Who Are You, and What Do You Do? Ethics and Standards in Child Custody Evaluations

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This Morning's Goals

- Understand the importance of ethics codes, standards, and guidelines.
- Distinguish APA's Ethics Code from Practice Guidelines.
- Explore legal implications from the development of APA's Ethics Code and Practice Guidelines.
- Review excerpts from APA's Ethics Code and Practice Guidelines and from AFCC's Model Standards that highlight elements of reliable evaluations.
- Discuss progress in the Texas Legislature to codify child custody evaluation standards.

Several Child Custody Guidelines and Standards by MH Discipline

- TX Licensed Professional Counselor
 - 22 Tex. Admin. Code § § 681.41-681.52
- Texas Social Worker
 - 22 Tex. Admin. Code § § 781.201-781.221
- Psychiatry
 - AACAP Practice Parameters for Child Custody Evaluation

Several Child Custody Guidelines and Standards by MH Discipline

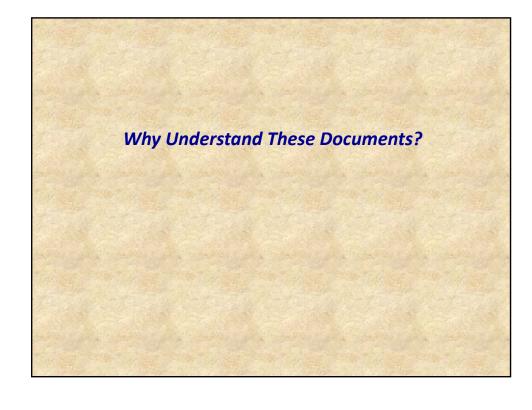
- TX Psychologist
 - Lic. Board's Rules of Practice: Forensic Services (22 Tex. Admin. Code
 § 465.18)
 - APA Ethical Principles of Psychologists and Code of Conduct. (APA Ethics Code)
 - APA Guidelines for Child Custody Evaluations in Family Law Proceedings. (APA CCG)
 - APA Specialty Guidelines for Forensic Psychology. (SGFP)

Several Child Custody Guidelines and Standards by MH Discipline

- Multidisciplinary Standards
 - AFCC Model Standards of Practice for Child Custody Evaluation.
 - AAML Child Custody Evaluation Standards.
- Texas Statutes
 - Tex. Fam. Code §§ 107.0511-0514: Elements of Social Study
 - Proposed Tex. Fam. Code statute to govern all child custody evaluations.

Primary Documents of Today's Focus

- APA Ethical Principles of Psychologists and Code of Conduct.
 (APA Ethics Code)
- APA Guidelines for Child Custody Evaluations in Family Law Proceedings. (APA CCG)
- AFCC Model Standards of Practice for Child Custody Evaluation.
- APA Specialty Guidelines for Forensic Psychology. (SGFP)



Complementary Psych- Law Principles

- Bases for Scientific and Professional Judgments: Psychologists' work is <u>based upon established scientific and professional</u> <u>knowledge of the discipline</u>. (APA Ethics Code 2.04).
- "An expert is permitted wide latitude to offer opinions . . .
 premised on an assumption that the expert's opinion will
 have a reliable basis in the knowledge and experience of his
 <u>discipline.</u>" Daubert v. Merrell Dow Pharmaceuticals, 509 U.S.
 579, 592 (1993).

Complementary Psych- Law Principles

- Ethical rules and practice guidelines may assist courts by serving as "red flags" to raise potential problems with the reliability of expert testimony.
- Failure to comply with the ethics code or guidelines is powerful evidence that the reasoning and methodology may be invalid.

D. Shuman & S. Greenberg, *The Role of Ethical Norms in the Admissibility of Expert Testimony*, 37 ABA Judges J. 4 (1998).

Touchstone Words

Reliable Testimony = Trustworthy Testimony

"... our reference here is to evidentiary reliability—that is, trustworthiness."

Daubert v. Merrell Dow Pharmaceuticals, 509 U.S. 579, 590 n.9 (1993).





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Who Are You and What Do You Do: Custody Evaluations

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