Elements of Forensic in Protection of Children against Abuse and Exploitation: Parental Responsibility and Child Custody Dispute

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Abstract
The work of psychologists was formerly limited to hospitals, clinics, schools, and industries, but today psychology has extensively expanded to various aspects of human endeavors. Invariably, such expansions open new challenges and tasks in the field of psychology. Presently, mental health professionals are retained or consulted for forensic expert opinions in purely legal cases that involve child abuse, neglect, guardianship, and custody. In criminal cases, issues such as competency to stand trial, prediction of future violence, and the dangerousness of the defendant are included in the work description of forensic psychologists. Over and above all, today psychologists are utilized in court as expert witnesses. With such development, one may envisage some professional controversy between lawyers and psychologists, but researchers elucidate that the presence of psychologists in the courtroom will not, in any way, appropriate the duties of the attorneys. Rather, the expertise of psychologists in behavior science assists the court in identifying and deciphering behavior patterns, which otherwise could jeopardize fairness and justice, and undermine the very core of the legal system. This paper takes into consideration the importance of forensic psychology in determinations of child custody. It is designed to analyze and synthesize the roles and expectations of a forensic psychologist in the event of child custody disputes, and how his or her specialized training and experience contributes to elevate the quality of justice system.

Introduction
A psychologist is a specialist in mental health problems. When the presumption of a mental disorder becomes a deterrent to the pursuit of justice, the psychologist’s expertise may be sought, and his or her witness in court concerning the issue at hand may shed light on the propensity of the case (Turner, DeMers, Fox, & Reed, 2001). According to American Psychiatric Association (DSM-IVTH 2000), a mental health problem is a psychological syndrome associated with

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distress, impairment in the important area or area of functioning, or significantly increased risk of death, disability. It is associated with the loss of freedom, occurring not merely as a predictable response to a disturbing life event, but assumed to be a manifestation of psych-bio-chemical imbalance (DSM-IV 2000). The ICD-10 presents a more clinical proficiency when it assigns to mental health problems the metaphor “deviant pattern of behavior” which transcends the normal behavioral projection of a person. Therefore, mental problems are deficiencies or defectiveness in a person’s behavior, which impairs reasoning, will power, and decision-making ability to the point that normal human functioning may be affected.

The law recognizes that, depending on its severity, mental deficiency or defection can render one incompetent to defend himself in any charge against him or her. Consequently, an individual can be acquitted by reason of insanity (a legal terminology for mental disorder). The reason is that, according to legal, psychological, and common sense perceptive, where a mental problem impairs one’s pattern of reasoning, it also impairs his ability to discharge his or her legal responsibilities. The M’Naghten’s rule (1843) (also referred to as the “right-wrong” test), influenced ways the law views persons with mental infirmity, and made it necessary for the court to seek the help of mental health professionals in determining the parameter of insanity (Hess & Weiner, 1999). Originally enacted in England, the M’Naghten rule was later adopted in the United States to standardize insanity requirements in the legal system. The rule requires that for individuals to be guilty under the law, mental capacity must be such that the defendant was aware of the nature of the crime being committed and must be rationally normal, before, during, and after the act.

**Scopes and Definitions**

One important caveat in the scope and definition of forensic psychology or the expert witness in psychology is that mental health professionals do not enjoy the same “royalty” with legal practitioners in the court of law, since the two professions are worlds apart (Grisso, 1987). Invariably, psychology and the law deal with the processing of human conduct, action, and behavior, even though their mode of operation and end product may differ significantly. According to Black’s Law Dictionary (1979), law is “[t]hat which is laid down, ordained or established…. rule or method to which phenomena or actions coexist or follow each other…. in its generic sense [law] is a body of rules of actions or conduct prescribed by controlling authority, and having binding legal force” (p. 795).
According to Brodsky (1998), the law could do little or nothing in its pursuit of justice and fairness if it ignores the complexities and deceitful components that exist in human actions. In their contributions, Blau (1998) and Borum (1998) maintain that from the standpoint of the disengaged observer, the most overwhelming feature of the social system is the integrality and seamless symbiosis of controller and controlled. In order to settle a dispute, the court is expected to make “decisions” based on “evidence”. Law, in this way can be considered as a problem-solving profession because it translates knowledge, values, and ideas into a just and workable plan in which the work of lawyers and legal scholars is likely to be most useful (Shapiro, 1998; Turner, DeMers, Fox, & Reed, 2001).

Forensic psychology is a field of applied psychology devoted to psychological aspects of legal processes. The term is increasingly applied to criminological psychology, but its domain cuts across all spheres of legal and behavior phenomenon, sometimes referred to as psycholegal. The duty of a forensic psychologist is to refrain from a selective presentation of data, which often conflicts with the basic nature of adversarial systems in which each side in the dispute presents evidence favorable to its position and unfavorable to the position of the other party. Through direct and cross-examinations of witnesses, and the introduction of rebuttal evidence, a true picture of the case will be created on which the trier of fact (the judge or jury) can make a decision. Justice infers that every individual be given substantial opportunity for a fair trial in the court (King, 2000; Schaefer, 2001). Invariably, the pursuit of justice via the adversarial system, on one side, and the pursuit of “substantial evidence” by mental health professionals, on the other, rest on different conceptualizations, procedures, and values (Melton, Petrila. Poythress, & Slobogin, 1997). Among the categories of interests promoted by the modern legal justice system are the protection and defence of fundamental and constitutional rights of children and families and the best interests of the child, and community interests that may be compromised by delinquent behaviors of juveniles brought up in dysfunctional homes.

A derivative understanding of behavioral sciences as well as an understanding of legal proceedings is needed to meet the objectives. In addition, the possession of knowledge and the professional experience of the forensic psychologist in areas relevant to the case in question is a crucial facet (Blua, 1998; Hess & Weiner, 2000; Melton et al., 1997; 2001). Moreover, assessment procedures, statutes and case law specific to the psychological issue being addressed, expertise and familiarity with the special legal and ethical issues that attach to forensic evaluation and the role of the expert witness, consultation skill, knowledge of how to write a forensic report, and sensitivity to issues concerning the need for careful preparation to testify and
ability to identify admissible materials, appropriate courtroom demeanor, and the effective presentation of oral testimony are inevitable requirements (Blua, 1998; Schaefer, 2001).

Initial Contact from the Referral Sources
This is the first time the forensic psychologist has contact with a referring source, which can be in person, in writing or on the telephone. Apart from been retained or appointed by the court, an expert witness can also be retained by an attorney, organization, industry, family, or individual. According to Metlon and colleagues (1997) and Blau (1998) the initial contact with the referral source is extremely important because it is within this time that “the parameters of the evaluation must be established…” (Schaefer, 2001, p. 1096).

Therefore, it is incumbent on the forensic psychologist to define the expectation of the referral sources. In the event of specificity and detailed information, a prudent and conscientious mental health expert witness must discuss the following issues with the referral source before any case is accepted:

1. Facts of the case: The projective understanding of the nature, dimension, and the demands of the case to be handled. Here the practitioner must distinguish between his or her role as a therapist or expert witness. There must be a need to streamline the limit of knowledge in the area and the parameter of the service to be given. For example a forensic evaluation is not the same thing as a clinical evaluation, and clinicians are not required to engage in therapeutic sessions with clients.

2. Hypothetical question(s): These are questions upon which expert opinion is elicited and form the focus of investigation, evaluation, and report. Therefore, hypothetical questions must be clear and direct and must reflect the objective and the expectation of the retaining party or the attorney. Furthermore, the necessity of asking for hypothetical questions early is to help expert psychologists understand what is expected and to make up their minds on whether to accept the case or to decline the offer for a more competent and experienced expert.

3. Parameter of service: Identify the client(s) and determine whether you possess substantive knowledge and skill in the area of psychology related to the forensic issues you are expected to work on (Turner, DeMers, Fox, & Reed, 2001).

4. Contact telephone number of the contact person: Ask for the contact person in the case. In many cases, the person who makes the initial call to the expert’s office might not give “general knowledge” about the case. For example, in court appointed cases, the Clerk of the court or the Judge may call, but the person that would give needed information (contact person) may be different.
5. Favorable time to call: In order to avoid frustration associated with unavailability of the contact person when information is urgently needed, an expert psychologist should ascertain for a favorable time to call. This arrangement makes it better on both sides for easier accessibility (Golding, 1992).

6. Anticipated court date, location, address, and telephone numbers: What an expert witness should not want to happen is to miss a hearing, come late on a hearing day because of lack of clarity with date, time, location and inability to contact the Clerk of the court for clarifications. For this reason, sufficient information about the court and the hearing must be ascertained at the initial contact.

7. Availability of clients: When referral is from the court or retained by attorney, the psychologist should know the condition, availability, and accessibility of client(s). The condition of clients and the situation of the case may present some difficulties in conducting interviews, tests and examination of client(s). In some cases judges may limit the number of hours a client can go to the psychologist. Therefore, it is proper for the psychologist to know these limitations before accepting the case. In an arrangement where professionalism and ethical conduct are threatened and jeopardized, an expert psychologist can always refuse the case.

8. Authorization to retrieve records and documents: A prudent and experienced practitioner will not embark on a forensic evaluation without first having thoroughly explored the pertinent issues surrounding the client’s situation before the decision of divorce is reached. In most part, a practitioner must rely on comprehensive information retrieved from varieties of institutions and facilities that can provide valid and corroborative information that will be helpful to case. Therefore, forensic psychology must obtain authorization to retrieve documents from hospital, school, etc. It is pertinent that these documents be reviewed before the practitioner arranges for the initial contact with the client or clients.

9. Fee arrangements: The cost of the service and who will be responsible for payment should be clarified with referral source. It is necessary that practitioners enquire about their fee and how it will be paid. If the client will be responsible for the payment, fees and payment polices should be discussed and established (Blau, 1998). It behooves the practitioners to require payment in advance of testifying in court in order to enhance the likelihood that the fee will be paid and to prevent a situation where the desire to collect fees would influence forensic findings, results, and opinions (Blau, 1998).

Initial Contact with Client(s)
If mutual agreement is reached by and between the referral source and the practitioner, the next step is usually an interview with the client. It is important, however, to remember the difference between forensic evaluation and clinical evaluation since “individuals assessed for legal purposes differ from other patients…” (Schaefer, 2001, p.1096). This means that the client-psychologist relationship may take a different dimension in that in a clinical setting, patients may be reluctant to participate in the evaluation process, whereas, in forensic evaluation, clients “may be motivated by real or perceived coercion, and are subject to other influences that are inherent in the adversarial context.” (p.1096). In forensic evaluation, the forensic expert witness, whether appointed by the court, retained by an attorney, organization, or individual client, should understand that the session is not treatment or therapy-oriented. The client(s) must be informed about the use of the psychological evaluation. He or she must sign an informed consent, which must specify where, who, and how information will be used, and individuals to be notified about outcome of the assessment. According to Blau (1989), “Forensic psychologists inform their clients of the limitations to the confidentiality…” (p. 524, See, APA, 1990). Melton and colleagues (1997), on the other hand, maintain that it is the responsibility of the psychologist, at the time of initial contact with the client, to discuss in detail the following issues:

1. The client’s understanding and expectations of the evaluation process.
2. The client’s right to refuse to participate in the evaluation if he or she chooses to do so, except of course if the right is restricted by the court order.
3. The issues to be addressed in the evaluation process, and what procedures will be used; that is, the number of interviews, the administration of psychological tests, gathering of corroborative information and documents pertinent the case, and oral testimony that is needed.
4. Limits of confidentiality and privilege; that is, who will or may have access to the information gathered.
5. Possible implications of the result.

**Personal and Internal Organization.**

Personal organization is very important in forensic services. This may include, but is not limited to arrangement of information, filing system, collection of preliminary data, and decision-making skills, strategy, and techniques. A crucial procedural guideline is to design assessments to be specific to the legal issue at hand as well as to be sufficiently comprehensive that the reliability and validity of the findings are enhanced (Grisso, 1991, Schaefer, 2001). At this time, the forensic assessment of the professional ethical code of conduct should be addressed: a) is this case within my professional scope and experience? b) Am I capable and competent to handle the
case in question? c) Are my selected approaches, strategies, and techniques available, and are they ethical? d) Are they admissible in court? These vital and crucial questions will form the bedrock of your competency and success in court; therefore, they must be handled with clarity, validity, and precision. (See, Blau, 1998, pp 38-55).

Admissibility of Testimony

It is incumbent that the rule of court sets out parameters on which the truth and reliability of evidences presented in court by expert witness could be assessed and admitted as material of fact. The rule, however, maintains that for evidence to be admissible in court, the expert should be “sufficiently specialized to exceed what the average person is likely to know…” (Schaefer, 2001, p.1100). The witness should have sufficient, reliable, and relevant knowledge, skill, experience, or training in the case he or she is called upon to render an opinion. Such opinion is deemed important and will be of assistance to the trier of fact while not being unduly influential and overwhelmingly complicated to understand (Melton et al., 1997).

The actual parameter of what constitutes “admissible” is not defined. Some researchers believe that admissibility of any testimony that is not based on speculation, but gives specialized knowledge of a type that can help informed legal decisions should be considered admissible (Melton et al., 1997; Schaefer, 2001). On the other hand, there are researchers who believe that admissibility must encompasses reasonable accuracy in the opinion rendered on a subject matter, and must be able to help the judge and jury reach a more accurate conclusion than would otherwise be possible (Faust & Ziskin, 1988; Schaefer, 2001; see, Frye v. United State, 1923, Fla Stat., 569 So 2d 1225; 15 FLW S 465; cert den 501 US 1259). In many cases, the discretion to determine admissibility and the qualification for an expert witness rests totally on the judge (Federal Rule 702; Daubert v. Dow Pharmaceuticals, 1993). Similarly, the decision of the judge to refuse or to admit expert witness testimony is based on the facts of competency rather than on academic qualification (Schaefer, 2001). The parameter of competency for the psychologist who wishes to act as an expert witness has been argued in the U.S. Court of Appeals and in the U.S. Supreme Court Justices (see Brown v. Board of Education, 1954; Jenkins v. United States, 1962), because many researchers believe that the criteria used are sometimes irrelevant to the psychological issues being addressed in court (Faust & Ziskin, 1988; Grisso, 1987). A more selective consideration of empirical psychological data is suggested as a reliable approach in determining admissibility of expert witness testimonies (APA, 1990; Blau, 1998; Hess & Weiner, 2000; Melton et al., 1997; Schaefer, 2001).
A nationwide parameter of admissibility was first explored in the case of Frye v United States (1923) when the court held that “in order for scientific evidence to be admitted, it must generally be accepted by the scientific community from which it emanates.” (Schaefer, 2001, p.1101; also see Blau, 1998). Again, the “Frye test” was criticized because it does not address the true scientific merits of psychological evidence, such as reliability and validity. Incidentally, the Frye test was superseded with Daubert v Merrell Dow Pharmaceuticals (1993), in which the judge becomes “the „gatekeeper” for scientific testimony on a case-by-case basis” (Schaefer, 2001, p1101). Even though the application of Daubert v. Merrell Dow Pharmaceuticals (1993) was to make decisions about the admissibility of expert testimony less restrictive, many researchers believe that it subjected expert testimony subject to a broader trend of heightened judicial scrutiny and management (Blau, 1999; Schaefer, 2001).

**Competency and malingering Screening**

In must be understood that the issue of competency can be raised at any point in the adjudication process (Hess & Weiner, 1999; Lipsitt, 1970). Like in many criminal cases, custody disputes may demand tests for competency and malingering (Golding, 1992; Goldstein, 1977; Lipsitt, Lelos, McGarry, 1971). So a crucial procedural guideline is to design assessments to be specific to the legal issue at hand, taking into account the facts that would enhance reliability and validity of the opinion to be rendered into court (Griss, 1987; Lipsitt, et al., 1971; Melton et al., 1997). In recent years, the ability to detect false claims by divorcing parents has become inevitable developing an excellent and valid forensic assessment. The court’s definition of expert witness competency screening is based on the establishment of knowledge, skill, experience, training, and education as important factors in assessing the competency of expert witness. The Association’s Principle 701 Ethical Principles Psychologists (APA, 1992), states that the forensic psychologist or expert witness in forensic psychology must comply with all provisions of the Ethics Code to the extent that they apply to such activities (Hess & Weiner, 2000; Monohan, 1992). In addition, psychologists must base their forensic work on appropriate knowledge of and competence in the areas underlying such work, including specialized knowledge concerning special populations (APA, 1992).

**Legal/Court System and Procedures**

As pointed out above, a psychologist who wishes to act as an expert witness will spend great deal of time in court; therefore he or she must be familiar with the legal and court systems, procedures, and rules (Blau, 1998; Hess & Wiener, 1999). The United States laws and ordinances, whether national or state, come from five different sources, namely: a) the constitutions b) statutes enacted by the legislature c) regulations promulgated by boards or
agencies d) rules of court adopted by the judiciary, e) decisions made by the courts or case law (Kelles, 1984; Kluger, 1975; Loh, 1981). Forensic psychology can be involved in child custody disputes, and applied and experimental psychology can be used in the court to determine parent competency for child custody. The following issues must be considered when working with child custody cases: a) the wishes of the child’s parent or parents as to the Child’s custody (Monohan & Steadman, 1994). b) the wishes of the child as to his or her custodian c) the interaction and interrelationship of the child with his or her parent or parents, siblings, and any person who may significantly affect the child’s best interest (Grove & Meehl, 1996); d) the child’s adjustment to his or her home, school, and community. The mental and physical health of all individuals involved in the custody disputes (Lipsitt, et al., 1971; Nottingham & Mattson, 1981).

Conducting the Child Custody Evaluation

In child custody disputes, a thorough evaluation will include, first, interviewing the parents (separately and together), the child, each parent and the child together, and significant people in the child’s life (for example, teachers, babysitters, relative, neighbors, etc.) on one or more occasions as needed. Second, observing the child in the home, school, and other setting as an approach. Occasionally, children and their parents may be referred for psychological tests, especially when there are allegations of abuses, neglect, and abandonment.

Joint interview with parents

The following guideline should be observed, first, the purpose of the interview is to gain a better understanding of how the family functions and to determine the best interests of the child. The psychological interview or evaluation does not have therapeutic goals and therefore must not be viewed as mediation or an opportunity for marriage therapy.

1 Joint evaluation is purely voluntary, if couples decline the idea, then schedule an individual interview only.
2 If one parent lives far away, do not arrange a joint interview unless both parents demand it.
3 The Psychologist must remain neutral and resist any emotionality or sentiment, and should not enter into disagreement or disputes that may arise during the interview. He or she must resist any temptation to counsel the parents.
4 If there history of domestic violence establishes, consider carefully whether or not to see the parents together. Here your safety and those of your clients are paramount.
5 Clearly state the purpose of the interview-for example, to achieve a better understanding of how parents can work together in the best interests of the child.
6 Set ground rules and boundaries regarding choice of words and offensive behaviors that may generate anger and harsh words. For example, there should be no unnecessary intrusion and interruption.
7 Gently redirect the parents when they violate the ground rules or when they are not able to focus on the topics.
8 Inform the parents that you may discuss difficult matters when there are allegations of child maltreatment made by one parent against the other.
9 Usually, do not schedule a joint interview when there are allegations of child maltreatment made by one parent against the other.
10 If one parent does not keep a joint interview appointment, arrange for an individual interview.
11 The joint office interview provides an opportunity to observe how the parents interact and may give furnish clues about potential obstacles to joint custody arrangements.

**Test for Competency**

The choice of test instruments depends on the type of case in question and the best judgment of the psychologist. Whatever the case may be, the forensic psychologist must take into account a number of issues before a particular test instrument are used (Golding, 1992; Lipsitt, et.al., 1971). Prominent consideration must be assigned to the issue of hypothetical questions (i.e. test instrument must address the facts of the case), court admissibility (whether the test instrument is recognized, accepted, and approved by the scientific community), and cultural, educational, and socioeconomic (whether the test is culturally biased, the educational and age limits under which the test is standardized) (Anastasi, 1988; Lezak, 1995; Lester & Fishbein, 1988). These guidelines suggest that the following variables be used for judicial determination of the child’s best interest (Sattler, 1998).

1. Child variables: age, sex, physical or psychological functioning, individual needs, preference concerning custody.
2. Parent variables: age, sex, physical or psychological functioning, history of meeting and capacity of meeting the child’s physical, educational, moral, emotional, and other needs.
3. Environmental variable: environmental factors offered by each custodial option, e.g., the degree to which the environment promotes continuity and stability in the child’s life.
4. Interactive variable: quality of relationships between the child and prospective custodians and significant others.
Psychological Test instruments for Custody Evaluations

Poythress (1979 & 1982) noted that clinical psychologists commonly err in using standard test batteries that were neither intended nor validated for forensic issues. More recently, Butcher and Pope (1993) described the use of a standard battery of tests with which forensic practitioners feel comfortable as a special occupational hazard. According to Grisso (1991), the invalidated use of traditional tests to answer legal questions is a major problem in forensic evaluations. In a special issue of the Law and Human behavior, Elwork (1984) addressed the need for assessment techniques specific to legal questions. In an elaboration of that need, Grisso (1987) cogently argued for the development and use of “forensic assessment instruments,” defined as psychological tests or techniques that assess competencies of psychological interest. Instruments extant at the time that were designed for forensic application or that might be used for that purpose are extensively reviewed. In his 1991 edition, somewhat dated by the subsequent emergence of many forensic assessment instruments, Grisso remains an indispensable authority in psychological tests for forensic assessments and many researchers believed that Grisso”s methods brought some order into forensic psychology (Butcher and Pope 1993).

The development of forensic assessment devices has made a major contribution to the field. Examples include instruments to address competency of parenting in the context of child custody and guardianship. Other relevant assessment batteries may include competency to stand trial, criminal responsibility, dangerousness, and potency to or risk of violent behaviors. Despite meeting criterion of psychological relevance, some of these instruments still necessitate circumspection. Users must be familiar with the methodology of administration and interpretation, the normative data, and their known reliability and validity (Borum, 1998; Ewing, 1996; Schaefer, 2001). In child custody disputes, it is important that parents, child(ren) and others who are indirectly involved in the custody negotiation are tested. The test is beneficial not only for the purpose of determining the “right” custodian, but to know whether the family impasse prior to divorce has a psychological, emotional, and mental dent on the parties involved, especially the child (Borum, 1998; Turner, DeMers, Fox, & Reed, 2001).

There are many test instruments available for child custody evaluation. The number to be used in each case may vary extensively, depending on the type of case in view. According to Turne, DeMers, Fox, and Reed (2001), “when assessing families in child custody or parental rights cases, it is important for test users to understand family dynamics, parenting, and different forms of custody” (pp. 1110-1111). The choice of test batteries, therefore, depends on what the psychologist is trying to prove. Tests are divided into two categories (APA Committee on
Professional Practice and Standard, 1994; Borum, 1998; Heinze & Grisso, 1996). One part is the adult test instruments, administered to parents or significant others who have an interest in the custody. The second part is for the children, and therefore administered to the child or children whose best interest is to be determined. Some custody assessment testing instruments that received practitioners’ attention are discussed below:

1. Ackerman-Schoendorf Scales for Parent Evaluation (ASPECT): Strictly speaking, the ASPECT is not a test instrument, but rather a method of combining many psychological test results (like, MMPI-2, PAI, Rorschach, Draw-A-family Test, WRATR NEAT, and WAIS-III), evaluations, and observation of each parent and child to produce objective data for child custody decisions (Ackerman & Schoendrof, 2001; Heinz & Grisso, 1996; 2001; Borum, 1998). For individual adult participant (parent, grandparent or significant others) ASPECT produces an overall score known as the Parental Custody Index (PCI), which guides custody decisions and tells the psychologist which parent is more effective. If neither of the negotiating parties is effective, the PCI will reflect that too. (Ackerman & Schoendrof, 2001, p.83). Apart from the PCI Index, ASPECT also yields three other scales, namely: a) observational (the parent’s appearance and presentation); b) Social (the parent’s interaction with others, including the child); c) cognitive-Emotional (the parent’s psychological and mental function). A short form of the ASPECT can be administered. The new Short Form, ASPECT-SF is ideal for psychologists who, because of time, resource, and comfort, cannot administer all the tests required to score the complete ASPECT. The short form, however, predicts the needed outcome as accurately as the full ASPECT.

2. Parent Stress Index (PSI): The PSI screens for stress in the parent-child relationship (Abidin, 2001). It identifies dysfunctionality in family and predicts the potential for parental behavior problems and child adjustment difficulties within the family system. The PSI is used for parents whose children are 4-12 years of age, and for fifth-grade reading level. The PSI is a 101-item self-report inventory designed to assess the type of stress and severity of stresses associated with child-rearing role. The short form and has a 36-item also exists.

3. Parent-Child Relationship Inventory (PCRI) and Parenting Stress Index (PSI): The PCRI and PSI evaluate a) parent skills and attitudes; b) child custody arrangements; c) family interaction; and d) physical or sexual abuse of children (Borum, 1998; Gerard, 2001). These instruments have been found to be important self-report inventory that can indicate how parents view the task of parenting and how they feel about their children (Hess & Weiner, 1999). The PCRI, designed for use with mothers or fathers of 3 to 15year-old children, gives a clear, quantified specific description of the parent-child relationship, and identifies specific areas in which problems may occur. Standardized on more than 1,100 parents across the United States, the PCRI includes 78
items covering the following seven distinct scales, a) parental support; b) satisfaction with parenting; c) involvement; d) communication; e) limited setting; f) autonomy; g) role orientation.

The PCRI, with hand and computer scores, takes about 10 minutes to be administered. The Parenting Alliance Measure (PAM) is a very recent instrument that is designed to assess a couple’s relationship in regard to parenting, such as “how the parents view their levels of cooperation, communication, and mutual respects in areas related to child rearing” (Abidin & Konold, 2001, p. 84). The PAM is composed of 20 items written at a third-grade reading level. It can be used for married, divorced, or unmarried couples that have children between 1 and 19 years of age. Separate norms are provided for mothers and fathers based on a sample of 1,224 parents of children from the general population and 272 parents of children diagnosed with ADHD, Conduct Disorder, or Oppositional Defiant Disorder. In measurement for validity, PAM ranks favorably with most popular instruments like the PCRI.

4. The MMPI-2, PAI, and MCMI-III can be used to determine personality and emotional and psychopathological factors that may present problems to effective parenting skill.

**Conclusion**

The presentation of psychological findings to the court is called “opinion.” Researchers like Melton and colleagues (1997) believe that the word “opinion” is used to demonstrate “restricted authority” of the expert witness in the legal system. For example, the Federal Rules of Evidence “permits expert witnesses to offer opinions that concern the ultimate legal decision to be made by the trier of fact…” (Schaefer, 2001). This means that the expert witness brings facts, observations, actuarial, clinical findings and recommendations into the courtroom, but the judge or the jury renders the actual legal decisions. Expert opinions can be either a report or testimony; sometimes it can be both written report and testimony. In any of the events, the expert witness psychologist must be guided by ethical principles, bearing in mind that his report may be read by many individuals, submitted into evidence in court and thereby become part of the public record, and can determine the future well being of an individual. Therefore, it is recommended and ethically imperative that both written and oral reports “be conservative and objective in nature” (Schaefer, 2001, p. 1097). According to Melton and his colleagues (1997), Experts must avoid bias and prejudice in their reports and presentations.

1. Present the facts, data, or observations and any inferences, opinion, or conclusions reached with clear separation between the former beliefs (prejudice) and latter (facts). Subject matter to be included is the circumstances surrounding the referral: a) relevant background information b) type of services and the date rendered; c) source of information relied on; d) the clinical findings i.e., if psychological testing contributed to the conclusion and/or opinion offered, the reported
findings should include test results and interpretation; and e) a psycholegal formulation (i.e., the relationship between clinical findings and the legal issue). Ethical principles also require that limitations inherent in the assessment and contradictory, alternative, and/or disconfirmatory information be disclosed. Clinical recommendation for ameliorative interventions may be made, but recommendations concerning the legal disposition of the case are generally not considered to be within the purview of the psychologist. Melton and his colleagues (1997) noted that the near-unanimity in accepted practice among scholars is that it is unacceptable for mental health professionals to render opinions about the ultimate legal issues. For example, the expert witness cannot recommend which of the parents should have custody or whether a child’s report of sexual abuse is sufficiently credible that the non-custodial father can be declared a perpetrator and visitation with him restricted.

2. Limit the report contents to the parameters defined by the referral question.
3. Further limit the report to information likely to be perceived as relevant by the trier of fact. Judges and juries may feel overloaded by too much information, and neither they nor attorneys may read extensive reports.
4. Try to avoid the use of jargon. If a technical term must be used, it should be clearly defined.
5. If court appearance is mandated, expert witnesses must be dignified and effective in the courtroom. Careful pre-trial preparation and rehearsal with the retaining attorney are necessary. Blau (1998) provided extensive and excellent coverage on courtroom demeanor.

Adequate preparation entails a review of the entire case file and related materials (e.g., reliability and validity data of the tests used, pertinent researches, corroborative documents) that will form the content of the testimony. Consultation with experienced legal and mental health professionals who are not involved in the case is useful and often essential. Pre-trial meetings with the attorney who will be conducting the direct-examination is mandatory to the development of the questions that will enable the expert to bring the necessary information before the court and help to anticipate the nature of the cross-examination. Mental health professionals should be aware of the different styles of direct and cross-examination (Call, 1995) and be prepared for aggressive cross-examination. The witness should address himself to the trier of fact, either the judge or jury, in a clear and comprehensible manner. In summary, the majority of opinions suggest that ethical and competent performance of the role of expert witness rests on undertaking evaluations only in the areas for which the clinician has demonstrated expertise. To enhance the legal decision-making process, conduction of the evaluation must take place under the rubric of relevant legal and ethical standards and within appropriate practice guidelines, assuming the posture of impartiality rather than advocacy, and not making dispositional decisions but rather
offering evidence of the highest caliber. Related goals should include protecting the image of the profession as a whole and maintaining one’s own professional dignity and reputation.

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