

A newsletter by Taheri & Todoro, P.C., devoted to Driving While Intoxicated law in New York State
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The Role of an Alcohol Counselor in a DWI Case

Over the past several years, alcohol counseling has become an increasingly prominent aspect of DWI. In many cases, defense attorneys will advise their clients to undergo counseling, the prosecutor will require it as a condition of a plea, or the judge will order counseling as part of the defendant's sentence. Moreover, changes to the Vehicle and Traffic Law now make an alcohol assessment a mandatory part of the sentence for some repeat offenders.

But what exactly does alcohol counseling involve? In this issue, alcohol counselor Gerald J. Arevalo, LCSW, of the Village Counseling Center, 3580 Harlem Road, Suite 2, Cheektowaga, New York 14215-2045, (716) 832-8231, answers some of the more common questions about alcohol evaluations and treatment.

1. What factors make up an alcohol evaluation? What can a client expect during the process?

I use a screening test to assess the extent of the client's alcohol problem. The screening test covers the client's personal experiences with drinking, e.g., missing work, family reaction to drinking, attempts to stop drinking, etc. I also interview the client about his or her personal history, family history, and substance abuse record. We address the present and any previous DWI incidents. Thereafter, I discuss the proposed treatment program and advise the client regarding the role of the courts and the Department of Motor Vehicles in handling the case. Many times, an evaluation and treatment program are required for an offender to have driving privileges reinstated. The provider must sign a form that is submitted to the DMV before the client's driving privileges may be reinstated.

The whole process surrounding a DWI can be overwhelming and anxiety producing. I attempt to put my clients at ease by being friendly and sharing my knowledge of the process. The evaluation will assist the client to better understand the procedure and establish that by working closely with his or her attorney, he or she will have substantial support during this process.

2. What does it mean to be "DMV approved" for purposes of an alcohol evaluation or treatment?

The Department of Motor Vehicles reviews a treatment provider's clinical experiences and credentials before approving someone to do DMV evaluations and treatment. I am a NYS Licensed Clinical Social Worker and have also been approved by the DMV based on my 29 years of Social Work and extensive experience with substance abuse treatment.

3. Will health insurance cover the cost of an alcohol evaluation or treatment?

Some agencies participate in health insurance, however, I do not. I made this decision because it gives me some independence without getting buried in the insurance company's paperwork demands. I also feel very strongly that this situation should not necessarily follow a person for life. An alcohol abuse diagnosis on a client's insurance or employment records, for example, could effect his or her applying for life insurance in the future even if the client overcame his or her problem years before.

4. What goes on at a "group" counseling session? How is the session organized, and who leads the discussion?

At the group sessions I conduct, I am the group facilitator and begin by asking any new person to introduce him or herself and briefly describe how he or she ended up in counseling. Often, a person is relieved to know everyone in the room is in the same situation.

I attempt to be engaging and elicit responses from members of the group without being confrontational or threatening. Once the group members begin talking to each other, the interaction that occurs is the therapeutic value of the group process. Learning what has happened to others as a result of DWI convictions helps a person begin to plan on what behavior needs to be changed. Through discussion of the group's common problems, members can begin developing a "harm reduction plan" for themselves to avoid this situation in the future.

5. *What type of information do you include in a report that is prepared for use in court?*

I include the date, what precipitated the evaluation, such as a DWI arrest and the date of the arrest. I then briefly describe the counseling program the client is participating in and how many sessions they have attended to date. I may also include some descriptive information about how cooperative the client is and what are our treatment goals.

6. *How long may a person be in alcohol counseling?*

This is a difficult question to answer. There are many variables to be considered such as how many offenses a person had, does the current situation involve an accident, drugs, or some other mitigating factors, etc. Also, I have to consider the extent to which alcohol is impacting on their lives aside from the arrest. I have had some clients anywhere from 15 to 30 weeks.

7. *Do you ever refer client's to AA? If so, what is the criteria you use to make this determination?*

My personal policy is to refer everyone to AA meetings. The number of sessions I require varies depending on the client's needs. I want everyone to understand the disease of alcoholism and that no one is immune to becoming an alcoholic. I want folks to understand the concept of AA, how to reach them and what happens at a meeting. I want to take the fear and mystique out of the meetings. Even if a client does not necessarily "need" AA now, this will give them some familiarity with the program should they need to attend meetings in the future.

8. *How do you determine how often a client should meet with you?*

I usually meet with a client at our initial evaluation as well as weekly at group, which is either on a Thursday evening or on a Saturday morning. If a client wanted to see me individually for therapy, we would discuss their request or needs.

9. *In general, how much does an alcohol evaluation cost? What does it generally cost for counselling?*

My initial evaluation fee is \$75.00 and each group counseling session is \$25.00. In an effort to keep my fees affordable, I have not raised them in the fifteen years I have been practicing. My fees may not reflect those of other counselors, particularly if they take insurance.

I am from the old school and believe if a client is personally paying for his or her own counseling sessions, they have more of a vested interest in getting something out of each session. I have required clients to pay the fee at the end of each session. The fee is a facet of treatment and has strong therapeutic value.

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If readers have any additional questions regarding alcohol counseling, they are invited to contact Mr. Arevalo at the Village Counseling Center, the Village Counseling Center, 3580 Harlem Road, Suite 2, Cheektowaga, New York 14215-2045, (716) 832-8231 for further information.

This newsletter does not offer specific legal advice. If legal advice or other expert assistance is required, the services of a competent professional person should be sought. If you have any questions or would like a specific topic covered in the newsletter, please contact Michael S. Taheri, Esq., or Peter J. Todoro, Esq., at Taheri & Todoro, PC, 388 Evans Street, Williamsville, NY 14221, telephone no. (716) 633-0374, e-mail: taheri@localnet.com.

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