

# APA GUIDELINES for Psychological Evaluations in Child Protection Matters

**WORKING GROUP TO REVISE THE GUIDELINES FOR PSYCHOLOGICAL  
EVALUATIONS IN CHILD PROTECTION MATTERS**

**COMMITTEE ON PROFESSIONAL PRACTICE AND STANDARDS  
OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION**

**APPROVED BY APA COUNCIL OF REPRESENTATIVES  
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**AMERICAN  
PSYCHOLOGICAL  
ASSOCIATION**



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OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION**

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# Introduction

Given the “seemingly countless number of important issues that psychology touches,” our primary challenge as a helping profession is not “identifying issues to which psychology can contribute,” but rather “ensuring we remain focused and committed to make a difference” (APA, 2023, p. 4). Nowhere could this focus and commitment be better placed or more consequential than in the arena of child protection. Children continue to suffer abuse and neglect by parents and other caregivers in alarming numbers, despite a general downward trend in maltreatment suffered by other populations (United States Department of Health and Human Services, 2023). Devoting our full attention and expertise to this ongoing crisis is an inevitable extension of psychology’s deep investment in all “cultural, economic, systemic, historical, environmental, relational, and occupational contexts that influence health status, wellbeing, and functioning across the lifespan” (APA, 2022, p. 1).

Child protection laws emphasize that every child has a fundamental right to protection from abuse and neglect. Because of threats to family stability (Johnson-Motoyama et al., 2023), concerns regarding justice and equality (Watt & Kim, 2019), and tensions between parents’ rights and states’ interests in child protection circumstances, the role and practices of child protective services (CPS) agencies have evolved since the 1970s. Some of the resulting developments across the practice landscape include changes in differential response protocols on the part of various parties and agencies, greater prioritization of kinship involvement, efforts to mitigate racial disparities in removals, discussion of public health approaches (Family First Prevention Services Act, 2018; Lindell et al., 2020), and greater use of psychological science and services. Challenges remain, such as child trafficking, barriers to equitable servicing for youth and families, racial disproportionality, and debates over the Indian Child Welfare Act (ICWA, 1978). Also, new issues have emerged, such as migration, displacement, refugee status, and parental misuse of prescribed medication.

Psychologists are positioned to contribute significantly to decision making in child protection matters, and their role has become increasingly prominent. Psychological data and expertise may provide sources of information and a perspective not otherwise available to courts regarding the functioning of parties, positively informing decisions by courts, state agencies, and others.

## Purpose

The overall purpose of these Guidelines is to promote sound practice using evidence-based and psychologically informed methods in conducting child protection evaluations. These evaluations address the impact of such factors as child maltreatment, parenting capacity, risk management, and the nexus between a parent’s (in) action and any significant harm or imminent risk of harm to a child. The Guidelines

are dedicated to keeping pace with research and legal developments on an increasingly wide range of evaluation issues.

## Scope

These Guidelines offer broad suggestions for psychologists who want to improve their awareness, expertise, and capabilities in conducting child protection evaluations. These Guidelines pertain to evaluations of children as to any psychological harm/risk of harm by parents or caregivers, including by foster parents, guardians, and agencies that act in place of parents. Additionally, these Guidelines apply whenever a child is being evaluated as to harm/risk of harm by parents or other familial/institutional caregivers as a psycholegal issue.

The child protection evaluation may occur at different points and stages during the child welfare process and may demand a different focus as a result. That process consists of a series of determinations such as whether abuse or neglect occurred, the quality of parenting capacity, the need for treatment services, the necessity of supervised parenting or out-of-home care, the viability of placement options, and if reunification can safely occur (Child Welfare Information Gateway, 2020). Child protection agencies and attorneys (including guardians ad litem) often advance opposing arguments regarding these determinations that frequently rest upon mental health concepts with legal significance.

The psycholegal questions central to these determinations call for appropriately designed psychological evaluation services. For example, in response to a report of child maltreatment, the state may determine that a CPS investigation is unnecessary. In such cases, psychologists' evaluations inform determinations concerning the family's needs, recognizing that evaluations could be used in connection with a future CPS investigation, administrative finding, or legal ruling.

During CPS investigations, psychologists may provide forensic mental health assessments regarding risk detection and risk management. The State could request this information to inform its administrative findings concerning emotional abuse or neglect. Psychologists strive to be aware of the potential role of these evaluations in litigation concerning alleged maltreatment.

In other cases, psychologists may conduct forensic mental health evaluations to inform the court's finding concerning abuse or neglect, its disposition concerning risk management and services, a parent's competence to stipulate to a finding (such as surrender of parental rights), and a parent's ability to benefit from intervention. Throughout these Guidelines, the use of the word "parent" designates a variety of caregivers, including foster parents, grandparents, other kinship relationships, and daycare providers, among others.

When a case remains open before the court, psychologists may inform the court's determination regarding visitation, ongoing supervision of parenting time, reunification, the appropriate services for children and parents, and

the termination of parental rights. The State may also seek psychological evaluations regarding the fitness of preadoptive parents, or to determine the child's preparedness for independent living. In some jurisdictions, parents have opportunities as well as resources to commission independent evaluations.

Requests for child protection evaluations may arise in the context of child custody proceedings, but child protection evaluations are not child custody evaluations. Even though these evaluations frequently touch on custody-related topics, custody matters fall outside the purview of these Guidelines. See "APA Guidelines for Child Custody Evaluations in Family Law Proceedings" (APA Working Group, 2022) for resources from professionals on child custody assessments.

## Users

Consistent with previous versions, these Guidelines are intended for use by psychologists conducting forensic evaluations related to child protection matters. In addition, these Guidelines may assist others with an interest in child protection assessment and services, including attorneys, judges, various mental health providers, and consumers. These Guidelines are not intended to pertain to routine psychological treatment or other interventions (e.g., psychotherapy and counseling) provided to families, children, and adults, or to address the activities of psychologists who are consulting or acting as non-evaluating investigators in child protection cases.

## Documentation of Need

Researchers, advocates, policy makers, and practitioners continue to impact the child welfare system in unique ways. Child protection evaluations are a primary touchpoint between specialists in forensic psychology and the child maltreatment field. Families involved in the child welfare system are at risk for disrupted lives, with potentially life-long impact.

The last Guidelines for Psychological Evaluations in Child Protection Matters were published in 2013. State laws have changed considerably since then (e.g., marriage equality, immigration relief for children victims and their non-abusive parent). There has been considerable development in research pertinent to this field, regarding implicit bias, the link between domestic violence and child maltreatment, sexual orientation, gender identity, gender expression, sexual health, sexual behavior, sexuality, diversity, traumatic attachment, substance use, cultural competency, low income and economic marginalization, trauma-informed practice, and psychological testing.

Psychologists conducting child protection evaluations are facing contemporary dangers to children, including social media with dangers such as exploitation and use and overuse affecting psychological health, group-phobic (including homophobic, transphobic, and others) child abuse, children

forced into gang membership or sex trafficking, emancipated children, while staying abreast of risk-management issues, such as changes in mandated reporting requirements, conducting remote evaluations, and navigating interjurisdictional practice. Telepsychology (including tele-visitation, tele-forensic interviewing, and other remote services) ascended into prominence because of recent public health emergencies.

Psychologists with varying levels of supervised experience are asked to conduct child protection evaluations. Many training programs offer some forensic exposure to family law. Child protection evaluations are a domain of forensic psychology that requires skills, training, knowledge, and competence in the assessment of children, adults, and families. Child maltreatment and parenting capacity evaluations may have a significant impact on people's lives and involve public scrutiny and trust. These Guidelines aim to give psychologists who are asked to conduct child protection evaluations insights and guidance to achieve the highest standards of practice.

## Framework

### Legal Context for Child Welfare in the United States

The child welfare system in the United States is largely built upon the *Child Abuse Prevention and Treatment Act (CAPTA)* and the *Adoption and Safe Families Act (ASFA)*.

CAPTA is a federal policy that incentivized states to create mandated reporting rules for abuse and neglect, and to adopt definitions of child abuse and child neglect that meet or surpass federal definitions. As a result, states (at a minimum) generally define *child abuse* and *child neglect*, which are collectively referred to as *child maltreatment*, as “any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm” (CAPTA Reauthorization Act of 2010, 42 U.S.C. § 5101, Note § 3(2) (2010)).

ASFA was designed to promote the timely, permanent placement of children who have been removed from homes. Under ASFA, parents have a finite period to either address the safety issues preventing reunification with the child(ren) or face a *termination of parental rights* (TPR), i.e., a cessation of reunification efforts and parental rights (ASFA, 42 U.S.C. § 629 (1997)).

Those critical of ASFA and CAPTA have raised concerns about the resulting financial incentivization of expeditiously moving towards TPR, systemic oppression, racial disproportionality, inattention to social determinants of health, and the impact of these policies on children reared in impoverished (as opposed to neglectful) home environments (Williams-Butler et al., 2020).

Reform efforts have addressed differential CPS responses, prioritization of kinship networks, and the Family

First Prevention Services Act (2018). The ICWA (1978) is a reform effort that encourages adoptions that result in placement of children in homes that reflect the unique values of Indigenous culture but has also been criticized for contributing to racial disproportionalities in children aging out of the foster care system.

### Psychosocial Context

Individuals and families experiencing child maltreatment are embedded at the intersection of various social and physical domains that are highly interrelated and mutually interactive, within what Bronfenbrenner (1979) termed the “ecological system.” Evaluators consider these domains to avoid missing the contextual variables present in child maltreatment, and also to promote resilience and future healing. Evaluators also benefit from understanding how ableism, oppression, inequality, and unearned privilege interact with demographic factors, particularly in the context of childcare and parenting.

Income and social status are important factors in conceptualizing child maltreatment. Middle-class intensive and competitive parenting may impact parenting as negatively as a lack of resources and economic marginalization. Developmental and trauma models inform perspectives on child-parent relationships and family dynamics, from a family-specific cultural framework that includes attachment processes and losses.

## Terminology

Child protection proceedings may involve parents, grandparents, stepparents, guardians, and other adult caregivers. As noted previously, these Guidelines apply the term *parents* generically when referring to persons who hold *in loco parentis* rights over the children who become the focus of child protection evaluations.

Parenting *capacity* refers to the potential for parenting in a “good enough” manner on a long-term basis, specific to the needs of the children in question. An individual may currently possess parenting *ability* for short periods of time in specific circumstances, but without the necessary skills to parent effectively in the long term (Zumbach & Oster, 2021; Di Pasquale & Rivolta, 2016). *Competent* parenting involves adaptability to the changing requirements and circumstances of a particular child (Aunos & Pacheco, 2020).

Parenting capacity may vary at different points in time, depending on the circumstances parents and children face. Child protection evaluations provide a means by which to identify and understand a person's functional abilities, as well as deficits in need of remediation, relative to their role as parent.

Research on Adverse Childhood Experiences (ACEs) and *polyvictimization* supports expanded conceptualizations of harm and child maltreatment outcomes beyond the short-term consequences. According to the Children's Bureau

(2021), more than 38% of children reported more than one instance of victimization, and almost 11% reported more than five instances of victimization. Children with more severe and varied histories of victimization have significantly higher levels of distress.

Many child protection evaluation orders contain specific *referral questions*, whereas other orders merely designate the scope or focus of the evaluation. Different jurisdictions may prefer one approach over another, and psychologists need to be aware of the jurisdiction's practices. For the purposes of these Guidelines, the term *referral questions* will also encompass the scope or focus as designated in the court order.

Psychologists also receive referrals to conduct psychological evaluations solely on children, who may be unaccompanied immigrants, unhoused, hospitalized, detained, or institutionalized. These children's wellbeing is often compromised by neglect, serial abuses, exploitation, and systemic mistreatment by institutional caregivers. In these cases, the agency or institution has been acting as a caregiver and may have rights *in loco parentis*. Referral questions for these evaluations reflect the court's desire to learn more about identifying harms the child has suffered, ways to protect children through placement, treatment, identification of needed resources, and other services. These evaluations may eventually be reviewed by other courts or administrative agency adjudicators (e.g. criminal, custody, immigration) in proceedings beyond what family or dependency courts initially address.

Terms such as *abandonment*, *domestic violence*, *failure to protect*, *serious harm*, *battered parent*, *substantial bodily injury*, *safety*, *parenting capacity*, and *imminent risk* may be jurisdictionally defined or otherwise clarified in legal decisions. Terms such as *medical child abuse*, *intrafamilial child torture*, and *psychological maltreatment* are defined in professional literature. There is consensus around some terms, for example, medical child abuse: a form of child maltreatment perpetrated by parents who make efforts for a child to receive unrequired and potentially harmful medical care (Yates & Bass, 2017). Differing definitions for intrafamilial child torture (Macy, 2019), psychological maltreatment (Baker et al., 2021), and other terms are still emerging in the literature.

## Development Process

The last Guidelines for Psychological Evaluations in Child Protection Matters (APA, 2013b) were reviewed, found in need of revision, and sent out for public comment to solicit further evaluation, all in accordance with Association Rules 30.8 and APA policy on Guidelines. In the spring of 2018, a Working Group was formed under the auspices of the Committee of Professional Practice and Standards (COPPS), in consultation with the Board of Professional Affairs, with the charge to revise the Guidelines for Psychological Evaluations in Child Protection Matters (APA, 2013b).

The Working Group began meeting during the summer of 2020, initially communicating via monthly conference calls and then teleconference. In the spring of 2022, weekly and bimonthly calls were initiated, and a 2-day, in-person meeting was conducted in February 2023. In February 2024, the proposed revision document was submitted for legal review and review by the Board of Professional Affairs, followed by review by APA Boards and Committees, and a 90-day public comment period, in accordance with APA policies and procedures, including Association Rules 30.8.

## Selection of Evidence

The Working Group conducted a broad review of the literature through their own study and discussion of professional and scholarly resources and a review of the public comments. The Working Group received suggestions for additional citations and references from various collegial sources throughout the development process. The literature reviewed and cited in the text of these Guidelines is as inclusive, representative, seminal, relevant, empirically based, and current as feasible. The introductory and guidelines sections are explicitly informed by the Ethical Principles of Psychologists and Code of Conduct (APA, 2017a) (hereafter referred to as the "APA Ethics Code"), as well as additional APA Guidelines, policies, and reports.

## Distinction Between Standards and Guidelines / Compatibility with APA Ethics Code

As noted above, these Guidelines are informed by the APA Ethics Code (2017a). The term "Guidelines" refers to statements that suggest or recommend specific professional behavior, endeavors, or conduct for psychologists (APA, 2015). Guidelines differ from standards, in that standards are mandatory and may be accompanied by an enforcement mechanism. Guidelines are aspirational in intent. They are intended to facilitate the continued development of the profession and a high level of practice by psychologists. Guidelines are not intended to be mandatory or exhaustive, and they may not be applicable to every professional situation. They are not definitive nor intended to take precedence over the measured, independent professional judgment of psychologists (APA, 2015). It is not possible for these Guidelines to identify every course of action that a child protection evaluator might be encouraged to pursue or avoid. For these reasons, it would not be accurate for legal and other advocates to assume that these Guidelines offer a comprehensive and definitive overview of all relevant issues. In addition, psychologists should refrain from using these Guidelines as an exclusive blueprint for conducting child protection evaluations; instead, psychologists should acquire from other sources the requisite knowledge, skill, education, experience, and training for doing so.

**Conflict of Interest**

The Guidelines developers did not receive external support for this project. No external funding was received to assist with the preparation of these Guidelines or for conducting the underlying literature review. No funds, grants, or other support was received in support of this project other than what was allocated in support of APA boards and committees to meet and develop guidance. The Guidelines developers complied with APA's policy on conflicts of interest.

**Expiration**

These Guidelines are scheduled to expire 10 years from August 2024. After that date, users are encouraged to contact the APA Practice Directorate to determine whether this document remains in effect.

# **Orienting Guidelines**

#### GUIDELINE 1.

**Psychologists conducting child protection evaluations aspire to recognize how families' opportunities and disadvantages may have been socially or systemically determined.**

##### **Rationale**

Systemic problems and social determinants create inequalities in healthcare delivery, improvements in population health and health equity, wages, education, involvement with law enforcement, and other environmental areas (APA, 2019b; APA, 2021b). Children may experience risks when families are oppressed by these obstacles and disparities, and disproportionalities may subsequently occur in the child welfare system (Feely & Bosk, 2021; Kim & Drake, 2018). When these systemic and social considerations are excluded from efforts to understand and manage risk, it may be to the detriment of justice and may prevent delivery of the most advantageous child protection interventions and forensic psychology services.

##### **Application**

Psychologists conducting child protection evaluations are encouraged to acquire an understanding of disproportionalities and disparities within the child protection system, such as those concerning race (APA, 2019a; Middel et al., 2022), indigenous heritage (Children's Bureau, 2021), ableism (Slayter & Jensen, 2019; Lightfoot, Zheng, & DeZelar, 2021), population and health equity (APA, 2022), immigration status, sexual diversity, the underrepresentation of White and Asian youths, and other demographic factors. Psychologists strive to understand how individual and contextual factors (Vial et al., 2020), including structural determinants of child neglect (Feely & Bosk, 2021), relate to a family's entry, participation, and needs within the child protection system (APA, 2013).

Psychologists conducting child protection evaluations are informed by these realities and attempt to avoid propagating the marginalization of families based on systemic inequities, social determinants, ableism, internalized racism, bias, and other types of discrimination (APA, 2021a; APA, 2022; Feely & Bosk, 2021).

#### GUIDELINE 2.

**Psychologists strive to remain aware of the complexity of legal and administrative issues in child protection, and how psychological science applies to child protection matters.**

##### **Rationale**

Each jurisdiction has statutorily defined authority over the care and protection of children. This process is complex and addresses such considerations as whether abuse or neglect occurred or is likely to occur, the necessity of supervised or out-of-home care, the viability of placement options, and prospects for reunification (Child Welfare Information Gateway, 2020). Child protection agencies, guardians, and attorneys may advance opposing arguments concerning these determinations that frequently rest upon psychological concepts. A psychologist's understanding of the child protection system and diligent application of psychological science are crucial to the ability to provide effective and useful evaluations (Cross & Risser, 2022).

##### **Application**

Psychologists attempt to become familiar with applicable statutes, regulations, case law, and court rules. Psychologists may pursue various training opportunities, such as those offered by state professional associations, locally focused continuing education sponsors, or regional child protection agencies.

Psychologists may also seek peer consultation to further their understanding of these issues.

Psychologists conducting evaluations in child protection matters seek to understand the relationships between federal guidelines and mandates and the implementation of jurisdictional procedures, such as the relationship between ASFA (1997) and the requirement of specific findings by the local court. Psychologists are mindful of understanding the ways in which the psychologist's evaluation, opinion, and wording of a report may affect the case outcome.

Psychologists endeavor to understand and apply evidence-based and scientifically supported developmental models when assessing child-parent relationships and family dynamics. Their understanding of a cultural framework relevant to the family is a means of avoiding biases when providing recommendations for permanency (APA Ethics Code 2.04, 9.02(a)(b)(c)).

#### GUIDELINE 3.

**Psychologists strive to obtain jurisdiction-specific, specialized knowledge regarding types of child maltreatment and the characteristics of children and families reported to Child Protective Services.**

##### **Rationale**

Jurisdiction-specific definitions and systems are established to receive and address allegations of child maltreatment (Lloyd Sieger & Rebbe, 2020), including physical abuse, neglect, sexual abuse/exploitation, and emotional abuse. With the goal of keeping children safe, courts, agencies, and other entities rely upon psychologists to make a considerable contribution to competent practice that reflects specialized scientific and professional

knowledge of child maltreatment (Bunger et al., 2021).

### **Application**

Psychologists strive to obtain an understanding of how child abuse and neglect are defined in their own jurisdictions (Child Welfare Information Gateway, 2019), as well as federal laws that affect these definitions<sup>2b</sup>, such as CAPTA (2010) and ASFA (1997). Psychologists seek to learn the statutes and regulations regarding the child welfare process in their jurisdictions, such as mandated reporting, differential responses, tiering of investigative findings, and termination of parental rights.

Psychologists are encouraged to develop relevant knowledge and skill sets concerning the evaluation of children and families reported to child protective services. They endeavor to familiarize themselves with studies on polyvictimization (Haahr-Pedersen, 2020) and the research that addresses the prevalence, effects, risk factors, protective factors, and risk-management strategies for various types of child maltreatment.

Psychologists strive to remain aware of research concerning how reports and substantiations of abuse and neglect relate to the capabilities and experience of service providers (Bosk, 2020; Jent et al., 2011; Lwin et al., 2022). Relevant examples include the characteristics of children (including age, race, ethnicity, disability) and parents (including age, functioning, history of CPS involvement during childhood and adulthood). Additional examples include the characteristics of families (e.g., family size, single-parent families, and domestic violence) and communities (e.g., concentrated disadvantage, deficient support, and limited resources).

# **Acquiring Competence**

#### GUIDELINE 4.

**Psychologists seek to gain competence in conducting child protection evaluations through an optimal combination of education, training, experience, consultation, and peer supervision.**

##### **Rationale**

Child protection matters are consequential proceedings for all parties involved. Courts, agencies, and other entities rely upon psychologists to make a considerable contribution through competent practice that reflects specialized scientific and professional knowledge.

##### **Application**

Psychologists who provide forensic services strive to develop relevant knowledge and skill sets. This competence may be reflected in the psychological evaluation of such overlapping phenomena as intrafamilial violence, child abuse and neglect, children's trauma and intergenerational transmission of trauma, multicultural aspects in the field, as well as developmental psychopathology throughout the lifespan.

Psychologists seek to establish, maintain, and augment their capabilities through a range of resources and experiences. Graduate education, continuing education programming (Ng et al., 2022), peer supervision (Danzi et al., 2020), and collegial consultation (Miu et al., 2022) may constitute valuable opportunities for ongoing professional development. Psychologists are encouraged to seek out scientific and legal literature concerning child protection on an ongoing basis, including that related to trauma-informed practices.

#### GUIDELINE 5.

**Psychologists strive to remain aware of personal biases, societal prejudices, and the need for culturally competent practice.**

##### **Rationale**

Personal biases include but are not limited to those related to age, gender identity, sexual orientation, race, ethnicity, national and cultural origin, disability, language, socioeconomic status, and immigration/naturalization status (APA Ethics Code 3.01). Such biases may interfere with the ability to provide nonjudgmental services. The ways in which psychologists employ language in the course of interviews, report writing, and testimony may reflect unidentified bias. These concerns may compromise the ethical integrity as well as the legal and administrative acceptance of evaluation conclusions and recommendations, making it crucial that psychologists seek to remain impartial throughout the duration of the evaluation. Cognitive, confirmatory, implicit, allegiance, systemic, and other evaluator biases may interfere with the validity of an evaluation and may also erode the confidence of courts, litigators, parties, and the public concerning the contributions of psychologists to the child protection process.

##### **Application**

Psychologists remain aware of the effects of bias and the need to minimize the effects of such biases on assessment outcomes (Brotsky, 2023). They also remain aware of the stigma that may be associated with cognitive, mental, and physical disabilities (Char & Bogart, 2022) and seek to avoid overgeneralizations and stereotypes concerning such characteristics and phenomena as age, race, ethnicity, indigenous heritage, culture, gender identity, sexual orientation, immigration/naturalization status, single-par-

enting, low income, neurodiversity, and actual or perceived disability status (APA, 2019a).

#### GUIDELINE 6.

**Psychologists strive to maintain a fair and impartial approach to child protection evaluations.**

##### **Rationale**

Child protection evaluations may inform consequential opinions on a range of relevant issues, including the potential presence of abuse and neglect, subsequent treatment options, conditions of parental access plans, and termination of parental rights. Family strengths and challenges may be influenced by different cultural norms, values, and traditions. Differences in the balance of power and equality in various ethnic and multiethnic backgrounds (Liu et al., 2022) may impact parenting. Evaluation methods or reasoning that disrespect any party's rights and dignity undermine the scientific and professional bases of child protection evaluations (APA Ethics Code, Principles C, D, E; APA Ethics Code 2.04, 9.06).

##### **Application**

Psychologists strive to understand the effect of diverse backgrounds and cultures on developmental expectations, child-rearing practices, family relationships, gender roles, expectations for children, discipline, and disability, among others. The more prevalent the cultural differences between the evaluator and the evaluatee, the more essential for psychologists to endeavor to find information related to cultural variations and their impact in the family context, the working relationship, and the power differential between the psychologist and the examinee (Overall et al., 2022). Psychologists

are encouraged to ensure that persons with disabilities are also given objective evaluations with accurate opinions (APA Ethics Code 2.01). Optimally designed and conducted evaluations seek to determine what aspects, if any, of a particular disability are relevant to parenting, with due consideration of the role that stigma may play in the psychologist's own work and that of others involved in the case.

# **Preparing for the Child Protection Evaluation**

#### GUIDELINE 7.

**Psychologists endeavor to understand the court's referral questions, the scope of the evaluation, the anticipated use of the findings, and the expected timeline.**

##### **Rationale**

The court's referral questions determine the scope of the evaluation, the methods used to conduct the evaluation, the analysis of the data, and the communication of the findings. A reasonable understanding of jurisdictional requirements and definitions of terms is essential when responding to the referral question and conducting the evaluation.

##### **Application**

Child protection evaluations may involve child, adult, and family assessments to address the court's referral questions. If the psychologist does not have the requisite expertise to address the court referral questions, then the psychologist endeavors either to decline the referral or to seek consultation. If alternative resources are not available, the psychologist strives to take steps to advise the court of the possible limitations and to seek the court's direction and approval for continuing the evaluation.

In each case, the psychologist strives to translate the referral question (e.g., opining about a child's safety needs) into forensically relevant issues, including but not limited to parental mental health, parenting capacity, parent-child relationships, or developmental and attachment concerns (Zumbach & Volbert, 2021).

Psychologists endeavor to use an evaluation strategy and methodology that will allow the scope of the evaluation and the court's referral question to be addressed. Responding to the court's referral questions is the primary goal of the evaluation. The psychologist strives

to avoid administering tests, interviewing evaluatees, or seeking collateral information when such services are not relevant to answering the court's inquiries. They recognize that going beyond the referral questions does not aid the court's decision-making process. When an evaluation involves translations of tests into other languages, psychologists seek appropriate norms. The use of an interpreter or translator may be necessary (see Guideline 17).

#### GUIDELINE 8.

**Psychologists endeavor to determine the methods that are appropriate to address the referral issues.**

##### **Rationale**

Psychologists, based on their training, their experience, and their knowledge of research, evidence-based methods, and professional literature are trained to determine the methods to address evaluation referral issues and questions appropriately within the context of the referral.

##### **Application**

Psychologists strive to choose methods that are appropriate to the individuals and to the context of the evaluation, thus maximizing relevant information and leading to strongly supported opinions (APA Ethics Code 9.02).

Psychologists providing child protection evaluations recognize that the courts and other referring parties may not be familiar with current psychological science, leading to ill-informed or inappropriate requests. Psychologists strive to resist pressures to employ methods that are not required to answer the referral question. When psychologists receive such requests, they consider providing clarification

to the referring party concerning why the methods being requested could be extraneous and might not contribute to incremental validity.

#### GUIDELINE 9.

**Psychologists providing child protection evaluations strive to avoid role conflicts and multiple relationships that may compromise objectivity, competence, or effectiveness.**

##### **Rationale**

Role conflicts and multiple relationships may impair psychologists' abilities to conduct impartial and competent evaluations and may otherwise risk harm or exploitation concerning the person or the identified client (e.g., court, state child protection agency). Such variables may decrease the usefulness of information obtained, including opinions and recommendations or guidance to involved entities.

When role conflicts or multiple relationships are present, they may undermine the basis for reliable testimony (APA Ethics Code 3.05, 3.06). Persons or entities seeking or receiving evaluation services in child protection cases may not always reliably distinguish between clinical and forensic roles and may not recognize other potential role conflicts or multiple relationships that may arise.

##### **Application**

Psychologists recognize that there are numerous factors that potentially pose role conflicts or involve other biases. Evaluators are aware of the potential for allegiance bias (Sauerland et al., 2020) and how to address this issue. Psychologists are mindful of the need to maintain professional boundaries, and they seek to be sensitive to the

special considerations that may be of concern when unique situations arise. Examples include examining multiple parties, moving from an investigative role to a parental rights termination role, or navigating the complications presented when experts assess successive generations of a family.

Psychologists strive to recognize and disclose potential conflicts to the court and the parties at the time of retention. This can help to ensure that conflicts are properly addressed. Psychologists may consider declining the referral once conflicts are identified, and they endeavor to communicate with referring parties and family members in a manner that prevents misperceptions of their role.

Psychologists generally avoid conducting child protection evaluations when serving in a therapeutic role for the child or the immediate family, conducting a custody evaluation for the family, evaluating the alleged abuser for criminal court, or otherwise being involved in a fashion that may compromise their objectivity (APA Ethics Code 3.05). When psychologists face extraordinary circumstances, such as when a clinical emergency arises, or when they are serving rural populations or persons with specialized needs for which adequate alternative services are not available, psychologists seek to resolve the situation consistent with APA Ethics Code 3.05(c).

# **Conducting the Child Protection Evaluation**

#### GUIDELINE 10.

### **Psychologists strive to obtain informed consent from adult participants and to obtain informed assent from child participants as appropriate.**

#### **Rationale**

Explaining assessments, fees, the involvement of third parties, and the limits of confidentiality, while both inviting questions and providing answers (APA Ethics Code 3.10), enhances valid participation. Obtaining informed consent furthers the legal and social scientific goals of fundamental fairness (APA, 2021a).

#### **Application**

Psychologists consider having all capable adults participating in the evaluation sign an informed consent form (APA Ethics Code 3.10) that meets not only ethical standards but also legal requirements of the jurisdiction.

At the outset of the evaluation the psychologist seeks to explain procedures (including electronic recording of the process), the examiner's professional role, specific referral questions, the nature and sources of fees, release of records, limits of confidentiality, anticipated use of the information, and possible consequences of not participating. Psychologists are mindful of including in their informed consent an explanation of mandatory reporting obligations, such as those triggered by other allegations of child maltreatment, elder abuse, child trafficking, or other legally defined circumstances (APA Ethics Code 9.03).

Psychologists strive to explain informed consent matters in an accessible fashion, and to convey a willingness to answer questions. Some persons may require accommodation(s) because of literacy concerns, Limited English Proficiency (LEP), language issues, cultural values, or disability. Consent, when required by law, may be obtained from a legally authorized

third party when an adult is incapable of providing informed consent (APA Ethics Code 3.10). When an evaluation is court ordered, informed consent may not be necessary (APA Ethics Code 3.10; APA, 2013c).

Similarly, psychologists aspire to give children an age-appropriate explanation of the purpose of the evaluation, consistent with each child's cognitive abilities and verbal skills, in order to obtain assent (Calloway & Lee, 2021). Psychologists consider that legal guardians may have the right to provide consent on children's behalf in the absence of a court order, or otherwise pursuant to state law.

Psychologists aim to provide collateral sources with information that might reasonably be expected to inform decisions by those sources about participating, including who has retained the psychologist, the intended use of the knowledge obtained, and the limits of confidentiality and privacy (APA, 2013c; Goldenson et al., 2023).

#### GUIDELINE 11.

### **Psychologists strive to use multiple and complementary methods of data gathering.**

#### **Rationale**

The complex issues and far-reaching implications of child protection decisions warrant thorough assessment techniques. Multiple methods of data gathering serve to increase the breadth of information obtained, increase validity and reliability of conclusions and recommendations, and limit biases (Melton et al., 2018). Collecting information from multiple sources leads to a comprehensive formulation, enabling the development of more nuanced hypotheses and support for the psychologist's findings.

#### **Application**

Psychologists strive to base the opinions contained in their recommendations, reports, and diagnostic or evaluative statements, including forensic testimony, on information and techniques sufficient to substantiate their findings (APA Ethics Code 9.01).

Methods used in child protection cases may include interviews, psychological testing (including for cognitive ability, neuropsychological status, personality functioning, psychopathology, dissimulation, and other relevant issues), forensic assessment instruments (such as parenting measures), and other specialized assessments for such topics as substance use, interpersonal violence, and coercive control. In addition, psychologists strive to observe parent-child interactions, to review records, and to conduct collateral interviews.

#### GUIDELINE 12.

### **Psychologists conducting evaluations in child protection matters are alert to the ways in which their contact with the child and other involved parties may affect the individuals' memories and reporting of events.**

#### **Rationale**

Proper child interviewing techniques may positively affect the reliability of children's memory and event reports and elicit accurate information from even very young children (Lamb et al., 2018). The use of proper child interviewing techniques in child protection evaluations helps to ensure that the information obtained is reliable and that the interviewer's questioning style does not influence the interviewee's memory or event reports.

### **Application**

When interviewing children, psychologists conducting evaluations in child protection matters seek to use evidence-based interviewing techniques to preserve accurate information from interviewees (e.g., Newlin et al., 2015; APSAC, 2023). Regardless of a child's age, the use of broad, open-ended questions may allow the youth to provide accurate information without restriction based on the interviewer's questioning style. The use of more focused questions, including multiple-choice and Yes/No formats, may produce more information, but at the expense of accuracy (Lamb et al., 2018).

The psychologist's interviews of the child and of collateral sources may include inquiries regarding the number of times the child has been questioned about issues related to the child protection services (CPS) involvement, with whom has the child discussed the issues, and other sources of information or misinformation about the circumstances of CPS involvement and the current psychological evaluation.

Psychologists are mindful of the potential impact on the child's memory of even seemingly innocuous communications from parents or other salient individuals in the child's life, and they may explore the extent to which the child's relationships and contacts with others may have contributed to the child's reports (Principe & London, 2022).

Many children who are being evaluated in child protection matters have been or are currently receiving psychotherapy. Psychologists strive to assess the potential impact of therapeutic techniques on the accuracy of children's memories (Branaman & Gottlieb, 2013).

### **GUIDELINE 13.**

#### **Psychologists strive to identify and interview parents based upon the evaluation's purpose and legal context.**

### **Rationale**

Interviewing parents can provide contextualizing information about a parent's functioning, test scores, caregiving skills, strengths, limitations, openness to engagement, and access to potential resources. This source of information may also clarify child safety, potential interventions, a child's functioning, as well as risk and protective factors. Such interview data inform a variety of legal and administrative determinations in child protection proceedings.

### **Application**

Psychologists endeavor to structure and carry out their parent interviews with close attention to considerations of bias management, relevance of culture, language proficiency, disability status, cognitive ability, socioeconomic status, gender identity, sexual orientation, and age (Hayslip et al., 2019). Psychologists strive to focus the interview on factors relevant to specific legal issues as well as to the stage of the legal process. Examples may include prognosis, treatment amenability, risk, degree of adherence to court directives, progress toward goals, or allegations of harm.

Based upon scientific support and psychological knowledge, psychologists may structure parent interviews to address social, educational, legal, housing, economic, health, substance use, and child maltreatment history (as a parent or child victim). Psychologists may also consider the parent's expectations of the child, recognition of the child's unique needs, disciplinary strategies, skills, attitudes, routines, parenting stress, and perceptions of the parent-child fit. Other topics may include but are not limited to self-care,

social support, problem-solving capacity, family dynamics, intimate partner violence, goals, and role models (Aunos & Pacheco, 2021; Houston, 2016; Johnson et al., 2014; Wolford & McWey, 2020).

In addition, psychologists may consider assessing social and communication skills, emotional expression, behavioral control, attentiveness, hygiene, and other clinically relevant issues while interacting with parents during these interviews. To enhance the valid use of this information, psychologists strive to prioritize cultural humility and to seek alternative hypotheses that could influence a parent's presentation, such as systemic obstacles, stereotype threat, involuntariness, fear, misunderstanding, and impression management.

### **GUIDELINE 14.**

#### **To clarify and supplement other data, psychologists seek records, media sources, and collateral informants with information relevant to the child protection evaluation.**

### **Rationale**

Solely relying upon a parent's or child's self-reports could obscure risk and potential child safety issues, as well as other concerns. Historical information concerning the examinee, family members, or prior system involvement may not be obtainable through parent or child interviews.

### **Application**

Before gathering third-party information, psychologists strive to ascertain what is relevant, such as information regarding the child's development, safety, trauma, socioemotional functioning, conduct, medical history, school performance, and family inter-

actions. Psychologists seek appropriate permissions (APA, 2013c) and gather relevant data from various authorized sources (Melton et al., 2018; Wright, 2020), such as case workers, childcare providers, teachers, physicians, mental health providers, family members, and other collateral informants.

Psychologists endeavor to seek, review, and integrate child protective service, legal, substance abuse, mental health, criminal, medical, educational, and other relevant records, in addition to images and recordings as appropriate. Publicly available social media postings may also offer useful information, provided that psychologists acquire informed consent and document the source (Pirelli et al., 2018).

When considering whether to participate, third-party informants may benefit from the psychologist's provision of information that might reasonably be expected to inform their decisions about participating (APA, 2013c). This information may include the retaining party, the nature, purpose, and intended use of the collateral interview data, and limits on privacy, confidentiality, and privilege (APA Ethics Code 3.10).

Psychologists endeavor to remain alert to their own potential biases as well as those of others (APA Ethics Code 9.06). For example, records or collateral interview data may be influenced by allegiance bias, other biases, poor recollection, misunderstanding, inaccuracy, or racism (individual or institutional) (APA 2021b). Therefore, psychologists remain aware of the subjectiveness of certain collateral data, and of focusing upon direct observations and factual experiences reported by collateral interviewees.

#### GUIDELINE 15.

**When conducting child protection evaluations, psychologists strive to observe parent-child interactions if this can be accomplished in a safe and secure manner for all.**

##### **Rationale**

Functional competency is an aspect of parenting that may be more directly evaluated through performance-based functional assessments than by testing and interviewing. The observation of parent-child interaction may reveal bidirectional dynamics between parental functional capacities and child demands, which can foster more persuasive opinions, predictions, and recommendations. However, the obligation to avoid or minimize harm (APA Ethics Code 3.04) makes child safety a primary consideration. Observations of parent-child interactions do not amount to "attachment" evaluations (i.e., the quality of the organization of the parent-child relationship), which require specialized training and settings.

##### **Application**

To avoid potential harm to the child, psychologists strive to take reasonable measures before starting a parent-child interaction observation, such as confirming the parent's safety and mental status, the child's vulnerabilities, and the dyad's history. Psychologists then aspire to discern systematically such concerns as harshness, overreaction, excessive displays of anger, controlling behavior, negative verbalizations, and developmental inappropriateness, and such strengths as warmth, responsiveness, and expressions of praise (Ananda et al., 2021; Cañas et al., 2022; Zumbach, et al., 2021). Additionally, psychologists endeavor to note the child's own verbal and nonverbal reactions to the parent (Cañas et al., 2022). Psychologists may also document the

parent's opportunity and willingness to act, as well as their demonstration of certain abilities, while considering cultural factors (APA, 2019b), the effect of being observed, and other variables.

Psychologists strive to employ appropriately structured methods of documenting these interactions. They aim to document, for example, how they endeavored to overcome administrative obstacles that prevented observations of parent-child interaction, such as scheduling, location, technology, school, transportation, supervisor, or foster parent related issues. They also strive to share limitations associated with forgoing such data that may affect the reliability and validity of their opinions (APA Ethics Code 9.02; APA, 2013c).

Psychologists seek to overcome systems-level barriers by means of reasonable and documented efforts, such as clarifying the validity and potential necessity of a parent-child interaction observation to answer certain referral questions. They refrain from offering opinions about the parent-child relationship without a sufficient basis in data (APA Ethics Code 9.01).

#### GUIDELINE 16.

**When determining whether to add telepsychology components to child protection evaluations, psychologists strive to consider the implications for confidentiality, reliability, validity, test security, equity, access, and other elements of scientifically, legally, and ethically sound practice.**

##### **Rationale**

Judges, attorneys, parties to litigation, and fellow forensic evaluators may experience varying levels of familiarity

with telepsychology. The psychologist's concern for basing opinions upon sound scientific and professional knowledge may be amplified when techniques are employed that invite heightened levels of scrutiny and challenge.

### **Application**

Reasons for adding telepsychology to child protection evaluations may include travel distances, crisis conditions, restrictive deadlines, and financial constraints. Telepsychology may make a significant contribution when used responsibly (Daffern et al., 2021; APA, 2013a), and with an appropriate understanding of whether telepsychology is permissible under relevant state law and court rules. Psychologists strive to consider the effects of telepsychology on test security (Wright et al., 2020) and on the safety and privacy of the examinee (Recupero, 2022). When writing reports and providing testimony in child protection matters, psychologists are mindful of how such considerations may affect their proffered opinions (Wright & Raiford, 2021).

Having committed to the use of telepsychology in a given case, psychologists consider the examinee's "access to a suitable electronic device with internet access" and whether the device in question has "video and audio capabilities sufficient to use the video conference platform" with "the capacity to maintain the device's power through the duration of the evaluation" (Batastini et al., 2023, p. 259). The ability to describe such precautions and their implementation can become particularly important when cross-examining attorneys attempt to assert that the psychologist "did not adequately understand the technology and therefore might not have applied the appropriate safeguards" (Recupero, 2022). Psychologists may seek an opportunity to view the physical environment, and to confirm the examinee's physical address or location, with an eye toward safety concerns.

Usual concerns regarding the presence of third-party observers, including such notions as violations of test security, coaching, and threats to both reliability and validity (Glen et al., 2021), may be heightened when the psychologist is unable to determine who else may be attending outside the visual frame of the electronic device. Such issues may warrant specific inquiry by the psychologist both before and at the outset of the examination, including a full visual scan of the space where the examination is occurring. Psychologists may consider rescheduling or canceling an examination when they are "unable to resolve observation issues to their satisfaction" (Committee on Psychological Tests and Assessment, American Psychological Association, 2022, p. 4).

### **GUIDELINE 17.**

**When using language interpretation services, psychologists strive to take reasonable steps toward appropriately selecting and working with qualified interpreters.**

### **Rationale**

Interpreter-mediated interviews in child protection evaluations may be required when the psychologist lacks sufficient fluency in the examinee's native language (APA, 2017b). The competence and performance of psychologists and interpreters in these matters can affect the protection of the examinee's rights, the child's safety, and the reliability of the evaluation (Hale et al., 2019).

### **Application**

Psychologists strive to identify the examinee's primary and preferred lan-

guages, and to consider the examinee's literacy level and potential Limited English Proficiency (LEP) status concerning oral and written communication, in order to inform the need for interpretive services during interviews and approved foreign language translations upon testing. There may also exist an ethical need in some cases for referral to another psychologist fluent in the examinee's primary language. Psychologists also strive to remain mindful of the potential limitations of telephone (Powell et al., 2017) and video-link (Doherty et al., 2022) interpretation services, as well as the potential limitations of such options as American Sign Language (ASL) interpretations and closed caption technology with deaf or hearing limited persons when attempting to convey nonverbal and implicit messages. Psychologists are aware, on a case-specific basis, of the potential inappropriateness of using family members and other interpreters of convenience.

When using professionally trained interpreters, psychologists strive to consider a variety of factors, such as familiarity and experience with ethical interpretive practices, recognition of confidentiality requirements, understanding of relevant cultural contexts, and the ability to speak fluently in the language and dialect of the examinee (Hale et al., 2019; Wagoner, 2017). Similarly important may be ongoing availability for the current evaluation, and the ability to establish rapport with the examinee (Tribe & Thompson, 2022). Other considerations may include the interpreter's ability to contextualize messages and to use their expressiveness to communicate understanding, empathy, and acceptance (Powell et al., 2017).

Psychologists endeavor to consult with interpreters in advance of the examination regarding specific expectations, goals, and strategies, which can be facilitated by providing some information about the examinee and the case (Fennig & Denov, 2021). They may convey at the outset the anticipated

subject matter (e.g., child sexual assault) and duration of the interview, given the potential for vicarious trauma (Villalobos et al., 2021, Tribe & Thompson, 2022) and mental fatigue (Wang et al., 2022).

Psychologists seek to attain and develop an understanding of key issues in interpreter-mediated services, including the relative merits of word-for-word, simultaneous, and consecutive interpretation. Merely summarizing content may actually lead to misunderstanding (Mulayim & Lai, 2017), underscoring the value of screening for nonqualified interpreters. Communication may become more meaningful when interpretation is conveyed with the same tone, volume, and emphases as used by the speaker (Hale, 2019; Hale et al., 2019). Psychologists also endeavor to become knowledgeable regarding such evaluation-related interpreter-mediated skills as expressiveness of style and tone, clarity, thoughtfulness of language use, cultural terms of respect, and self-reflection regarding oral skills (Boser & LaRooy, 2018).

#### GUIDELINE 18.

**Psychologists endeavor to use robust, informative, and culturally sensitive psychological assessment methods and instruments that are administered in a methodologically sound fashion and are relevant to the purposes of the child protection matter.**

#### Rationale

Courts rely on evidence that is reliable, scientifically robust, and informative. Psychological tests and methodology can help identify relevant issues when properly selected, administered, scored, interpreted, and contextualized. For

instance, in the case of parenting capacity, tests may help identify a parent's functional strengths and weaknesses, as well as their potential to benefit from intervention. In the case of child victims of maltreatment, tests can help identify psychological harm and treatment needs. However, no psychological test or assessment method is sufficiently specific and comprehensive, on its own, to determine directly all the capacities and attitudes involved in either parenting capacity, or the full impact of maltreatment on a child victim.

#### Application

Psychologists endeavor to use psychological tests and assessment instruments that are relevant to the purpose of the evaluation, the characteristics of the examinee, and the referral questions. Psychologists are mindful of a particular test's potential limitations in assessing certain aspects of parenting capacity. Such situations may merit additional scrutiny when the psychologist draws inferences about test results and their implications. Likewise, when evaluating the impact of child maltreatment, psychologists aspire to understand the potential limitations of tests and instruments to capture the complexity of past, current, and future effects on a child's overall development and functioning.

Psychologists recognize that test data are only one source of information, that some information required to answer the referral questions may not be obtainable through testing, and that test data are optimally considered in conjunction with other information. Psychologists strive to incorporate and cross-validate test data with other findings from multiple sources, including but not limited to collateral interviewees, structured and semistructured interviews, records, and observations. They seek to use this analysis to test their hypotheses and to reach supported conclusions. Psychologists strive to incorporate relevant information from a variety of reliable sources.

When assessing parents, psychologists seek to focus on parenting contexts, attributes, and behaviors, including strengths and weaknesses from a functional perspective, and attempt to identify areas for potential intervention, remediation, or risk depending on the referral question. When assessing children, psychologists seek to obtain information about the child's cognitive, emotional, behavioral, and social functioning; the nature of the child's connection with caretakers, persons in the child's kinship network, and community members; the child's history of adversity, trauma, or losses; and the child's special needs, including but not limited to those reflecting educational, behavioral, or medical issues.

For a variety of reasons, children, adolescents, and adults who are seen in the context of child protection procedures may engage in impression management during the evaluation (Rogers & Bender, 2018). Such efforts may affect the accuracy and utility of obtained data, thereby decreasing the validity of the conclusions. Psychologists strive to incorporate response style measures, and to include stand-alone instruments, embedded scales, or both when appropriate and feasible. Psychologists strive to remain aware that the utility of these and other instruments may differ with cultural and cognitive variables as well as age and maturity.

Psychologists strive to remain familiar with the normative populations used in assessment measures, as well as evidence-based adaptations and modifications of such measures for use with additional groups. Evaluating parents or children from different cultural backgrounds requires special considerations, as emphasized in the APA Ethics Code (9.02). Psychologists seek transparency when acknowledging potential limitations of assessment instruments.

When conducting psychological examinations in child protection proceedings, they endeavor to create

a practice that is neutral, respectful, accessible, equitable, and open to cultural, linguistic, and individual differences. Psychologists seek to assess children in a safe setting and within a climate that facilitates comfort and free communication (APSAC, 2023).

#### GUIDELINE 19.

**When conducting child protection evaluations, psychologists strive to ensure that their forensic opinions are based on sufficient data, current psychological knowledge, and evidence-based practice.**

##### **Rationale**

Forensic psychological opinions and recommendations are considerably more effective when they reflect properly collected and objectively analyzed data. Courts are more likely to admit and consider evidence that is supported by the use of appropriate procedures and properly applied scientific principles. Opinions not supported by such evidence may reflect unacceptable professional compromises and may fail to enable just and equitable legal outcomes.

##### **Application**

Psychologists strive for transparency regarding the bases of their opinions. This goal can be furthered by linking each opinion directly to the data that support it (Neal, et al., 2022; Otto, et al., 2017). This approach can help the court to understand and make its own best use of the information employed. Psychologists aim to ensure that the data underlying their opinions, and the inferences derived from these data, are supported by sufficient data, current psychological knowledge, and evidence-based practice (APA Ethics

Code 9.01(a)). They attempt to ensure that their opinions reflect due consideration of response style as well as cultural and situational factors.

When sources of data are necessary but unobtainable, psychologists strive to acknowledge this limitation and its impact upon their opinions (APA Ethics Code 9.01). For example, as described in GL 13, assessing parenting is optimally informed by knowledge of the parent, knowledge of the child, and observation of the parent and child interacting (Di Pasquale & Rivolta, 2016). When psychologists are unable to have access to one or more of these sources of data, they endeavor to limit their opinions regarding parenting capacity.

#### GUIDELINE 20.

**Psychologists endeavor to integrate and interpret assessment data within the cultural and situational context of each participant being examined.**

##### **Rationale**

A core element of competent and ethical assessment practice is the integration and interpretation of evaluation data with due recognition of the effects of racial, cultural, language-based, immigrant experience, trauma, ability, and other identities endorsed by the examinee. Legal and administrative systems benefit from the ability of psychologists to provide antiracist (APA, 2021a), contextualized (Vial, et al., 2020; Feely & Bosk, 2021), and culturally informed opinions and recommendations. These evaluations are advantageous for legal and administrative systems responsible for family preservation and reunification efforts, leveraging family strengths, addressing cultural barriers, optimizing resources,

reducing disparities and disproportionalities, and protecting children while respecting individual rights (Children's Bureau, 2021).

##### **Application**

Psychologists strive to interpret data accurately when assessing for risk and protective factors. Using these factors, psychologists may opine on the likelihood, imminence, duration, and potential severity of harm to a child. Psychologists may also describe if evaluation data are more consistent than not with possible answers to psycholegal questions. At each step of this process, psychologists endeavor to explore the effects of cultural, situational, and socially and systemically determined variables, as well as (for example) their own unconscious biases, political views, sociocultural histories, and religious beliefs.

Psychologists consider situational variables, such as single versus multiple parenting, intimate partner violence, and the child's functioning, kinship, and peer group. Psychologists also strive, in recognition of the relevance of intersectionality, to consider the examinee's socially and systemically determined realities, such as poverty, community disadvantage, and inaccessible child-care, housing, insurance, and social services. Examples of cultural considerations include faith, immigration status, linguistic factors, help-seeking behavior, family dynamics, culturally constructed understandings of distress, and definitions of psychological problems. Sexual orientation, sexual characteristics, gender identity, gender fluidity, and gender expression are factors that merit particular attention, sensitivity, and susceptibility to implicit and explicit bias.

Psychologists endeavor to assess the functional characteristics of cultural and situational issues of relevance. For example, psychologists may assess how stable, controllable, visible, concealable, oppressive, or privileging a factor like immigration status might

be for an examinee in different contexts. Psychologists also strive to consider how such factors affect child maltreatment risk and risk management, as well as the examinee's collaboration, participation, and overall presentation in the evaluation.

Psychologists attempt to avoid overidentifying or underidentifying risk when addressing cultural variations in parenting. For example, they seek to recognize when physical discipline is distinct from physical abuse (APA, 2019b). Psychologists are mindful of proceeding with cultural sensitivity, cultural competence, and cultural humility when addressing such issues (APA Ethics Code Principle E; APA Ethics Code 2.01b; APA, 2021a). When considering the appropriateness and potentially optional nature of their recommendations, psychologists are informed by laws defining child maltreatment (CAPTA; Child Welfare Information Gateway, 2020) and people's rights more generally (APA Ethics Code Principle E).

Psychologists strive to be guided by their understanding of the legal system (APA, 2013c), by psychological science, and by additional research on disproportionalities in the child welfare system (Children's Bureau, 2021).

#### GUIDELINE 21.

**When conducting child protection evaluations, psychologists strive to create, develop, maintain, secure, convey, and dispose of records in accordance with legal, regulatory, institutional, and ethical obligations.**

#### Rationale

Psychologists have a professional and ethical responsibility (APA Ethics Code 6.01) to develop and maintain records

(e.g., paper, video, and electronic) in a fashion that facilitates the provision of services and that enhances appropriate compliance with the law. Child protection evaluations benefit from thorough documentation because the data obtained may be used as evidence in these and other legal proceedings and are subject to jurisdictional requirements regarding the maintenance of such evidence. Accurate record keeping enables the psychologist to organize and interpret the data obtained, thereby ensuring greater accuracy of and support for the psychologist's opinions. Properly securing records protects the confidentiality of the examinees and their materials.

#### Application

Psychologists strive to be aware of various requirements (APA Ethics Code 6.01) regarding record retention, privacy, security, and record release. They consider how records are stored, the security of the records, the preserved readability of the records, and future access to the records. Since child protection evaluation records may be complex and may involve multiple parties, it is suggested that records be stored in a manner that allows release of one individual's records without compromising the confidentiality of other parties' records (APA, 2007). This may include, but is not limited to, test data, interview recordings, notes, and correspondence, as well as legal, clinical, medical, educational, forensic, disability, and occupational records.

Digital formats may enhance access and reduce the necessity for physical space. Difficulties with digital storage may arise, particularly if format or system incompatibility occurs in the future and if changes in digital systems are beyond the psychologists' control, such as in institutional settings. Psychologists endeavor to anticipate such problems in digital storage, including corruption or degrading of the data. Because many child protection evaluations contain protected

health information (PHI), the evaluator seeks to be aware of HIPAA-compliant systems that can protect against breach of confidentiality in the storage of such data (Scroppo, 2020; Lustgarten et al., 2020).

Psychologists endeavor to ensure that any release of records is covered by and consistent with informed consent documents (APA Ethics Code 3.10) and meets legal requirements. Release of records in child protection evaluations often requires a legal process, such as a subpoena or court order (APA, 2013c), to protect the examinee and related records. Psychologists seek, when feasible, to ensure that those with whom they are actively collaborating (including other involved health providers, professional interpreters and translators, and support staff) address record keeping issues in a similar fashion.

# **Communicating Results**

#### **GUIDELINE 22.**

**Psychologists strive to remain available to provide feedback to evaluatees when appropriate.**

##### **Rationale**

The subjects of child protection evaluations have an important interest in the psychologist's answers to the court's questions and are likely to be privy to reports and testimony provided by the psychologist. Direct feedback about assessment results may assist families to gain a fuller understanding of evaluation results and to make optimal use of the court's guidance. Psychologists may be in a better position than others to explain their findings to these persons.

##### **Application**

As an element of informed consent, psychologists consider conveying feedback to evaluatees (or their guardians or legal representatives) when appropriate (APA Ethics Code 9.10; APA, 2013c). Psychologists seek to limit such feedback to clarifying the court's referral questions, describing how they reached their conclusions, and to the results that were conveyed to the court.

Child maltreatment evaluations may considerably influence the response to and management of a case. Psychologists endeavor to realize that when families understand the bases and reasons for forensic opinions, they are more likely to follow through on the court's guidance.

#### **GUIDELINE 23.**

**When providing reports or testimony, psychologists strive to communicate in a manner that is clear, accurate, culturally informed, and sufficiently supported by the data that were obtained during the course of the evaluation.**

##### **Rationale**

Courts require focused answers to specific questions and are likely to discount a child protection evaluation that does not address those questions directly and fully. Psychologists often identify additional issues of considerable importance to child safety that may lead to supplemental recommendations that can also be considered by the court.

##### **Application**

Psychologists recognize the importance that may be placed on their reports and testimony. They seek to maintain transparency by including documentation of data sources and procedures that were employed. Psychologists also strive to present these data with an awareness and acknowledgment of the cultural context in which the information was obtained.

When presenting information, psychologists seek to separate facts from opinions, and to provide a clear rationale for the latter. Psychologists also strive to avoid including information that is irrelevant to the referral question(s), and they endeavor to acknowledge both the presence of data that may lead to different conclusions and the reasons that certain hypotheses may have been discarded.

Psychologists recognize that assessment results are likely to be reviewed by multiple individuals (including therapists, faith leaders, teachers, relatives, friends, and others) with varying levels of education and experience.

When psychologists identify limitations and contradictions to information provided, they strive to acknowledge these concerns in their reports and testimony (APA Ethics Code 9.02; APA, 2013c). If additional relevant information becomes available after the submission of the report, psychologists may seek the opportunity to provide supplemental communications that incorporate this input.

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