

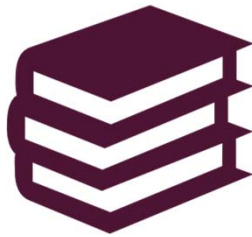
CHILD FAMILY EVALUATIONS: WHAT PARENT ATTORNEYS NEED TO KNOW

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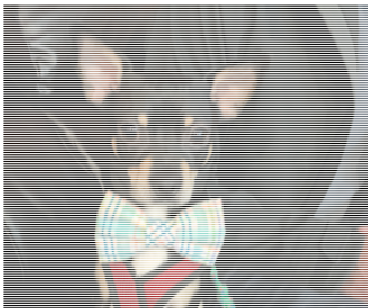
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INTRODUCTION

- Dr. Kristy Matala
- Licensed Psychologist
- MA and PHD in Clinical Psychology
- CFE examiner since 2009



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WHAT A CFE IS NOT

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|---------------------------------|---|
| Psychological Evaluation | • Determines a clinical diagnosis |
| Custody Evaluation | • Results in an opinion regarding custody and visitation in the best interests of the child |
| Parental Competency Evaluation | • Assesses a person's capacity to parent |
| Child Medical Examination (CME) | • Physical examination of a child by a medical professional |

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WHAT IS A CFE?



- Designed to assist Child Protective Services in investigations of alleged child abuse and neglect
- Forensically-informed mental health evaluation
- Funded through federal funds and state appropriations
- Only used when there is an open, active investigation
- Goal is to assist in decision-making with an emphasis on treatment planning

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FORENSICALLY-INFORMED EVALUATIONS

- The methods and procedures must be defensible as objective, appropriate, and commonly accepted in the field.
- The evaluations are designed to consider a range of reasonable perspectives and viewpoints, including that of the alleged abuser, when possible.
- The evaluations are designed to identify and test plausible, alternative hypotheses to explain the data.
- The evaluator should attempt to obtain independent verification or corroboration of all essential data relied upon for his or her opinion.

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WHO CAN CONDUCT A CFE

- Examiners are typically doctoral-level mental health professionals or experienced master's level clinicians who are licensed in the state of North Carolina.
- Master's level professionals are eligible to be associate examiners and they must be directly mentored by a rostered examiner.
- The credentialing process involves:
 - Completing application materials and providing a copy of their NC clinical license.
 - Current CV
 - Documentation of completion of a two-day workshop on limited forensic evaluations sponsored by the CFE Program.
 - Documentation of at least 18 credit hours in child forensic interviewing.
 - Examiners must re-apply every two years and have a minimum of 10 CE hours in the area of child abuse or neglect.

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COMPONENTS OF A CFE

UNC Approval Forms
Background Information
Referral Questions
Record Review
Forensic Interviews
Parent/Perpetrator Interviews
Collateral Interviews
Behavioral Checklists
Findings
Recommendations

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PRIMARY FOCUS OF A CFE

- CFEs typically address the following types of questions:
 - What is the likelihood that the child has been abused and/or neglected? Who is the likely abuser and what is the nature/extent of the abuse?
 - Is the child safe from abuse and/or neglect in their current living situation? If not, what interventions are necessary to ensure the child's safety?
 - What recommendations can be offered on behalf of this family?

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CHILD INTERVIEWS

- With some exceptions, a minimum of two individual interviews with the alleged child victim is expected.
- The interviews serve several purposes, including:
 - Facilitating disclosure of any abuse/neglect that may have occurred.
 - Assessing the probability of genuineness of the child's allegations from a multi-hypothetical perspective.
 - Exploring and clarifying the factors contributing to the child's presentation.
 - Assessing the impact of the alleged abuse.
 - Determining what, if any, therapeutic interventions are needed.



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CHILD INTERVIEWS CONT.

- Interviews should occur in an office setting.
- No one other than the examiner should be present in the room with the child during diagnostic/forensic interviewing.
- Ongoing therapy is often temporarily suspended during a CFE so as not to interfere with the evaluation process. Therapy can resume as soon as the child has been interviewed.
- It may be necessary to have a joint session with the parent and child if the child is unable to separate from the parent or caregiver. However, no diagnostic/forensic interviewing should take place prior to the child being able to separate from the parent.

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MORE ON CHILD INTERVIEWS

- Fantasy-based play therapy should be avoided. Keep the interview on track with a primary focus on information gathering, rather than allowing or facilitating fantasy play.
- It may be useful to allow some undirected play during which the examiner observes the child and notes any themes that reflect abuse, violence, trauma, etc.
- Modalities that may be used in a therapy setting to elicit information are not appropriate in a forensically informed evaluation (music, dance, etc.). Any drawings should be concretely representative of the child's experience rather than symbolically representative.
- The alleged abuser should not accompany or transport the child to the interviews. It is strongly recommended that contact between the child and alleged abuser be strictly limited or eliminated.
- In cases with siblings, all children should be interviewed individually and no interviewing related to the allegations should be conducted jointly with siblings.

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RADAR RECOGNIZING ABUSE DISCLOSURE TYPES AND RESPONDING

- Highly structured, evidence-based interview for children ages five and over.
- Developed by Mark Everson, PhD and Chris Ragsdale at UNC as a modification of the NICHD Investigative Interview Protocol developed by Michael Lamb and his colleagues. The RADAR includes enhancements for use with children and adolescents who are not in the active disclosure phase.
- Components:
 - Introduction and rapport building
 - Ground rules
 - TruthVile
 - Narrative practice
 - Assessing for barriers
 - Transition to allegations
 - Allegation-based questions
 - Body Safety Module
 - Transition to neutral topics/closure

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COACHING

- What is coaching?
 - Can include telling kids what to say or telling them what NOT to say.
- Signs of coaching
 - Is the child prepared for the interview?
 - Adult language.
 - Unable to provide more details in response to questioning.
 - Use of the same phrases as adults.
- What if coaching is suspected?
- Prevalence?
 - False allegations made by children are rare (1 to 4% of allegations). Most false allegations are made by adults.



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INTERVIEWING PRIMARY CAREGIVERS OF PERPETRATORS

LET'S TALK

- Obtain a detailed history about the child.
- Gain their perspective on the allegations.
- Interviews should be done individually and without the child present.
- Unless prohibited, interviews with the alleged abuser are encouraged, especially if they are a parent.
- Gather data for testing alternative explanations for the allegations.
- If a caregiver is not available for the interview, they should be invited to come there.

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COLLATERAL INTERVIEWS

- Face-to-face or telephone interviews with relevant collaterals or witnesses who may have significant bearing on the referral questions are expected.
- For professionals, the examiner must obtain a Consent to Release Information from the parent or DSS if they have custody of the child.
- It is expected that the examiner make an effort to speak with the child's teacher or daycare provider.
- The child's therapist and close family members should be interviewed, if possible.
- The person to whom the child first disclosed is expected to be interviewed.

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BEHAVIOR CHECKLISTS

- A screening of possible emotional or behavioral problems affecting the child is expected to assess the possible need for treatment. There are a number of instruments that can be used. These rating scales are generally completed by the child's primary caretakers.
- Some examples of behavior checklists:
 - Child Behavior Check List (CBCL)
 - Behavior Assessment Scales for Children (BASC)
 - Child Sexual Behavior Inventory (CSBI)
 - Trauma Symptom Checklist for Young Children (TSCYC)
 - Older children can be directly administered some assessments



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CONCLUSIONS

- Address referral questions.
- Conclusions about abuse or neglect should be phrased in terms of the likelihood or probability that the allegations are valid.
- The Court and DSS are the trier of fact and thus the ultimate decision-maker; A definitive statement (the child was abused by their father) is inappropriate.
- Alternative hypotheses should be explored and explained. A limited summary of the data that supports each hypothesis should be included. An indication of which hypothesis is most likely valid and a rationale for this opinion should be included.
- Use of multi-hypothetical model is essential in conducting a forensically sound evaluation to promote an objective, unbiased, and balanced approach by the examiner.

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RECOMMENDATIONS

- Usually aimed at treatment.
- Can include recommendations for further evaluation of the child and/or parents.
- Can only make safety recommendations regarding parent contact with child.
- The examiner should be cautioned about responding to questions that relate to issues that fall outside the scope of a CFE. For example, no recommendations should be offered regarding custody.
- Case conference: At the conclusion of the evaluation, the examiner may schedule a case conference with the social worker and parents to explain the results and recommendations.

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RELEASE OF CFE REPORT AND RECORDS

- No CFE records should ever be released in response to a subpoena. A Court Order is required before any CFE records can be released.
- All records and materials used to complete the CFE are considered part of the CPS record.
- Any requests for copies of the report should be directed to DSS.
- No information can be shared with a parent's private attorney unless by Court Order or written consent from DSS.

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THINGS TO LOOK FOR WHEN REVIEWING A CFE

- Evaluator Bias
 - Did the evaluator start with unbiased hypotheses?
 - Is the evaluation focused on one perpetrator or event?
 - Dual roles
- Was the child influenced?
 - Who had access to the child prior to the interview?
 - Look at the words used by the child.
- Leading or suggestive questioning



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THE CFE IN COURT



Must have a Court Order to compel the examiner to testify.



The attorney who subpoenas the examiner is responsible for paying expert witness fees.



It is recommended that the attorney discuss testimony ahead of time with the examiner.

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OTHER SCENARIOS

- What if parents refuse to cooperate?
 - Can get a court order.
 - Only one parent needs to consent if both parents have custody.
 - Evaluation can still be completed.
- What if parents revoke consent later?
 - CFEs in private situations/without DSS involvement.
 - Consultation.

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