

**ORDERING EVALUATIONS**  
**CHAPTER 7B AND 50 PROCEEDINGS**  
**“CONSIDER THE WHY”**  
**J. CORPENING**  
 CHIEF DISTRICT COURT JUDGE, 5<sup>TH</sup> DISTRICT

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**INTRODUCTION**

- WHY TALK ABOUT EVALUATIONS?
- WILL COVER COMMON EVALUATIONS
- WILL FOCUS ON KIDS
- WILL COVER BENEFITS AND CONCERNS
- ALL IN THE CONTEXT OF ANSWERING “THE WHY”
- DISCLAIMER
- ???? AS WE GO!

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**CHAPTER 7B PROCEEDINGS**

- COMMON EVALUATIONS:**
  - COMPREHENSIVE CLINICAL ASSESSMENT
  - PSYCHOLOGICAL EVALUATION
  - DEVELOPMENTAL EVALUATION
  - CAPACITY TO PROCEED
  - SEX OFFENDER SPECIFIC
  - CME
  - AUTHORITY: 7B-903(D)

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### COMPREHENSIVE CLINICAL ASSESSMENT

**INTENSIVE CLINICAL AND FUNCTIONAL FACE-TO-FACE EVALUATION OF AN INDIVIDUAL'S PRESENT MENTAL HEALTH, DEVELOPMENTAL, AND/OR SUBSTANCE ABUSE CONDITION THAT RESULTS IN THE ISSUANCE OF A WRITTEN REPORT. THE REPORT PROVIDES THE CLINICAL BASIS FOR SERVICES AND SUPPORTS NEEDED, TREATMENT RECOMMENDATIONS, AND DIAGNOSIS.**

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### COMPREHENSIVE CLINICAL ASSESSMENT

**WHY ORDER?**

- REQUIRED PRIOR TO DELIVERY OF SERVICE
- MCO USES IN LEVELING SERVICE DELIVERY
- MCO WON'T ACCEPT PSYCHOLOGICAL
  - UNLESS LEVEL 4 PLACEMENT REQUESTED
  
- CAN BE DONE BY ANY NORTH CAROLINA LICENSED THERAPIST (EASIER TO FIND AND SCHEDULE)
- CONCERN: MISSES THE DEPTH OF PSYCHOLOGICAL EVALUATION

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### PSYCHOLOGICAL EVALUATION

**WHY ORDER?**

- WHAT IS THE NEED?
- MAY BE NEEDED TO ADEQUATELY DIAGNOSE AND TREAT
- MORE DETAILED THAN CCA
- INCLUDES CLINICAL INTERVIEW, IQ, PERSONALITY, AND OTHER TESTING
- WILL NEED TO ADD AT LEAST IQ TESTING FOR LEVEL 4 PLACEMENT (IN ADDITION TO CCA)

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### PSYCHOLOGICAL EVALUATION

- USEFUL TO ANSWER CAPACITY TO PARENT FOR ADULTS IN 7B DSS CASES**
  - TAKES INTO ACCOUNT DEVELOPMENT AND NEEDS OF CHILD
  - HELPFUL IN STRUCTURING SERVICES
  - HELPFUL IN ASSESSING LIKLIHOOD OF SUCCESS
  
- **RESOURCE: AMERICAN PSYCHOLOGICAL ASSOCIATION: GUIDELINES FOR PSYCHOLOGICAL EVALUATIONS IN CHILD PROTECTION MATTERS**

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### PSYCHOLOGICAL EVALUATION

- CONCERNS:**
  - TYPE OF EVALUATION NEEDS TO BE CLEAR
  - CAN VARY WITH PROVIDER
  - EXPENSIVE
  - QUALIFICATION OF PROVIDER MAY VARY BASED ON REASON FOR EVALUATION
  - WHO PAYS?
    - 7B-904: PARENT
    - DSS
    - COUNTY: 7B-2502

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### DEVELOPMENTAL EVALUATION

- WHY ORDER?**
  - DELAYS SUSPECTED?
  - MAY ORIGINATE WITH DEVELOPMENTAL MONITORING/SCREENING BY PEDIATRICIAN
  - DELAYS MAY BE SIGN OF SOMETHING VERY SERIOUS
  - RISK FACTORS FOR KIDS INCLUDE: SEVERE POVERTY, POOR NUTRITION, LACK OF CARE (LOTS OF OUR CASELOAD)
  - PART OF OUR RESPONSIBILITY: 7B-900
  - KEY COMPONENT OF EDUCATING CARE PROVIDERS/PARENTS

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### DEVELOPMENTAL EVALUATION

- WHO SHOULD PERFORM?**
  - HIGHLY TRAINED PROFESSIONAL
  - DEVELOPMENTAL PSYCHOLOGIST OR DEVELOPMENTAL PEDIATRICIAN, OR PEDIATRIC NEUROLOGIST
  - MAY HAVE A CHILD DEVELOPMENT CENTER WITH MULTIDISCIPLINARY TEAM TO EVALUATE
- COST?**

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### CAPACITY IN DELINQUENT PROCEEDINGS

- WHY ORDER?**
- RESOURCE: CINDY COTTLE: "CAPACITY TO PROCEED IN JUVENILE DELINQUENT PROCEEDINGS: A DEVELOPMENTAL PERSPECTIVE." ADVANCED JUVENILE LAW AT SOG, MAY 11-12, 2016**
- CONCERNS**

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### SEX OFFENDER SPECIFIC EVALUATIONS

- DELINQUENT COURT SETTING**
- WHY ORDER?**
- 7B-2500: PURPOSE OF DISPOSITION IS TO MEET THE NEEDS OF THE JUVENILE, PROMOTE SAFETY, PROVIDE APPROPRIATE TREATMENT**
- SPECIALIZED SUBSET OF PSYCHOLOGICAL EVALUATIONS**
- KEY TO APPROPRIATE TREATMENT**

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### SEX OFFENDER SPECIFIC EVALUATIONS

- CONCERNS**
  - WHAT IF NOT RECOMMENDED?
  - COST
  - PROVIDER AVAILABILITY
  - HOW DO WE RESOLVE THESE CONCERNS?

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### SUBSTANCE ABUSE ASSESSMENT

- WHY ORDER?**
- IF INDICATED, SIMPEST OF ALL TO ARRANGE**
- USUALLY MULTIPLE PROVIDERS**
- GATEWAY TO TREATMENT**

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### CHAPTER 50 CHILD CUSTODY

- COMMON EVALUATIONS (FOCUS ON KIDS)**
  - CHILD CUSTODY EVALUATION
  - DEVELOPMENTAL EVALUATION
  - PSYCHOLOGICAL EVALUATION
- **AUTHORITY: RULE 35 NCRCP**

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### CHILD CUSTODY EVALUATION

**WHY ORDER?**

- FOCUSES ON PARENTING ATTRIBUTES, THE CHILD'S PSYCHOLOGICAL NEEDS, AND THE RESULTING FIT
- USEFUL ESPECIALLY:
  - UNDIAGNOSED/UNTREATED MENTAL HEALTH/SUBSTANCE ABUSE ISSUES IN THE CASE
  - PARENTAL ALIENATION
  - HIGH CONFLICT CASES
  - CHILDREN ACTING OUT FOR NO APPARENT REASON

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### CHILD CUSTODY EVALUATION

**CONCERNS:**

- COST
- USED TO SHIFT DECISION MAKING
- MANIPULATION OF PROCESS
  
- RESOURCE: AMERICAN PSYCHOLOGICAL ASSOCIATION: GUIDELINES FOR CHILD CUSTODY EVALUATIONS IN FAMILY LAW PROCEEDINGS

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### PSYCHOLOGICAL EVALUATION

**WHY ORDER? (FOR CHILD)**

- VERY DIFFERENT THAN 7B PROCEEDING
- MUST BE IDENTIFIED NEED
- TEENAGERS: MAY BE HELPFUL IN DETERMINING BEST INTEREST
- YOUNGER CHILDREN: MAY ALSO BE HELPFUL IN DETERMING BEST INTERESTS

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### PSYCHOLOGICAL EVALUATIONS

**CONCERNS:**

- COST
- OVER UTILIZED
- THEORY: THESE AREN'T 7B PARENTS. IF PROBLEMS EXISTED, WOULDN'T THEY HAVE ALREADY ADDRESSED?

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### DEVELOPMENTAL EVALUATIONS

**WHY ORDER?**

- MAY BE SERIOUS
- ONE COMPONENT OF BEST INTERESTS: WHICH PARENT CAN BEST MEET NEEDS OF CHILD? (NEED TO KNOW NEEDS!)
- OBLIGATION OF COURT TO INSURE THAT CHILD CAN HE IN THE HOME OF PARENT AND BE SAFE
- WILL ENABLE COURT TO ADDRESS PARENT EDUCATION

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### DEVELOPMENTAL EVALUATIONS

**CONCERNS:**

- COSTS
- QUALIFICATION OF PROVIDER
- HONESTY OF THE PARENT(S)

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## CLOSING

- IMPORTANT ISSUE
- CONSIDER THE WHY AT EVERY STEP
- WHAT'S AT STAKE?
- INDIANA JONES AND THE LAST CRUSADE

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