



Best practice guide for drafting forensic psychological reports on child custody and visiting schedules

Authors:

Fernando Chacón Fuertes
José Francisco García Gumiel
Antonio García Moreno
Rocío Gómez Hermoso
Blanca Vázquez Mezquita

Consultants:

Deborah Calvo Rodríguez
María José Catalán Frías
Marta Ramírez González



Best practice guide for drafting forensic psychological reports on child custody and visiting schedules

Authors:

Fernando Chacón Fuertes
José Francisco García Gumiel
Antonio García Moreno
Rocío Gómez Hermoso
Blanca Vázquez Mezquita

Consultants:

Deborah Calvo Rodríguez
María José Catalán Frías
Marta Ramírez González

Acknowledgements:

The Official College of Psychologists of Madrid kindly thanks the professionals who have collaborated in designing the «Best practice guide for drafting forensic psychological reports on child custody and visiting schedules»: the Deontological and Resources Commission of the Official College of Psychologists of Madrid, the National Coordinator of Judicial Psychology of the General Council of Official Colleges of Psychologists, and external Consultants.

Moreover, the Official College of Psychologists of Madrid would like to thank Mr. Javier Urra Portillo, who has kindly donated the endowment of the prize (Primer Premio de la XXVI Edición de los Premios de Periodismo) awarded to him by the Official College of Psychologists of Madrid, to cover the publication costs of this Guide.

Publisher:

Colegio Oficial de Psicólogos de Madrid
Cuesta de San Vicente, 4 - 28008 Madrid

Desing:

Luis Hernández

Printing:

Gráficas Nital, S. L.
Arroyo Bueno, 2 - 28021 Madrid

ISBN: 978-84-87556-37-1

Depósito legal: M-34.000-2013

Content

Introduction:	4
1. The mission of the psychologist is to assess the parental competence of separated couples in exercising child custody	7
2. Principles guiding the forensic report	7
3. Ethical principles regulating the professional practice of the forensic psychologist	9
4. Methodology for writing the forensic report on child custody	11
4.1. Aspects to be identified, measured, and evaluated in the forensic report	14
4.2. Identification, measurement, and assessment techniques	15
4.3. Procedure	17
4.3.1. What is a procedure?	18
4.3.2. Development of a common procedure: initial phase (1 st order flow)	18
4.3.3. Development of the common procedure: second phase	21
5. The forensic report	23
6. Aspects to take into account during the assessment process and in writing the forensic report	25
7. References	26
APPENDICES	
APPENDIX 1. Extensively used instruments guiding the forensic psychological reports on issues of child custody	28
APPENDIX 2. ANSI code for the flowchart on the forensic report on custody child	33
APPENDIX 3. Checklist for the methodology and forensic tests used in the forensic report	34
APPENDIX 4. Examples of good and mal practice in the processing of forensic reports	35

INTRODUCTION

The ongoing evolution of Spanish society towards structures and forms of horizontal relationships in different social spheres underscores the need for professional experts to reason and justify their conclusions and recommendations proposed in a wide array of professional settings. The legitimacy of the expert's authority rests on the fact that their findings are grounded on unbiased criteria, attested theories, peer-reviewed research, reliable instruments, and efficacious interventions.

In recent times, the professional psychologist has been responsible for the formidable task of educating the public and disseminating knowledge which often entails a high degree of theoretical and practical complexity. This undertaking has been paralleled by the increasing social presence of the psychologist, which together have popularized multiple concepts, techniques and instruments specific to this discipline, and to a certain extent have contributed to a better understanding of human behaviour.

On account of the previously mentioned degree of complexity, the professional psychologists is required to apply a broad spectrum of effective state-of-the-art procedures, instruments and techniques to an array of settings in order to obtain contrasted, unbiased and useful data. Hence, Best Practice Guides are a synthesis of current acquired knowledge on the optimum procedures for forensic practice which serve to guide professionals, users, government agencies, and the wider community.

One of the key areas of professional practice requiring a *Best Practice Guide* is the writing of forensic reports on child custody and visitation schedules.

Ever since the passing of the Spanish Divorce Law in 1981, the number of marriage break-ups has increased steadily over time. This process which is conflicting for most couples is particularly adverse for the emotional stability of children who, besides witnessing the separation of their parents, are forced to live with only one of their parents. Furthermore, recent Spanish legislation (Ley 15/2005, of 8 July), modifying the Civil Code and the Law on Civil Proceedings (Ley de Enjuiciamiento Civil) for separation and divorce, has introduced fast-track divorce proceedings where child custody litigation cases involving domestic violence are subject to the regulations established in the Spanish Law on Gender Violence (Ley Orgánica 1/2004, de 28 de diciembre, de Medidas de Protección Integral contra la Violencia de Género)¹.

The number of children affected, the impact on the child's development and emotional stability, and the personal and social repercussions of family reports, are among the main motives spurring the need for the *Best Practice Guide* of the Official College of Psychologists of Madrid. Furthermore, professionals must respond to the conflicting interests between the different parties affected by these reports, which often give rise to complaints to institutions such as the

¹ In cases of gender violence the procedure described in this *GUIDE* should be adapted to the specific circumstances for which the report was initially commissioned.

National Ombudsperson, the Ombudsperson for Children of the Community of Madrid, and the Administration of Justice as well as being one of the most common reasons for referral to the deontological committees of official colleges.

Finally, the diversity in the field of professional psychology and in the approaches to writing forensic reports on child custody underscore the need for a framework as a reference that respects diversity and establishes safeguards for all of the parties involved in these reports, whether they be commissioned by private individuals or government agencies.

The present *BEST PRACTICE GUIDE FOR DRAFTING FORENSIC PSYCHOLOGICAL REPORTS ON CHILD CUSTODY AND VISITING SCHEDULES* is based on three broadly agreed principles that have been the subject of a prior intense and productive debate.

The first is the principle of the priority assigned to the child's interests which is the cornerstone articulating the entire contents of this *GUIDE*, this principle predominates for two main reasons i.e., it is mandatory under our current Spanish legislation, and because the recommendations of forensic reports on child custody have a major impact on the child's personal development.

The second, which is derived from the first, is that the assessment of parental competence in child custody is based on the premise that both parents are equally competent. Thus, one of the main goals is the assessment of each parent's competence in caring for their children or to corroborate and justify in positive terms the prevalence of one parent over the other.

Moreover, bearing in mind the aforementioned, the assessment must appraise the entire family unit if the report is to meet the standards of a forensic report on the assessment of alternatives for child custody. Thus, throughout this document a clear distinction has been drawn between psychological reports on child custody and other types of psychological reports (reports on parental competence, reports on parent-child relationships, reports on the relationship between brothers and sisters, etc.) that, in spite of being useful in providing data on the child's relationship with either of their parents, do not evaluate all of the members of the family unit and the relationships among them, nor do they meet the full requirements of reports recommending child custody and visitation schedules.

The psychologist must avoid any ambiguity between the psychological report on child custody and other types of reports by clearly indicating the purpose in the title and throughout the entire report so as to distinguish between the following:

- Forensic psychological report (assessment of alternatives) on child custody;
- and other titles such as: Forensic psychological report on parental competence, Report on the father-child relationship or the mother-child relationship, etc.

Therefore, if the report is not a «Report assessing alternatives on child custody», as it does not evaluate the entire family as a unit, this should be explicitly stated.

This *GUIDE* is applicable both for reports regarded as «forensic», and for reports providing «documentary evidence» in judicial proceedings; for this reason in this document the term «forensic report» should be understood as referring to both types of reports, unless specified otherwise. Moreover, this *GUIDE* is applicable to all psychological reports on the subject irrespective as to whether they are part of judicial proceedings or not.

In short, the present BEST PRACTICE GUIDE of the Official College of Psychologists of Madrid aims:

1. To offer guidance by establishing the standards of quality for professional psychologists.
2. To guide judges as to the standards of quality of forensic reports in order to improve their understanding and assist them in requesting the appropriate psychological report.
3. To provide a source of data for the different actors involved in the process of separation or divorce, providing elements that clarify what may be expected or demanded in these reports.
4. To contribute to a more homogeneous decision-making process by the deontological committees of the colleges.
5. To develop an instrument for the professional development and praxis of forensic psychology.

This *GUIDE* should not be conceived as a set of norms regulating the Deontological Code of the profession.

The present *GUIDE*, which has been officially endorsed by the Governing Body of the College of Psychologists of Madrid, is one of the first instruments of its kind to be published, and is the outcome of the contribution and determination of a broad panel of professionals with extensive accredited experience in the field of infancy and forensic practice.

Initially, the first document was drafted by a working group consisting of representatives from the Resources Committee and the Deontological Committee of the Official College of Psychologists of Madrid, a technical team from the Children's Courts, and the Children's Ombudsperson of the Community of Madrid, and was subsequently assessed by a panel of experts.

The goal of the Governing Body of the Official College of Psychologists of Madrid is that the BEST PRACTICE GUIDE should become a useful reference for professionals and the general public, and is open to ongoing feedback to improve the quality of future editions.

1. THE MISSION OF THE PSYCHOLOGIST² IS TO ASSESS THE PARENTAL COMPETENCE OF SEPARATED COUPLES IN EXERCISING CHILD CUSTODY

The separation of parents is the final outcome of a gradual deterioration in the interpersonal relationship where by a couple is unable to continue living together. Nevertheless, this circumstance need not affect the child-parent relationship i.e., in spite of the break-up in the couple's relationship, there is no reason to believe children will not be able maintain a relationship with both parents after the separation.

Thus, the initial assumption for all professional assessment is that both parents are capable of caring for their children. Bearing in mind this assumption, the task of the psychologist is to carry out the psychological assessment of both parents to determine the extent to which they fulfil this requirement.

Assessment of the family unit is a complex task, and thus should be grounded on objective and validated criteria for the assessment of all the parties involved. The psychologist should strenuously evaluate the child's upbringing, communicative skills, and personality characteristics related to care on the basis of the relevant data obtained from all of the family members in accordance with the current knowledge and advances in the science of psychology. The findings of the assessment, resumed and structured in the forensic report, should be an instrument aiding the judicial decision-making process by establishing the competence, or in specific cases, the different degrees of parental competence for exercising child custody.

Hence, the task of the psychologist in preparing assessment reports on the parental competence of separated parents for exercising child custody is:

To apply valid and reliable procedures, techniques, and instruments specific to psychology to evaluate the personal capacity and competence of each parent in exercising child custody by taking into account relevant individual variables as well as others related to the actual family dynamics, and the contexts in which it unfolds.

2. PRINCIPLES GUIDING THE FORENSIC REPORT

In order to fulfil this task the overall objective of the report is to understand the family as a functional inseparable whole. As the family is a structure that is undergoing an ongoing transformation, the forensic report should clearly stipulate that the findings of the report are specific to the context and date in which the evaluation was carried out.

Consequently, any report lacking valid and reliable data on each member of the family, and the relationships among them, will fail to meet the requirements of a valid forensic report on child custody.

² This guide respects the use of gender neutral language, and the term *psychologist* makes no distinction in terms of gender, any use of gender is to facilitate the reading of the text, and no distinction in terms of gender is intended.

The forensic psychological report on child custody should include the entire family unit by evaluating all its members, and the relationships among them. If the psychologist is unable to contact any member of the family unit, no forensic (alternative assessments) or child custody reports will be issued. Notwithstanding, other forensic reports may be carried out on other aspects of family dynamics such as parental competence, relationships between siblings, parent-child relationships, but these reports fail to meet the standards and objective requirements of a forensic psychological report on child custody. Thus, the actor commissioning the report should be cautioned to this effect, and accordingly this must be explicitly stated if required to give expert evidence in a court of law (see Chart 1).

Likewise, the objective is always predetermined by the judge's *forensic enquiries* as stipulated in the court-order or as requested by any of the parties in litigation, and should be clearly stated from the outset of the forensic report.

The conclusions, which are an indispensable part of the report will explicitly refer to the forensic issues and objectives outlined in the first section of the report.

Child custody reports must apply standard techniques in psychology, such as face-to-face interviews, behavioural observation, and other psychological instruments adapted to achieve this specific objective. It is crucial to have an updated theoretical–practical knowledge for undertaking this task to meet the highest standards and professional benchmarks.

**CHART 1: OBJECTIVES OF THE FORENSIC PSYCHOLOGICAL
REPORT ON CHILD CUSTODY**

- To clearly respond to the forensic enquiry for court-ordered referral, and explicitly caution that the conclusion is circumscribed to the specific context and time in which it was undertaken.
- To provide judges relevant, comprehensible, and reliable data for judicial decision-making in relation to visitation schedules and child custody litigation of separated or divorced couples.
- To contribute to the wellbeing of children involved in parental separation or divorce by offering judges expert advice on the most appropriate living arrangements.
- To describe steps, procedures and scenarios for the upbringing of children that foster psychosocial development, and minimize the impact of those that hinder such development.
- To ensure that under all circumstances and stages of the assessment the child's interests shall prevail above and beyond any other consideration in accordance with the current ethical and scientific principles of the profession.

3. ETHICAL PRINCIPLES REGULATING THE PROFESSIONAL PRACTICE OF THE FORENSIC PSYCHOLOGIST

Psychologists who issue forensic reports on the competence of parents in child custody litigation must abide by the ethical principles established in the *Ethics Meta Code* of the European Federation of Associations of Psychologists, and comply with the *Deontological Code* of the General Council of Official Colleges of Psychologists paying particular attention to the following articles:

Article 6º

The profession of psychologist is regulated by principles common to all deontological psychologists: regarding the person, protection of human rights, commitment to responsibility, honesty, and truthfulness with clients, prudence in applying instruments and techniques with professional competence, solidly grounded in objective and scientific professional interventions.

Article 12º

In particular in relation to written reports, the psychologist shall be extremely cautious, prudent, and critical to counter notions that readily degenerate into demeaning or discriminatory gender labelling such as normal/abnormal, adapted/unadapted or intelligent/deficient.

Article 15º

If faced with opposing personal or institutional interests, the psychologist will undertake professional practice with maximum impartiality. The commissioning of services by an institution does not exempt the psychologist from showing the consideration, respect, and attention to people who may be in conflict with the institution itself, and who the psychologist, in specific circumstances in which it is legitimately required, must act to safeguard their interests in relation to institutional authorities.

Article 17º

The professional authority of the psychologist rests on the skills and qualifications to undertake tasks. The psychologist shall be professionally qualified and trained in the application of methods, instruments, techniques, and procedures required for professional practice. The psychologist shall undergo continuous professional development, and should be aware of the limits to their competence, and the limitations of their techniques.

Article 24º

The psychologist shall refuse to lend services when there is a degree of certainty that these will be used or ill used against the legitimate interests of people, groups, institutions, and communities.

Article 25º

During the intervention on people, groups or communities, the psychologist is responsible for providing the relevant data on the essential characteristics of the relationship to be established, the problems to be overcome, the objectives to be achieved, and the method to be used. In cases of children or the mentally impaired, their parents or legal guardians will be informed.

Under all circumstance the psychologist will refrain from manipulating people, and shall strive to promote personal development and autonomy.

Article 29º

The psychologist shall not partake in ambiguous situations whereby their role or functions is misleading or vague.

Article 48º

Psychological reports shall be clear, accurate, rigorous, and comprehensible for the party commissioning the report. They should state the purpose and limitations, the degree of certainty concerning the contents on the person under evaluation, the context, time, and techniques employed for assessment, and state the issuing psychologist's data and credentials.

Besides the aforementioned deontological principles, the psychologists shall abide by the following ethical principles:

1. At all times, the psychologist shall ensure the interest of the child prevail over all other legitimate interests.
2. The psychological assessment involves the entire family unit, and should be undertaken with impartiality, avoiding prejudice towards either of the parents involved in child custody litigation.
3. The members of the family unit should be informed of the aims and procedures prior to commencing the assessment, and informed consent must be obtained and the statutory limitations observed in accordance to age³.
4. The psychologist shall obtain informed consent from all of the parties involved in the assessment. In the case of children, the psychologist shall inform the parents or legal guardians. If any of the parties should object, the intervention with the child shall be halted, and may be renewed only under judicial authorization.

³ Under the provisions of the Spanish law on the patient's rights and obligations regarding clinical data protection (Ley 41/2002, de 14 de noviembre, básica reguladora de la autonomía del paciente y de derechos y obligaciones en materia de data y documentación clínica, BOE nº 274 de 15/11/2002).

5. If the psychologist is unable to finalize a psychological report on alternatives for child custody owing to the inability to evaluate all of the members of the family unit, the psychologist shall inform the commissioning agent of this limitation, shall state in the final report the type of report that is being issued, and caution the reader as to the limitations of assessment.
6. The findings of the psychological report on the behaviour and attitudes of the people under evaluation must rest on sufficiently substantiated and contrasted data.
7. The psychologist must be fully qualified and trained for the effective assessment of all the family unit. To pursue this end, the psychologist will partake in continuous professional development in competences, knowledge, and skills.
8. The psychologist shall refrain from gathering data superfluous to the needs and reason for referral.
9. The psychologist shall protect the confidentiality of personal data⁴. The only exception to this rule is in circumstances where there is a foreseeable imminent danger of severe injury or damage to third parties.
10. The psychologist shall inform on the limits to confidentiality ascribed to this type of assessment, and prevent any revelations of data unrelated to forensic assessment.
11. The psychologist shall clearly state the difference between a clinical professional relationship and forensic assessment.
12. The psychologist shall determine which data will be presented in the assessment report.
13. The psychologist shall protect the confidentiality of data from access by the third parties, and from those whose knowledge may unnecessarily harm the interests, particularly of children.

4. METHODOLOGY FOR WRITING THE FORENSIC REPORTS ON CHILD CUSTODY

The attainment of the primary objective of the forensic report on child custody (the best interests of the child) can be only safeguarded by employing the scientific methodology prevailing at any given socially historic moment of time. In the XXI century, forensic reports should fulfil the methodological requirement that excludes myths, fallacies, and prejudices based on the subjectivity and partiality of the informants or of the psychologist carrying out the assessment report whether it be due to prejudice, pressure or error of judgement.

⁴ For obvious reasons, the psychologist may be relieved from the obligation to confidentiality if court-ordered by a judge. However, this exception refers only to the specific object under forensic assessment.

The validity of a scientific construct, theory, hypothesis or forensic report on child custody depends on the correct application of contrasted procedures in accordance with our current understanding of psychology. A report shall never be a data set obtained through more or less valid and reliable techniques which are intended to support an erroneously formulated hypothesis based on the evaluator's prejudices, nor shall it be a biased assessment owing to different types of pressure from the commissioning agent that seeks to influence the report or due to initial errors of approach and design.

The method proposed for forensic reports in this guide is the empirical-analytical method and the deductive hypothetical method.

This section is structured according to the following issues:

1. What is a method?
2. What are the aims or goals of the method of the forensic report?
3. What are the objectives of the assessment?
4. What stages does it cover?
5. What procedures are involved?
6. What tools and instruments are appropriate for achieving this objective?

1. What is a method? A method is the path or route to arrive at a destiny. The path or route is a concatenation of roughly defined or structured steps or movements that lead towards one direction, cardinal point or destiny.

The method of forensic reports, as in all professional practice, is grounded on the scientific method. The basics components of the method employed in forensic reports on child custody are as follows:

- a. Strictly observe and register the greatest number of relevant events and circumstances for later analysis and prediction.
- b. Unbiased deduction of the causal relationships between these events.
- c. To check multiple data sources, repetitions or crosscheck data on the deduced relationships (in this case the predominant relationship is the development and wellbeing of the child).
- d. To arrive at a diagnosis (causal relationships of the events) or prognosis (evolution of this relationship) on parent-child relationships at the time of assessment, and how this is related to the child's wellbeing in the mid-term.

- e. To make recommendations for intervention to improve the prognosis (particularly visitation schedules, child custody, and in remodelling parental roles in the family schedule).

2. What are the aims or goals of the method of the forensic report? The aims or goals of the report forensic are to fulfil the aforementioned objectives.

3. The objectives under assessment are the child's circumstances and psychosocial surroundings, data should be gathered on the child's micro, meso and exo system of life (in relation to the enquiries outlined in the court-order)⁵.

4. There are three stages in the method of the forensic report:

- a. The commissioning of the psychological assessment report, and the agreement with the commissioning agent, parties involved, and users on the impossibility of knowing beforehand the results, and to specify the minimum requirements of the method outlined in this best practice for this type of report.
- b. Design and development of the assessment of the variables influencing the development and wellbeing of the child.
- c. To ensure the forensic report on the recommendations for child custody protect the child's best interests and minimize harm. Thus, the following options, among others, may be selected (chart 2):

⁵ «The appraisal of the functioning of the family system is completed with the ecological development perspective of Bronfenbrenner (1979). In short, this perspective suggests the psychological development process is closely linked to the **surroundings** or **ecological environment** in which development takes place, and that these surroundings or developmental environments are defined by a set of complex influences directly and indirectly affecting development, and are organized at different levels into a series of structures according to the degree of closeness to the child:

- The first and foremost is the level of the immediate microsystem, including all of the roles, relationships, and phenomena present in the child's everyday settings: family, school, peer-group, etc. The relationships are bidirectional nature, and are often mediated in turn by the influence of third parties e.g., the interactions between brothers and sisters change according to the simple presence/absence of either of the parents, even when the adult does not participate in these interactions.
- The different microsystems in which the child develops not only entail their own specific internal dynamics, but these are also interconnected in important ways, connections that are sufficiently decisive to determine what happens in a given microsystem. For Bronfenbrenner this level of analysis is the mesosystem, a good example of which is the important relationships between family and school, relationships that significantly influence the child developmental adjustment at school.
- The third level proposed by the ecological model is the exosystem, that «distances» the subject in development including the relationships, roles, and dynamic functioning in contexts in which the child is not directly present: working conditions and/or type of job of one of the parents, may for example affect the frequency and the quality of the interactions with the child» Menéndez, S. (s.d.). Desarrollo psicológico en el contexto familiar. Tema 1. La familia como escenario de desarrollo psicológico. Recuperado el 19 de marzo de 2008, del sitio web de la Universidad de Huelva: <http://www.uhu.es/64130/descarga/tema1.PDF>.

CHART 2

1	2	3	4
Recommendation Child custody for the father	Recommendation Child custody for the mother	Recommendation Joint child custody	Recommendation Living with another family or when this is not possible with other people or insti- tutions

5. What procedures are involved? The number and type of working sessions required to achieve the objectives of the forensic report depend on the specific circumstances of each child.

- Number of relevant others in the child’s life: parents, brothers and sisters, step-brothers and sisters, other family, and other relevant caregivers.
- Accessibility to the data provided by other psychologists, doctors, social workers, teachers, educators...
- Complexity of the environment where the child lives, the possibility for change, and the impact and nature of this change.

6. The tools and instruments employed by the professional psychologist for achieving the objective, and issue the corresponding report are the psychological assessment and diagnostic techniques. Notwithstanding, these are simply the means which are subordinate to achieving the objective that should always be applied in accordance with the ethical criteria referred to in this guide, and should never be used abusively and/or unnecessary. The following are recommended techniques: a. Interview techniques; b. Validated and standardized techniques: psychometric tests; c. descriptive, quantitative, and systemized techniques (scales, questionnaires, inventories, checklists), and d. ethnographic field techniques or self-concept techniques to appraise problems in the child’s psycho-social reality from a multiple-perspective technique.

4.1. ASPECTS TO BE IDENTIFIED, MEASURED, AND EVALUATED IN THE FORENSIC REPORT

Outlining the intervention and obtaining informed consent are the two fundamental requirements of the psychological assessment.

The analysis of the forensic report on child custody should primarily evaluate the following points:

1. Quality of the relationship with the children. Assess parental skills, attitudes, and motivation towards parenting. Congruent life projects and expectations concerning the child's development.
2. Sensitivity towards the needs of the child.
3. Attitude that fosters the contact and visits of the child with the other parent.
4. The positive appraisal of each parent by the other parent in front of the child.
5. Continuity in the positive aspects of the child life prior to the separation.
6. The parent's way of educating the child.
7. Assessing the child adaptation to different contexts.
8. Personality dimensions of the parents in relation to child rearing, the level of adaptation, emotional stability.
9. Assessment of the child's adaptation, any difficulties encountered within the family unit, and the manner in which parents intend to overcome these obstacles.
10. Availability of personal time, and family and social resources for parenting.
11. Other characteristics of the parents such as physical health, degree of autonomy, place of residence, life expectations and projects, etc.
12. The level of emotional, cognitive and behavioural adaptation of the child with each parent.
13. Disposition and receptiveness of the child towards each of the parents and how the child perceives them, conflicts in the organization of projects in the family.

4.2. IDENTIFICATION, MEASUREMENT, AND ASSESSMENT TECHNIQUES

The following is a list of the most prominent techniques:

- Semi-structured interviews.
- Non-standardized instruments.
- Standardized instruments.
- Direct or simulated observational-interaction.

- Observing and registering areas of behaviour.
- Reports and/or interview with school staff responsible for the child.
- Medical reports.
- Reports on psychological and psychiatric treatment.

The sequence for applying the tests should begin with the interview. Examples of model interview for this objective are Fariña (2002), and Ramírez (2003). An outline of the interview for reports on child custody proposed by Marta Ramírez can be found in Appendix 1.1.

Following or during the interview, it is advisable to use the following instruments for evaluating parental competence:

1. Questionnaires on each parent's attitudes towards education (see Appendix 1.2.).
2. Methods of analysis on the satisfaction and motivation towards child rearing tasks, and parental self-efficacy (see Appendix 1.2.).

Though most of these instruments have not been standardized, they evaluate aspects specific to the system of family relationships which are essential for the report on child custody⁶. Data obtained on the characteristics of the instruments to be applied should, on request, be conveyed to the commissioning agent. Furthermore, it is advisable that systematic-observation methods and designs be used for the objective recording with ecological validity of parent-child interactions, and to elucidate the nature and quality of these interactions.

Though the personality assessment of parents and children is not the objective of the report, under certain circumstances the results of the tests and interviews may attest to the need for applying personality assessment instruments. A list of the most extensively used instruments is provided in Appendix 1.3. In these circumstances it is essential that the instruments to be used are adapted and validated for the population for which they are to be applied, and provide reliable and valid data.

Under certain conditions, which must be motivated, the psychologist may consider employing a specific clinical test. As the tests may be intrusive, they are not to be used unless strictly necessary⁷. Moreover, the results of the clinical, and personality tests should not be rigidly interpreted since the significance and predictive value are fairly limited in assessing parental competence, with the exception of cases with extremely high scores. Whenever these tests

⁶ Recently, a questionnaire has been designed and validated in Spain i.e., the CUIDA. This instrument specifically evaluates the personality dimensions most related to the child's care and wellbeing (Bermejo et al., 2007), and may prove to be a useful tool for these types of report, though their recent appearance explains the need for validation studies in this field.

⁷ It is considered to be essential, in the absence of a differential factor indicative of parental competence, certain personality profiles may have a significant incidence on parental competence.

are used, the numerical values associated to each scale, and the interpretation, reliability and validity of the data should be made available, on request, to the party under evaluation and by the judicial body commissioning the report. Data obtained under court-ordered assessment must only be made available on petition from the competent judicial body.

The psychologist shall ensure that no personality trait nor clinical symptom may on its own serve to exclude a parent from custody, unless justified in relation to parental competence and the impact on the child. In all case any clinical symptom should be interpreted in conjunction with the results obtained from the instruments that have been applied, and should never be interpreted on their own.

Furthermore, to avoid any bias the same tests should be applied to both parents unless there are justified grounds for not doing so that should be explicitly stated.

4.3. PROCEDURE⁸

Quality is understood as «the set of properties and characteristics of a service that comply with the technical specifications, and endorse the requirements and reason for court-ordered referral». The quality of a report on child custody should define its ability to achieve the objectives in a manner which is both fair and beneficial for all of the parties involved.

Given the particular difficulties and complexity encountered in these cases, forensic reports must strictly comply with the three dimensions of quality «CIR»: Cooperation, Impartiality, and Rigor.

The first characteristic of the quality of a report on child custody is that it fosters a *cooperation* strategy that involves all of the members of the family in the child's real social setting. It is mandatory to obtain the cooperation and «informed consent» from both parents in litigation even for the most basic tests⁹. This cooperation is vital for any rigorous analysis designed to ensure the child's best interests prevail above any other interests, no matter how legitimate they may be.

The second characteristic on the quality of child custody reports is *impartiality* in the assessment of the child in relation to parental figures/settings (impartiality implies proportionality and no exclusion in the listening, observation, and experimentation of a varied series of stimuli relevant to the child's interaction with parents and social setting).

The third characteristic of the quality of a report forensic on child custody is *rigor* in the design and development of the assessment to ensure an accurate appraisal of psychological development, alterations, the application of tests, to detect the needs of children and protect their

⁸ In cases of gender violence the procedure described in this GUIDE should be adapted to the specific circumstances of each forensic setting.

⁹ Informed consent is mandatory except for court-ordered referrals authorised by the judge.

interests and their future, and in specific cases to psycho-diagnose any alterations in the child and/or other parties involved.

In short, the quality of the forensic report is reflected in its ability to optimize decision-making on visitation schedules and child custody that ensure the positive development and psychological well being of the child. The report should protect the best interests of the child (recommending the environment that facilitates the greatest wellbeing), and minimizes any adverse impact on the child.

4.3.1. What is a procedure?

Two configurations of the procedure for forensic reports on child custody are shown below i.e., the flowchart, and critical activities.

The advantage of the flowchart is its precision and the absence of any ambiguity in indicating the steps to be put into practice, their order, and alternatives for a variety of decision-making contexts. Its success derives from its complete language integrated with a broad catalogue of symbols, and a detailed syntaxes describing precise rules for building the representation of any type of process or chain of events from input to output.

4.3.2. Development of a common procedure: initial phase (1st order flow)

The Graph¹⁰ below illustrates the procedure for applying the tools and techniques with caution and in compliance with ethical principles. Appendix 2 shows the description of the ANSI code of the flow chart for the correct interpretation of the graphs.

Figure 1 describes the first phase of assessment.

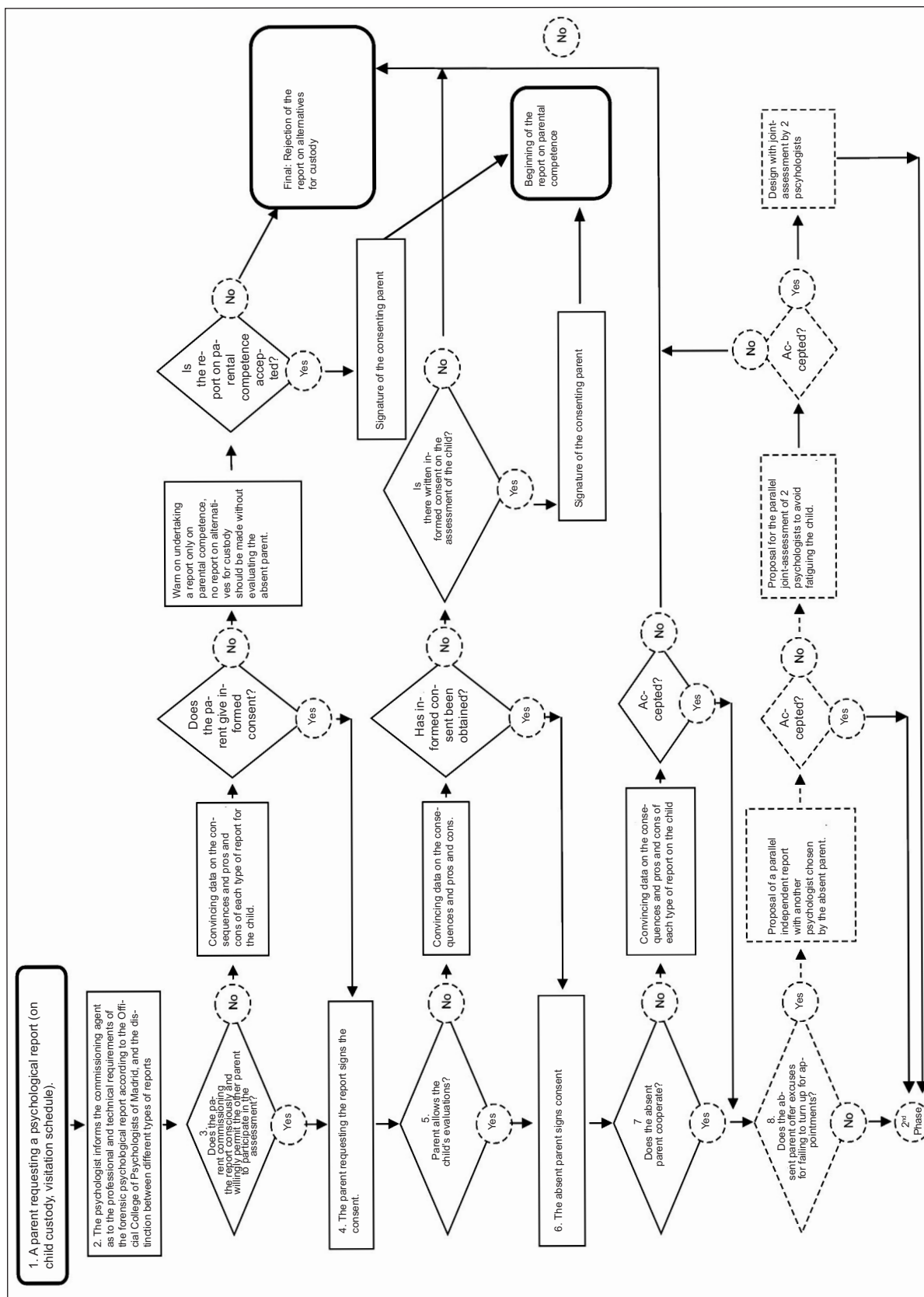
As previously mentioned, the forensic report on child custody should ensure the child's best interest will prevail over any other legitimate interest of the parents. For this reason the mediation and persuasion skills of the psychologist are paramount in promoting collaboration between either litigating parties, or at least their consent to undertake a rigorous diagnosis, which is the first step of the procedure. These skills and initial procedure are the means for guaranteeing the rigor, impartiality, and neutrality of the report. If no consent can be obtained from any of the parties they will be informed that they may freely refer to the list of legally appointed forensic psychologists if they wish to request a report on alternatives for custody, and not other types of reports such as parental competence.

The second phase is concerned with designing a rigorous assessment method that is neither excessively technical nor entails drawbacks that cannot be reasonably overcome. The procedure in this phase is identical to any other psychological assessment or psycho-diagnosis i.e.,

¹⁰ See Appendix 2 for the language of the flowcharts accessible with «Auto forms» Microsoft Word.

FIGURE 1: 1ST PHASE OF THE FORENSIC PSYCHOLOGICAL REPORT ON CHILD CUSTODY AND VISITATION SCHEDULES IN PROCESSES OF PARENTAL SEPARATION OR DIVORCE AND/OR FOR THE REVIEWAL OF COURT RULINGS

In cases of gender violence the procedure described in this *GUIDE* should be adapted to the specific circumstances for referral as specified in the forensic report



to proceed with rigor and insight. The main aim is to identify anomalous behaviour related to retardation in the child’s evolution in specific environments, and parenting patterns and practices associated to one or both of the parents, or with social environments associated to anomalous behaviour.

Forensic reports on parental competence are different in several aspects to child custody reports as are clinical reports different to individual and/or family Psychodiagnosis. The most common differences are as follows (see Chart 3):

CHART 3

	Clinical report	Psychodiagnosis	Parental competence	Custody report
Objectives	Assessment by another professional	Psychological Treatment	Determine level of competence	Advise and motivate reasons for assigning child custody and visitation schedules
Destined for	Health-Education Professional	The therapist: be it one psychologist or another	The interested party	Judge and lawyers for both parties
Conditionants	Maximum cooperation	Maximum cooperation	Social desirability	Social desirability

Based on another similar proposal included in the *On-line Course on Psychological Reports* of the Official College of Psychologists of Madrid, the minimum **common procedures** are as follows:

1. Analysis of the reason for referral, be it from one of the parties in litigation or court-ordered.
2. Review and analysis of all court files and records, and the allegations from lawyers representing both parties in litigation.
3. Summoning of people under assessment and obtaining an agreement of collaboration for the benefit of the child.
4. Formulating hypothesis and designing the assessment instrument by determining and selecting which techniques and tests are to be applied.
5. Psychological assessment of parents in child custody litigation.
6. Contacting other professional working with the child and family.
7. Integrating results, and reformulating hypothesis if need be.

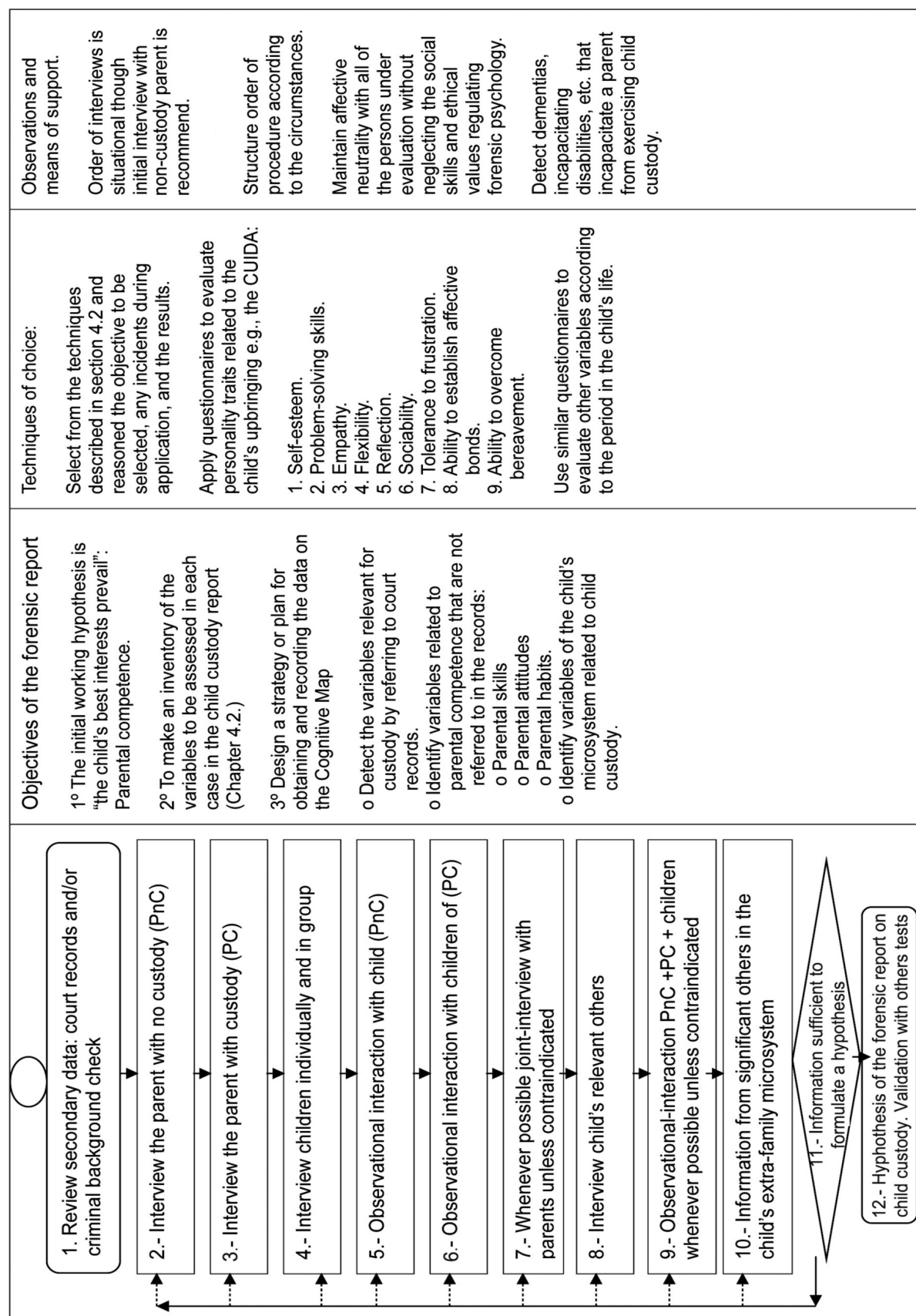
8. Psychological reports on the child, family, and surroundings.
9. Forensic findings on the assessment of the child's best interests.
10. Submitting the report to the commissioning judge.
11. If required, confirmation of assistance to trial.
12. Follow-up if required.

4.3.3. Development of the common procedure: second phase

In the common procedure, the appropriate objectives and techniques of the forensic psychological report on child custody have been outlined. Though the interviews should be conducted in the order that facilitates the gathering of data required for effective psychological assessment of the family unit (see Figure 2), the psychologist may alter this order if it negatively influences the assessment given that the objective of these interviews is to obtain the data required for adequately determining a specific psychological proposal.

FIGURE 2. PHASE 2nd THE PROCESS OF THE FORENSIC PSYCHOLOGICAL REPORT

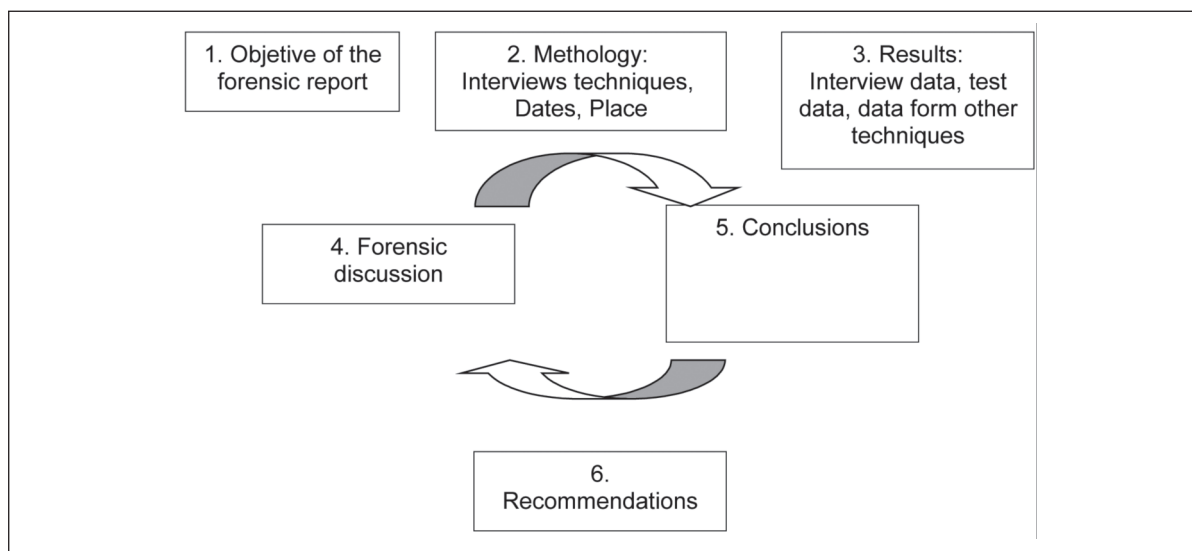
As previously stated, this procedure should be adapted to each case of gender violence using a specific protocol



5. THE FORENSIC REPORT

The content of the forensic report should have a well-defined structure such as the example in Figure 3. The report, without losing rigor, should be written in clear language, free from technical jargon and, in cases where this proves to be impossible, include a translation into easily comprehensible language that is understandable but precise. The report should be succinct, not excessively long, but sufficiently detailed to provide the data required.

FIGURE 3



The forensic report must be addressed to the commissioning agent, be it the judge or either of the defence lawyers representing the parties in litigation, and may be eventually made public in the mass media).

A forensic psychological report on the family process should include at least the following elements:

1. *Type of report: child custody or parental competence.*
2. *The author of the report: name and credentials.*
3. *Name of the court of referral and trial number if required.*
4. *People evaluated.*
5. *Identifying the reason for referral:* identify the commissioning agent's concerns and enquiries, and quote the actual wording of the judge or of the parties in litigation and their lawyers using quotation marks to refer to textual quotation of court-orders. This section is entitled «Forensic objective». This objective should clearly state the purpose of the forensic report, and not exceed the functions of the psychologist.

6. *Methodology-techniques* to be applied: interviews, other reports, court records, tests, questionnaires, simulated and real-life observations, home visits, etc. This section should also include the date of the commissioning report, and the date of assessments in chronological order. Other indirect data sources should be consulted such as interviewing the child's teachers, therapists, etc.

The child's preferences regarding different living alternatives should be explored, but care should be taken in not asking direct questions that generate a conflict of loyalty as these preferences are not conclusive. Moreover, the psychologist must be able to explain the rationale underlying the forensic report and how preferences have been evaluated.

7. *Results* of the forensic tests. This section is further subdivided into two: the results obtained from interviews, and the results obtained from other psycho-technical and psychological techniques. The descriptions, diagnosis, and predictions referred to in the forensic report should be circumscribed to the context and time when they were undertaken.
8. *Conclusions*: responding to the judge's enquiries or those of either parents as to which is the best living arrangement for the best interests of the child.

The final assessment should directly address the reason for referral, and the report should substantiate its findings with a certain degree of conviction on the basis of the results. Should the conclusions be inconclusive or there be a degree of doubt, this should be explicitly stated in the report.

The conclusions should be explicit and easily located in the text. They should explicitly formulate a proposal, and offer complementary recommendations for child custody or visitation schedules, and every conclusion or recommendation should rest on substantiated results.

The reader of the forensic report shall be able to easily understand how the psychologist arrived at the conclusions in the report, and what data was used to reach the conclusions: For what precise reasons does the report recommend the custody of one of the parents or what factors substantiate the conclusion that joint-custody is in the child's best interest.

9. *Recommendations* (on the application and practical outcomes of the conclusions), and other relevant recommendations (therapy, further assessment, etc.).

Moreover, the report must appraise a previous history of gender violence, protection orders, and other court records at the disposal of the psychologist.

It is recommended that the checklist of the tests employed in the report be completed (see Appendix 3).

In relation to the payment of the psychologist fees, it is recommended the psychologist request the provision of funds to guarantee the impartiality of the results of the report.

As to crucial questions as to who has the right to access and who is the recipient of the forensic report it would be convenient to point out the following: the final report shall be submitted to the party authorizing the report on child custody, and/or the irrespective lawyers; and the judge under court-order.

In other words, as has been previously stated, a sine qua non prerequisite of the forensic report is its commitment to inform (fax, burofax, contacting witnesses, etc.) the parents, and significant others close to the child who are attested caregivers though they have no legal rights of custody (grandparents, elder brothers and sisters, aunts and uncles, foster families). Court-ordered reports may be submitted only to the judges authorising the reports. Should any of the litigating parties wish to access any of the data of the report and/or on the design process, they should submit their request to the judge commissioning the report. Should any of the persons who have participated in the forensic assessment wish to access any of the data, they should remit their requests to the judge or the authorising body.

Should any person collaborating in the investigation on the child's social surroundings wish to access any data of the forensic report, and the request is ratified by the psychologist, their access will be restricted to the reading of parts corresponding to their own statements, and performance in psychological tests.

6. ASPECTS TO TAKE INTO ACCOUNT DURING THE ASSESSMENT PROCESS AND IN WRITING THE FORENSIC REPORT

Forensic assessment should be immediate, to avoid prolonging family conflict as a secondary effect.

The report should be **contrastable**, since it is probative evidence in a court of law in civil litigation, and occasionally in criminal trials, and should underscore that assessment refers to a given moment and context.

Both in undertaking the forensic assessment and writing the forensic report, **caution should be exercised in making statements** as psychologist, and our conclusions must be sufficiently substantiated as well as showing respect for all those involved in the assessment. Special care should be taken to **prevent**:

- The invasion of privacy causing unnecessary distress (duplicity, superfluous questions...).
- The violation of a person's intimacy (with the presence of third-parties during assessment, except with written authorization, particularly for didactic purposes).
- Defamatory or derogatory remarks and/or insulting any of the parties.
- Conclusions concerning one of the parties based on data obtained exclusively from the other party, without contrasting it by using other means.

- Recording as fact, conclusion or argument the data obtained from only one of the parties.
- It essential that the statements of either party are well differentiated by using quotation marks, the sources and the context of assessment should be cited as well as the events and behaviour observed and/or recorded by the psychologist and judgements, evaluations, conclusions etc., but avoiding any type of ambiguity.
- A biased or partisan viewpoint.
- Unsubstantiated statements and value judgements with no foundations.

Reports that exclusively rely on the content of counter-reports of other expert psychologists either in favour or against, without directly evaluating the family unit are inadmissible as evidence. Should the psychologists have any hesitations or reservations, the Deontological Committee should be previously consulted. Should the psychologist have knowledge of a report based on mal praxis, as a rule, the Deontological Committee of the College of Psychologist should be informed of such praxis.

In general, and as Vázquez and Hernández (1993) propose, forensic psychological reports should employ the tactic of «maximum observation, medium description, and minimum inference».

Furthermore, descriptions of behaviour, attitudes, and feelings should be documented without including categorical judgements or curt language.

Moreover, elements that negatively affect the quality of the report must be appraised such as those relating to an excessive zeal in a misguided search for efficacy or as an influence of the dynamics of the legal system itself. Any over-diagnosis either in terms of an excessive number of sessions or the number of tests applied should be avoided unless sufficiently justified.

Though it may appear to be redundant, it would be convenient to underscore once again that the report should strictly comply with the deontological principles and current legalisation in force, particularly in relation to those outlined in section 3.

The chart in Appendix 4 gives examples of best and malpractice in child custody reports.

7. REFERENCES

Arch, M., & Jarne, A. (2002). Protocolo del COPC para peritajes psicológicos en procedimientos de familia: Génesis y fundamentación teórica de la propuesta del protocolo del COPC. *Full informatiu*, 152, 4-5.

Bernal, T. (1998). *La mediación. Una solución a los conflictos de ruptura de pareja*. Madrid: Colex.

Boszormenyi-Nagi, I. & Spark, G. M. (1983). *Lealtades Invisibles*. Amorrortu: Buenos Aires.

- Cadoret, A. (2003). *Padres como los demás: homosexualidad y parentesco*. Barcelona: Gedisa.
- Cantón, J., Cortés, M. R., & Justicia, M. D. (2007). *Conflictos entre los padres, divorcio y desarrollo de los hijos*. Madrid: Pirámide.
- Cayuela, R., Jarné, A., & Molina, A. (2005). Estudi descriptiu de les denúncies ateses per la Comissió Deontològica del COPC amb relació a intervencions pericials. *Full Informatiu del COPC*, 183, 18-22.
- Colegio Oficial de Psicólogos de España (2004). *Ética y deontología para psicólogos*. Madrid: Colegio Oficial de Psicólogos de España.
- Fariña, F., Seijo, D., Arce, R., & Novo, M. (2002). *Psicología Jurídica de la familia: intervención de casos de separación y divorcio*. Barcelona: Cedecs.
- Fernández, E., & Godoy, C. (2002). *El niño ante el divorcio*. Madrid: Pirámide.
- Isaacs, M., Montalvo, B., & Abelson, D. (1988). *Divorcio difícil. Terapia para los hijos y la familia*. Buenos Aires: Amorrortu.
- Jiménez, A. B. (2005). *Modelos y realidades de la familia actual*. Madrid: Fundamentos.
- Lluís-Font, J. M. (2006). *Test de la familia: cuantificación y análisis de variables socioculturales y de estructura familiar para profesionales de Psicología, Psicopedagogía y Psiquiatría*. Barcelona: Davinci.
- Marrero, J. L. (1998). *Psicología Jurídica de la familia*. Madrid: Fundación Universidad Empresa.
- Menéndez, S. (s.d.). Desarrollo psicológico en el contexto familiar. Tema 1. La familia como escenario de desarrollo psicológico. Recuperado el 19 de marzo de 2008, del sitio web de la Universidad de Huelva: <http://www.uhu.es/64130/descarga/tema1.PDF>
- Ramírez, M. (2003). *Cuando los padres se separan. Alternativas de custodia para los hijos*. Madrid: Biblioteca Nueva.
- Río, C. del (2000). Informes de parte en conflictos matrimoniales: implicaciones deontológicas. *Infocop* (10), 15-20.
- Urra, J., & Vázquez, B. (Comps.). (1993). *Manual de Psicología Forense*. Madrid: Siglo XXI.
- Urra, J. (Coord.). (2002). *Tratado de Psicología Forense*. Madrid: Siglo XXI.
- Vázquez, B. (2005). *Manual de Psicología Forense*. Madrid: Síntesis.
- Vázquez, B., & Catalán, M.J. (2008). *Casos prácticos en Psicología Forense*. Madrid: EOS.
- Wallersten, J. S., & Blakeslee, S. (1989). *Padres e hijos después del divorcio*. Buenos Aires: Vergara.

APPENDIX 1. EXTENSIVELY USED INSTRUMENTS GUIDING THE FORENSIC PSYCHOLOGICAL REPORTS ON CHILD CUSTODY¹¹

1.1. OUTLINE OF THE INTERVIEW STRUCTURE

List the aspects that are to be identified, measured or evaluated, for guidance on interviewing children and parents see section 4.1. There are different interview types and structures such as those proposed by Fariña et al. (2002). An example interview designed by Marta Ramírez (2003) is shown below consisting of the following subsections:

- Family history.
- Post-break-up interparental relationships evaluated by the parents.
- Post-break-up parent-child relationships evaluated by the parent with provisional custody.
- Post-break-up parent-child relationships evaluated by the parent with no custody.
- Eating habits.
- Sleeping habits.
- Habits on authority and discipline.
- Habits on autonomy / dependence.
- Leisure habits.
- Parental psychological disadjustment.
- Social competence/support of parents.
- Employment status and stability.
- Parental understanding of the children, and their adjustment to the divorce.
- Social support of the children (parental report).
- Adjustment to school age and level.
- Changes undertaken or planned in the intra-family and social setting.

¹¹ Obviously, this list is not exhaustive, and other instruments that meet the technical criteria may be required to fulfil the objective.

- Parents' perceptions on their control of post-separation changes.
- The child's social support network (self-report).
- Parent-child relationships evaluated by the child.
- Inter-parental relationships evaluated by the child.
- Motivated preferences for child custody.

1.2. NON-STANDARDIZED INSTRUMENTS. QUESTIONNAIRES AND SCALES

The psychologist must ensure that the techniques employed, especially in relation to personality or clinical traits, have been adapted and validated for the population to which they will be applied in order to explain clinical or personality traits, and to attest to the reliability and validity of data. Nevertheless, there may be no standardized and normalized instruments for evaluating very specific aspects that are not normally included in a forensic report on child custody, in which case the psychologist should employ the instruments most extensively used by the vast majority of psychologists. Below is a brief list of some of the most extensively used instruments (Marta Ramírez, 2003) in her book *Cuando los padres se separan. Alternativas de custodia. Guía Práctica*, edited by Pirámide Ed.

- Achenbach, T. (1997). *Cuestionario CBCL*. Cuestionario de conductas infantiles para padres (adap. española). Asturias: Consejería de Sanidad y Servicios Sociales del Principado de Asturias. Unidad de Salud Mental Infantil de Avilés.
- *Escala de apoyo social percibido de amigos*. Translation of the original version of M. E. Procidano, & K. Héller (1983) by Marta Ramírez.
- *Escala de evaluación de afrontamiento de problemas*. Translation of the original version of Larsen, Olson, & McCubbin (1982) by Marta Ramírez.
- *Escala de creencias infantiles sobre el divorcio parental*. Translated and modified version of Kurdek, & Berg (1987) by Marta Ramírez.
- *Listado de tareas de cuidado infantil*. M. Ramírez (2003).
- *Escala de comunicación padres-adolescentes. Formulario para hijos*. Translation of the original version of D.H. Olson, & H.L. Barnes (1982) by Marta Ramírez.
- *Escala de comunicación padres-adolescentes. Formulario para padres*. Translation of the original version of D.H. Olson, & H.L. Barnes (1982) by Marta Ramírez.
- *Listado de preferencias infantiles*. M. Ramírez (2003).

- *Instrumento sobre actitudes parentales*. Modified version of de original of E.S. Schaefer, & R.Q. Bell (PARI, 1995) by Marta Ramírez.
- *Inventario de percepción de los padres*. A. Hazzard, A. Christensen y G. Margolin. (1983) traducido por CINTECO.

Furthermore we can include:

- *PEE Estilos Educativos Paternos*, de Magaz, & García (1988). Grupo ALBOR.

1.3. STANDARDIZED INSTRUMENTS. QUESTIONNAIRES AND SCALES

1.3.1. Instruments for evaluating general personality traits

- Cattell, R. B., Cattell, A. K. S., & Cattell, H. E. P. (2003). *16PF-5: Cuestionario Factorial de Personalidad* (6ª ed. rev. y amp.). Madrid: TEA.
- Coan, R. W., & Catell, R. B. (1993). *ESPQ: Cuestionario de Personalidad para Niños* (6 a 8 años). Madrid: TEA.
- Costa, P. T., & McCrae, R. R. (2002). *NEO PI-R: Inventario de Personalidad Neo Revisado*. Madrid: TEA.
- Costa, P. T., & McCrae, R. R. (2002). *NEO-FFI: Inventario NEO Reducido de Cinco Factores*. Madrid: TEA.
- Eysenck, H. J., & Eysenck, S. B. G. (1997). *EPQ-R: Cuestionario de Personalidad de Eysenck-Revisado*. Madrid: TEA.
- Millon, T. (2001). *MIPS: Inventario Millon de Estilos de Personalidad*. Madrid: TEA.
- Porter, R. B., & Cattell, R. B. (1999). *CPQ: Cuestionario de Personalidad para Niños* (8 a 12 años). Madrid: TEA.
- Shuerger, J. M. (2001). *16 PF-APQ: Cuestionario de Personalidad para Adolescentes*. Madrid: TEA.

1.3.2. Brief tests and screening

- Derogatis, L. R. (2002). *SCL-90-R: Cuestionario de 90 Síntomas* (adap. española). J. L. González de Rivera, et. al. Madrid: TEA.
- Goldberg, D., & Williams, P. (1996). *GHQ-28: Cuestionario de Salud General* [adap. española]. Madrid: Masson.

1.3.3. Child adjustment tests

- Hernández, P. (2002). *TAMAI: Test Autoevaluativo Multifactorial de Adaptación Infantil* (4ª ed). Madrid: TEA.
- Musitu, G., & García, F. (2004). *ESPA-29: Escala de Estilos de Socialización Parental en la Adolescencia*. Madrid: TEA.
- Reynolds, C. R., & Kamphaus, R. W. (2007). *BASC: Sistema de Educación de la conducta del niño*. Madrid: TEA.
- Silva, F., & Martorell, M. C. (2001). *BAS: Bateria de Socialización 1, 2 y 3*. Madrid: TEA.

1.3.4. Instruments for evaluating specific personality traits related to parental competence

- Bermejo, F. A., Estévez, I., García, M. I., García, E., Lapastora, M., Letamendía, P. ... Velázquez de Castro, F. (2006). *CUIDA: Cuestionario para la Evaluación de Adoptantes, Cuidadores, Tutores y Mediadores*. Madrid: TEA.

1.3.5. Instruments to evaluate clinical traits

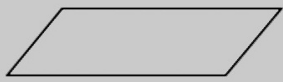
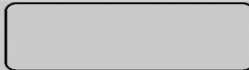
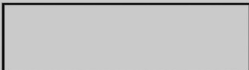
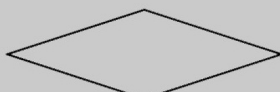
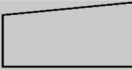
- Butcher, J. N., Williams, C. L., Graham, J. R., Archer, R. P., Tellegen, A., Ben-Porath, Y. S., & Kaemer, B. (2003). *MMPI-A: Inventario Multifásico de Personalidad de Minnesota para Adolescentes*. Madrid: TEA.
- Drug, S. E. (2005). *CAQ: Cuestionario de Análisis Clínico* (6ª ed.) [adap. española]. Madrid: TEA.
- Gillis, J. S. (1999). *CAS: Cuestionario de Ansiedad Infantil* (3ª ed.). Madrid: TEA.
- Hathaway, S. R., & McKinley, J. C. (2002). *MMPI-2: Inventario Multifásico de Personalidad de Minnesota-2* (3ª ed. rev. y amp.) [adap. española]. Madrid: TEA.
- Klofer, B., & Kelly, D. (1942). *Técnica del Psicodiagnóstico del Rosschach*. Buenos Aires: Paidós.
- Kovacs, M. (2004). *CDI: Inventario de Depresión Infantil* [adap. española]. Madrid: TEA.
- Lang, M., & Tisher, M. (1997). *CDS: Cuestionario de Depresión para Niños* (5ª ed.) Madrid: TEA.
- Millon, T. (2004). *MACI: Inventario Clínico para Adolescentes de Millon* [adap. española]. Madrid: TEA.

- Millon, T., Davis, R., & Millon, C. (2007). *MCMI-III: Inventario Clínico Multiaxial de Millon-III* [adap. española]. Madrid: TEA.
- Murria, H. A. (1988). *TAT, CAT-A, CAT-H y SAT: Tests de Apercepción Temática* [adap. española]. Madrid: TEA.
- Portuondo, J. M. (2007). *La Figura Humana: Test Proyectivo de Karen Machover* (2ª ed.). Madrid: Biblioteca Nueva.
- Spielberger, C.D. (2001). *STAIC: Cuestionario de Autoevaluación Ansiedad Estado/Rasgo en Niños* (3ª ed. rev.). Madrid: TEA.

1.3.6. Other Instruments

- Barraca, J., & López-Yarto, L. (2003). *ESFA: Escala de Satisfacción Familiar por Adjetivos*. Madrid: TEA.
- García, F., & Musitu, G. (2001). *AF-5: Autoconcepto. Forma-5* (2ª ed.). Madrid: TEA.
- Lluís-Font, J. M. (2006). *Test de la Familia: cuantificación y análisis de variables socioculturales y de estructura familiar*. Barcelona: Davinci.
- Sánchez-Cánovas, J. (1998). *EBQ: Escala de Bienestar Psicológico*. Madrid: TEA.

APPENDIX 2: ANSI CODE FOR THE FLOWCHART ON THE FORENSIC REPORT ON CHILD CUSTODY

Name	Symbol	Function
Entering – leaving the process		Represents any operation for introducing data in the memory or to register in the INPUT system (triggering), and OUTPUT (final product).
Start – Finish of the process		To indicate the start and finishing times of a process.
Activity of the process		Includes any defined operation or activity fostering a change of values during the process.
Check process and/or decision-making		Identify each issue for decision-making at a given moment of time. According to the response, one of the alternatives options is chosen; whenever possible, use the binary YES – NO option.
Connector		Connects two parts of the flowchart within the same page of the diagram.
Connector		Connects two parts of the flowchart when the drawing extends onto another pages.
Subroutine		This is a routine independent of the main flow receiving input from the said flow, a specific routine is performed prior to returning to the main flow.
Line of connection		This is an element linking two symbols.
Indicator of direction		Indicates the order in the execution of the activities.
Comments		Adding other symbols to the flowchart to qualify comments.
Technical equipment		
Documents		Indicate if one or more documents are being issued.
Data storing		Indicate if an activity has data bases
Specific operations		
Manual data input		Indicate if data input is manually fed.
Automatic storing		Hard drive of data/documents.

APPENDIX 3: CHECKLIST FOR THE METHODOLOGY AND FORENSIC TESTS USED IN THE FORENSIC REPORT

1. File N°:							
2. Courthouse:							
3. Child custody report:							
4. Commissioning agent:							
5. With the agreement of:							
6. With the collaboration of:							
7. With the refusal to collaborate from:							
8. Starting date: Finishing date:							
9. Details and credentials of the forensic psychologist responsible for the report:							
10. Contact details:							
11. Method used:							
12. Techniques used:							
People undergoing forensic assessment for child custody							
Name of techniques and tests applied (page 10)	Applied to child	Parent A	Parent B	Brothers and sisters	Immediate surroundings	Exo-environment	Conclusive for child custody?
13. Calendar of tests:							
14. Most relevant results:							
a. On the child							
b. On the micro-system of parent A							
c. On the micro-system of parent B							
d. On the significant others in the micro system							
e. On the child's attachment							
f. On the significant others of the meso-system							
g. On the circumstances of the ecosystem							
15. Diagnostic hypothesis							
16. Conclusion on the best interest of the child:							
Legal guardian	Visitation schedule			Observations			
17. Recommendations							

APPENDIX 4: EXAMPLES OF GOOD AND MAL PRACTICE IN THE PROCESSING OF FORENSIC REPORTS

PHASES	Good practice	Mal practice
Phase initial: RECEPTION OF THE PSYCHOLOGICAL EVALUATION REQUEST	1. Examine and specify the reason for referral in the report: the what, for what, why, for whom. 2. Caution as to the characteristics of the forensic report: state the best option and conditions for the child's upbringing with impartiality, complex data, rigor of data, and replicability of conclusions. 3. Warn of the possible conflict between the agent commissioning the report and the results of the assessment on the child's best interests.	1. Write a report on the diagnosis and treatment being administered to a child, without informing both parents. 2. Accept to be commissioned by a lawyer to offer a «clinical diagnosis» instead of assessing the child and the social surroundings. 3. Hand out instructions and give advice to both parents as if it were part of therapy.
Development phase: UNDERTAKING THE ASSESSMENT	4. Evaluate all family, school, and social settings. 5. Evaluate the psychological development and well being of the child, the degree and aetiology of disorder(s), and the incidence in each member and their respective social settings. 6. Use all types of observational tools and prioritize registration from ethnographic description to the diagnosis. 7. Evaluate the prognosis on the development and wellbeing of the child according to the modes of interaction of the child in each environment.	4. Evaluate the psychological status of the child at the moment of assessment, and report on the child's psychomotor, emotional, cognitive and social facets without arriving at a prognosis. 5. Evaluate the parental competence of only one parent in the forensic psychological report. 6. To consider without contrasting the opinions of one of the parents or third parties the data as objective and as grounds for doubting parental competence. 7. To establish linear, one-dimensional cause-effect relationships between parent and the child's disorder.
Judgement phase: ELEMENTS SPECIFIC TO THE FORENSIC REPORT	8. Describe the «pros and cons» of each option for awarding custody to either parent or family. Include pros and cons of the visitation schedules and specifications. 9. Recommend a specific option on the basis of the results of the evaluation. 10. Make recommendations to both parties on the child's upbringing and welfare and agree on the dates for further follow-up.	8. To make erroneous attributions and exaggerate normal alterations in the child's adaptation to the process of divorce. 9. To make unqualified statements unsubstantiated by the assessment and non-assessed data. 10. To make unintelligible the decision criterion with multiple psycho technical data without establishing a coherent system of causal effects in the development. 11. Recommend the banning of visits or contacts with a parent not submitted to evaluation. 12. Consider as factual all of the child's claims or statements on the premise that the child «always tells the truth».





www.copmadrid.org