

Cansford Laboratories

Pioneering drug and alcohol testing



The ultimate
checklist for
organising a
hair drug test
for Family Law

Following procedure in hair drug and alcohol tests is important to safeguarding the legitimacy of the testing process and accompanying results.

As a Family Lawyer, there's a lot of responsibility on your shoulders to make sure the test is reliable and valid. This checklist will enable you keep track of the tasks that need to be completed at each stage of the drug testing process.



How to use this document

Outlined in this document is a checklist detailing the tasks that need to be completed during each stage of the drug testing process. A help guide providing context to the tasks that need to be completed during the drug testing process is also provided. Where appropriate, please enter the information required along the dotted line. Once a task has been completed, mark the associated box with a tick.



1 | Requesting a hair drug test

Please complete the following 5 questions PRIOR to calling the laboratory

- What type of drug and alcohol test do you require? (hair, urine, blood, oral fluid)



- What types of drug(s) you require testing for?



- What is the time period of detection you need testing for? e.g. the last 3 months



- How quickly do you need the test results back? e.g. within the next 5 days



- Will the sample be taken by yourself or a trained collector from the laboratory?



Have you asked the laboratory ...

- What is your experience with hair/blood/urine/oral fluid drug testing?



- Do you have ISO/IEC 17025 accreditation for the drug(s) we need testing for?



- Do you participate in any proficiency schemes?



- During your participation in these schemes, how accurate are the results you have produced?





1 | Requesting a hair drug test

Answering questions from a laboratory

Most drug and alcohol testing laboratories can be found through online research, but to get a quote specific to your case, it's a good idea to give the laboratory a call. Many drug and alcohol testing labs will ask a series of questions concerning the requirements of your test in order to provide an accurate quote. Much of this information can be found on the Court Order provided by the Judge.

For example, the Court Order will detail the type of drug(s) the donor needs to be tested for e.g. cocaine, heroin and methadone.

Laboratories will ask whether the sample will be taken by yourself or if you would like one of the lab's trained collectors to take the sample. Trained collectors follow specific protocols to protect the chain of custody and prevent the sample from being tampered with, ensuring the test results hold up in court as evidence.

Questions to ask the laboratory

When requesting a quote from a laboratory, Family Lawyers should also take the opportunity to conduct a short interview of their own. Not all drug and alcohol testing laboratories are the same and the approach each laboratory takes in the testing process can have a significant impact on the legitimacy of the results and whether they will hold up as evidence in court.

For example, you can be more confident that a laboratory with long-term experience with hair

testing is more likely to produce accurate results compared to a laboratory with significantly less experience.

Similarly, a laboratory with ISO/IEC 17025 accreditation for each of the drugs that you wish to test for is more likely to produce reliable and accurate results. Essentially, laboratories with ISO/IEC 17025 accreditation demonstrate competence, impartiality and validity in their testing procedure for the particular drugs they hold accreditation for.





Proficiency testing is another way to assess the accuracy of a laboratory's testing procedure. Essentially, a proficiency test provider will supply the laboratory with a sample and the laboratory will analyse it and provide a report. Proficiency schemes help laboratories to identify areas of weakness in their testing methodology and where they can improve. Ideally, you would like to see a laboratory participating in a proficiency scheme and produce accurate results upon each proficiency test they complete.

Finally, an important question to ask a laboratory is whether any of their tests have ever been challenged in court. If a laboratory answers 'yes', then you need to consider whether this laboratory is qualified to conduct the hair drug test, as there is a distinct possibility that the results they produce in your case may be questioned in court.



2 | Communicating with your client

Have you ...

- Obtained the informed consent of the donor to undergo the drug test? 
- Provided the donor with details of the laboratory conducting the test allowing the donor to conduct their own research if they wish? 
- Provided the donor with the opportunity to disclose any drug usage before they undergo the test? 
- Asked if the donor is currently taking any medication? 

A request to take a drug test can send a lot of donors into panic mode. Family Lawyers should take the opportunity to reassure their client of the safety of the procedure as well as confirm a series of details of the test.

Firstly, informed consent from the donor to conduct the test must be obtained otherwise the test cannot go ahead. In Family Law cases, often as the test is ordered by the court, failure to provide informed consent for the test to go ahead and failure to provide a sample may reflect poorly on the individual in court and could harm their case.

Donors should also be given the details of the laboratory who will be conducting the test. Some donors who may be feeling apprehensive about the test may wish to conduct their own research on the laboratory or contact the laboratory to resolve any of their questions or worries.

Donors should also be given the opportunity to disclose any drug usage over the period of detection before taking the test. This gives the donor the chance to admit to any drug usage that will be found on the drug test.

Finally, it's important to ask the donor if they are currently taking any medication. Although this doesn't stop the test from going ahead, labs need to know this information to make sure there are no misinterpretations of the results. For example, if the laboratory finds codeine in the sample but this is due to prescription medication, there is a legitimate reason for the presence of this drug which can be relayed to court.



3 | Taking the sample

Have you ...

- Ensured the donor provides official photo ID confirming their identity or provided your own statement confirming the donor's identity, prior to the sample being taken?
- Encouraged the donor to disclose information regarding any medication they are taking?
- Witnessed the sampling process to verify the validity of the sampling procedure?
- Signed documentation verifying the validity of the sampling procedure?

During the sampling process, there are a few procedural elements you need to ensure are in place in order to safeguard the legitimacy of the sampling procedure.

The donor should present official photo ID e.g. passport or driving license with a photo card, prior to sampling in order to confirm their identity. This is important as there have been cases where donors have tried to get someone else to take their place and provide a sample. However, where donor is unable to provide photo ID, a statement confirming the identity of the donor from the solicitor will suffice.

During the sampling procedure, donors should disclose any information concerning medication they are currently taking, as this can be documented and included within the lab's interpretation of the results.

During the sampling process, there needs to be a witness present to observe the sample being taken and to sign documentation verifying the validity of the sampling procedure. This can be the solicitor or another individual who is able to confirm the identity of the donor and is prepared to give evidence in court if necessary. This information can be used to support the validity of the beginning of the chain of custody and confirm that the sample came from the right donor.



4 | Analysis of the sample

Have you ...

- Requested a Witness Statement from the laboratory ?



At this point, there's not much the Family Lawyer can do other than wait for the laboratory to analyse the sample and produce the report. However, there is still an important task Family Lawyers should do at this stage which is requesting a witness statement.

The witness statement outlines the entire chain of custody, explaining what happened when the sample was taken and transported, what happened in the laboratory, what the results were and what they mean. This is a written out Certificate of Analysis which can be used in court to provide evidence that the chain of custody remained uncompromised and the results are legitimate.



5 | Receiving the results

Once you have received the test results, you'll need to discuss the results with your client/donor and explain the next steps regarding presenting the results in court.

The Witness Statement will have a detailed interpretation of what the laboratory found, and should be communicated to the donor in addition to the next steps regarding presenting the results to the court.

Family Lawyers should not make their own interpretation of the results, unless the results indicate "not detected" across the entire list of drugs tested for.



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To find out more or enquire about
hair drug & alcohol testing:

Call: 029 2054 0567

Visit: cansfordlabs.co.uk

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