APA Guidelines for Evaluations in Child Protection Matters

In February, 1998 the American Psychological Association Committee on Professional Practice and Standards published these guidelines to assist clinicians in ensuring that evaluations are done ethically, responsibly, and with scientific rigor. It is noted that almost 2,000 infants and youngsters die from abuse and neglect each year. One study revealed that 5.4 out of every 100,000 children age four and under die from child abuse. Each year, 18,000 children are left permanently disabled. These guidelines "suggest", but do not "mandate", specific recommended professional behavior or conduct.

Child protection laws try to balance parents' civil and constitutional rights in caring for their children with a child's need to be protected from abuse and neglect. Under the legal concept of *parens patriae*, all states have the right to intervene in cases where a child is at risk. Intervention can occur at three stages:

1. An investigation following a report of suspected child abuse.
2. The assumption of care or custody of a child who is at a sufficient risk of harm.
3. When rehabilitative efforts have failed to create a safe environment or if the child has been returned unsuccessfully.

Mental health professionals are often asked to answer questions like:

1. How seriously has the child's emotional well-being been affected?
2. What kind of therapy would be recommended to help the child?
3. Can the parent(s) be successfully treated to prevent harm to the child in the future?
4. What would be the psychological effect upon the child if returned to the home?
5. What would be the psychological effect upon the child if separated from the parents?

It is important in these cases to consider some (or all) of the following concerns:

- Evaluations of the parent(s) and/or the child individually or together.
- Gather information on family history
- Assess relevant personality functioning
- Assess developmental needs of the child
- Explore the nature and quality of parent/child relationships
- Assess evidence of trauma
- Consider specific risk factors such as:
  - Substance abuse
  - Chemical dependency
  - Domestic violence
  - Financial circumstances
  - Health status of family members
  - The entire family context
  - Cultural factors
  - Educational factors
  - Religious factors
Community factors

These guidelines are broken down into "Orienting Guidelines", "General Guidelines", and "Procedural Guidelines". There is also a fairly extensive glossary as well as a list of relevant references.

1) Orienting Guidelines
   a) "The primary purpose of the evaluation is to provide relevant, professionally sound results or opinions, in matters where a child's health and welfare may have been and/or may in the future be harmed"
      i) The purpose of the evaluation is defined by the nature of the complaint. During the investigation, the purpose is often to help in determine whether the child has been harmed.
      ii) After the investigation phase, the focus may be on rehabilitation recommendations designed to protect the child.
      iii) There may be a request to provide recommendations to facilitate the psychological and physical well-being of the child.
      iv) Reunification of the family is often the goal
      v) When termination of parental rights is being considered the primary question involves the likelihood that continued rehabilitation efforts will be effective.
   b) The child's interest and well-being are of primary importance.
      i) When the child's safety is in question, the child's right to be free from physical or psychological harm are paramount
      ii) In proceedings where involuntary termination of parental rights is considered, the focus also has to be on whether the parents have been or can be rehabilitated.
   c) "The evaluation should address the particular psychological and developmental needs of the child and/or the parent(s) that are relevant to child protection issues such as physical abuse, sexual abuse, neglect, and/or serious emotional harm."
      i) Parental capacities that need to be focused on include:
         (1) The adult's capacities for parenting
         (2) The psychological functioning and developmental needs of the child as they relate to:
            (a) Vulnerabilities
            (b) Special needs
            (c) Strength of the child's attachments to the parent(s)
            (d) Possible detrimental effects of separation from the parent(s)
         (3) Current and potential functional abilities of the parent(s) to meet the child's needs
         (4) An evaluation of the relationship between the child and the parent(s)
         (5) The need for and likelihood of success of clinical interventions.
            (a) Recommendations regarding treatment focus
            (b) Recommendations about frequency of sessions
            (c) Specialized interventions needed
            (d) Parent education needs
            (e) Placement needs

2) General Guidelines
a) The role of the professional is that of an expert who seeks to remain unbiased and objective
   i) The professional should not act as a judge, or as an advocate for any particular party
   ii) The professional must aim to be objective
   iii) As much as possible the professional should rely on scientifically and professionally derived knowledge
   iv) If the professional cannot be objective there are only two options:
       (1) Withdraw from the case
       (2) Disclose factors that may bias findings and/or compromise objectivity
b) Recognize that the serious nature of the issues carry a heavy burden
   i) Be alert to any factors that could result in a misuse of findings
   ii) Since the legal implications are so profound, it is extremely important for the professional to insure the objectivity of the assessment procedure and findings.
c) The professional should seek to gain specialized competence in child-protection matters
   i) Competence in performing evaluations of children, adults, and families is necessary, but not sufficient
   ii) Useful training includes:
       (1) Education, training, experience, and/or supervision in forensic practice
       (2) child and family development
       (3) child and family psychopathology
       (4) the impact of separation on the child
       (5) the nature of various types of child abuse
       (6) the role of human differences
   iii) Reasonable efforts to use current knowledge need to be made.
   iv) The professional should become familiar with appropriate legal and regulatory standards and procedures
d) Maintain awareness of personal and societal biases
   i) Biases can be injected regarding:
       (1) Age
       (2) Gender
       (3) Race
       (4) Ethnicity
       (5) National origin
       (6) Religion
       (7) Sexual orientation
       (8) Disability
       (9) Language
       (10) Culture
       (11) Socioeconomic status
   ii) Stay aware that there are varied methods of child rearing
e) Avoid multiple relationships
   i) Do not complete an evaluation on someone for whom therapy has been provided
   ii) Do not accept, during the course of the evaluation, any of the participants involved in the evaluation as therapy clients.
   iii) Be wary of performing therapy with a participant following a child-protection evaluation
iv) Be aware of the limitations and biases involved in testifying about a therapy client who is involved in a child protection case.

v) Maintain an awareness of the differences in roles and methods between being a psychotherapist and a child-protection evaluator.

3) Procedural Guidelines
   a) Remember that the scope of the evaluation is determined by the evaluator
      i) How the evaluation proceeds should be based upon consideration of the referral questions and the appropriate methods by which to evaluate them
      ii) The evaluation may involve assessing one parent, both parents, only the child, or all relevant parties.
      iii) The scope may be limited to evaluating the assumptions and methodology of another professional's assessment.
      iv) Remain aware of issues not anticipated in the referral questions
      v) Professionals are sometimes asked to serve as "pure experts" in child development, social psychology, etc.
   b) Make sure proper informed consent from all adult participants is obtained.
      i) Since these evaluations are performed at the request of an agency or court, and since the legal issues are so complex and potentially serious, informed consent is particularly important.
      ii) Educate the participant about:
         (1) The nature of the evaluation
         (2) The purpose of the evaluation
         (3) To whom will the results be provided
         (4) The role of the professional in relation to the referring party
      iii) Provide this information in language understandable to the recipient
      iv) Explain to the child the nature of the evaluation and make it clear that his/her safety is the primary concern. Make sure the child knows that information will be shared with others.
      v) Allow time for questions by the child and answer them in an understandable manner.
   c) Inform participants about disclosure and limits of confidentiality
      i) Make sure that the participants are aware of the limits of confidentiality
      ii) Provide a clear explanation of the nature of the evaluation and to whom it will be released
   d) Use multiple methods of data gathering
      i) Consider the use of:
         (1) Clinical interviews
         (2) Observation
         (3) Psychological testing
         (4) Review of relevant reports from:
            (a) Child protection agencies
            (b) Social service providers
            (c) Law enforcement agencies
            (d) Health-care providers
            (e) Child care providers
            (f) Schools
         (5) Observe the parent and child together if possible
(6) Obtain collateral information if available
e) Do not over-interpret data
   i) Do not draw conclusions that are not adequately supported by data
   ii) Interpret data from interviews or tests cautiously and conservatively
   iii) Acknowledge limitations in methods and data used
   iv) Take defensiveness and guardedness into account
f) Only provide opinions and recommendations after the evaluation is completed
g) Recommendations should be based on whether the child's health and welfare have been
   and/or may be seriously harmed
h) Make sure that financial arrangements are clearly outlined
   i) Finances must be arranged prior to conducting the evaluation
   ii) Accurately describe the services that are billed.
i) Maintain appropriate records
   i) All records, including raw data and interview information, are recorded with the
      understanding that they may be reviewed by other psychologists, the court, or the
      client.