

An International Perspective on the Use of Parenting Plan Evaluations: Exploration of Trends into the Next Decade

February 9, 2024
9:30 am to 10:20 am

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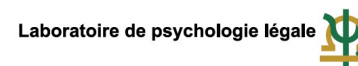
Colloque sur l'expertise psychologique et psychosociale en matière familiale

Présenté par la Chaire d'excellence en enseignement UQTR
sur l'expertise psychologique et psychosociale en matière familiale

Les 9 et 10 février 2024

Événement tenu en comodalité
à l'Institut de tourisme et d'hôtellerie du Québec à Montréal et en ligne

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LEARNING OBJECTIVES

- Learn about key findings from an international comparison of parenting plan evaluation guidelines.
- Recognize the importance of transparent and judicious use of social science research in guiding evaluation methods.
- Identify potential trends in parenting plan evaluations for the next decade based on the study.



CONTEXT OF FORENSIC EXPERTS

Forensic experts are most used in the courts for assessing competency to stand trial, risk assessments and the risk of reoffending (Crighton, 2022; Kelley, et al., 2020; Neal, & Grisso, 2014).

Clinical forensic experts are also asked to serve in less sexy, civil matters / family law matters (Rostron, 2021).





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CONTEXT OF FORENSIC EXPERTS IN FAMILY LAW MATTERS

Forensic experts can assist the family courts to make decisions regarding the Best Interest of the Child (Zumbach, & Volbert (2021)



Forensic experts provide evaluations and consulting services for family court matters:

Parenting plan evaluations	Expert witness	Attorney consultants	Second opinion reports
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CONTEXT OF FORENSIC EXPERTS IN FAMILY LAW MATTERS

- In complex cases, family courts routinely turn to mental health professionals to conduct Parenting Plan Evaluations (PPEs) (McNamara, & Lund, 2023; Saini, et al., 2016)
- Also known as:
 - Child Custody Evaluation
 - Custody Assessment
 - Parenting Evaluation
 - Parenting Plan & Time-Sharing Evaluations
 - Best Interests Evaluation



BENEFITS OF PPE

- Judges are increasingly turning to mental health professionals to provide custody and access assessments and to make recommendations (Ackerman, et al., 2021; Saini, 2008).
- Judges expect independent “unbiased” expert advice to assist to deal with cases involving children (Bala, 1990, Flynt, 2021)





PPE IN FAMILY COURTS

- Judicial professionals generally appreciate the use of PPEs to solve family law issues (Bow, et al., 2011; O'Neill, et al., Seidler, 2018).
- Judges follow the recommendations of mental health professionals above 90 per cent of the time (Baerger, et al., 2002: Saini 2008).
- Lawyers give considerable weight to the evaluations even when parties settle out of court (Saini, 2008).

INTERNATIONAL SCOPE OF PARENTING PLAN EVALUATIONS



OPEN ACCESS

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SPECIALTY SECTION
This article was submitted to
Forensic and Legal Psychology,
a section of the journal
Frontiers in Psychology

RECEIVED 19 March 2022
ACCEPTED 26 July 2022
PUBLISHED 07 September 2022

CITATION
Zumbach J, Brubacher SP, Davis F, de
Ruiter C, Ireland JL, McNamara K,
October M, Saini M, Volbert R and
Laajasalo T (2022) International perspective

International perspective on guidelines and policies for child custody and child maltreatment risk evaluations: A preliminary comparative analysis across selected countries in Europe and North America

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PARENTING PLAN
EVALUATIONS

VS.

MALTREATMENT
RISK
ASSESSMENTS

- Not mutually exclusive.
- 12% of child protection cases are considered “crossover” ([Saini et al., 2020](#)).
- Some jurisdictions treat these as two separate areas of professional activities (e.g. Canada, United States, Finland).
- In some European countries, both appear to be quite intertwined (e.g. Germany, the Netherlands, the United Kingdom)



GUIDELINES

- In US and Canadian guidelines separated by activity
 - Directed at parenting plan evaluations [e.g., [Newfoundland and Labrador Association of Social Workers \(NLCSW\), 2007](#); [Ontario College of Social Workers and Social Service Workers \(OCSWSSW\), 2009](#); [American Psychological Association \(APA\), 2010](#)]
 - Directed at child protection cases [e.g., [American Psychological Association \(APA\), 2013b](#); [American Professional Society on the Abuse of Children \(APSAC\), 2019](#)]
- Several of the European guidelines do not make this distinction
 - Netherlands; [Dutch Ministry of Justice and Security, 2014, 2021](#)
 - Germany; [Task Force Expert Evaluations in Family Law, 2019](#)
 - United Kingdom; [British Psychological Society \(BPS\), 2016](#)]

“HARD TO FIND” PROFESSIONALS

- Most mental health professionals avoid parenting plan evaluations in family law (McNamara, & Lund, 2023)
- Almost 2/3 of evaluators in the USA has been accused of ethical violations and had been reported to the professional board (Ackerman, et al., 2021; Bow, et al., 2010; Quinnell, 2001)
- Almost 1/4 of psychologists' complaints in South Africa emanated from parenting plan disputes (Themistocleous-Rothner, 2017).



	Keilin & Bloom (1987) Psychologists	Ackerman & Ackerman (1997)	Ackerman & Pritzl (2011) Psychologists	Mathy & Ackerman (2018) Psychologists
Age	47.7	49.1	56.2	60.4
% Male	78	69	61	57.7
% Female	22	31	61	42.3
Years of Experience	10.6	19.0	24.8	29
# of cases - Psychologist	156.5	214.9	269.2	306


DEMOGRAPHICS OF EVALUATORS

(Ackerman, Bow, & Mathy, 2021)

QUALIFICATIONS AND TRAINING

- Qualifications of and training provided for evaluators vary greatly across countries.
- Common qualifications considered essential include:
 - Graduate level education
 - Professional Licensure
 - Substantial clinical experience
 - Specialized training in forensic psychology, family law, and child development
 - Familiarity with family law and legal procedures
 - Adherence to ethical standards
 - Cultural competency
 - Experience and training in testifying effectively, handling cross-examination, and presenting findings in a clear manner are valuable skills.





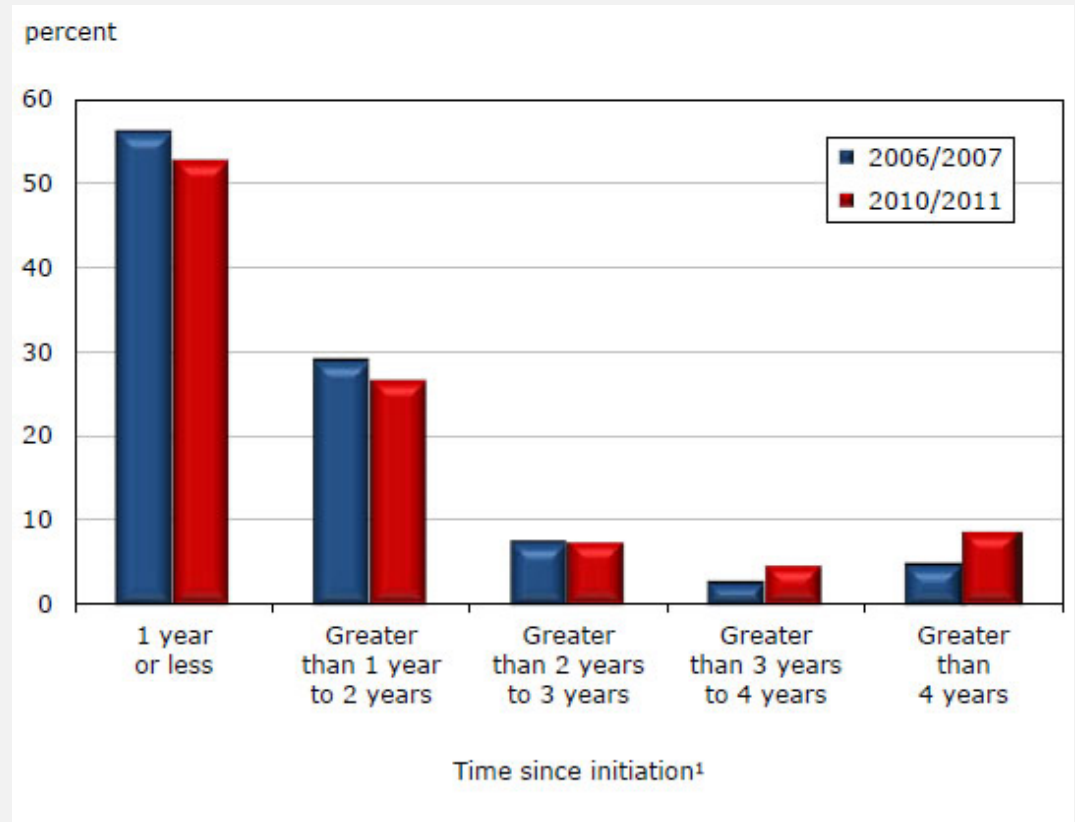
Type of Training	Percent
Seminars and Workshops	91.6
Books/Journal Articles	83.2
Post-Doctoral Supervision	40.0
Graduate Courses	22.1
Internship, Partial CCE	13.7
Practicum hours (300 + in CCE)	11.6
Endorsed None of the Above	6.4
Internship, 100% CCE	2.1

SOURCE OF TRAINING

(Ackerman, Bow, & Mathy, 2021)

BUT NOT EVERY FAMILY NEEDS A PPE

- Active divorce cases in five provinces and territories by time since initiation
- 2006/2007 and 2010/2011 (Statistics Canada, 2012)



REASONS FOR PPE

- Self-Represented Litigants
 - Allegations of intimate partner violence
 - Allegations of alienation
 - Allegations of child maltreatment (e.g., sexual abuse)
 - Relocation issues
 - Threat of abduction
 - Legal history of drugs, alcohol, assaults
-
- Based on a file sample (n= 500) of the Office of the Children's Lawyer, Ministry of the Attorney General (Saini, 2014)



AVERAGE TIME SPENT ON METHODS

	Parent / Child Observations	Interview Parents	Interview Children	Psych Testing	Interviewing Collateral Contacts
Ackerman & Ackerman (1997)	2.6	4.7	2.7	5.2	1.6
Ackerman & Pritzl (2011)	3.7	7.1	3.6	6.1	3.2
Mathy & Ackerman (2018)	3.98	10.24	4.07	7.26	4.03

(Ackerman, Bow, & Mathy, 2021)

AVERAGE TIME SPENT ON METHODS

	Consulting with Lawyers	Reviewing Materials	Report Writing	Testifying
Ackerman & Ackerman (1997)	1.4	2.6	5.3	2.2
Ackerman & Pritzl (2011)	1.3	5.6	10.6	2.6
Mathy & Ackerman (2018)	1.52	8.36	18.09	4.7

(Ackerman, Bow, & Mathy, 2021)

AVERAGE COST

- Cost is in USD currency

Study	Average per hour	Average total cost
Keilin & Bloom (1986)	\$88	\$965
LaFortune & Carpenter (1997)	\$110	\$2,109
Ackerman & Ackerman (1997)	\$121	\$2,646
Bow & Quinnell (2001)	\$144	\$3,335
Ackerman & Pritzl (2011)	\$181	\$5,653
Mathy & Ackerman (2018)	\$274	\$12,465

(Ackerman, Bow, & Mathy, 2021)

INTERVIEWING PARENTS

Most custody evaluators rely primarily on a clinical interview with parents (Bow & Quinzel, 2001).

There remains no standard structured interview protocols specifically designed for interviewing parents.

Psychological testing and parent-rating scales are considered as a supplement rather than an essential part (Wangberg, 2000).



CHILD INTERVIEWS

- There remains a tendency to focus on data from parent interviews, review of documents, and information from collateral sources.
- Undervalued importance about the richness of information that children can provide.



OBSERVATION VISITS

Parent-child observations are understudied (Hynan, 2003; Saini & Polak, 2014).

Observations made by trained professionals are less susceptible to systematic biases than parents' self-reports (Patterson & Forgatch, 1995).

Wide variety of formats, procedures, and techniques that evaluators use to assess parent-child interactions and behaviors (Saini & Polak, 2014).



COLLATERAL SOURCES

- Bow and Quinnell (2001) reported that 98% of child custody evaluators surveyed reported reviewing third party documents of some type.
- Evaluators spend 2-3 hours reviewing third party documents and speaking with collaterals (Ackerman et al., 2011; Bow, 2010).
- Can be in-person interview, phone or reviewing records.



DATA ANALYSIS

No consensual scientific guidance for interpreting the data collected during a parenting plan evaluation



The evaluator has tremendous discretion in determining what information to:

Focus on

Gloss over

Assign weights of
importance

Disregard
completely

RECOMMENDATIONS

- The majority of reports include recommendations regarding custody and access schedules:
 - Bow and Quinnell (2001) found that nearly the entire sample (96.2%) made recommendations in their reports.
 - Horvath et al. (2002) noted that 8 of the 120 evaluations in their sample did not provide recommendations to the court.

TECHNOLOGY AND PPE

- In-person evaluations have remained the dominant approach....until now!
- COVID-19 has dramatically altered services within family courts.
- Quick shift to online platforms.
- Technologies have not yet been fully redesigned to maximize the benefits of technologies while avoiding the pitfalls.



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ADMISSIBILITY OF REMOTE PPE

- There has been limited history pertaining to the admissibility of remote PPEs.
- No known legal case to determine whether remote methodology is “generally accepted” in the family law field.
- Emerging studies in telehealth and remote evaluations have largely supported the careful and thoughtful use of video technology in conducting evaluations (Wright et al., 2020; Brearly et al., 2017).



TRENDS INTO THE NEXT DECADE

- **Incorporation of Technology:**
 - **Virtual Evaluations:** The use of technology for virtual assessments may become more prevalent, allowing evaluators to conduct interviews, observe interactions, and gather information remotely.
 - **Data Analytics:** Technology could be employed to analyze large datasets, providing insights into parenting trends and outcomes based on various factors.
 - **Technology Integration:** Collaboration with legal technology platforms may streamline the evaluation process, enhancing efficiency and accuracy in documentation and reporting.



TRENDS INTO THE NEXT DECADE

- **Involvement of Children:**
 - **Child Participation:** Greater emphasis on including the voice of the child in the evaluation process, considering their preferences and perspectives.
 - **Child Advocacy:** Advocacy for the rights of children within the evaluation process, ensuring their well-being is a primary consideration.



TRENDS INTO THE NEXT DECADE

- **Cultural Sensitivity and Diversity:**
 - **Cultural Competence:** Evaluators may receive training to be more culturally competent, considering diverse family structures, values, and practices.
 - **Inclusivity:** The evaluation process may become more inclusive and sensitive to the needs of different ethnic, religious, and LGBTQ+ communities.



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TRENDS INTO THE NEXT DECADE

- **Training and Professional Development:**
 - **Evaluators' Training Programs:** Ongoing professional development programs for evaluators to stay abreast of evolving societal norms, legal frameworks, and best practices.
 - **Interdisciplinary Collaboration:** Collaborative efforts involving professionals from various disciplines, such as mental health, law, and social work, to provide comprehensive evaluations.



TRENDS INTO THE NEXT DECADE

- **Evidence-Based Practices:**
 - **Research and Standards:** Continued efforts to establish evidence-based practices in parenting plan evaluations, with ongoing research contributing to the refinement of assessment methods.
 - **Standardization:** Adoption of standardized assessment tools and protocols to ensure consistency and reliability in evaluations.



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QUESTIONS?

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