GUIDE: OBTAINING PSYCHOLOGICAL RECORDS FOR YOURSELF AND YOUR CHILD

Disclaimer

This document compiles publicly available information from official sources, including Texas statutes, the Health Insurance Portability and Accountability Act (HIPAA), the American Psychological Association (APA) Ethical Principles, and federal regulations. It is not legal advice. It does not create an attorney-client relationship. Individuals must consult qualified legal counsel for advice specific to their circumstances. Refusing to release records you own or your child's records may implicate HIPAA violations, Texas licensing board rules, or constitutional protections. False statements or improper demands can have legal consequences. Always verify current laws, forms, and procedures on official websites.

YOUR RIGHTS TO PSYCHOLOGICAL RECORDS

You generally own or have a legal right to access:

- Your own psychological testing results, reports, and records.

- Your minor child's psychological records (as the parent with legal custody or decision-making rights, subject to any court order restricting access).

Psychological records are protected health information under HIPAA (45 C.F.R. Parts 160 and 164). Mental health professionals must provide access upon proper request, with limited exceptions (e.g., if release is reasonably likely to endanger the individual or others). Most standardized testing is computer-scored; providers can typically email summary results and printouts without releasing raw data.

Effective September 1, 2023, **HB 891** amended **Texas Family Code § 104.008(a-1)** to allow a qualified expert to offer opinions on the qualifications, methodology reliability, or relevance of information used by a court-appointed child custody evaluator without conducting their own full evaluation under Chapter 107. This change enables the designation of an independent expert, such as Dr. Brooks McKenzie, to review psychological records and evaluation materials in a pending SAPCR upon proper request or court order.

WHAT TO DEMAND FROM EACH EVALUATOR, PSYCHOLOGIST, OR MENTAL HEALTH PROFESSIONAL

1. All psychological testing total scores, outcomes, results, scale scores, and summary printouts for every test administered (e.g., MMPI-2, WAIS, WISC, etc.). Raw data is generally not required for standard review, but summary results and interpretations must be provided.

2. All case notes, session notes, call logs, emails, and correspondence between the evaluator and any parties (including attorneys, CPS, courts, or other professionals).

3. Any other unspecified activity, files, documents, or records related to the evaluation or treatment.

4. Everything except pure raw testing data, while specifically requesting all scored results, summaries, and interpretive reports.

Note: You do not need formal discovery requests for records you own or control as a parent. State clearly in writing that you believe withholding these records may violate HIPAA, Texas licensing rules, or court orders (if applicable). Give the provider an opportunity to comply before escalating.

SAMPLE EMAIL / WRITTEN REQUEST

Subject: Request for Immediate Release of [Your Name / Child's Initials] Psychological Records and Test Results

Dear [Evaluator's Full Name],

I am writing to request the immediate release of all psychological records, testing results, scale scores, summary printouts, case notes, call logs, emails, and any other documents related to the evaluation or treatment of myself and/or my child [Child's Initials].

Dr. Brooks McKenzie, an expert contracted in my case, holds a Master's degree in Clinical Psychology, completed two practicums at the Wisconsin Forensic Unit, and has hand-scored numerous psychometric measures including the MMPI-2, WAIS, WASI, and WISC in both applied and research settings. He also holds a PhD in Experimental/Developmental Psychology and previously served as Assistant Director of Research for the TCI Institute of Child Development.

Third-Party Expert Review and Challenge to Court-Appointed Evaluations

Effective **September 1, 2023**, the Texas Legislature enacted **HB 891 (88th Legislative Session)**, which amended **Texas Family Code § 104.008** by adding Subsection (a-1). This amendment

clarifies that Subsection (a) does not prohibit a qualified expert from offering an opinion regarding the **qualifications of**, the **reliability of the methodology used by**, or the **relevance of the information obtained by** a person who has conducted a child custody evaluation under Subchapter D, Chapter 107, provided the expert's testimony does not otherwise violate the general prohibition in Subsection (a).

In a pending Suit Affecting the Parent-Child Relationship (SAPCR), this provision supports the designation of an independent mental health professional, such as Dr. Brooks McKenzie, to review the court-appointed evaluator's work product, psychological records, test results, scale scores, case notes, and related materials, as it does any other mental health provider. Dr. McKenzie's Master's degree in Clinical Psychology, PhD in Experimental/Developmental Psychology, and extensive hands-on experience scoring and interpreting psychometric measures (including the MMPI-2, WAIS, WASI, and WISC) qualify him to provide such expert analysis and rebuttal.

Pursuant to Texas Family Code § 104.008 and the American Psychological Association's Ethical Standard 9.04 (Release of Test Data):

"Pursuant to a client/patient release, psychologists provide test data to the client/patient or other persons identified in the release."

As the parent/owner of these records, I request that you provide all scored results, summaries, and related records immediately. If you believe any portion cannot be released, please provide a written explanation citing the specific legal or ethical basis for the refusal so that it may be reviewed by appropriate authorities.

Thank you for your prompt attention to this matter. I expect a response and the records within [specify reasonable timeframe, e.g., 10 business days].

Sincerely,

[Your Full Name]
[Your Address]
[Your Phone Number]
[Your Email Address]

Note. If Records Are Refused or Delayed
- Document the refusal in writing (keep emails and responses).

- Remind the provider of their obligations under HIPAA and Texas law.

- File a formal complaint with the appropriate oversight body:

Texas Behavioral Health Executive Council (BHEC) – Licenses psychologists, licensed professional counselors, marriage and family therapists, and related professionals.

Complaint information and online form: https://www.bhec.texas.gov/complaints/index.html

U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) – Handles HIPAA violations.

File a complaint online: https://www.hhs.gov/ocr/complaints/index.html

CHALLENGING AN EXPERT'S QUALIFICATIONS OR OPINIONS (DAUBERT / ROBINSON CHALLENGE)

Texas courts follow the Daubert standard (adopted in Texas via E.I. du Pont de Nemours & Co. v. Robinson, 923 S.W.2d 549 (Tex. 1995) and subsequent cases) for the admissibility of expert testimony. You may file a motion to challenge (exclude or limit) an expert's testimony, report, or opinions if they do not meet reliability and relevance standards. If you can show they are incompetent and/or corrupt, then you **ADD THEM TO THE CRIMINAL COMPLAINT/AFFIDAVIT**.

Key cases:

- Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993)

- General Electric Co. v. Joiner, 522 U.S. 136 (1997)

- Kumho Tire Co., Ltd. v. Carmichael, 526 U.S. 137 (1999)

- E.I. du Pont de Nemours & Co. v. Robinson, 923 S.W.2d 549 (Tex. 1995)

A successful challenge can result in the expert's testimony or report being excluded if:

- The expert is not qualified in the specific area.

- The methodology is not reliable or properly applied. **HERE IS WHERE WE THEM**

- The opinions go beyond the expert's defined area of knowledge or lack sufficient factual basis. **HERE IS WHERE WE THEM**

This applies to custody evaluators, CPS experts, therapists, law enforcement experts, or any witness offering specialized opinions (Texas Rules of Evidence 702-705) and court deadlines apply.

THIRD-PARTY EXPERT REVIEW

Texas law contains provisions allowing a mental health professional to release records to a qualified third-party expert designated by a party for review (see Texas Family Code provisions governing discovery and mental health records, and HIPAA rules permitting disclosures for review purposes). Refusal to provide records to a properly designated third-party reviewer may constitute an improper withholding.

If you designate Dr. Brooks McKenzie or another qualified expert, include their credentials (resume or Curriculum Vitae) and request that records be released directly to them for independent review.

Additional Helpful Information

- Always send requests in writing (email with read receipt or certified mail).

- Maintain a clear paper trail of all requests and responses.

- If a court order appears to restrict access to records you believe you own, document the issue and file a Criminal Complaint (not legal advice).

- HIPAA generally requires covered entities to provide access within 30 days (with possible one 30-day extension).

- Potential constitutional implications (due process and parental rights) may arise if access is unreasonably denied; address through Criminal Complaint and/or licensure revocation.

- For opposing party's records, use formal discovery requests under the Texas Rules of Civil Procedure.

Oversight Agencies

- Texas Behavioral Health Executive Council (BHEC): https://www.bhec.texas.gov/

- HHS Office for Civil Rights (HIPAA complaints): https://www.hhs.gov/ocr/complaints/index.html

- Texas Medical Board (if applicable to psychiatrists): https://www.tmb.state.tx.us/

For more resources and assistance visit https://molaeministeria.org/

Note: This information was compiled from publicly available governmental websites, statutes, and official guidelines. Nothing contained herein is legal advice.

1-Page Instructions: How to Request, Follow Up, and Escalate for Psychological Records (For First-Time Users)

Step 1: Preparation

- Gather case details, evaluator names, and dates of evaluations.

- Prepare your written request using the sample above (customize with specific names and dates).

- Have Dr. McKenzie's CV ready to attach if desired (attached at end of this document; we are **NOT** soliciting business, just providing options).

Step 2: Send the Request

- Send via email (request read receipt) and certified mail with return receipt.

- Set a reasonable deadline (e.g., 10–15 business days).

- Keep copies of everything sent.

Step 3: Document Everything

- Save all responses (or non-responses).

- If partial records are provided, note what is missing.

Step 4: Follow Up

- If no response or incomplete records by the deadline, send a polite but firm follow-up email referencing your original request, HIPAA obligations, and APA Ethical Standard 9.04.

- Give one additional opportunity to comply (e.g., 5–7 business days).

Step 5: Escalate if Necessary

- File a complaint with the Texas Behavioral Health Executive Council (BHEC) online at https://www.bhec.texas.gov/complaints/index.html

- File a HIPAA complaint with HHS Office for Civil Rights at https://www.hhs.gov/ocr/complaints/index.html

- Add all documentation to your master complaint file for law enforcement, legislators, or other agencies.

- Consult an attorney about filing a motion to compel or a Daubert/Robinson challenge if the records or expert opinions are being used in court.

Tips:

- Stay factual and professional in all communications.

- Do not threaten; instead, clearly state you will seek all lawful remedies.

- Update all links and contact information from official websites before use.

- This process builds a paper trail. Persistence and documentation are key.

Act promptly. Outcomes depend on specific facts and any existing court orders. Consult qualified counsel for court-related filings or complex situations.

EXHIBIT A: CURRICULUM VITAE OF DR. BROOKS MCKENZIE

Employment

LBH Research & Consulting, LLC, Fort Worth, Texas **2013 - Present**
President
Independent Consulting & Research, Specializing in Attachment Measures and Training

- Specialize in working with agencies (e.g., non-profits, family courts, etc.) that serve at-risk children. Provide TBRI® training to organizations and families, provide Attachment assessments (AAI, AQS) of adults and children. Provide expert witness testimony, and speaking to impel change in Texas.

Grand Canyon University **2017 - 2018**
Dissertation Chair
Online Dissertation Chair

- Mentor and oversee dissertation process for graduate students

DCCCD, Dallas, Texas **2014 - 2016**
Adjunct Faculty
Campus and Dual-Credit Adjunct Faculty

- Adjunct Psychology Faculty

Texas Christian University, Fort Worth, Texas **2012 - 2013**
Assistant Director of Research
TCU Institute of Child Development

- Administrative and collaborative oversight of all research, research staff, and training activities; TBRI® based research and training.

Texas Christian University, Fort Worth, Texas **2011 - 2012**
Research Scientist
TCU Institute of Child Development

- TBRI® researcher and trainer.

Texas Christian University, Fort Worth, Texas **2006 - 2010**
PhD Candidate and Teaching/Research Assistant
- PhD candidate with research and teaching load.

Dallas MetroCare, Dallas, Texas **2005 - 2006**
Special-Needs Offender Program
- Case manager for high-risk offenders.

Center for Comprehensive Services, Carbondale, Illinois **2004 - 2005**
Rehabilitation Specialist
- Directed psychological interventions for residents who suffered traumatic brain injury.

Education

Texas Christian University, Fort Worth, Texas **2010**
Ph.D. - Experimental Psychology
Emphasis: Developmental Psychology
Expertise: Child Abuse/Neglect/Deprivation, Adult/Child Attachment
Dissertation: *Development of an Adult Attachment Scale*

Cardinal Stritch University, Milwaukee, Wisconsin **2004**
M.A. in Clinical Psychology; Psi Chi Membership
Thesis: *Measures of Self-Esteem, Self-Efficacy, Locus of Control and Depression within the Low-Income Population in Milwaukee, Wisconsin*
***9 months as Forensic Intern with Wisconsin Forensic Unit**

Southwest Texas State University, San Marcos, Texas **2001**
B.S. in Psychology; Cum Laude
Major: Psychology
Minor: Philosophy

Select Publications

Purvis, K., Cross, D., Federici, R., Johnson, D., & McKenzie, L. B. (2007). The Hope Connection: a therapeutic summer day camp for adopted and at-risk children with special socio-emotional needs. *Adoption & Fostering*, *31*(4), 38-48.

Cross, D. R., Kellermann, G., McKenzie, L. B., Purvis, K. B., Hill, G. J., & Huisman, H. G. (2010). A randomized targeted amino acid therapy with behaviourally at-risk adopted children. *Child: Care, Health and Development*, 37, 671–678.

Purvis, K. B., McKenzie, L. B., Kellermann, G., & Cross, D. R. (2010). An attachment based approach to child custody evaluation: A case study. *Journal of Child Custody*, *7*, 45-60.

Howard, A. R., Call, C. D., McKenzie, L. B., Hurst, J. R., Cross, D. R, & Purvis, K. P. (2013). An examination of attachment representations among child welfare professionals. *Children & Youth Services Review*, 35, 1587-1591.

Purvis, K. B., McKenzie, L. B., Cross, D. R., & Razuri, E. B. (2013). A spontaneous emergence of attachment behavior in at-risk children and a correlation with sensory deficits. *Journal of Child and Adolescent Psychiatric Nursing*, *26*(3), 165-172.

McKenzie, L. B., Purvis, K. B., & Cross, D. R. (2014). A Trust-Based Home Intervention for Special-Needs Adopted Children: A Case Study. *Journal of Aggression, Maltreatment & Trauma, 23*(6), 633-651.

Purvis, K. B., Cross, D. R., McKenzie, L. B., Razuri, E. B., & Buckwalter, K. (2014). A Trust-Based Intervention for Complex Developmental Trauma: A Case Study from a Residential Treatment Center. *Child and Adolescent Social Work Journal*, *31*(4), 355-368.

Select Presentations

McKenzie, L. B. & Kowalchuk, R. K. (2004). Psychological Well-Being Within a Low-Income Mid-Western Sample. Paper presented at the meeting of the International Conference for Social Science Research, New Orleans, LA.

McKenzie, L. B., & Cross, D. R. (2008). Preliminary Report: Evidence Based Practices for Tarrant County. Paper presented at the Bridging the Gap Symposium, Fort Worth, Texas.

McKenzie, L. B., Purvis, K. B., & Cross, D. R. (2009). Evidence Based Practices for

Family Law. Paper presented at the Texas Judicial Summit, Fort Worth, Texas.

McKenzie, L. B., Purvis, K. B., & Cross, D. R. (2010). Attachment and the Lifelong Effects of Disruption. Paper presented at the Texas Judicial Summit, Fort Worth, Texas.

McKenzie, L. B., Purvis, K. B., & Cross, D. R. (2012). Understanding the Impact of Attachment for Family Law. Paper presented at the Texas Judicial Summit, Fort Worth, Texas.

McKenzie, L. B. (2014). Attachment and Child Development. Paper presented at the Tarrant County Family Law Bar Association, Fort Worth, Texas.

McKenzie, L. B. (2016). Attachment and Consequences of Global Deprivation. Paper presented at the Centers for Children & Families Conference, San Antonio, Tx.

McKenzie, L. B. (2017). Attachment, Abuse, and Broken Relationships. Paper presented at the All Church Home Conference, Fort Worth, Tx.

McKenzie, L. B. (2017). Custody and Child Development. Paper presented at the Tarrant County Family Law Bar Association, Fort Worth, Texas.

McKenzie, L. B. (2017). Attachment and Related Outcomes for Children. Paper presented at the Centers for Children & Families Conference, Lubbock, Tx.

McKenzie, L. B. (2017). Attachment and Related Outcomes for Children. Paper presented at the Centers for Children & Families Conference, San Antonio, Tx.

McKenzie, L. B. (2017). Attachment, Abuse, and Broken Relationships. Paper presented at the All Church Home Conference, Fort Worth, Tx.

McKenzie, L. B. (2022). Addressing the Breakdown of Our Children, Nuclear Families, and Society. Paper presented at the Young Conservatives of Texas Conference, Dallas, Tx.

McKenzie, L. B. (2022). Addressing the Breakdown of Our Children, Nuclear Families, and Society. Paper presented at the Travis County True Texas Project Conference, Austin, Tx.

Unpublished Manuscripts

Cross, D. R., McKenzie, L. B., Freisen-Swan, M., Nakata, T., & Purvis, K. B. (2010). *Attachment Stability and Change from 12- to 19-months: A Log-Linear Meta-analysis*. Unpublished manuscript, Texas Christian University, Fort Worth, Texas.

McKenzie, L. B. (2004). *Measures of Self-Esteem, Self-Efficacy, Locus of Control and Depression within the Low-Income Population in Milwaukee, Wisconsin* (Unpublished master's thesis). Cardinal Stritch University, Milwaukee, WI.

McKenzie, L. B. (2010). *Development of an Adult Attachment Scale: Preliminary Study* (Unpublished doctoral dissertation). TCU, Fort Worth, Texas.

McKenzie, L. B., Cross, D. R., & Purvis, K. B. (2009). *Differences in Parental CBCL Ratings and Neurotransmitter Profiles for 30 Children: Are Differences Indicative of Dysfunction*? Unpublished manuscript, Texas Christian University, Fort Worth, Texas.

Purvis, K. B., McKenzie, L. B., Rus, A. V., & Cross, D. R. (2011). *A Brief Report of Neurochemical Profiles for 28 Romanian Infants Raised in either Institutional or Biological Settings*. Unpublished manuscript, Texas Christian University, Fort Worth, Texas.

POLITICAL/GOP ACTIVITIES

2022 RPT Convention Houston, TX

- Delegate for Red River County

2024 RPT Convention San Antonio, TX

- Delegate for Red River County
- Priorities 2 of the Top 15 2024
  - Complete Family Law Reform
  - Judicial Accountability
- Rules 2024
  - Rule 44 – closing testimony to save Rule 44 in its entirety
  - Rule 44 – Added the ability to Censure the Judiciary

2025 Legislative Session

- SJR27 – Restructuring the State Commission on Judicial Conduct
- SB293 – Pay increase for judges and many oversight mechanisms to promote accountability

2025 Tarrant County

- Addressing corrupt officials with Chapter 87 Civil Removal; and
- Addressing corrupt officials with formal Verified Criminal Complaints
- GOP Precinct Chair for #2468

2026 State RPT Convention

- Running for State Chair of the Republican Party of Texas
- Bringing judicial and CPS accountability to the RPT in the form of ~20 Platform, Rules, and Legislative Priorities resolutions.

Created by:
Brooks McKenzie, PhD
Brooks@MolaeMinisteria.org
www.MolaeMinisteria.org
972.837.5678