CPS, law enforcement, counselors and therapists, and anyone else who speaks outside their defined area of knowledge. This can also be done for any reports, opinions, or other work product they are responsible for in that case:

[*General Electric Co. v. Joiner*, 522 U.S. 136 (1997)](https://supreme.justia.com/cases/federal/us/522/136/)

[*Daubert v. Merrell Dow Pharmaceuticals*](https://www.expertinstitute.com/the-history-of-daubert-v-merrell-dow-pharmaceuticals/)*,*

[*Kumho Tire Co. v. Carmichael*](https://www.expertinstitute.com/daubert-trilogy-navigating-standard-expert-witness-challenges/)

You can Challenge each 'expert' in a Daubert Challenge, having their testimony and reports thrown out if they do not meet the delineated standards.

More info and assistance available at <https://molaeministeria.org/>

**Expert 3rd Party Review**

There are statutes on within Texas that require a mental health professional to provide all records to a 3rd party expert (aw, snap!) for review. So any refusal is likely an illegal refusal; (again, not legal advice, just common sense).

***Note.*** This information was taken from publicly available governmental websites. None of this is original material. And nothing contained herein is legal advice.

**Be blessed, be a warrior.**

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