

**Analysis of a Child Custody Report**

**CRC 5.220 (2012), AFCC Model Standards, APA Ethics (2002), APA Guidelines for Parenting Responsibility (2010), Specialty Guidelines for Forensic Psychology (2011)**

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**2012 California Rules of Court**

<p><b>Rule 5.220. Court-ordered child custody evaluations</b> (a) Authority. This rule of court is adopted under Family Code sections 211 and 3117. (Subd (a) amended effective January 1, 2007.)</p>	
<p>5.220 (b) Purpose. Courts order child custody evaluations, investigations, and assessments to assist them in determining the health, safety, welfare, and best interest of children with regard to disputed custody and visitation issues. This rule governs both court-connected and private child custody evaluators appointed under Family Code section 3111, Evidence Code section 730, or Code of Civil Procedure section 2032. (Subd (b) amended effective January 1, 2003.)</p>	
<p>5.220 (c) Definitions For purposes of this rule: (1) A "child custody evaluator" is a court-appointed investigator as defined in Family Code section 3110. (2)The "best interest of the child" is as defined in Family Code section 3011.</p>	
<p>(3)A "child custody evaluation" is an expert investigation and analysis of the health, safety, welfare, and best interest of children with regard to disputed custody and visitation issues.</p>	
<p>(4)A "full evaluation, investigation, or assessment" is a comprehensive examination of the health, safety, welfare, and best interest of the child.</p>	
<p>(5)A "partial evaluation, investigation, or assessment" is an examination of the health, safety, welfare, and best interest of the child that is limited by court order in either time or scope.</p>	
<p>(6)"Evaluation," "investigation," and "assessment" are synonymous.(Subd (c) amended effective January 1, 2003.)</p>	
<p>5.220 (d) Responsibility for evaluation services (1)Each court <u>must</u>: (A)Adopt a local rule by January 1, 2000, to: (i)Implement this rule of court; (ii)Determine whether a peremptory challenge to a court-appointed evaluator is allowed and when the challenge must be exercised. The rules must specify whether a family court services staff member, other county employee, a mental health professional, or all of them may be challenged; (iii)Allow evaluators to petition the court to withdraw</p>	

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from a case; (iv) Provide for acceptance of and response to complaints about an evaluator's performance; and (v) Address ex parte communications.	
5.220 (d) (1) (B) Give the evaluator, before the evaluation begins, a copy of the court order that specifies: (i) The appointment of the evaluator under Evidence Code section 730, Family Code section 3110, or Code of Civil Procedure 2032; and (ii) The purpose and scope of the evaluation. (C) Require child custody evaluators to adhere to the requirements of this rule. (D) Determine and allocate between the parties any fees or costs of the evaluation.	
5.220 (d) (2) The child custody evaluator must: (A) Consider the health, safety, welfare, and best interest of the child within the scope and purpose of the evaluation as defined by the court order;	
5.220 (d) (2) (B) Strive to minimize the potential for psychological trauma to children during the evaluation process; and	
5.220 (d) (2) (C) Include in the initial meeting with each child an age-appropriate explanation of the evaluation process, including limitations on the confidentiality of the process. (Subd (d) amended effective January 1, 2007; previously amended effective January 1, 2003.)	
5.220 (e) Scope of evaluations All evaluations <u>must</u> include: (1) A written explanation of the process that clearly describes the: (A) Purpose of the evaluation;	
5.220 (e) (1) (B) Procedures used and the time required to gather and assess information and, if psychological tests will be used, the role of the results in confirming or questioning other information or previous conclusions;	
5.220 (e) (1) (C) Scope and distribution of the evaluation report;	
5.220 (e) (1) (D) Limitations on the confidentiality of the process; and	
5.220 (e) (1) (E) Cost and payment responsibility for the evaluation.	
5.220 (e) (2). Data collection and analysis that are consistent with the requirements of Family Code section	

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3118; that allow the evaluator to observe and consider each party in comparable ways	
and to substantiate (from multiple sources when possible) interpretations and conclusions regarding each child's developmental needs;	
the quality of attachment to each parent and	
that parent's social environment;	
and reactions to the separation, divorce, or parental conflict.	
5.220 (e) (2) This process may include: (A)Reviewing pertinent documents related to custody, including local police records;	
5.220 (e) (2) (B)Observing parent-child interaction (unless contraindicated to protect the best interest of the child);	
5.220 (e) (2) (C) Interviewing parents conjointly, individually, or both conjointly and individually (unless contraindicated in cases involving domestic violence), to assess:	
5.220 (e) (2) (C) (i)Capacity for setting age-appropriate limits and for understanding and responding to the child's needs;	
5.220 (e) (2) (C) (ii)History of involvement in caring for the child;	
5.220 (e) (2) (C) (iii)Methods for working toward resolution of the child custody conflict;	
5.220 (e) (2) (C) (iv)History of child abuse, domestic violence, substance abuse, and psychiatric illness; and	
5.220 (e) (2) (C) (v)Psychological and social functioning;	
5.220 (e) (2) (D) Conducting age-appropriate interviews and observation with the children, both parents, stepparents, step- and half-siblings conjointly, separately, or both conjointly and separately, unless contraindicated to protect the best interest of the child;	
5.220 (e) (2) (E) Collecting relevant corroborating information or documents as permitted by law; and	
5.220 (e) (2) (F) Consulting with other experts to develop information that is beyond the evaluator's scope of practice or area of expertise.	
5.220 (e) (3)	

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<p>A written or oral presentation of findings that is consistent with Family Code section 3111, Family Code section 3118, or Evidence Code section 730. In any presentation of findings, the evaluator <u>must</u>:</p> <p>5.220 (e) (3)                  (A) Summarize the data-gathering procedures, information sources, and time spent, and present all relevant information, including information that does not support the conclusions reached;</p>	
<p>5.220 (e) (3)                  (B) Describe any limitations in the evaluation that result from unobtainable information, failure of a party to cooperate, or the circumstances of particular interviews;</p>	
<p>5.220 (e) (3)                  (C) Only make a custody or visitation recommendation for a party who has been evaluated. This requirement does not preclude the evaluator from making an interim recommendation that is in the best interest of the child; and</p>	
<p>5.220 (e) (3)                  (D) Provide clear, detailed recommendations that are consistent with the health, safety, welfare, and best interest of the child if making any recommendations to the court regarding a parenting plan.                  (Subd (e) amended effective January 1, 2007; previously amended effective January 1, 2003, and July 1, 2003.)</p>	
<p>5.220 (f) Cooperation with professionals in another jurisdiction.                  When one party resides in another jurisdiction, the custody evaluator may rely on another qualified neutral professional for assistance in gathering information. In order to ensure a thorough and comparably reliable out-of-jurisdiction evaluation, the evaluator <u>must</u>:</p>	
<p>5.220 (f) (1) Make a written request that includes, as appropriate:                  5.220 (f) (1)                  (A) A copy of all relevant court orders;</p>	
<p>5.220 (f) (1)                  (B) An outline of issues to be explored;</p>	
<p>5.220 (f) (1)                  (C) A list of the individuals who must or may be contacted;</p>	
<p>5.220 (f) (1)                  (D) A description of the necessary structure and setting for interviews;</p>	
<p>5.220 (f) (1)                  (E) A statement as to whether a home visit is required;</p>	
<p>5.220 (f) (1)</p>	

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(F)A request for relevant documents such as police records, school reports, or other document review; and	
5.220 (f) (1) (G)A request that a written report be returned only to the evaluator and that no copies of the report be distributed to parties or attorneys;	
5.220 (f) (2) Provide instructions that limit the out-of-jurisdiction report to factual matters and behavioral observations rather than recommendations regarding the overall custody plan; and	
5.220 (f) (3) Attach and discuss the report provided by the professional in another jurisdiction in the evaluator's final report. (Subd (f) amended effective January 1, 2003.)	
5.220 (g) Requirements for evaluator qualifications, training, continuing education, and experience All child custody evaluators must meet the qualifications, training, and continuing education requirements specified in Family Code sections 1815, 1816, and 3111, and rules 5.225 and 5.230.(Subd (g) amended effective Jan. 1, 2004; previously amended effective July 1, 1999, and January 1, 2003.)	
5.220 (h) Ethics In performing an evaluation, the child custody evaluator must:	
5.220 (h) (1) Maintain objectivity, provide and gather balanced information for both parties, and control for bias;	
5.220 (h) (2) Protect the confidentiality of the parties and children in collateral contacts and not release information about the case to any individual except as authorized by the court or statute;	
5.220 (h) (3) Not offer any recommendations about a party unless that party has been evaluated directly or in consultation with another qualified neutral professional;	
5.220 (h) (4) Consider the health, safety, welfare, and best interest of the child in all phases of the process, including interviews with parents, extended family members, counsel for the child, and other interested parties or collateral contacts;	
5.220 (h) (5) Strive to maintain the confidential relationship between the child who is the subject of an evaluation and his or her treating psychotherapist;	
5.220 (h) (6) Operate within the limits of the evaluator's training and experience and disclose any limitations or bias that would affect the evaluator's ability to conduct the evaluation;	
5.220 (h) (7) Not pressure children to state a custodial	

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preference;	
5.220 (h) (8) Inform the parties of the evaluator's reporting requirements, including, but not limited to, suspected child abuse and neglect and threats to harm one's self or another person;	
5.220 (h) (9) Not disclose any recommendations to the parties, their attorneys, or the attorney for the child before having gathered the information necessary to support the conclusion;	
5.220 (h) (10) Disclose to the court, parties, attorney for a party, and attorney for the child conflicts of interest or dual relationships; and not accept any appointment except by court order or the parties' stipulation; and	
5.220 (h) (11) Be sensitive to the socioeconomic status, gender, race, ethnicity, cultural values, religion, family structures, and developmental characteristics of the parties. (Subd (h) amended effective January 1, 2007; previously amended effective January 1, 2003.)	
<b>(i) Service of the evaluation report</b> <i>A Notice Regarding Confidentiality of Child Custody Evaluation Report (form FL-328) must be attached as the first page of the child custody evaluation report when a court-ordered child custody evaluation report is filed with the clerk of the court and served on the parties or their attorneys, and any counsel appointed for the child, to inform them of the confidential nature of the report and the potential consequences for the unwarranted disclosure of the report.</i> (Subd (i) adopted effective January 1, 2010.)	
<b>(j) Cost-effective procedures for cross-examination of evaluators</b> Each local court must develop procedures for expeditious and cost-effective cross examination of evaluators, including, but not limited to, consideration of the following: (1) Videoconferences; (2) Telephone conferences; (3) Audio or video examination; and (4) Scheduling of appearances. <i>(Subd (j) relettered effective January 1, 2010; adopted as subd (i); previously amended effective January 1, 2003.) Rule 5.220 amended effective January 1, 2010; adopted as rule 1257.3 effective January 1, 1999; previously amended and renumbered effective January 1, 2003; previously amended effective July 1, 1999, July 1, 2003, January 1, 2004, and January 1, 2007.</i>	

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**AFCC Model Standards (2006)**

**3.2 RECORD-KEEPING OBLIGATIONS**

Child custody evaluators have an obligation expeditiously to establish and to maintain a record-keeping system.

(a) Evaluators shall establish and maintain a system of record-keeping and professional communication that is consistent with law, rules, and regulations, and that safeguards applicable privacy, confidentiality, and legal privilege. Evaluators shall create all records expeditiously. Unless laws, rules of the court, directives from the court, rules promulgated by regulatory bodies, or private agency policy specify otherwise, evaluators shall presume that their records are created, maintained, and preserved in anticipation of their review by others who are legally entitled to possess them and/or to review them.

(b) Records of all aspects of the evaluation shall be created in reasonable detail, shall be legible, shall be stored in a manner that makes expeditious production possible, and shall be made available in a timely manner to those with the legal authority to inspect them or possess copies of them. Excluded from the requirements alluded to in the foregoing discussion of records production are items that may be protected from disclosure by copyright laws.

(c) Where the policies of private agencies conflict with the requirements of law, rules of the court, directives from the court, or rules promulgated by regulatory bodies, the role of private agency policies shall be considered subordinate.

**3.3 ACTIVE CONTROL OF RECORDS**

Child custody evaluators shall maintain active control of their records and shall take reasonable care to prevent the loss or destruction of records.

In creating and organizing their files, evaluators shall conceptualize all items pertaining to a particular case as elements of one file. Evaluators shall be mindful of the fact that distinctions often made in clinical contexts between progress notes and process notes or between a client's file and a treating practitioner's personal file are distinctions that are not recognized in child custody work.

Evaluators shall maintain active control over records and information. Regardless of the form in which

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<p>information is presented, once evaluators take possession of an item, it must be retained and reasonable care must be taken to prevent its loss or destruction. For example, evaluators shall not return items to litigants or others unless such return has been authorized by the attorneys for both litigants or by the court. [Refer to Note 3.3.]</p>	
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<p><b>3.4 DISCLOSURE AND/OR RELEASE OF RECORDS</b> Child custody evaluators shall establish policies regarding their procedures, including procedures for the release of information and payment of fees. In describing their policies, procedures, and fees, evaluators shall address all issues pertaining to access to the records that are maintained by them. Evaluators' policies concerning the release of information and/or copies of portions of their files shall be guided by the policies and directives of the courts for which the evaluations are being or have been conducted.</p>	
<p><b>4. COMMUNICATION WITH LITIGANTS, ATTORNEYS, &amp; COURTS</b> <b>4.1 WRITTEN INFORMATION TO LITIGANTS</b> Child custody evaluators shall provide each litigant with written information outlining the evaluator's policies, procedures and fees.</p> <p>(a) Even when litigants are submitting to an evaluation in response to a directive from the court, evaluators shall provide detailed written information concerning their policies, procedures, and fees. In the portion of the document in which fees are outlined, it shall be made clear that the services to be rendered are neither health services nor health service related and that no claims for health insurance reimbursement will be completed by the evaluator.</p> <p>(b) The descriptive document provided by the evaluator shall specify the intended uses of the information obtained during the evaluation, shall include a list of those to whom the evaluator will make the report available and the manner in which the report will be released, and shall confirm that evaluator policies governing the release of items in the case file will be in conformance with applicable laws and court rules. This information shall be provided to the litigants and to their attorneys in advance of the first scheduled session, so that litigants may obtain advice of counsel and be</p>	



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<p>able to examine the document in an unhurried manner and in an atmosphere that is free of coercive influences. When the parties are not represented by counsel, the detailed information alluded to herein shall, nevertheless, be forwarded to them prior to the initial evaluative session.</p>	
<p><b>4.2 REVIEWING POLICIES, PROCEDURES, AND FEES</b> Child custody evaluators shall review their policies and procedures with the litigants prior to commencing an evaluation. In the initial meeting with the parties, evaluators shall review key elements of their policies and procedures, respond to any questions, and seek assurance that the policies and procedures are fully understood. The obligation to take reasonable steps to avoid harm where it is possible to do so and to minimize harm that is foreseeable but unavoidable extends to all those with whom evaluators professionally interact; to all those who are involved in the evaluative process in any manner, including children; and, to those from whom evaluators seek collateral source information. Evaluators shall inform children of the limits of confidentiality, using language that is chosen based upon each child’s cognitive capacity and receptive language abilities.</p>	
<p><b>4.3 INFORMED CONSENT OF COLLATERALS</b> Child custody evaluators shall take steps to ensure that collaterals know and understand the potential uses of the information that they are providing. Individuals from whom information is sought shall be informed in writing of the manner in which information provided by them will be utilized and reminding them that information provided by them is subject to discovery. The aforementioned notice may be provided orally where time constraints make providing written notice not feasible.</p>	
<p><b>4.4 EX PARTE COMMUNICATION</b> Child custody evaluators shall not have substantive ex parte communications about a case with the Court or with the attorney’s representing the parties. From the time that evaluators learn of their assignments until the time that their evaluations have been completed and their reports have been submitted, evaluators shall take all reasonable steps to minimize ex parte communication with the court and with attorneys representing the parties. Where ex parte communication occurs, all reasonable steps shall be taken to limit discussions to administrative or procedural matters; to</p>	

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<p>avoid discussion of substantive issues; and, to refrain from accepting or imparting significant information orally. Evaluators shall respect local rules or court orders with respect to ex parte communication with attorneys representing children.</p>	
<p><b>4.5 INTERIM RECOMMENDATIONS</b> Child custody evaluators shall refrain from making interim recommendations. Evaluators shall refrain from offering interim recommendations or treatment interventions pertaining to custodial placement, access, or related issues and shall refrain from negotiating settlements with the parties and/or with their attorneys. [Refer to Note 4.5.]</p>	
<p><b>4.6 PRESENTATION OF FINDINGS AND OPINIONS</b> Child custody evaluators shall strive to be accurate, objective, fair and independent in their work and are strongly encouraged to utilize peer-reviewed published research in their reports. (a) Evaluators shall not present data in a manner that might mislead the triers of fact or others likely to rely upon the information and/or data reported. In their reports and when offering testimony, evaluators shall strive to be accurate, objective, fair, and independent. Evaluators shall resist partisan pressure to report their information and data or to communicate their opinions in ways that might be misleading. [Refer to 5.3, below.] (b) Evaluators are strongly encouraged to utilize and make reference to pertinent peer-reviewed published research in the preparation of their reports. Where peer-reviewed published research has been alluded to, evaluators shall provide full and accurate references to the cited research. (c) Evaluators recognize that the use of diagnostic labels can divert attention from the focus of the evaluation (namely, the functional abilities of the litigants whose disputes are before the court) and that such labels are often more prejudicial than probative. For these reasons, evaluators shall give careful consideration to the inclusion of diagnostic labels in their reports. In evaluating a litigant, where significant deficiencies are noted, evaluators shall specify the manner in which the noted deficiencies bear upon the issues before the court. (d) Evaluators shall recognize that information not bearing directly upon the issues before the court may cause harm when disclosed and may have a prejudicial effect. For these reasons, evaluators shall avoid</p>	

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<p>including information in their reports that is not relevant to the issues in dispute. Notwithstanding the foregoing, evaluators shall retain all information gathered by them and shall be responsive to lawful requests for the production of that information.</p>	
<p><b>5. DATA GATHERING</b> <b>5.1 ESTABLISHING THE SCOPE OF THE EVALUATION</b> The scope of the evaluation shall be delineated in a Court order or in a signed stipulation by the parties and their counsel. (a) Evaluators shall establish the scope of the evaluation as determined by court order or by a signed stipulation by the parties and their attorneys. If issues not foreseen at the outset of an evaluation arise and if it is the evaluator’s professional judgment that the scope of the evaluation must be widened, the evaluator shall seek the approval of the court or of all attorneys prior to going beyond the originally designated scope of the evaluation. Any changes in the scope of the evaluator’s assigned task shall be memorialized in writing and signed by the court or by all attorneys, as applicable. [Refer to Note 5.1(a).] (b) Evaluators shall employ procedures that are most likely to yield information that will meet the needs of the court and shall conduct the data gathering phase of their evaluations in a manner consistent with state, provincial, or territorial statutes, or with judicial rules governing such evaluations. When circumstances demand that an evaluation be limited in scope, evaluators shall take steps to ensure that the boundaries to the evaluation and the evaluator’s role are clearly defined for the litigants, attorneys, and the court.</p>	
<p><b>5.2 FACTORS OR VARIABLES TO BE ASSESSED</b> Child custody evaluators shall assess the factors and variables pertinent to the evaluation. These factors or variables shall be determined according to local statutes, case law, referring questions and research. Evaluators shall assess factors or variables that are statutorily defined; dictated by case law; presented in the referring questions, court orders or stipulations; and/or deemed to be pertinent on the basis of peer-reviewed published research. If additional factors are brought to the evaluator’s attention or emerge during data collection, the evaluator shall use discretion and</p>	

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<p>professional judgment and shall initially seek direction from the attorneys, if needed, as decisions are made concerning the applicability of these factors to the issues before the court. [Refer also to 5.1(a).] If the attorneys are unable to agree or if, for any reason, further guidance is needed, the evaluator shall seek direction from the court.</p>	
<p><b>5.3 COMMITMENT TO ACCURACY</b> Child custody evaluators shall strive to be accurate, objective, fair and independent in gathering their data and shall be prepared to defend decisions made by them concerning their methodology. In gathering data, evaluators shall be committed to accuracy, objectivity, fairness, and independence; shall treat all participants and weigh all data, opinions, and alternative hypotheses thoroughly and impartially; and, shall be prepared to articulate the bases for decisions made by them concerning their methodology.</p>	
<p><b>5.4 USE OF DIVERSE METHODS</b> Child custody evaluators shall strive to use multiple data gathering methods in order to increase accuracy and objectivity. Evaluators shall use multiple data-gathering methods that are as diverse as possible and that tap divergent sources of data, thereby facilitating the exploration of alternative plausible hypotheses that are central to the case. The referral questions and issues in the case may be cast as testable hypotheses for the evaluator’s investigation. Decisions concerning the selection of data gathering methods shall be made with the circumstances of the evaluation in mind.</p>	
<p><b>5.5 USE OF A BALANCED PROCESS</b> Child custody evaluators shall strive to use a balanced process in order to increase objectivity, fairness and independence. (a) Evaluators shall endeavor to employ procedures that will create a sense of balance for those involved in the process. As one element of a balanced process, the evaluative criteria employed shall be the same for each parent-child combination. In the interests of fairness and sound methodology, evaluators shall ensure that any allegation concerning a matter that the evaluator is likely to consider in formulating his/her opinion shall be brought to the attention of the party against whom the allegation is registered so that s/he is afforded an opportunity to respond.</p>	
<p><b>5.6 USE OF RELIABLE AND VALID METHODS</b> Child custody evaluators shall use empirically-based</p>	

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<p>methods and procedures of data collection. Because evaluators are expected to assist triers of fact, evaluators have a special responsibility to base their selection of assessment instruments and their choice of data gathering techniques on the reliability and validity of those instruments and techniques. Evaluators shall strive to use methods and procedures of data collection that are empirically-based. In the selection of methods and procedures, evaluators shall be aware that the use of greater numbers of instruments (particularly when some of those instruments may be of questionable reliability or validity) does not necessarily produce more reliability and validity in the data set. In selecting methods and procedures, evaluators shall be aware of the criteria concerning admissibility and weight of evidence employed by courts in their jurisdictions.</p>	
<p><b>5.7 ASSESSMENT OF PARENTS AND PARENTING FIGURES</b></p> <p>Child custody evaluators shall strive to assess each parent and all adults who perform a caretaking role and/or live in the residence with the children.</p> <p>(a) Except where contraindicated by special circumstances, evaluators shall assess each parent and any other adults who are currently living in a residence with the children and performing a caretaking role. Additionally, except where contraindicated by special circumstances, evaluators shall assess any other adults who are likely to be living in a residence with the children and performing a caretaking role. [Refer to Note 5.7(a).] Special circumstances may arise in situations in which the court has specified who is to be evaluated and the evaluator believes it is appropriate to evaluate other individuals who are living in the home or who have continued close contacts with the children. In those circumstances, evaluators, using their professional judgment, shall either (1) seek the court's authority to evaluate the additional individuals, if doing so is deemed necessary; (2) decline assignments in which, in the evaluator's judgment, obtaining sufficient information will require the assessment of additional individuals; or (3) clearly articulate the limitations applicable to the information obtained and the opinions expressed in light of being unable to assess the other individuals.</p> <p>b) It is recognized that individuals who are not (parties</p>	

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<p>to the litigation cannot ordinarily be compelled to participate in an evaluation.</p>	
<p><b>5.8 ASSESSMENT OF CHILDREN</b> Child custody evaluators shall individually assess each child who is the subject of the evaluation. (a) Evaluators shall assess each child whose placement is at issue and shall be attentive to any special developmental needs of the children. Evaluators shall consider the stated wishes and concerns of each child as these relate to the allocation of parental rights and responsibilities if the child is of sufficient developmental maturity to independently express informed views. Evaluators shall describe the manner in which information concerning a child’s stated perceptions and/or sentiments was obtained and shall specify the weight given by the evaluator to the child’s stated perceptions and/or sentiments. (b) Evaluators shall assess and describe sibling relationships. If a parenting plan that is under consideration involves the placement of and disadvantages of such a plan shall be clearly articulated siblings in different residences, the advantages.</p>	
<p><b>5.9 ASSESSMENT OF ADULT-CHILD RELATIONSHIPS</b> Child custody evaluators shall assess the relationships between each child and all adults who perform a caretaking role and/or living in the residence with the child. Evaluators shall assess the relationships between each child and all adults residing with the child or functioning in caretaking capacities, or reasonably likely to be functioning in caretaking capacities, except when such adults are paid caretakers, or where the circumstances described in 5.7(a) apply.</p>	
<p><b>5.10 IN PERSON AND TELEPHONIC INTERVIEWS</b> Child custody evaluators shall conduct at least one in person interview with each parent and other adults who perform a caretaking role and/or are living in the residence with the child(ren). Telephonic interviews are an acceptable means for collecting data from collaterals.  Telephonic communication is an acceptable means for obtaining interview data from collateral sources and as a supplemental technique with primary parties. Except where contraindicated by special circumstances, evaluators shall conduct at least one in person interview</p>	

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<p>with each parent and any other adults who are currently living in a residence with the child(ren) and performing a caretaking role.</p> <p>Additionally, except where contraindicated by special circumstances, evaluators shall conduct at least one in person interview with any other adults who are likely to be living in a residence with the child(ren) and performing a caretaking role.</p>	
<p><b>5.11 DATA BEARING UPON SPECIAL ISSUES</b></p> <p>Special issues such as allegations of domestic violence, substance abuse, alienating behaviors, sexual abuse; relocation requests; and, sexual orientation issues require specialized knowledge and training.</p> <p>Evaluators shall only conduct assessments in areas in which they are competent.</p> <p>Evaluators shall have the professional knowledge and training needed to conduct assessments in which special issues are reasonably likely to arise. Such special issues may include acknowledged or alleged domestic violence, acknowledged or alleged substance abuse, acknowledged or alleged alienating behaviors, acknowledged or alleged child maltreatment including child sexual abuse, relocation requests, and sexual orientation issues. When evaluators lack specialized training in particular areas of concern for the evaluation, they shall either decline the appointment for the evaluation or seek professional consultation in the assessment of that portion of the evaluation. Where such consultation has been obtained, this shall be noted in the evaluator’s report. Evaluators shall utilize a generally recognized and systematic approach to the assessment of such issues as domestic violence, substance abuse, child alienation, child maltreatment Including child sexual abuse, relocation, and sexual orientation issues. [Refer to Note 1.3.]</p>	
<p><b>5.12 INCOMPLETE, UNRELIABLE, OR MISSING DATA</b></p> <p>Child custody evaluators shall disclose incomplete, unreliable or missing data. In their forensic reports, evaluators shall make known to the court when there are incomplete, unreliable, or missing data. Where data are incomplete, unreliable or missing, evaluators shall identify the incomplete, unreliable, or missing data, shall offer an explanation if doing so is possible, and shall articulate the implications of the incomplete, unreliable, or missing data upon any opinions communicated in reports or testimony.</p>	

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<p><b>6. USE OF FORMAL ASSESSMENT INSTRUMENTS</b></p> <p><b>6.1 THE DECISION TO USE FORMAL ASSESSMENT INSTRUMENTS</b></p> <p>Use of formal assessment instruments is within the discretion of the child custody evaluator. The use of formal assessment instruments is not always necessary. Where those who are legally permitted to administer and score psychological assessment instruments elect not to do so, they shall recognize that they may be called upon to articulate the basis for that decision. [Refer to Note 6.1.]</p>	
<p><b>6.2 EVALUATOR BACKGROUND IN TESTING</b></p> <p>Child custody evaluators not trained and experienced in the selection and administration of formal assessment instruments and not reasonably skilled in data interpretation shall not conduct testing. Some of the model standards that follow apply to the use of any formal assessment instruments or procedures; some are applicable only when psychometric testing is employed. If testing is advisable and if the evaluator does not have sufficient education, training and/or experience, s/he should refer the testing portion of the evaluation to a case consultant who has sufficient training and experience, including education and training in the interpretation of psychometric test data within a forensic context. [Refer to Note 1.3.]</p>	
<p><b>6.3 SELECTION OF ASSESSMENT INSTRUMENTS</b></p> <p>When formal assessment instruments are employed, child custody evaluators shall be prepared to articulate the bases for selecting the specific instruments used. Evaluators shall be prepared to articulate the criteria utilized by them in selecting assessment instruments and shall be prepared to provide the bases for their selection of the instruments utilized in a particular case. Some assessment instruments, data-gathering techniques, and tests that are acceptable in health care settings may not meet the evidentiary demands associated with forensic work. In selecting methods and procedures, evaluators shall be aware of the criteria employed by courts in their jurisdictions in rendering decisions concerning admissibility and weight. Evaluators shall be mindful of issues pertaining to the applicability of psychometric test data to the matters before the court and shall be familiar with published</p>	



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<p>normative data applicable to custody litigants. Evaluators shall carefully examine the available written documentation on the reliability and validity of assessment instruments, data gathering techniques, and tests under consideration for use in an evaluation.</p>	
<p><b>6.4 PROPER USE OF ASSESSMENT INSTRUMENTS</b></p> <p>Formal assessment instruments shall be used for the purpose for which they have been validated and the testing shall be conducted according to the instructions.</p> <p>(a) Evaluators shall utilize assessment instruments and tests in accordance with the instructions and guidance contained in the manuals that accompany the instruments and tests. When utilizing tests, evaluators shall not make substantial changes in test format, mode of administration, instructions, language, or content, unless extraordinary circumstances require that such changes be made. When such changes have been made, evaluators shall have an affirmative duty to articulate the rationale for having made such changes.</p> <p>(b) Evaluators shall not use instruments for purposes other than those for which they have been previously validated. Evaluators shall be mindful of cultural and language diversity and the impact that these may have on test performance and the resultant data.</p>	
<p><b>6.5 INCLUSION IN REPORTS OF DATA FROM PREVIOUS REPORTS</b></p> <p>Child custody evaluators shall take note of any prior formal assessments conducted on the subjects of the evaluation. Evaluators shall give careful consideration to the inclusion of testing data from previous evaluations. In doing so, evaluators shall consider how current the data are; the qualifications of the previous evaluator; the context of the previous evaluation; and, the importance of examining the raw data.</p>	
<p><b>6.6 USE OF COMPUTER-GENERATED INTERPRETIVE REPORTS</b></p> <p>Caution shall be exercised by any child custody evaluator when utilizing computer-generated interpretive reports and/or prescriptive texts. Evaluators shall exercise caution in the use of computer-based test interpretations and prescriptive texts. In reporting information gathered, data obtained, and clinical impressions formed and in explaining the bases for their opinions, evaluators shall accurately portray the</p>	

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<p>relevance of each assessment instrument to the evaluative task and to the decision-making process. Evaluators shall recognize that test data carry an aura of precision that may be misleading. For this reason, evaluators shall not assign to test data greater weight than is warranted, particularly when opinions expressed have been formulated largely on some other bases.</p>	
<p><b>7. THE TEAM APPROACH TO EVALUATION</b> <b>7.1 COMPETENCE OF TEAM MEMBERS</b> A team approach to conducting child custody evaluations is appropriate. A team approach to conducting child custody evaluations is appropriate, provided that all of the mental health professionals are competent to fulfill their assigned roles. In jurisdictions where court-appointed evaluations are governed by licensure laws, unlicensed team members shall receive close supervision by a designated licensed team member.</p>	
<p><b>7.2 RESPONSIBILITY FOR TEAM-CONDUCTED EVALUATIONS</b> Any team member who signs the forensic report shall be knowledgeable and answerable to the court on all aspects of the final forensic work product.</p>	
<p><b>8. ROLE CONFLICT AND DUAL ROLE ISSUES</b> <b>8.1 MAINTAINING OBJECTIVITY</b> Child custody evaluators shall strive for objectivity and shall take reasonable steps to avoid multiple relationships with any and all participants of an evaluation. The responsible performance of a child custody evaluation requires that evaluators be able to maintain reasonable skepticism, distance, and objectivity. For this reason, evaluators shall take reasonable steps to avoid multiple relationships. Evaluators shall recognize that their objectivity may be impaired when they currently have, have had, or anticipate having a relationship with those being evaluated, with attorneys for the parties or the children, or with the judges. Evaluators shall recognize that relationships cannot be time delimited; specifically, prior relationships or the anticipation of future relationships may have the same deleterious effects upon evaluator objectivity as current relationships would have.</p>	
<p><b>8.2 DISCLOSURE OF POTENTIAL CONFLICTS</b> Child custody evaluators shall disclose any and all professional and social relationships with any subject of the evaluation, attorney or judge involved in the proceeding. It is recognized that in some geographic</p>	

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<p>areas evaluators may not be able to avoid professional or social relationships with individuals whom they may subsequently be asked to evaluate, with attorneys for those individuals, or with judges hearing the disputes. When avoiding multiple relationships is not feasible, evaluators shall be alert to the ways in which their objectivity may be impaired and prior to accepting an appointment, they shall provide a reasonably detailed written disclosure of current, prior, anticipated relationships with others involved in the litigation. Such disclosure shall be made in a timely manner.</p>	
<p><b>8.3 DEALING WITH UNAVOIDABLE MULTIPLE RELATIONSHIPS</b></p> <p>Multiple relationships may be unavoidable in some jurisdictions. When an evaluator is asked or ordered to function in multiple roles and where doing so can be avoided, the child custody evaluator shall have the affirmative duty to inform the appointing agent(s) of the disadvantages of multiple roles and to decline one of the assigned roles.</p> <p>(a) It is recognized that it may sometimes be necessary to provide both forensic and therapeutic services, or both forensic and parenting coordination services, such as when another reasonably skilled and competent provider is unavailable to provide either service.</p> <p>(b) When requested or ordered by a court to provide either concurrent or sequential forensic and therapeutic, mediation, or parenting coordination services and when the circumstances described in 8.3(a) do not apply, the evaluator shall inform the court of the disadvantages of this arrangement and shall decline one of the assigned tasks.</p>	
<p><b>8.4 AVOIDANCE OF THERAPEUTIC INTERVENTION</b></p> <p>Child custody evaluators shall not offer advice or therapeutic interventions to anyone involved in the child custody evaluation process. Though therapeutic interventions and the offering of advice are deemed inappropriate under most circumstances, it is recognized that it may be necessary for an evaluator to intervene or to offer advice when there is credible evidence of substantial risk of imminent and significant physical or emotional harm to a litigant, child(ren), or others involved in the evaluative process. [Refer also to 4.6.] The term “advice”, as used herein is not intended to include offering information concerning appropriate resources or offering a referral to an appropriate resource. Where therapeutic intervention has been</p>	

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<p>employed or advice has been offered, as soon thereafter as is practical, the evaluator shall prepare a description of the intervention or advice and the bases upon which intervention or advice was deemed necessary, and shall forward the description to the attorneys. [Refer to Note 8.4.]</p>	
<p><b>9. INTERVIEWING CHILDREN</b> <b>9.1 CRITICAL FACTORS IN CHILD INTERVIEWING</b> Child custody evaluators shall be trained and skilled in interview strategies with children and shall follow generally recognized procedures when conducting interviews with children. Children who are the focus of custody/access disputes shall be interviewed if they have reasonable receptive and expressive language skills. When structuring interviews, evaluators shall consider a range of hypotheses and base their interview strategies on published research addressing the effects upon children’s responses of various forms of questioning. Evaluators shall have knowledge of and shall consider the factors that have been found to strongly affect children’s capacities as witnesses. Evaluators shall have knowledge of and shall follow generally recognized procedures in establishing the structure and sequence of interviews with children. Evaluators shall commence interviews with children by informing them that what they tell the evaluator is not confidential.</p>	
<p><b>10. OBSERVATIONAL – INTERACTIONAL ASSESSMENT</b> <b>10.1 AWARENESS OF OBSERVER EFFECTS</b> Evaluators shall be mindful of the fact that their presence in the same physical environment as those being observed creates a risk that they will influence the very behaviors and interactions that they are endeavoring to observe.</p>	
<p><b>10.2 PARENT-CHILD OBSERVATIONS</b> Each parent-child combination shall be observed directly by the child custody evaluator, unless there is a risk to the child’s physical or psychological safety. (a) All children, including pre-verbal children, shall be observed with their parents, unless verifiable threats to a child’s physical or psychological safety will create foreseeable risk of significant harm to the child or where conducting such an observation is impossible (as when a parent is incarcerated or overseas). Where parent-child observations have not been conducted on the basis of possible risk to a child, evaluators shall</p>	

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<p>have an affirmative obligation to articulate the bases for their decisions.</p> <p>(b) Observations of parents with children shall be conducted in order that the evaluator may view samples of the interactions between and among the children and parents, and may obtain observational data reflecting on parenting skills and on each parent’s ability to respond to the children’s needs. In the course of such observations, evaluators shall be attentive to (1) signs of reciprocal connection and attention; (2) communication skills; (3) methods by which parents maintain control, where doing so is appropriate; (4) parental expectations relating to developmentally appropriate behavior; and, (5) when parents have been asked to bring materials for use during the interactive session, the appropriateness of the materials brought.</p> <p>(c) Each parent-child combination shall be observed, unless doing so is not feasible [Refer 10.2(a) above.]; parent-child observations shall be conducted subsequent to the first set of interviews with the parents, unless there are compelling reasons to do otherwise; evaluators shall refrain from offering custody and/or access recommendations if observations of both parents with all children have not been concerning the significance of parent-child interactions, evaluators shall consider religious, cultural, ethnic, and lifestyle factors.</p>	
<p><b>10.3 PROCEDURAL ISSUES</b></p> <p>Child custody evaluators shall inform the subjects of the evaluation of the purpose for which observational sessions are conducted and such observations shall be scheduled and overt.</p> <p>(a) Parent-child observations shall ordinarily be scheduled and overt. Unannounced observations or covert observations (as with hidden cameras or hidden microphones) are deemed unacceptable unless consent to such observational methods has been given in advance by the parties. [Refer to Note 10.3(a).]</p> <p>(b) The parties shall be provided with information regarding the purpose of the parent-child observation; the manner in which observational sessions differ from other sessions shall be explained; and, the parties shall be made aware of any special guidelines for the visit before the meeting takes place.</p> <p>(c) A detailed record of the observational session shall be created. If neither audio- nor video-taping is done and if, for any reason, contemporaneous note-taking is difficult, notes must be entered as soon as possible</p>	

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<p>following the session. (d) If and when interviews or observational sessions are being audio taped or videotaped, all introductory comments, all questions, all responses, and all statements made by the evaluator in providing closure shall be included on the audiotape or videotape.</p>	
<p><b>11. USE OF COLLATERAL SOURCE INFORMATION</b> <b>11.1 THE IMPORTANCE OF COLLATERAL SOURCE INFORMATION</b> Valid collateral source information is critical to a thorough evaluation. Sufficiency and reliability of collateral source information is a determination to be made by the child custody evaluator. (a) Evaluators shall be mindful of the importance of gathering information from multiple sources in order to thoroughly explore alternative hypotheses concerning issues pertinent to the evaluation. Evaluators shall recognize the importance of securing information from collateral sources that, in the judgment of the evaluators, are likely to have access to salient and critical data. (b) Decisions concerning the sufficiency of collateral source information shall be made by evaluators. Accordingly, the data sources may include, but are not limited to, oral and/or written reports from collateral sources; school, medical, mental health, employment, social service, and law enforcement records; computer files; financial information; and, video and audio data that have been legally obtained. (c) When collateral and documentary data are not available, then this limitation shall be made known to the court in the forensic report.</p>	
<p><b>11.2 CORROBORATION OF INFORMATION RELIED UPON</b> Collateral source information is essential. Child custody evaluators shall disclose situations where uncorroborated information was utilized in the formulation of an opinion expressed by the evaluator. Evaluators shall acknowledge the limits in the ability to discern the truthfulness of oral reports from the primary participants and so shall seek from collateral sources information that may serve either to confirm or to disconfirm oral reports, assertions, and allegations. When assessing the reports of participants in the evaluation, evaluators shall seek from other sources information that may serve either to confirm or disconfirm participant reports on any salient issue,</p>	

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<p>unless doing so is not feasible. Where seeking such confirming or disconfirming information is not feasible, evaluators shall exercise caution in the formulation of opinions based upon unconfirmed reports and shall clearly acknowledge, within the body of their written reports, statements that are not adequately corroborated and why it may or may not be appropriate to give weight to such data.</p>	
<p><b>11.3 AWARENESS OF HEARSAY RULES</b> Child custody evaluators shall be aware of their local practices regarding hearsay in reports and in testimony. Because collateral information constitutes hearsay when included in a forensic work product, evaluators shall be aware of exceptions to hearsay rules and other rules governing the admissibility of expert opinion that may apply to forensic evaluations in the legal jurisdictions in which their evaluations have been performed. Evaluators shall also be mindful of the fact that the interpretation of hearsay rules and exceptions may vary considerably from judge to judge and as a function of the unique elements of the case.</p>	
<p><b>11.4 FORMULATION OF OPINIONS</b> Evaluators shall be prepared to explain how different sources and different types of information were considered and weighted in the formation of their opinions. [Refer to Note 11.4.] In utilizing collateral sources, evaluators shall seek information that will facilitate the confirmation or disconfirmation of hypotheses under consideration.</p>	
<p><b>11.5 IDENTIFICATION OF COLLATERAL SOURCES</b> All collateral sources contacted shall be disclosed by the child custody evaluator. Evaluators shall list all collateral informants who were contacted and all data sources that were utilized, whether or not the information obtained was utilized by the evaluators in formulating their opinions. Where unsuccessful attempts have been made to contact collaterals, those collaterals shall be identified and an appropriate notation shall be made.</p>	
<p><b>11.6 SECURING AUTHORIZATION</b> The subjects of the evaluation shall provide explicit authorization for the child custody evaluator to contact collateral sources unless the authority is provided in the order appointing the evaluator or is statutorily provided. The child custody evaluator shall inform collateral sources that there is no confidentiality in the</p>	

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<p>information that is being discussed between the collateral sources and the evaluator.</p> <p>(a) Evaluators shall secure authorization to contact collateral sources who, in the evaluators' judgment, are likely to have information bearing upon the matters before the court. Such authorizations shall be secured from the parties in the legal action, unless such authorization is clearly articulated in the order appointing the evaluator or such authorization is provided by statute. Evaluators shall clearly explain the purpose of the evaluation and how the collateral's information will be used. Evaluators shall provide potential collateral informants with written information that shall include an unambiguous statement concerning the lack of confidentiality in a forensic mental health evaluation.</p> <p>(b) The information alluded to in 11.6(a) may be provided orally only where time constraints make providing written information not feasible. Evaluators shall not promise confidentiality to collateral sources that volunteer to contribute information for the evaluation, including children, unless there is a legal exemption by statute, case law, judicial administrative rule, or court order.</p>	
<p><b>12. PRESENTATION AND INTERPRETATION OF DATA</b></p> <p><b>12.1 COMPETENCE</b></p> <p>Evaluators shall only offer opinions to the court in those areas where they are competent to do so, based on adequate knowledge, skill, experience, and education.</p>	
<p><b>12.2 ARTICULATION OF THE BASES FOR OPINIONS EXPRESSED</b></p> <p>Opinions expressed by child custody evaluators shall be based upon information and data obtained through the application of reliable principles and methods. Evaluators shall differentiate among information gathered, observations made, data collected, inferences made, and opinions formulated. Evaluators shall only provide opinions and testimony that are</p> <ol style="list-style-type: none"><li>a) sufficiently based upon facts or data;</li><li>b) the product of reliable principles and methods; and</li><li>c) based on principles and methods that have been applied reliably to the facts of the case. In their reports and in their testimony, evaluators shall be careful to differentiate among information gathered, observations</li></ol>	



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<p>made, data collected, inferences made, and opinions formulated. Evaluators shall explain the relationship between information gathered, their data interpretations, and opinions expressed concerning the issues in dispute. There shall be a clear correspondence between the opinions offered and the data contained in both the forensic report and the case file.</p>	
<p><b>12.3 ADEQUACY OF DATA</b> An evaluator shall provide written or oral evidence about the personality characteristics of a particular individual only when the evaluator has conducted a direct examination of that individual and has obtained sufficient information or data to form an adequate foundation for the information provided and/or opinions offered.</p>	
<p><b>12.4 ARTICULATION OF LIMITATIONS</b> In reports and in testimony evaluators shall articulate any limitations to the evaluation with respect to methodology, procedure, data collection, and data interpretation. [Refer to 5.4.] When the available data do not enable evaluators to opine responsibly on the relative advantages and disadvantages of different parenting plans under consideration, they shall decline to offer an opinion.</p>	
<p><b>12.5 RECOGNITION OF THE SCOPE OF THE COURT ORDER</b> Evaluators shall avoid offering opinions to the court on issues that do not directly follow from the court order of appointment or signed stipulation or are not otherwise relevant to the purpose of the evaluation.</p>	

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<b>APA ETHICS (2002)</b>	
<p><b>Principle A: Beneficence and Nonmaleficence</b> Psychologists strive to benefit those with whom they work and take care to do no harm. In their professional actions, psychologists seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons, and the welfare of animal subjects of research. When conflicts occur among psychologists' obligations or concerns, they attempt to resolve these conflicts in a responsible fashion that avoids or minimizes harm. Because psychologists' scientific and professional judgments and actions may affect the lives of others, they are alert to and guard against personal, financial, social, organizational, or political factors that might lead to misuse of their influence. Psychologists strive to be aware of the possible effect of their own physical and mental health on their ability to help those with whom they work.</p>	
<p><b>Principle B: Fidelity and Responsibility</b> Psychologists establish relationships of trust with those with whom they work. They are aware of their professional and scientific responsibilities to society and to the specific communities in which they work. Psychologists uphold professional standards of conduct, clarify their professional roles and obligations, accept appropriate responsibility for their behavior, and seek to manage conflicts of interest that could lead to exploitation or harm. Psychologists consult with, refer to, or cooperate with other professionals and institutions to the extent needed to serve the best interests of those with whom they work. They are concerned about the ethical compliance of their colleagues' scientific and professional conduct. Psychologists strive to contribute a portion of their professional time for little or no compensation or personal advantage.</p>	
<p><b>Principle C: Integrity</b> Psychologists seek to promote accuracy, honesty, and truthfulness in the science, teaching, and practice of psychology. In these activities psychologists do not steal, cheat, or engage in fraud, subterfuge, or intentional misrepresentation of fact. Psychologists strive to keep their promises and to avoid unwise or unclear commitments. In situations in which deception may be ethically justifiable to maximize benefits and minimize harm, psychologists have a serious obligation to consider the need for, the possible consequences of, and their responsibility to correct any resulting mistrust</p>	

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<p>or other harmful effects that arise from the use of such techniques.</p>	
<p><b>Principle D: Justice</b>                  Psychologists recognize that fairness and justice entitle all persons to have access to and benefit from the contributions of psychology and to equal quality in the processes, procedures, and services being conducted by psychologists. Psychologists exercise reasonable judgment and take precautions to ensure that their potential biases, the boundaries of their competence, and the limitations of their expertise do not lead to or condone unjust practices.</p>	
<p><b>Principle E: Respect for People’s Rights and Dignity</b>                  Psychologists respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination. Psychologists are aware that special safeguards may be necessary to protect the rights and welfare of persons or communities whose vulnerabilities impair autonomous decision making. Psychologists are aware of and respect cultural, individual, and role differences, including those based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, and socioeconomic status and consider these factors when working with members of such groups. Psychologists try to eliminate the effect on their work of biases based on those factors, and they do not knowingly participate in or condone activities of others based upon such prejudices.</p>	
<p><b>Standard 1: Resolving Ethical Issues</b>  <b>1.01 Misuse of Psychologists' Work</b>                  If psychologists learn of misuse or misrepresentation of their work, they take reasonable steps to correct or minimize the misuse or misrepresentation.</p>	
<p><b>1.02 Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority</b>                  If psychologists’ ethical responsibilities conflict with law, regulations, or other governing legal authority, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights..</p>	
<p><b>1.03 Conflicts Between Ethics and Organizational Demands</b>                  If the demands of an organization with which</p>	

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<p>psychologists are affiliated or for whom they are working are in conflict with this Ethics Code, psychologists clarify the nature of the conflict, make known their commitment to the Ethics Code, and take reasonable steps to resolve the conflict consistent with the General Principles and Ethical Standards of the Ethics Code. Under no circumstances may this standard be used to justify or defend violating human rights.</p>	
<p><b>1.04 Informal Resolution of Ethical Violations</b>                  When psychologists believe that there may have been an ethical violation by another psychologist, they attempt to resolve the issue by bringing it to the attention of that individual, if an informal resolution appears appropriate and the intervention does not violate any confidentiality rights that may be involved. (See also Standards <a href="#">1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority</a>, and <a href="#">1.03, Conflicts Between Ethics and Organizational Demands</a>.)</p>	
<p><b>1.05 Reporting Ethical Violations</b>                  If an apparent ethical violation has substantially harmed or is likely to substantially harm a person or organization and is not appropriate for informal resolution under Standard <a href="#">1.04, Informal Resolution of Ethical Violations</a>, or is not resolved properly in that fashion, psychologists take further action appropriate to the situation. Such action might include referral to state or national committees on professional ethics, to state licensing boards, or to the appropriate institutional authorities. This standard does not apply when an intervention would violate confidentiality rights or when psychologists have been retained to review the work of another psychologist whose professional conduct is in question. (See also Standard <a href="#">1.02, Conflicts Between Ethics and Law, Regulations, or Other Governing Legal Authority</a>.)</p>	
<p><b>1.06 Cooperating with Ethics Committees</b>                  Psychologists cooperate in ethics investigations, proceedings, and resulting requirements of the APA or any affiliated state psychological association to which they belong. In doing so, they address any confidentiality issues. Failure to cooperate is itself an ethics violation. However, making a request for deferment of adjudication of an ethics complaint pending the outcome of litigation does not alone constitute noncooperation.</p>	
<p><b>1.07 Improper Complaints</b>                  Psychologists do not file or encourage the filing of</p>	

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<p>ethics complaints that are made with reckless disregard for or willful ignorance of facts that would disprove the allegation.</p>	
<p><b>1.08 Unfair Discrimination Against Complainants and Respondents</b>                  Psychologists do not deny persons employment, advancement, admissions to academic or other programs, tenure, or promotion, based solely upon their having made or their being the subject of an ethics complaint. This does not preclude taking action based upon the outcome of such proceedings or considering other appropriate information</p>	
<p><b>2. Competence</b>  <b>2.01 Boundaries of Competence</b>                  (a) Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.</p>	
<p>2.01 b) Where scientific or professional knowledge in the discipline of psychology establishes that an understanding of factors associated with age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status is essential for effective implementation of their services or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals, except as provided in Standard 2.02, Providing Services in Emergencies.</p>	
<p>2.01 (c) Psychologists planning to provide services, teach, or conduct research involving populations, areas, techniques, or technologies new to them undertake relevant education, training, supervised experience, consultation, or study</p>	
<p>2.01(d) When psychologists are asked to provide services to individuals for whom appropriate mental health services are not available and for which psychologists have not obtained the competence necessary, psychologists with closely related prior training or experience may provide such services in order to ensure that services are not denied if they make a reasonable effort to obtain the competence required by using relevant research, training, consultation, or study.</p>	
<p>2.01(e) In those emerging areas in which generally recognized standards for preparatory training do not yet</p>	

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exist, psychologists nevertheless take reasonable steps to ensure the competence of their work and to protect clients/patients, students, supervisees, research participants, organizational clients, and others from harm.	
.2.01(f) When assuming forensic roles, psychologists are or become reasonably familiar with the judicial or administrative rules governing their roles.	
<b>2.02 Providing Services in Emergencies</b> In emergencies, when psychologists provide services to individuals for whom other mental health services are not available and for which psychologists have not obtained the necessary training, psychologists may provide such services in order to ensure that services are not denied. The services are discontinued as soon as the emergency has ended or appropriate services are available.	
<b>2.03 Maintaining Competence</b> Psychologists undertake ongoing efforts to develop and maintain their competence.	
<b>2.04 Bases for Scientific and Professional Judgments</b> Psychologists' work is based upon established scientific and professional knowledge of the discipline. (See also Standards 2.01e, Boundaries of Competence, and 10.01b, Informed Consent to Therapy.)	
<b>2.04 Bases for Scientific and Professional Judgments</b> Psychologists' work is based upon established scientific and professional knowledge of the discipline. (See also Standards <a href="#">2.01e</a> , <a href="#">Boundaries of Competence</a> , and <a href="#">10.01b</a> , <a href="#">Informed Consent to Therapy</a> .)	
<b>2.05 Delegation of Work to Others</b> Psychologists who delegate work to employees, supervisees, or research or teaching assistants or who use the services of others, such as interpreters, take reasonable steps to (1) avoid delegating such work to persons who have a multiple relationship with those being served that would likely lead to exploitation or loss of objectivity; (2) authorize only those responsibilities that such persons can be expected to perform competently on the basis of their education, training, or experience, either independently or with the level of supervision being provided; and (3) see that such persons perform these services competently. (See also Standards <a href="#">2.02</a> , <a href="#">Providing Services in Emergencies</a> ; <a href="#">3.05</a> , <a href="#">Multiple Relationships</a> ; <a href="#">4.01</a> , <a href="#">Maintaining Confidentiality</a> ; <a href="#">9.01</a> , <a href="#">Bases for Assessments</a> ; <a href="#">9.02</a> , <a href="#">Use of Assessments</a> ; <a href="#">9.03</a> , <a href="#">Informed Consent in Assessments</a> ; and <a href="#">9.07</a> , <a href="#">Assessment by</a>	

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<u>Unqualified Persons.)</u>	
<b>2.06 Personal Problems and Conflicts</b> (a) Psychologists refrain from initiating an activity when they know or should know that there is a substantial likelihood that their personal problems will prevent them from performing their work-related activities in a competent manner. (b) When psychologists become aware of personal problems that may interfere with their performing work-related duties adequately, they take appropriate measures, such as obtaining professional consultation or assistance, and determine whether they should limit, suspend, or terminate their work-related duties. (See also Standard <a href="#">10.10, Terminating Therapy.</a> )	
<b>Standard 3: Human Relations</b> <b>3.01 Unfair Discrimination</b> In their work-related activities, psychologists do not engage in unfair discrimination based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, socioeconomic status, or any basis proscribed by law.	
<b>3.02 Sexual Harassment</b> Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either (1) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (2) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts. (See also Standard <a href="#">1.08, Unfair Discrimination Against Complainants and Respondents.</a> )	
<b>3.03 Other Harassment</b> Psychologists do not knowingly engage in behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status.	
<b>3.04 Avoiding Harm</b> Psychologists take reasonable steps to avoid harming their clients/patients, students, supervisees, research participants, organizational clients, and others with whom they work, and to minimize harm where it is	

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foreseeable and unavoidable.	
<p><b>3.05 Multiple Relationships</b></p> <p>(a) A multiple relationship occurs when a psychologist is in a professional role with a person and (1) at the same time is in another role with the same person, (2) at the same time is in a relationship with a person closely associated with or related to the person with whom the psychologist has the professional relationship, or (3) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person. A psychologist refrains from entering into a multiple relationship if the multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence, or effectiveness in performing his or her functions as a psychologist, or otherwise risks exploitation or harm to the person with whom the professional relationship exists. Multiple relationships that would not reasonably be expected to cause impairment or risk exploitation or harm are not unethical.</p> <p>(b) If a psychologist finds that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the psychologist takes reasonable steps to resolve it with due regard for the best interests of the affected person and maximal compliance with the Ethics Code.</p> <p>(c) When psychologists are required by law, institutional policy, or extraordinary circumstances to serve in more than one role in judicial or administrative proceedings, at the outset they clarify role expectations and the extent of confidentiality and thereafter as changes occur. (See also Standards <a href="#">3.04, Avoiding Harm</a>, and <a href="#">3.07, Third-Party Requests for Services</a>.)</p>	
<p><b>3.06 Conflict of Interest</b></p> <p>Psychologists refrain from taking on a professional role when personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected to (1) impair their objectivity, competence, or effectiveness in performing their functions as psychologists or (2) expose the person or organization with whom the professional relationship exists to harm or exploitation.</p>	
<p><b>3.07 Third-Party Requests for Services</b></p> <p>When psychologists agree to provide services to a person or entity at the request of a third party, psychologists attempt to clarify at the outset of the service the nature of the relationship with all</p>	



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<p>individuals or organizations involved. This clarification includes the role of the psychologist (e.g., therapist, consultant, diagnostician, or expert witness), an identification of who is the client, the probable uses of the services provided or the information obtained, and the fact that there may be limits to confidentiality. (See also Standards <a href="#">3.05, Multiple relationships</a>, and 4.02, <a href="#">Discussing the Limits of Confidentiality</a>.)</p>	
<p><b>3.08 Exploitative Relationships</b> Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as clients/patients, students, supervisees, research participants, and employees. (See also Standards <a href="#">3.05, Multiple Relationships</a>; <a href="#">6.04, Fees and Financial Arrangements</a>; <a href="#">6.05, Barter with Clients/Patients</a>; <a href="#">7.07, Sexual Relationships with Students and Supervisees</a>; <a href="#">10.05, Sexual Intimacies with Current Therapy Clients/Patients</a>; <a href="#">10.06, Sexual Intimacies with Relatives or Significant Others of Current Therapy Clients/Patients</a>; <a href="#">10.07, Therapy with Former Sexual Partners</a>; and <a href="#">10.08, Sexual Intimacies with Former Therapy Clients/Patients</a>.)</p>	
<p><b>3.09 Cooperation with Other Professionals</b> When indicated and professionally appropriate, psychologists cooperate with other professionals in order to serve their clients/patients effectively and appropriately. (See also Standard <a href="#">4.05, Disclosures</a>.)</p>	
<p><b>3.10 Informed Consent</b> (a) When psychologists conduct research or provide assessment, therapy, counseling, or consulting services in person or via electronic transmission or other forms of communication, they obtain the informed consent of the individual or individuals using language that is reasonably understandable to that person or persons except when conducting such activities without consent is mandated by law or governmental regulation or as otherwise provided in this Ethics Code. (See also Standards <a href="#">8.02, Informed Consent to Research</a>; <a href="#">9.03, Informed Consent in Assessments</a>; and <a href="#">10.01, Informed Consent to Therapy</a>.) (b) For persons who are legally incapable of giving informed consent, psychologists nevertheless (1) provide an appropriate explanation, (2) seek the individual's assent, (3) consider such persons' preferences and best interests, and (4) obtain appropriate permission from a legally authorized person, if such substitute consent is permitted or required by law. When consent by a legally authorized</p>	

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<p>person is not permitted or required by law, psychologists take reasonable steps to protect the individual's rights and welfare.</p> <p>(c) When psychological services are court ordered or otherwise mandated, psychologists inform the individual of the nature of the anticipated services, including whether the services are court ordered or mandated and any limits of confidentiality, before proceeding.</p> <p>(d) Psychologists appropriately document written or oral consent, permission, and assent. (See also Standards <a href="#">8.02, Informed Consent to Research</a>; <a href="#">9.03, Informed Consent in Assessments</a>; and <a href="#">10.01, Informed Consent to Therapy</a>.)</p>	
<p><b>3.11 Psychological Services Delivered to or Through Organizations</b></p> <p>(a) Psychologists delivering services to or through organizations provide information beforehand to clients and when appropriate those directly affected by the services about (1) the nature and objectives of the services, (2) the intended recipients, (3) which of the individuals are clients, (4) the relationship the psychologist will have with each person and the organization, (5) the probable uses of services provided and information obtained, (6) who will have access to the information, and (7) limits of confidentiality. As soon as feasible, they provide information about the results and conclusions of such services to appropriate persons.</p> <p>(b) If psychologists will be precluded by law or by organizational roles from providing such information to particular individuals or groups, they so inform those individuals or groups at the outset of the service.</p> <p><b>3.12 Interruption of Psychological Services</b></p> <p>Unless otherwise covered by contract, psychologists make reasonable efforts to plan for facilitating services in the event that psychological services are interrupted by factors such as the psychologist's illness, death, unavailability, relocation, or retirement or by the client's/patient's relocation or financial limitations. (See also Standard <a href="#">6.02c, Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work</a>.)</p>	
<p><b>Standard 4: Privacy and Confidentiality</b></p> <p><b>4.01 Maintaining Confidentiality</b></p> <p>Psychologists have a primary obligation and take reasonable precautions to protect confidential information obtained through or stored in any medium,</p>	

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<p>recognizing that the extent and limits of confidentiality may be regulated by law or established by institutional rules or professional or scientific relationship. (See also Standard <a href="#">2.05, Delegation of Work to Others.</a>)</p>	
<p><b>4.02 Discussing the Limits of Confidentiality</b> (a) Psychologists discuss with persons (including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives) and organizations with whom they establish a scientific or professional relationship (1) the relevant limits of confidentiality and (2) the foreseeable uses of the information generated through their psychological activities. (See also Standard <a href="#">3.10, Informed Consent.</a>) (b) Unless it is not feasible or is contraindicated, the discussion of confidentiality occurs at the outset of the relationship and thereafter as new circumstances may warrant. (c) Psychologists who offer services, products, or information via electronic transmission inform clients/patients of the risks to privacy and limits of confidentiality..</p>	
<p><b>4.03 Recording</b> Before recording the voices or images of individuals to whom they provide services, psychologists obtain permission from all such persons or their legal representatives. (See also Standards <a href="#">8.03, Informed Consent for Recording Voices and Images in Research</a>; <a href="#">8.05, Dispensing with Informed Consent for Research</a>; and <a href="#">8.07, Deception in Research.</a>)</p>	
<p><b>4.04 Minimizing Intrusions on Privacy</b> (a) Psychologists include in written and oral reports and consultations, only information germane to the purpose for which the communication is made. (b) Psychologists discuss confidential information obtained in their work only for appropriate scientific or professional purposes and only with persons clearly concerned with such matters.</p>	
<p><b>4.05 Disclosures</b> (a) Psychologists may disclose confidential information with the appropriate consent of the organizational client, the individual client/patient, or another legally authorized person on behalf of the client/patient unless prohibited by law. (b) Psychologists disclose confidential information without the consent of the individual only as mandated by law, or where permitted by law for a valid purpose such as to (1) provide needed professional services; (2) obtain appropriate professional consultations; (3)</p>	

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<p>protect the client/patient, psychologist, or others from harm; or (4) obtain payment for services from a client/patient, in which instance disclosure is limited to the minimum that is necessary to achieve the purpose. (See also Standard <a href="#">6.04e, Fees and Financial Arrangements.</a>)</p>	
<p><b>4.06 Consultations</b> When consulting with colleagues, (1) psychologists do not disclose confidential information that reasonably could lead to the identification of a client/patient, research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and (2) they disclose information only to the extent necessary to achieve the purposes of the consultation. (See also Standard <a href="#">4.01, Maintaining Confidentiality.</a>)</p>	
<p><b>4.07 Use of Confidential Information for Didactic or Other Purposes</b> Psychologists do not disclose in their writings, lectures, or other public media, confidential, personally identifiable information concerning their clients/patients, students, research participants, organizational clients, or other recipients of their services that they obtained during the course of their work, unless (1) they take reasonable steps to disguise the person or organization, (2) the person or organization has consented in writing, or (3) there is legal authorization for doing so.</p>	
<p><b>Standard 5: Advertising and Other Public Statements</b> <b>5.01 Avoidance of False or Deceptive Statements</b> (a) Public statements include but are not limited to paid or unpaid advertising, product endorsements, grant applications, licensing applications, other credentialing applications, brochures, printed matter, directory listings, personal resumes or curricula vitae, or comments for use in media such as print or electronic transmission, statements in legal proceedings, lectures and public oral presentations, and published materials. Psychologists do not knowingly make public statements that are false, deceptive, or fraudulent concerning their research, practice, or other work activities or those of persons or organizations with which they are affiliated. (b) Psychologists do not make false, deceptive, or fraudulent statements concerning (1) their training, experience, or competence; (2) their academic degrees;</p>	

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(3) their credentials; (4) their institutional or association affiliations; (5) their services; (6) the scientific or clinical basis for, or results or degree of success of, their services; (7) their fees; or (8) their publications or research findings.

(c) Psychologists claim degrees as credentials for their health services only if those degrees (1) were earned from a regionally accredited educational institution or (2) were the basis for psychology licensure by the state in which they practice.

**5.02 Statements by Others**

(a) Psychologists who engage others to create or place public statements that promote their professional practice, products, or activities retain professional responsibility for such statements.

(b) Psychologists do not compensate employees of press, radio, television, or other communication media in return for publicity in a news item. (See also Standard [1.01, Misuse of Psychologists' Work.](#))

(c) A paid advertisement relating to psychologists' activities must be identified or clearly recognizable as such.

**5.03 Descriptions of Workshops and Non-Degree-Granting Educational Programs**

To the degree to which they exercise control, psychologists responsible for announcements, catalogs, brochures, or advertisements describing workshops, seminars, or other non-degree-granting educational programs ensure that they accurately describe the audience for which the program is intended, the educational objectives, the presenters, and the fees involved.

**5.04 Media Presentations**

When psychologists provide public advice or comment via print, Internet, or other electronic transmission, they take precautions to ensure that statements (1) are based on their professional knowledge, training, or experience in accord with appropriate psychological literature and practice; (2) are otherwise consistent with this Ethics Code; and (3) do not indicate that a professional relationship has been established with the recipient. (See also Standard [2.04, Bases for Scientific and Professional Judgments.](#))

**5.05 Testimonials**

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<p>Psychologists do not solicit testimonials from current therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence.</p> <p><b>5.06 In-Person Solicitation</b> Psychologists do not engage, directly or through agents, in uninvited in-person solicitation of business from actual or potential therapy clients/patients or other persons who because of their particular circumstances are vulnerable to undue influence. However, this prohibition does not preclude (1) attempting to implement appropriate collateral contacts for the purpose of benefiting an already engaged therapy client/patient or (2) providing disaster or community outreach services.</p>	
<p><b>Standard 6: Record Keeping and Fees</b></p> <p><b>6.01 Documentation of Professional and Scientific Work and Maintenance of Records</b> Psychologists create, and to the extent the records are under their control, maintain, disseminate, store, retain, and dispose of records and data relating to their professional and scientific work in order to (1) facilitate provision of services later by them or by other professionals, (2) allow for replication of research design and analyses, (3) meet institutional requirements, (4) ensure accuracy of billing and payments, and (5) ensure compliance with law. (See also Standard <a href="#">4.01, Maintaining Confidentiality</a>.)</p> <p><b>6.02 Maintenance, Dissemination, and Disposal of Confidential Records of Professional and Scientific Work</b> (a) Psychologists maintain confidentiality in creating, storing, accessing, transferring, and disposing of records under their control, whether these are written, automated, or in any other medium. (See also Standards <a href="#">4.01, Maintaining Confidentiality</a>, and <a href="#">6.01, Documentation of Professional and Scientific Work and Maintenance of Records</a>.) (b) If confidential information concerning recipients of psychological services is entered into databases or systems of records available to persons whose access has not been consented to by the recipient, psychologists use coding or other techniques to avoid the inclusion of personal identifiers. (c) Psychologists make plans in advance to facilitate the appropriate transfer and to protect the</p>	

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confidentiality of records and data in the event of psychologists' withdrawal from positions or practice. (See also Standards [3.12, Interruption of Psychological Services](#), and [10.09, Interruption of Therapy](#).)

**6.03 Withholding Records for Nonpayment**

Psychologists may not withhold records under their control that are requested and needed for a client's/patient's emergency treatment solely because payment has not been received.

**6.04 Fees and Financial Arrangements**

(a) As early as is feasible in a professional or scientific relationship, psychologists and recipients of psychological services reach an agreement specifying compensation and billing arrangements.

(b) Psychologists' fee practices are consistent with law.

(c) Psychologists do not misrepresent their fees.

(d) If limitations to services can be anticipated because of limitations in financing, this is discussed with the recipient of services as early as is feasible. (See also Standards [10.09, Interruption of Therapy](#), and [10.10, Terminating Therapy](#).)

(e) If the recipient of services does not pay for services as agreed, and if psychologists intend to use collection agencies or legal measures to collect the fees, psychologists first inform the person that such measures will be taken and provide that person an opportunity to make prompt payment. (See also Standards [4.05, Disclosures](#); [6.03, Withholding Records for Nonpayment](#); and [10.01, Informed Consent to Therapy](#).)

**6.05 Barter with Clients/Patients**

Barter is the acceptance of goods, services, or other nonmonetary remuneration from clients/patients in return for psychological services. Psychologists may barter only if (1) it is not clinically contraindicated, and (2) the resulting arrangement is not exploitative. (See also Standards [3.05, Multiple Relationships](#), and [6.04, Fees and Financial Arrangements](#).)

**6.06 Accuracy in Reports to Payors and Funding Sources**

In their reports to payors for services or sources of research funding, psychologists take reasonable steps to ensure the accurate reporting of the nature of the service provided or research conducted, the fees,

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<p>charges, or payments, and where applicable, the identity of the provider, the findings, and the diagnosis. (See also Standards <a href="#">4.01, Maintaining Confidentiality</a>; <a href="#">4.04, Minimizing Intrusions on Privacy</a>; and <a href="#">4.05, Disclosures</a>.)</p> <p><b>6.07 Referrals and Fees</b> When psychologists pay, receive payment from, or divide fees with another professional, other than in an employer-employee relationship, the payment to each is based on the services provided (clinical, consultative, administrative, or other) and is not based on the referral itself. (See also Standard <a href="#">3.09, Cooperation with Other Professionals</a>.)</p>	
<p><b>Standard 7: Education and Training</b></p> <p><b>7.01 Design of Education and Training Programs</b> Psychologists responsible for education and training programs take reasonable steps to ensure that the programs are designed to provide the appropriate knowledge and proper experiences, and to meet the requirements for licensure, certification, or other goals for which claims are made by the program. (See also Standard <a href="#">5.03, Descriptions of Workshops and Non-Degree-Granting Educational Programs</a>.)</p> <p><b>7.02 Descriptions of Education and Training Programs</b> Psychologists responsible for education and training programs take reasonable steps to ensure that there is a current and accurate description of the program content (including participation in required course- or program-related counseling, psychotherapy, experiential groups, consulting projects, or community service), training goals and objectives, stipends and benefits, and requirements that must be met for satisfactory completion of the program. This information must be made readily available to all interested parties.</p> <p><b>7.03 Accuracy in Teaching</b> (a) Psychologists take reasonable steps to ensure that course syllabi are accurate regarding the subject matter to be covered, bases for evaluating progress, and the nature of course experiences. This standard does not preclude an instructor from modifying course content or requirements when the instructor considers it pedagogically necessary or desirable, so long as students are made aware of these modifications in a manner that enables them to fulfill course requirements.</p>	



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(See also Standard [5.01, Avoidance of False or Deceptive Statements.](#))

(b) When engaged in teaching or training, psychologists present psychological information accurately. (See also Standard [2.03, Maintaining Competence.](#))

**7.04 Student Disclosure of Personal Information**

Psychologists do not require students or supervisees to disclose personal information in course- or program-related activities, either orally or in writing, regarding sexual history, history of abuse and neglect, psychological treatment, and relationships with parents, peers, and spouses or significant others except if (1) the program or training facility has clearly identified this requirement in its admissions and program materials or (2) the information is necessary to evaluate or obtain assistance for students whose personal problems could reasonably be judged to be preventing them from performing their training- or professionally related activities in a competent manner or posing a threat to the students or others.

**7.05 Mandatory Individual or Group Therapy**

(a) When individual or group therapy is a program or course requirement, psychologists responsible for that program allow students in undergraduate and graduate programs the option of selecting such therapy from practitioners unaffiliated with the program. (See also Standard [7.02, Descriptions of Education and Training Programs.](#))

(b) Faculty who are or are likely to be responsible for evaluating students' academic performance do not themselves provide that therapy. (See also Standard [3.05, Multiple Relationships.](#))

**7.06 Assessing Student and Supervisee Performance**

(a) In academic and supervisory relationships, psychologists establish a timely and specific process for providing feedback to students and supervisees. Information regarding the process is provided to the student at the beginning of supervision.

(b) Psychologists evaluate students and supervisees on the basis of their actual performance on relevant and established program requirements.

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<p><b>7.07 Sexual Relationships with Students and Supervisees</b> Psychologists do not engage in sexual relationships with students or supervisees who are in their department, agency, or training center or over whom psychologists have or are likely to have evaluative authority. (See also Standard <a href="#">3.05, Multiple Relationships.</a>)</p>	
<p><b>Standard 8: Research and Publication</b></p> <p><b>8.01 Institutional Approval</b> When institutional approval is required, psychologists provide accurate information about their research proposals and obtain approval prior to conducting the research. They conduct the research in accordance with the approved research protocol.</p> <p><b>8.02 Informed Consent to Research</b> (a) When obtaining informed consent as required in Standard 3.10, Informed Consent, psychologists inform participants about (1) the purpose of the research, expected duration, and procedures; (2) their right to decline to participate and to withdraw from the research once participation has begun; (3) the foreseeable consequences of declining or withdrawing; (4) reasonably foreseeable factors that may be expected to influence their willingness to participate such as potential risks, discomfort, or adverse effects; (5) any prospective research benefits; (6) limits of confidentiality; (7) incentives for participation; and (8) whom to contact for questions about the research and research participants' rights. They provide opportunity for the prospective participants to ask questions and receive answers. (See also Standards <a href="#">8.03, Informed Consent for Recording Voices and Images in Research</a>; <a href="#">8.05, Dispensing with Informed Consent for Research</a>; and <a href="#">8.07, Deception in Research.</a>) (b) Psychologists conducting intervention research involving the use of experimental treatments clarify to participants at the outset of the research (1) the experimental nature of the treatment; (2) the services that will or will not be available to the control group(s) if appropriate; (3) the means by which assignment to treatment and control groups will be made; (4) available treatment alternatives if an individual does not wish to participate in the research or wishes to withdraw once a study has begun; and (5) compensation for or monetary costs of participating</p>	

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including, if appropriate, whether reimbursement from the participant or a third-party payor will be sought. (See also Standard [8.02a, Informed Consent to Research.](#))

**8.03 Informed Consent for Recording Voices and Images in Research**

Psychologists obtain informed consent from research participants prior to recording their voices or images for data collection unless (1) the research consists solely of naturalistic observations in public places, and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm, or (2) the research design includes deception, and consent for the use of the recording is obtained during debriefing. (See also Standard [8.07, Deception in Research.](#))

**8.04 Client/Patient, Student, and Subordinate Research Participants**

- (a) When psychologists conduct research with clients/patients, students, or subordinates as participants, psychologists take steps to protect the prospective participants from adverse consequences of declining or withdrawing from participation.
- (b) When research participation is a course requirement or an opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.

**8.05 Dispensing with Informed Consent for Research**

Psychologists may dispense with informed consent only (1) where research would not reasonably be assumed to create distress or harm and involves (a) the study of normal educational practices, curricula, or classroom management methods conducted in educational settings; (b) only anonymous questionnaires, naturalistic observations, or archival research for which disclosure of responses would not place participants at risk of criminal or civil liability or damage their financial standing, employability, or reputation, and confidentiality is protected; or (c) the study of factors related to job or organization effectiveness conducted in organizational settings for which there is no risk to participants' employability, and confidentiality is protected or (2) where otherwise permitted by law or federal or institutional regulations.

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**8.06 Offering Inducements for Research Participation**

(a) Psychologists make reasonable efforts to avoid offering excessive or inappropriate financial or other inducements for research participation when such inducements are likely to coerce participation.

(b) When offering professional services as an inducement for research participation, psychologists clarify the nature of the services, as well as the risks, obligations, and limitations. (See also Standard [6.05, Barter with Clients/Patients.](#))

**8.07 Deception in Research**

(a) Psychologists do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's significant prospective scientific, educational, or applied value and that effective nondeceptive alternative procedures are not feasible.

(b) Psychologists do not deceive prospective participants about research that is reasonably expected to cause physical pain or severe emotional distress.

(c) Psychologists explain any deception that is an integral feature of the design and conduct of an experiment to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the data collection, and permit participants to withdraw their data. (See also Standard [8.08, Debriefing.](#))

**8.08 Debriefing**

(a) Psychologists provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and they take reasonable steps to correct any misconceptions that participants may have of which the psychologists are aware.

(b) If scientific or humane values justify delaying or withholding this information, psychologists take reasonable measures to reduce the risk of harm.

(c) When psychologists become aware that research procedures have harmed a participant, they take reasonable steps to minimize the harm.

**8.09 Humane Care and Use of Animals in Research**

(a) Psychologists acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional

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standards.

(b) Psychologists trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration of their comfort, health, and humane treatment.

(c) Psychologists ensure that all individuals under their supervision who are using animals have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role. (See also Standard [2.05, Delegation of Work to Others.](#))

(d) Psychologists make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects.

(e) Psychologists use a procedure subjecting animals to pain, stress, or privation only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value.

(f) Psychologists perform surgical procedures under appropriate anesthesia and follow techniques to avoid infection and minimize pain during and after surgery.

(g) When it is appropriate that an animal's life be terminated, psychologists proceed rapidly, with an effort to minimize pain and in accordance with accepted procedures.

**8.10 Reporting Research Results**

(a) Psychologists do not fabricate data. (See also Standard [5.01a, Avoidance of False or Deceptive Statements.](#))

(b) If psychologists discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.

**8.11 Plagiarism**

Psychologists do not present portions of another's work or data as their own, even if the other work or data source is cited occasionally.

**8.12 Publication Credit**

(a) Psychologists take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have substantially contributed. (See also Standard [8.12b, Publication Credit.](#))

(b) Principal authorship and other publication credits

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<p>accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as department chair, does not justify authorship credit. Minor contributions to the research or to the writing for publications are acknowledged appropriately, such as in footnotes or in an introductory statement.</p> <p>(c) Except under exceptional circumstances, a student is listed as principal author on any multiple-authored article that is substantially based on the student's doctoral dissertation. Faculty advisors discuss publication credit with students as early as feasible and throughout the research and publication process as appropriate. (See also Standard <a href="#">8.12b, Publication Credit.</a>)</p> <p><b>8.13 Duplicate Publication of Data</b> Psychologists do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.</p> <p><b>8.14 Sharing Research Data for Verification</b> (a) After research results are published, psychologists do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose, provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release. This does not preclude psychologists from requiring that such individuals or groups be responsible for costs associated with the provision of such information. (b) Psychologists who request data from other psychologists to verify the substantive claims through reanalysis may use shared data only for the declared purpose. Requesting psychologists obtain prior written agreement for all other uses of the data.</p> <p><b>8.15 Reviewers</b> Psychologists who review material submitted for presentation, publication, grant, or research proposal review respect the confidentiality of and the proprietary rights in such information of those who submitted it.</p>	
<p><b>Standard 9: Assessment</b> <b>9.01 Bases for Assessments</b> (a) Psychologists base the opinions contained in their</p>	

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recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, on information and techniques sufficient to substantiate their findings. (See also Standard [2.04, Bases for Scientific and Professional Judgments.](#))

(b) Except as noted in [9.01c](#), psychologists provide opinions of the psychological characteristics of individuals only after they have conducted an examination of the individuals adequate to support their statements or conclusions. When, despite reasonable efforts, such an examination is not practical, psychologists document the efforts they made and the result of those efforts, clarify the probable impact of their limited information on the reliability and validity of their opinions, and appropriately limit the nature and extent of their conclusions or recommendations. (See also Standards [2.01, Boundaries of Competence](#), and [9.06, Interpreting Assessment Results.](#))

(c) When psychologists conduct a record review or provide consultation or supervision and an individual examination is not warranted or necessary for the opinion, psychologists explain this and the sources of information on which they based their conclusions and recommendations.

**9.02 Use of Assessments**

(a) Psychologists administer, adapt, score, interpret, or use assessment techniques, interviews, tests, or instruments in a manner and for purposes that are appropriate in light of the research on or evidence of the usefulness and proper application of the techniques.

(b) Psychologists use assessment instruments whose validity and reliability have been established for use with members of the population tested. When such validity or reliability has not been established, psychologists describe the strengths and limitations of test results and interpretation.

(c) Psychologists use assessment methods that are appropriate to an individual's language preference and competence, unless the use of an alternative language is relevant to the assessment issues.

**9.03 Informed Consent in Assessments**

(a) Psychologists obtain informed consent for assessments, evaluations, or diagnostic services, as described in Standard 3.10, Informed Consent, except when (1) testing is mandated by law or governmental regulations; (2) informed consent is implied because

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testing is conducted as a routine educational, institutional, or organizational activity (e.g., when participants voluntarily agree to assessment when applying for a job); or (3) one purpose of the testing is to evaluate decisional capacity. Informed consent includes an explanation of the nature and purpose of the assessment, fees, involvement of third parties, and limits of confidentiality and sufficient opportunity for the client/patient to ask questions and receive answers.

(b) Psychologists inform persons with questionable capacity to consent or for whom testing is mandated by law or governmental regulations about the nature and purpose of the proposed assessment services, using language that is reasonably understandable to the person being assessed.

(c) Psychologists using the services of an interpreter obtain informed consent from the client/patient to use that interpreter, ensure that confidentiality of test results and test security are maintained, and include in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, discussion of any limitations on the data obtained. (See also Standards [2.05, Delegation of Work to Others](#); [4.01, Maintaining Confidentiality](#); [9.01, Bases for Assessments](#); [9.06, Interpreting Assessment Results](#); and [9.07, Assessment by Unqualified Persons](#).)

**9.04 Release of Test Data**

(a) The term test data refers to raw and scaled scores, client/patient responses to test questions or stimuli, and psychologists' notes and recordings concerning client/patient statements and behavior during an examination. Those portions of test materials that include client/patient responses are included in the definition of test data. Pursuant to a client/patient release, psychologists provide test data to the client/patient or other persons identified in the release. Psychologists may refrain from releasing test data to protect a client/patient or others from substantial harm or misuse or misrepresentation of the data or the test, recognizing that in many instances release of confidential information under these circumstances is regulated by law. (See also Standard [9.11, Maintaining Test Security](#).)

(b) In the absence of a client/patient release, psychologists provide test data only as required by law or court order.



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**9.05 Test Construction**

Psychologists who develop tests and other assessment techniques use appropriate psychometric procedures and current scientific or professional knowledge for test design, standardization, validation, reduction or elimination of bias, and recommendations for use.

**9.06 Interpreting Assessment Results**

When interpreting assessment results, including automated interpretations, psychologists take into account the purpose of the assessment as well as the various test factors, test-taking abilities, and other characteristics of the person being assessed, such as situational, personal, linguistic, and cultural differences, that might affect psychologists' judgments or reduce the accuracy of their interpretations. They indicate any significant limitations of their interpretations. (See also Standards [2.01b and c, Boundaries of Competence](#), and [3.01, Unfair Discrimination](#).)

**9.07 Assessment by Unqualified Persons**

Psychologists do not promote the use of psychological assessment techniques by unqualified persons, except when such use is conducted for training purposes with appropriate supervision. (See also Standard [2.05, Delegation of Work to Others](#).)

**9.08 Obsolete Tests and Outdated Test Results**

- (a) Psychologists do not base their assessment or intervention decisions or recommendations on data or test results that are outdated for the current purpose.
- (b) Psychologists do not base such decisions or recommendations on tests and measures that are obsolete and not useful for the current purpose.

**9.09 Test Scoring and Interpretation Services**

- (a) Psychologists who offer assessment or scoring services to other professionals accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use.
- (b) Psychologists select scoring and interpretation services (including automated services) on the basis of evidence of the validity of the program and procedures as well as on other appropriate considerations. (See also Standard [2.01b and c, Boundaries of Competence](#).)
- (c) Psychologists retain responsibility for the

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appropriate application, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use automated or other services.

**9.10 Explaining Assessment Results**

Regardless of whether the scoring and interpretation are done by psychologists, by employees or assistants, or by automated or other outside services, psychologists take reasonable steps to ensure that explanations of results are given to the individual or designated representative unless the nature of the relationship precludes provision of an explanation of results (such as in some organizational consulting, preemployment or security screenings, and forensic evaluations), and this fact has been clearly explained to the person being assessed in advance.

**9.11 Maintaining Test Security**

The term test materials refers to manuals, instruments, protocols, and test questions or stimuli and does not include test data as defined in Standard [9.04, Release of Test Data](#). Psychologists make reasonable efforts to maintain the integrity and security of test materials and other assessment techniques consistent with law and contractual obligations, and in a manner that permits adherence to this Ethics Code.

**Standard 10: Therapy**

**10.01 Informed Consent to Therapy**

(a) When obtaining informed consent to therapy as required in Standard [3.10, Informed Consent](#), psychologists inform clients/patients as early as is feasible in the therapeutic relationship about the nature and anticipated course of therapy, fees, involvement of third parties, and limits of confidentiality and provide sufficient opportunity for the client/patient to ask questions and receive answers. (See also Standards [4.02, Discussing the Limits of Confidentiality](#), and [6.04, Fees and Financial Arrangements](#).)

(b) When obtaining informed consent for treatment for which generally recognized techniques and procedures have not been established, psychologists inform their clients/patients of the developing nature of the treatment, the potential risks involved, alternative treatments that may be available, and the voluntary nature of their participation. (See also Standards [2.01e, Boundaries of Competence](#), and [3.10, Informed Consent](#).)

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(c) When the therapist is a trainee and the legal responsibility for the treatment provided resides with the supervisor, the client/patient, as part of the informed consent procedure, is informed that the therapist is in training and is being supervised and is given the name of the supervisor.

**10.02 Therapy Involving Couples or Families**

(a) When psychologists agree to provide services to several persons who have a relationship (such as spouses, significant others, or parents and children), they take reasonable steps to clarify at the outset (1) which of the individuals are clients/patients and (2) the relationship the psychologist will have with each person. This clarification includes the psychologist's role and the probable uses of the services provided or the information obtained. (See also Standard [4.02, Discussing the Limits of Confidentiality.](#))

(b) If it becomes apparent that psychologists may be called on to perform potentially conflicting roles (such as family therapist and then witness for one party in divorce proceedings), psychologists take reasonable steps to clarify and modify, or withdraw from, roles appropriately. (See also Standard [3.05c, Multiple Relationships.](#))

**10.03 Group Therapy**

When psychologists provide services to several persons in a group setting, they describe at the outset the roles and responsibilities of all parties and the limits of confidentiality.

**10.04 Providing Therapy to Those Served by Others**

In deciding whether to offer or provide services to those already receiving mental health services elsewhere, psychologists carefully consider the treatment issues and the potential client's/patient's welfare. Psychologists discuss these issues with the client/patient or another legally authorized person on behalf of the client/patient in order to minimize the risk of confusion and conflict, consult with the other service providers when appropriate, and proceed with caution and sensitivity to the therapeutic issues.

**10.05 Sexual Intimacies with Current Therapy Clients/Patients**

Psychologists do not engage in sexual intimacies with current therapy clients/patients.

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**10.06 Sexual Intimacies with Relatives or Significant Others of Current Therapy Clients/Patients**

Psychologists do not engage in sexual intimacies with individuals they know to be close relatives, guardians, or significant others of current clients/patients. Psychologists do not terminate therapy to circumvent this standard.

**10.07 Therapy with Former Sexual Partners**

Psychologists do not accept as therapy clients/patients persons with whom they have engaged in sexual intimacies.

**10.08 Sexual Intimacies with Former Therapy Clients/Patients**

(a) Psychologists do not engage in sexual intimacies with former clients/patients for at least two years after cessation or termination of therapy.  
(b) Psychologists do not engage in sexual intimacies with former clients/patients even after a two-year interval except in the most unusual circumstances. Psychologists who engage in such activity after the two years following cessation or termination of therapy and of having no sexual contact with the former client/patient bear the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated; (2) the nature, duration, and intensity of the therapy; (3) the circumstances of termination; (4) the client's/patient's personal history; (5) the client's/patient's current mental status; (6) the likelihood of adverse impact on the client/patient; and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a posttermination sexual or romantic relationship with the client/patient. (See also Standard [3.05, Multiple Relationships.](#))

**10.09 Interruption of Therapy**

When entering into employment or contractual relationships, psychologists make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client/patient care in the event that the employment or contractual relationship ends, with paramount consideration given to the welfare of the client/patient. (See also Standard [3.12, Interruption of Psychological Services.](#))

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<p><b>10.10 Terminating Therapy</b></p> <p>(a) Psychologists terminate therapy when it becomes reasonably clear that the client/patient no longer needs the service, is not likely to benefit, or is being harmed by continued service.</p> <p>(b) Psychologists may terminate therapy when threatened or otherwise endangered by the client/patient or another person with whom the client/patient has a relationship.</p> <p>(c) Except where precluded by the actions of clients/patients or third-party payors, prior to termination psychologists provide pretermination counseling and suggest alternative service providers as appropriate.</p>	
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**SPECIALTY GUIDELINES FOR FORENSIC PSYCHOLOGY**  
**Adopted by APA Council of Representatives, August 3, 2011**

<p><b>1. RESPONSIBILITIES</b></p> <p><b>1.01 Integrity</b></p> <p>Forensic practitioners strive for accuracy, honesty, and truthfulness in the science, teaching, and practice of forensic psychology and they strive to resist partisan pressures to provide services in any ways that might tend to be misleading or inaccurate.</p>	
<p><b>1.02 Impartiality and Fairness</b></p> <p>When offering expert opinion to be relied upon by a decision maker, providing forensic therapeutic services, or teaching or conducting research, forensic practitioners strive for accuracy, impartiality, fairness, and independence (EPPCC Standard 2.01). Forensic practitioners recognize the adversarial nature of the legal system and strive to treat all participants and weigh all data, opinions, and rival hypotheses impartially.</p> <p>When conducting forensic examinations, forensic practitioners strive to be unbiased and impartial, and avoid partisan presentation of unrepresentative, incomplete, or inaccurate evidence that might mislead finders of fact.</p> <p>This guideline does not preclude forceful presentation of the data and reasoning upon which a conclusion or professional product is based.</p> <p>When providing educational services, forensic practitioners seek to represent alternative perspectives,</p>	

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<p>including data, studies, or evidence on both sides of the question, in an accurate, fair and professional manner, and strive to weigh and present all views, facts, or opinions impartially.</p> <p>When conducting research, forensic practitioners seek to represent results in a fair and impartial manner. Forensic practitioners strive to utilize research designs and scientific methods that adequately and fairly test the questions at hand, and they attempt to resist partisan pressures to develop designs or report results in ways that might be misleading or unfairly bias the results of a test, study, or evaluation.</p>	
<p><b>1.03 Avoiding Conflicts of Interest</b></p> <p>Forensic practitioners refrain from taking on a professional role when personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected to impair their impartiality, competence, or effectiveness, or expose others with whom a professional relationship exists to harm (EPPCC Standard 3.06).</p> <p>Forensic practitioners are encouraged to identify, make known, and address real or apparent conflicts of interest in an attempt to maintain the public confidence and trust, discharge professional obligations, and maintain responsibility, impartiality, and accountability (EPPCC Standard 3.06).</p> <p>Whenever possible, such conflicts are revealed to all parties as soon as they become known to the psychologist. Forensic practitioners consider whether a prudent and competent forensic practitioner engaged in similar circumstances would determine that the ability to make a proper decision is likely to become impaired under the immediate circumstances.</p> <p>When a conflict of interest is determined to be manageable, continuing services are provided and documented in a way to manage the conflict, maintain accountability, and preserve the trust of relevant others (also see Section 4.02 below).</p>	
<p><b>2. COMPETENCE</b></p> <p><b>2.01 Scope of Competence</b></p> <p>When determining one’s competence to provide services in a particular matter, forensic practitioners may consider a variety of factors including the relative complexity and specialized nature of the service, relevant training and experience, the preparation and</p>	

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<p>study they are able to devote to the matter, and the opportunity for consultation with a professional of established competence in the subject matter in question. Even with regard to subjects in which they are expert, forensic practitioners may choose to consult with colleagues.</p>	
<p><b>2.02 Gaining and Maintaining Competence</b> Competence can be acquired through various combinations of education, training, supervised experience, consultation, study, and professional experience. Forensic practitioners planning to provide services, teach, or conduct research involving populations, areas, techniques, or technologies that are new to them are encouraged to undertake relevant education, training, supervised experience, consultation, or study.</p> <p>Forensic practitioners make ongoing efforts to develop and maintain their competencies (EPPCC Section 2.03). To maintain the requisite knowledge and skill, forensic practitioners keep abreast of developments in the fields of psychology and the law.</p>	
<p><b>2.03 Representing Competencies</b> Consistent with the EPPCC, forensic practitioners adequately and accurately inform all recipients of their services (e.g., attorneys, tribunals) about relevant aspects of the nature and extent of their experience, training, credentials, and qualifications, and how they were obtained (EPPCC Standard 5.01)</p>	
<p><b>2.04 Knowledge of the Legal System and the Legal Rights of Individuals</b> Forensic practitioners recognize the importance of obtaining a fundamental and reasonable level of knowledge and understanding of the legal and professional standards, laws, rules, and precedents that govern their participation in legal proceedings and that guide the impact of their services on service recipients (EPPCC Standard 2.01).</p> <p>Forensic practitioners aspire to manage their professional conduct in a manner that does not threaten or impair the rights of affected individuals. They may consult with, and refer others to, legal counsel on matters of law. Although they do not provide formal legal advice or opinions, forensic practitioners may provide information about the legal process to others based on their knowledge and experience. They strive to distinguish this from legal opinions, however, and</p>	

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encourage consultation with attorneys as appropriate.	
<p><b>2.05 Knowledge of the Scientific Foundation for Opinions and Testimony</b></p> <p>Forensic practitioners seek to provide opinions and testimony that are sufficiently based upon adequate scientific foundation, and reliable and valid principles and methods that have been applied appropriately to the facts of the case.</p> <p>When providing opinions and testimony that are based on novel or emerging principles and methods, forensic practitioners seek to make known the status and limitations of these principles and methods.</p>	
<p><b>2.06 Knowledge of the Scientific Foundation for Teaching and Research</b></p> <p>Forensic practitioners engage in teaching and research activities in which they have adequate knowledge, experience, and education (EPPCC Standard 2.01), and they acknowledge relevant limitations and caveats inherent in procedures and conclusions (EPPCC Standard 5.01).</p>	
<p><b>2.07 Considering the Impact of Personal Beliefs and Experience</b></p> <p>Forensic practitioners recognize that their own cultures, attitudes, values, beliefs, opinions, or biases may affect their ability to practice in a competent and impartial manner. When such factors may diminish their ability to practice in a competent and impartial manner, forensic practitioners may take steps to correct or limit such effects, decline participation in the matter, or limit their participation in a manner that is consistent with professional obligations.</p>	
<p><b>2.08 Appreciation of Individual and Group Differences</b></p> <p>When scientific or professional knowledge in the discipline of psychology establishes that an understanding of factors associated with age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, socioeconomic status, or other relevant individual and cultural differences affects implementation or use of their services or research, forensic practitioners consider the boundaries of their expertise, make an appropriate referral if indicated, or gain the necessary training, experience, consultation, or supervision (EPPCC Standard 2.01, American Psychological Association, 2003; American Psychological Association, 2004; American Psychological</p>	



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<p>Association, 2011c; American Psychological Association, in press; American Psychological Association Task Force on Guidelines for Assessment and Treatment of Persons with Disabilities, 2011).</p> <p>Forensic practitioners strive to understand how factors associated with age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, socioeconomic status, or other relevant individual and cultural differences may affect and be related to the basis for people’s contact and involvement with the legal system.</p> <p>Forensic practitioners do not engage in unfair discrimination based on such factors or on any basis proscribed by law (EPPCC Standard 3.01). They strive to take steps to correct or limit the effects of such factors on their work, decline participation in the matter, or limit their participation in a manner that is consistent with professional obligations.</p>	
<p><b>2.09 Appropriate Use of Services and Products</b></p> <p>Forensic practitioners are encouraged to make reasonable efforts to guard against misuse of their services and exercise professional discretion in addressing such misuses.</p>	
<p><b>3. DILIGENCE</b></p> <p><b>3.01 Provision of Services</b></p> <p>Forensic practitioners are encouraged to seek explicit agreements that define the scope of, time- frame of, and compensation for their services. In the event that a client breaches the contract or acts in a way that would require the practitioner to violate ethical, legal or professional obligations, the forensic practitioner may terminate the relationship.</p> <p>Forensic practitioners strive to act with reasonable diligence and promptness in providing agreed- upon and reasonably anticipated services. Forensic practitioners are not bound, however, to provide services not reasonably anticipated when retained, nor to provide every possible aspect or variation of service. Instead, forensic practitioners may exercise professional discretion in determining the extent and means by which services are provided and agreements are fulfilled.</p>	
<p><b>3.02 Responsiveness</b></p> <p>Forensic practitioners seek to manage their workloads so that services can be provided thoroughly,</p>	

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<p>competently, and promptly. They recognize that acting with reasonable promptness, however, does not require the forensic practitioner to acquiesce to service demands not reasonably anticipated at the time the service was requested, nor does it require the forensic practitioner to provide services if the client has not acted in a manner consistent with existing agreements, including payment of fees.</p>	
<p><b>3.03 Communication</b> Forensic practitioners strive to keep their clients reasonably informed about the status of their services, comply with their clients’ reasonable requests for information, and consult with their clients about any substantial limitation on their conduct or performance that may arise when they reasonably believe that their clients expect a service that is not consistent with their professional obligations. Forensic practitioners attempt to keep their clients reasonably informed regarding new facts, opinions, or other potential evidence that may be relevant and applicable.</p>	
<p><b>3.04 Termination of Services</b> The forensic practitioner seeks to carry through to conclusion all matters undertaken for a client unless the forensic practitioner-client relationship is terminated. When a forensic practitioner’s employment is limited to a specific matter, the relationship may terminate when the matter has been resolved, anticipated services have been completed, or the agreement has been violated.</p>	
<p><b>4. RELATIONSHIPS</b> Whether a forensic practitioner-client relationship exists depends on the circumstances and is determined by a number of factors which may include the information exchanged between the potential client and the forensic practitioner prior to, or at the initiation of, any contact or service, the nature of the interaction, and the purpose of the interaction. In their work, forensic practitioners recognize that relationships are established with those who retain their services (e.g., retaining parties, employers, insurers, the court) and those with whom they interact (e.g., examinees, collateral contacts, research participants, students). Forensic practitioners recognize that associated obligations and duties vary as a function of the nature of the relationship.</p>	
<p><b>4.01 Responsibilities to Retaining Parties</b> Most responsibilities to the retaining party attach only after the retaining party has requested and the forensic practitioner has agreed to render professional services</p>	

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<p>and an agreement regarding compensation has been reached. Forensic practitioners are aware that there are some responsibilities, such as privacy, confidentiality, and privilege that may attach when the forensic practitioner agrees to consider whether a forensic practitioner-retaining party relationship shall be established. Forensic practitioners, prior to entering into a contract, may direct the potential retaining party not to reveal any confidential or privileged information as a way of protecting the retaining party's interest in case a conflict exists as a result of pre-existing relationships.</p> <p>At the initiation of any request for service, forensic practitioners seek to clarify the nature of the relationship and the services to be provided including the role of the forensic practitioner (e.g., trial consultant, forensic examiner, treatment provider, expert witness, research consultant); which person or entity is the client; the probable uses of the services provided or information obtained; and any limitations to privacy, confidentiality, or privilege.</p>	
<p><b>4.02 Multiple Relationships</b></p> <p>A multiple relationship occurs when a forensic practitioner is in a professional role with a person and, at the same time or at a subsequent time, is in a different role with the same person; is involved in a personal, fiscal, or other relationship with an adverse party; at the same time is in a relationship with a person closely associated with or related to the person with whom the forensic practitioner has the professional relationship; or offers or agrees to enter into another relationship in the future with the person or a person closely associated with or related to the person (EPPCC Standard 3.05).</p> <p>Forensic practitioners strive to recognize the potential conflicts of interest and threats to objectivity inherent in multiple relationships. Forensic practitioners are encouraged to recognize that some personal and professional relationships may interfere with their ability to practice in a competent and impartial manner and they seek to minimize any detrimental effects by avoiding involvement in such matters whenever feasible or limiting their assistance in a manner that is consistent with professional obligations.</p>	
<p><b>4.02.01 Therapeutic-Forensic Role Conflicts</b></p> <p>Providing forensic and therapeutic psychological</p>	

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<p>services to the same individual or closely related individuals involves multiple relationships that may impair objectivity and/or cause exploitation or other harm. Therefore, when requested or ordered to provide either concurrent or sequential forensic and therapeutic services, forensic practitioners are encouraged to disclose the potential risk and make reasonable efforts to refer the request to another qualified provider. If referral is not possible, the forensic practitioner is encouraged to consider the risks and benefits to all parties and to the legal system or entity likely to be impacted, the possibility of separating each service widely in time, seeking judicial review and direction, and consulting with knowledgeable colleagues. When providing both forensic and therapeutic services, forensic practitioners seek to minimize the potential negative effects of this circumstance (EPPCC Standard 3.05).</p>	
<p><b>4.02.02 Expert Testimony by Practitioners Providing Therapeutic Services</b></p> <p>Providing expert testimony about a patient who is a participant in a legal matter does not necessarily involve the practice of forensic psychology even when that testimony is relevant to a psycholegal issue before the decision-maker. For example, providing testimony on matters such as a patient’s reported history or other statements, mental status, diagnosis, progress, prognosis, and treatment would not ordinarily be considered forensic practice even when the testimony is related to a psycholegal issue before the decision-maker. In contrast, rendering opinions and providing testimony about a person on psycholegal issues (e.g., criminal responsibility, legal causation, proximate cause, trial competence, testamentary capacity, the relative merits of parenting arrangements) would ordinarily be considered the practice of forensic psychology.</p> <p>Consistent with their ethical obligations to base their opinions on information and techniques sufficient to substantiate their findings (EPPCC Standards 2.04, 9.01), forensic practitioners are encouraged to provide testimony only on those issues for which they have adequate foundation and only when a reasonable forensic practitioner engaged in similar circumstances would determine that the ability to make a proper decision is unlikely to be impaired. As with testimony regarding forensic examinees, the forensic practitioner</p>	

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<p>strives to identify any substantive limitations that may affect the reliability and validity of the facts or opinions offered, and communicates these to the decision maker.</p>	
<p><b>4.02.03 Provision of Forensic Therapeutic Services</b> Although some therapeutic services can be considered forensic in nature, the fact that therapeutic services are ordered by the court does not necessarily make them forensic. In determining whether a therapeutic service should be considered the practice of forensic psychology, psychologists are encouraged to consider the potential impact of the legal context on treatment, the potential for treatment to impact the psycholegal issues involved in the case, and whether another reasonable psychologist in a similar position would consider the service to be forensic and these Guidelines to be applicable.  Therapeutic services can have significant effects on current or future legal proceedings. Forensic practitioners are encouraged to consider these effects and minimize any unintended or negative effects on such proceedings or therapy when they provide therapeutic services in forensic contexts.</p>	
<p><b>4.03 Provision of Emergency Mental Health Services to Forensic Examinees</b> When providing forensic examination services an emergency may arise that requires the practitioner to provide short term therapeutic services to the examinee in order to prevent imminent harm to the examinee or others. In such cases, the forensic practitioner is encouraged to limit disclosure of information and inform the retaining attorney, legal representative, or the court in an appropriate manner. Upon providing emergency treatment to examinees, forensic practitioners consider whether they can continue in a forensic role with that individual so that potential for harm to the recipient of services is avoided (EPPCC 3.04).</p>	
<p><b>5. FEES</b> <b>5.01 Determining Fees</b> When determining fees forensic practitioners may consider salient factors such as their experience providing the service, the time and labor required, the novelty and difficulty of the questions involved, the skill required to perform the service, the fee customarily charged for similar forensic services, the likelihood that the acceptance of the particular</p>	

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<p>employment will preclude other employment, the time limitations imposed by the client or circumstances, the nature and length of the professional relationship with the client, the client's ability to pay for the service, and any legal requirements.</p>	
<p><b>5.02 Fee Arrangements</b> Forensic practitioners are encouraged to make clear to the client the likely cost of services whenever it is feasible, and make appropriate provisions in those cases in which the costs of services is greater than anticipated or the client's ability to pay for services changes in some way.</p> <p>Forensic practitioners seek to avoid undue influence that might result from financial compensation or other gains. Because of the threat to impartiality presented by the acceptance of contingent fees and associated legal prohibitions, forensic practitioners strive to avoid providing professional services on the basis of contingent fees. Letters of protection, financial guarantees, and other security for payment of fees in the future are not considered contingent fees unless payment is dependent on the outcome of the matter.</p>	
<p><b>5.03 Pro Bono Services</b> Forensic psychologists recognize that some persons may have limited access to legal services as a function of financial disadvantage and strive to contribute a portion of their professional time for little or no compensation or personal advantage (EPPCC Principle E).</p>	
<p><b>6. INFORMED CONSENT, NOTIFICATION AND ASSENT</b> Because substantial rights, liberties, and properties are often at risk in forensic matters, and because the methods and procedures of forensic practitioners are complex and may not be accurately anticipated by the recipients of forensic services, forensic practitioners strive to inform service recipients about the nature and parameters of the services to be provided (EPPCC Standards 3.04, 3.10).</p>	
<p><b>6.01 Timing and Substance</b> Forensic practitioners strive to inform clients, examinees, and others who are the recipients of forensic services as soon as is feasible about the nature and extent of reasonably anticipated forensic services.</p> <p>In determining what information to impart, forensic practitioners are encouraged to consider a variety of</p>	

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<p>factors including the person’s experience or training in psychological and legal matters of the type involved and whether the person is represented by counsel. When questions or uncertainties remain after they have made the effort to explain the necessary information, forensic practitioners may recommend that the person seek legal advice.</p>	
<p><b>6.02 Communication with Those Seeking to Retain a Forensic Practitioner</b> As part of the initial process of being retained, or as soon thereafter as previously unknown information becomes available, forensic practitioners strive to disclose to the retaining party information that would reasonably be anticipated to affect a decision to retain or continue the services of the forensic practitioner. This disclosure may include, but is not limited to, the fee structure for anticipated services; prior and current personal or professional activities, obligations and relationships that would reasonably lead to the fact or the appearance of a conflict of interest; the forensic practitioner’s knowledge, skill, experience, and education relevant to the forensic services being considered, including any significant limitations; and the scientific bases and limitations of the methods and procedures which are expected to be employed.</p>	
<p><b>6.03 Communication with Forensic Examinees</b> Forensic practitioners inform examinees about the nature and purpose of the examination (EPPCC Standard 9.03; American Educational Research Association, American Psychological Association, &amp; National Council on Measurement in Education, 1999). Such information may include the purpose, nature, and anticipated use of the examination; who will have access to the information; associated limitations on privacy, confidentiality, and privilege including who is authorized to release or access the information contained in the forensic practitioner’s records; the voluntary or involuntary nature of participation, including potential consequences of participation or non-participation, if known; and, if the cost of the service is the responsibility of the examinee, the anticipated cost.</p>	
<p><b>6.03.01 Persons Not Ordered or Mandated to Undergo Examination</b> If the examinee is not ordered by the court to participate in a forensic examination, the forensic practitioner seeks his or her informed consent (EPPCC Standards 3.10, 9.03). If the examinee declines to</p>	

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<p>proceed after being notified of the nature and purpose of the forensic examination, the forensic practitioner may consider postponing the examination, advising the examinee to contact his or her attorney, and notifying the retaining party about the examinee’s unwillingness to proceed.</p> <p><b>6.03.02 Persons Ordered or Mandated to Undergo Examination or Treatment</b></p> <p>If the examinee is ordered by the court to participate, the forensic practitioner can conduct the examination over the objection, and without the consent, of the examinee (EPPCC Standards 3.10, 9.03). If the examinee declines to proceed after being notified of the nature and purpose of the forensic examination, the forensic practitioner may consider a variety of options including postponing the examination, advising the examinee to contact his or her attorney, and notifying the retaining party about the examinee’s unwillingness to proceed.</p> <p>When an individual is ordered to undergo treatment but the goals of treatment are determined by a legal authority rather than the individual receiving services, the forensic practitioner informs the service recipient of the nature and purpose of treatment, and any limitations on confidentiality and privilege (EPPCC Standards 3.10, 10.01).</p>	
<p><b>6.03.03 Persons Lacking Capacity to Provide Informed Consent</b></p> <p>Forensic practitioners appreciate that the very conditions that precipitate psychological examination of individuals involved in legal proceedings can impair their functioning in a variety of important ways, including their ability to understand and consent to the evaluation process.</p> <p>For examinees adjudicated or presumed by law to lack the capacity to provide informed consent for the anticipated forensic service, the forensic practitioner nevertheless provides an appropriate explanation, seeks the examinee’s assent, and obtain appropriate permission from a legally authorized person, as permitted or required by law (EPPCC Standards 3.10, 9.03).</p> <p>For examinees whom the forensic practitioner has concluded lack capacity to provide informed consent to a proposed, non-court-ordered service, but who have</p>	



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<p>not been adjudicated as lacking such capacity, the forensic practitioner strives to take reasonable steps to protect their rights and welfare (EPPCC Standard 3.10). In such cases, the forensic practitioner may consider suspending the proposed service or notifying the examinee’s attorney or the retaining party</p>	
<p><b>6.03.04 Evaluation of Persons Not Represented by Counsel</b> Because of the significant rights that may be at issue in a legal proceeding, forensic practitioners carefully consider the appropriateness of conducting a forensic evaluation of an individual who is not represented by counsel. Forensic practitioners may consider conducting such evaluations or delaying the evaluation so as to provide the examinee with the opportunity to consult with counsel.</p>	
<p><b>6.04 Communication with Collateral Sources of Information</b> Forensic practitioners disclose to potential collateral sources information that might reasonably be expected to inform their decisions about participating that may include, but may not be limited to, who has retained the forensic practitioner; the nature, purpose, and intended use of the examination or other procedure; the nature of and any limits on privacy, confidentiality, and privilege; and whether their participation is voluntary (EPPCC Standard 3.10).</p>	
<p><b>6.05 Communication in Research Contexts</b> When engaging in research or scholarly activities conducted as a service to a client in a legal proceeding, forensic practitioners attempt to clarify any anticipated use of the research or scholarly product, disclose their role in the resulting research or scholarly products, and obtain whatever consent or agreement is required. In advance of any scientific study, forensic practitioners seek to negotiate with the client the circumstances under and manner in which the results may be made known to others. Forensic practitioners strive to balance the potentially competing rights and interests of the retaining party with the inappropriateness of suppressing data, for example, by agreeing to report the data without identifying the jurisdiction in which the study took place. Forensic practitioners represent the results of research in an accurate manner (EPPCC Standard 5.01).</p>	
<p><b>7. CONFLICTS IN PRACTICE</b> In forensic psychology practice conflicting responsibilities and demands may be encountered.</p>	

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<p>When conflicts occur, forensic practitioners seek to make the conflict known to the relevant parties or agencies, and consider the rights and interests of the relevant parties or agencies in their attempts to resolve the conflict.</p>	
<p><b>7.01 Conflicts with Legal Authority</b> When their responsibilities conflict with law, regulations, or other governing legal authority, forensic practitioners make known their commitment to the EPPCC, and take steps to resolve the conflict. In situations in which the EPPCC or Guidelines are in conflict with the law, attempts to resolve the conflict are made in accordance with the EPPCC (EPPCC Standard 1.02).</p> <p>When the conflict cannot be resolved by such means, forensic practitioners may adhere to the requirements of the law, regulations, or other governing legal authority, but only to the extent required and not in any way that violates a person’s human rights (EPPCC Standard 1.03).</p> <p>Forensic practitioners are encouraged to consider the appropriateness of complying with court orders when such compliance creates potential conflicts with professional standards of practice.</p>	
<p><b>7.02 Conflicts with Organizational Demands</b> When the demands of an organization with which they are affiliated or for whom they are working conflict with their professional responsibilities and obligations, forensic practitioners strive to clarify the nature of the conflict and, to the extent feasible, resolve the conflict in a way consistent with professional obligations and responsibilities (EPPCC Standard 1.03).</p>	

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**7.03 Resolving Ethical Issues with Fellow Professionals**

When an apparent or potential ethical violation has caused, or is likely to cause, substantial harm, forensic practitioners are encouraged to take action appropriate to the situation and consider a number of factors including the nature and the immediacy of the potential harm; applicable privacy, confidentiality, and privilege; how the rights of the relevant parties may be affected by a particular course of action; and any other legal or ethical obligations (EPPCC Standard 1.04). Steps to resolve perceived ethical conflicts may include, but are not be limited to, obtaining the consultation of knowledgeable colleagues, obtaining the advice of independent counsel, and conferring directly with the client.

When forensic practitioners believe there may have been an ethical violation by another professional, an attempt is made to resolve the issue by bringing it to the attention of that individual, if that attempt does not violate any rights or privileges that may be involved, and if an informal resolution appears appropriate (EPPCC Standard 1.04). If this does not result in a satisfactory resolution, the forensic practitioner may have to take further action appropriate to the situation, including making a report to third parties of the perceived ethical violation (EPPCC Standard 1.05). In most instances, in order to minimize unforeseen risks to the party's rights in the legal matter, forensic practitioners consider consulting with the client before attempting to resolve a perceived ethical violation with another professional.

**8. PRIVACY, CONFIDENTIALITY, AND PRIVILEGE**

Forensic practitioners recognize their ethical obligations to maintain the confidentiality of information relating to a client or retaining party, except insofar as disclosure is consented to by the client or retaining party, or required or permitted by law (EPPCC Standard 4.01).

**8.01 Release of Information**

Forensic practitioners are encouraged to recognize the importance of complying with properly noticed and served subpoenas or court orders directing release of information, or other legally proper consent from duly authorized persons, unless there is a legally valid

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<p>reason to offer an objection. When in doubt about an appropriate response or course of action, forensic practitioners may seek assistance from the retaining client, retain and seek legal advice from their own attorney, or formally notify the drafter of the subpoena or order of their uncertainty.</p>	
<p><b>8.02 Access to Information</b> If requested, forensic practitioners seek to provide the retaining party access to, and a meaningful explanation of, all information that is in their records for the matter at hand, consistent with the relevant law, applicable codes of ethics and professional standards, and institutional rules and regulations. Forensic examinees typically are not provided access to the forensic practitioner’s records without the consent of the retaining party. Access to records by anyone other than the retaining party is governed by legal process, usually subpoena or court order, or by explicit consent of the retaining party. Forensic practitioners may charge a reasonable fee for the costs associated with the storage, reproduction, review, and provision of records.</p>	
<p><b>8.03 Acquiring Collateral and Third Party Information</b> Forensic practitioners strive to access information or records from collateral sources with the consent of the relevant attorney or the relevant party, or when otherwise authorized by law or court order.</p>	
<p><b>8.04 Use of Case Materials in Teaching, Continuing Education, and Other Scholarly Activities</b> Forensic practitioners using case materials for purposes of teaching, training, or research strive to present such information in a fair, balanced, and respectful manner. They attempt to protect the privacy of persons by disguising the confidential, personally identifiable information of all persons and entities who would reasonably claim a privacy interest; using only those aspects of the case available in the public domain; or obtaining consent from the relevant clients, parties, participants, and organizations to use the materials for such purposes (EPPCC Standard 4.07; also see Sections 11.06 and 11.07 of these guidelines).</p>	
<p><b>9. METHODS AND PROCEDURES</b> <b>9.01 Use of Appropriate Methods</b> Forensic practitioners strive to utilize appropriate methods and procedures in their work. When performing examinations, treatment, consultation, educational activities or scholarly investigations,</p>	

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<p>forensic practitioners seek to maintain integrity by examining the issue or problem at hand from all reasonable perspectives and seek information that will differentially test plausible rival hypotheses.</p>	
<p><b>9.02 Use of Multiple Sources of Information</b> Forensic practitioners ordinarily avoid relying solely on one source of data, and corroborate important data whenever feasible (American Educational Research Association, American Psychological Association, &amp; National Council on Measurement in Education, in press). When relying upon data that have not been corroborated, forensic practitioners seek to make known the uncorroborated status of the data, any associated strengths and limitations, and the reasons for relying upon the data.</p>	
<p><b>9.03 Opinions Regarding Persons Not Examined</b> Forensic practitioners recognize their obligations to only provide written or oral evidence about the psychological characteristics of particular individuals when they have sufficient information or data to form an adequate foundation for those opinions or to substantiate their findings (EPPCC Standard 9.01). Forensic practitioners seek to make reasonable efforts to obtain such information or data, and they document their efforts to obtain it. When it is not possible or feasible to examine individuals about whom they are offering an opinion, forensic practitioners strive to make clear the impact of such limitations on the reliability and validity of their professional products, opinions, or testimony.</p> <p>When conducting a record review or providing consultation or supervision that does not warrant an individual examination, forensic practitioners seek to identify the sources of information on which they are basing their opinions and recommendations, including any substantial limitations to their opinions and recommendations.</p>	
<p><b>10. ASSESSMENT</b> <b>10.01 Focus on Legally Relevant Factors</b> Forensic examiners seek to assist the trier of fact to understand evidence or determine a fact in issue, and they provide information that is most relevant to the psycholegal issue. In reports and testimony forensic practitioners typically provide information about examinees' functional abilities, capacities, knowledge, and beliefs, and address their opinions and recommendations to the identified psycholegal issues</p>	

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<p>(American Bar Association and American Psychological Association, 2008; Grisso, 1986, 2003; Heilbrun, Marczyk, DeMatteo, &amp; Mack-Allen, 2007).</p> <p>Forensic practitioners are encouraged to consider the problems that may arise by using a clinical diagnosis in some forensic contexts, and consider and qualify their opinions and testimony appropriately.</p>	
<p><b>10.02 Selection and Use of Assessment Procedures</b></p> <p>Forensic practitioners use assessment procedures in the manner and for the purposes that are appropriate in light of the research on or evidence of their usefulness and proper application (EPPCC Standard 9.02, American Educational Research Association, American Psychological Association, &amp; National Council on Measurement in Education, in press). This includes assessment techniques, interviews, tests, instruments, and other procedures and their administration, adaptation, scoring, and interpretation, including computerized scoring and interpretation systems.</p> <p>Forensic practitioners use assessment instruments whose validity and reliability have been established for use with members of the population assessed. When such validity and reliability have not been established, forensic practitioners consider and describe the strengths and limitations of their findings.</p> <p>Forensic practitioners use assessment methods that are appropriate to an examinee's language preference and competence, unless the use of an alternative language is relevant to the assessment issues (EPPCC Standard 9.02).</p> <p>Assessment in forensic contexts differs from assessment in therapeutic contexts in important ways that forensic practitioners strive to take into account when conducting forensic examinations. Forensic practitioners seek to consider the strengths and limitations of employing traditional assessment procedures in forensic examinations (American Educational Research Association, American Psychological Association, &amp; National Council on Measurement in Education, in press). Given the stakes involved in forensic contexts, forensic practitioners strive to ensure the integrity and security of test materials and results (American Educational Research Association, American Psychological Association, &amp; National Council on Measurement in Education, in</p>	

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<p>press9). When the validity of an assessment technique has not been established in the forensic context or setting in which it is being used, the forensic practitioner seeks to describe the strengths and limitations of any test results and explain the extrapolation of these data to the forensic context. Because of the many differences between forensic and therapeutic contexts, forensic practitioners consider and seek to make known that some examination results may warrant substantially different interpretation when administered in forensic contexts (American Educational Research Association, American Psychological Association, &amp; National Council on Measurement in Education, in press). Forensic practitioners consider and seek to make known that forensic examination results can be affected by factors unique to, or differentially present in, forensic contexts including response style, voluntariness of participation, and situational stress associated with involvement in forensic or legal matters (American Educational Research Association, American Psychological Association, &amp; National Council on Measurement in Education, in press).</p>	
<p><b>10.03 Appreciation of Individual Differences</b> When interpreting assessment results forensic practitioners consider the purpose of the assessment as well as the various test factors, test-taking abilities, and other characteristics of the person being assessed, such as situational, personal, linguistic, and cultural differences that might affect their judgments or reduce the accuracy of their interpretations (EPPCC Standard 9.06). Forensic practitioners strive to identify any significant strengths and limitations of their procedures and interpretations.  Forensic practitioners are encouraged to consider how the assessment process may be impacted by any disability an examinee is experiencing, make accommodations as possible, and consider such when interpreting and communicating the results of the assessment (American Psychological Association Task Force on Guidelines for Assessment and treatment of Persons with Disabilities, 2011).</p>	
<p><b>10.04 Consideration of Assessment Settings</b> In order to maximize the validity of assessment results, forensic practitioners strive to conduct evaluations in settings that provide adequate comfort, safety and privacy.</p>	

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<p><b>10.05 Provision of Assessment Feedback</b> Forensic practitioners take reasonable steps to explain assessment results to the examinee or a designated representative in language they can understand (EPPCC Standard 9.10). In those circumstances in which communication about assessment results is precluded, the forensic practitioner explains this to the examinee in advance (EPPCC Standard 9.10).</p> <p>Forensic practitioners seek to provide information about professional work in a manner consistent with professional and legal standards for the disclosure of test data or results, interpretation of data, and the factual bases for conclusions.</p>	
<p><b>10.06 Documentation and Compilation of Data Considered</b> Forensic practitioners are encouraged to recognize the importance of documenting all data they consider with enough detail and quality to allow for reasonable judicial scrutiny and adequate discovery by all parties. This documentation includes, but is not limited to, letters and consultations; notes, recordings, and transcriptions; assessment and test data, scoring reports and interpretations; and all other records in any form or medium that were created or exchanged in connection with a matter.</p> <p>When contemplating third party observation or audio/video-recording of examinations forensic practitioners strive to consider any law that may control such matters, the need for transparency and documentation, and the potential impact of observation or recording on the validity of the examination and test security (American Psychological Association Committee on Psychological Tests and Assessment, 2007).</p>	
<p><b>10.07 Provision of Documentation</b> Pursuant to proper subpoenas or court orders, or other legally proper consent from authorized persons, forensic practitioners seek to make available all documentation described in 10.05, all financial records related to the matter, and any other records including reports (and draft reports if they have been provided to a party, attorney, or other entity for review), that might reasonably be related to the opinions to be expressed.</p>	
<p><b>10.08 Recordkeeping</b> Forensic practitioners establish and maintain a system of recordkeeping and professional communication</p>	



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<p>(EPPCC Standard 6.01; American Psychological Association, 2007), and attend to relevant laws and rules. When indicated by the extent of the rights, liberties, and properties that may be at risk, the complexity of the case, the amount and legal significance of unique evidence in the care and control of the forensic practitioner, and the likelihood of future appeal, forensic practitioners strive to inform the retaining party of the limits of recordkeeping times. If requested to do so, forensic practitioners consider maintaining such records until notified that all appeals in the matter have been exhausted, or sending a copy of any unique components/aspects of the record in their care and control to the retaining party before destruction of the record.</p>	
<p><b>11. PROFESSIONAL AND OTHER PUBLIC COMMUNICATIONS</b> <b>11.01 Accuracy, Fairness, and Avoidance of Deception</b></p> <p>Forensic practitioners make reasonable efforts to ensure that the products of their services, as well as their own public statements and professional reports and testimony, are communicated in ways that promote understanding and avoid deception (EPPCC Standard 5.01).</p> <p>When in their role as expert to the court or other tribunals, the role of forensic practitioners is to facilitate understanding of the evidence or dispute. Consistent with legal and ethical requirements, forensic practitioners do not distort or withhold relevant evidence or opinion in reports or testimony. When responding to discovery requests and providing sworn testimony, forensic practitioners strive to have readily available for inspection all data which they considered, regardless of whether the data supports their opinion, subject to and consistent with court order, relevant rules of evidence, test security issues, and professional standards (American Educational Research Association, American Psychological Association, &amp; National Council on Measurement in Education, in press; American Psychological Association Committee on Legal Issues, 2006; Bank &amp; Packer, 2007; Golding, 1990).</p> <p>When providing reports and other sworn statements or testimony in any form, forensic practitioners strive to present their conclusions, evidence, opinions, or other</p>	

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<p>professional products in a fair manner. Forensic practitioners do not, by either commission or omission, participate in misrepresentation of their evidence, nor do they participate in partisan attempts to avoid, deny or subvert the presentation of evidence contrary to their own position or opinion (EPPCC Standard 5.01). This does not preclude forensic practitioners from forcefully presenting the data and reasoning upon which a conclusion or professional product is based.</p>	
<p><b>11.02 Differentiating Observations, Inferences, and Conclusions</b> In their communications, forensic practitioners strive to distinguish observations, inferences, and conclusions. Forensic practitioners are encouraged to explain the relationship between their expert opinions and the legal issues and facts of the case at hand.</p>	
<p><b>11.03 Disclosing Sources of Information and Bases of Opinions</b> Forensic practitioners are encouraged to disclose all sources of information obtained in the course of their professional services, and to identify the source of each piece of information that was considered and relied upon in formulating a particular conclusion, opinion or other professional product.</p>	
<p><b>11.04 Comprehensive and Accurate Presentation of Opinions in Reports and Testimony</b> Consistent with relevant law and rules of evidence, when providing professional reports and other sworn statements or testimony, forensic practitioners strive to offer a complete statement of all relevant opinions that they formed within the scope of their work on the case, the basis and reasoning underlying the opinions, the salient data or other information that was considered in forming the opinions, and an indication of any additional evidence that may be used in support of the opinions to be offered. The specific substance of forensic reports is determined by the type of psycholegal issue at hand as well as relevant laws or rules in the jurisdiction in which the work is completed.</p> <p>Forensic practitioners are encouraged to limit discussion of background information that does not bear directly upon the legal purpose of the examination or consultation. Forensic practitioners avoid offering information that is irrelevant and that does not provide a substantial basis of support for their opinions, except when required by law (EPPCC Standard 4.04).</p>	

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<p><b>11.05 Commenting Upon Other Professionals and Participants in Legal Proceedings</b></p> <p>When evaluating or commenting upon the work or qualifications of other professionals involved in legal proceedings, forensic practitioners seek to represent their disagreements in a professional and respectful tone, and base them on a fair examination of the data, theories, standards and opinions of the other expert or party.</p> <p>When describing or commenting upon clients, examinees, or other participants in legal proceedings, forensic practitioners strive to do so in a fair and impartial manner. Forensic practitioners strive to report the representations, opinions, and statements of clients, examinees, or other participants in a fair and impartial manner.</p>	
<p><b>11.06 Out of Court Statements</b></p> <p>Ordinarily, forensic practitioners seek to avoid making detailed public (out-of-court) statements about legal proceedings in which they have been involved. However, sometimes public statements may serve important goals such as educating the public about the role of forensic practitioners in the legal system, the appropriate practice of forensic psychology, and psychological and legal issues that are relevant to the matter at hand. When making public statements, forensic practitioners refrain from releasing private, confidential, or privileged information, and attempt to protect persons from harm, misuse, or misrepresentation as a result of their statements (EPPCC Standard 4.05).</p>	
<p><b>11.07 Commenting Upon Legal Proceedings</b></p> <p>Forensic practitioners strive to address particular legal proceedings in publications or communications only to the extent that the information relied upon is part of a public record, or when consent for that use has been properly obtained from any party holding any relevant privilege (also see Section 8.04).</p> <p>When offering public statements about specific cases in which they have not been involved, forensic practitioners offer opinions for which there is sufficient information or data and make clear the limitations of their statements and opinions resulting from having had no direct knowledge of or involvement with the case (EPPCC Standard 9.01).</p>	

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**Association of Family and Conciliation Courts**

[http://www.afccnet.org/resources/standards\\_practice.asp](http://www.afccnet.org/resources/standards_practice.asp)

**AFCC Model Standards of Practice for Child Custody Evaluation May 2006.pdf**

Association of Family and Conciliation Courts (2006)

**Guidelines for Court-Involved Therapy (PDF)**

Association of Family and Conciliation Courts (2010)

**Guidelines for Brief Focused Assessment (PDF)**

Association of Family and Conciliation Courts (2009)

**Model Standards of Practice for Child Custody Evaluation (PDF)**

Association of Family and Conciliation Courts (2006)

**Guidelines for Parenting Coordination (PDF)**

Association of Family and Conciliation Courts (2005)

**Model Standards of Practice for Family and Divorce Mediation**

Symposium on Standards of Practice Convened by AFCC (2000)

**Standards of Practice for Lawyers Representing Children in Custody Cases (PDF)**

**American Psychological Association**

**APA Ethical Principles of Psychologists and Code of Conduct. (2002)**

<http://www.apa.org/ethics/code/index.aspx>

**APA Guidelines for Child Custody Evaluations in Family Law Proceedings (2009)**

[www.apapracticecentral.org/news/guidelines.pdf](http://www.apapracticecentral.org/news/guidelines.pdf)

**APA Guidelines for Psychological Evaluations in Child Protection Matters (2011)**

[www.apa.org/practice/guidelines/child-protection.pdf](http://www.apa.org/practice/guidelines/child-protection.pdf)

**American Psychologist, Vol 65(5), Jul-Aug 2010, 493.**

**APA Ethical Principles of Psychologists and Code of Conduct: 2010 Amendments (2010)**

<http://www.apa.org/news/press/releases/2010/02/ethics-code.aspx>

**Guidelines for the Practice of Parenting Coordination**

**American Psychological Association (February 2011)**

[www.apa.org/practice/guidelines/parenting-coordination.pdf](http://www.apa.org/practice/guidelines/parenting-coordination.pdf)

**Specialty Guidelines for Forensic Psychologists (2011)**

<http://www.ap-ls.org/aboutpsychlaw/SpecialtyGuidelines.php>

**APA Record Keeping Guidelines (2007).**

[www.apa.org/practice/recordkeeping.pdf](http://www.apa.org/practice/recordkeeping.pdf)

**AERA, APA, and NCME, Standards for Educational and Psychological Testing (1999)**

<http://www.apa.org/science/programs/testing/standards.aspx>

**American Bar Association Section of Family Law (Aug. 2003)**

**Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases (PDF)**

American Bar Association (Feb. 1996)

**Supervised Visitation Network (Rev. 2006)**

Standards and Guidelines for Supervised Visitation Practice (PDF)

**AAML American Academy Of Matrimonial Lawyers Child Custody Evaluation Standards (2011)**

Reviewer: Leslie M. Drozd, Ph.D. /Case: \_\_\_\_\_/ Evaluator: \_\_\_\_\_. Date: \_\_\_\_\_ Attorney: \_\_\_\_\_

**Analysis of a Child Custody Report**

**CRC 5.220 (2012), AFCC Model Standards, APA Ethics (2002), APA Guidelines for Parenting Responsibility (2010), Specialty Guidelines for Forensic Psychology (2011)**

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<http://www.aaml.org/library/publications/21621/child-custody-evaluationstandards/introduction-summary>