Parenting Plan Evaluations

Understanding the Differences Between AFCC’s 2006 Model Standards and the 2022 Guidelines

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• International organization focused on family law and dispute resolution
• Mission is to improve the lives of children and families through innovative approaches
• Promotes interdisciplinary collaboration among professionals
• Shapes policies and practices in family law cases through research and publications
• Committed to promoting the best interests of children in custody and parenting plan matters
• Global reach and impact, facilitating international collaboration
Guidelines for Parenting Plan Evaluations in Family Law Cases (PDF)
Association of Family and Conciliation Courts, 2022

Guidelines for Parenting Coordination (PDF)
Association of Family and Conciliation Courts (2019)

Guidelines for the Use of Social Science Research in Family Law (PDF)
Model Standards of Practice for Child Custody Evaluation

Purpose: Provide guidance for professionals conducting child custody evaluations.

Consistency: Aim to establish uniform standards across jurisdictions.

Coverage: Address various aspects of the evaluation process, including roles, data collection, interviewing, assessment, and reporting.

Ethical Considerations: Emphasize impartiality, objectivity, cultural sensitivity, and prioritizing the best interests of the child.

Qualifications and Training: Recommend specific qualifications and training for custody evaluators.

Resource: Serve as a valuable tool for professionals to ensure consistency, fairness, and child protection in custody evaluations.
The guidelines replace the previous Model Standards and are based on principles, research, and feedback from professionals.

The Task Force worked on two main tasks: establishing principles and gathering information through surveys and discussions.

The revised guidelines emphasize responsible practice in evaluating parenting plans, using the term "Parenting Plan Evaluations" instead of "Child Custody Evaluations." (connotes possession v. responsibility)

The guidelines highlight the non-mandatory nature by using the term "should" instead of "shall," allowing for reasonable deviations.

The guidelines address systemic issues such as affordability, evaluator availability, and professional risk.
Purpose

2006 Model Standards

• **Purpose:** promote good practice, provide information to those who utilize the service, and increase public confidence

• **Enforcement:** advises to conform

2022 Guidelines

• **Purpose:** Same

• **Enforcement:** Encourages but acknowledges no enforcement and membership does not compel conformity
Scope

2006 Model Standards
- Intended to address common concerns...
- Not intended for briefer models nor hybrid (settlement) models.

2022 Guidelines
- Addresses the processes by which Mental Health Professionals gather and evaluate relevant information and formulate and communicate opinions...
- Also not intended for briefer models nor hybrid (settlement) models.
- AFCC recognizes full adherence may be impossible
Forensic Mindset

2022 Guidelines

• Parenting Plan Evaluations are Forensic Evaluations (v. Clinical)
• Weight - Judicial Officer gives to the evaluation
• Emphasis: Forensic nature of Parenting Plan Evaluations encourage evaluators to adopt a “Forensic Mindset” and should reflect the highest standards of practice.
Guiding Principles and Values

2022 Guidelines

• Informed Practice
• Objectivity
• Just and Equitable Processes
• Transparency and Accountability
• Respect for Scope and Boundaries
• Balancing Thoroughness with Avoidance of Unintended Harm
SKILL

- Experience
- Ability
- Growth
- Advanced Training
- Learning
- Knowledge
- Competence
- Training
## Evaluation as a Specialization

<table>
<thead>
<tr>
<th>Year</th>
<th>Training, Education and Competency</th>
<th>Education, Training, and Competence</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>“Shall”</td>
<td>“Should”</td>
</tr>
<tr>
<td></td>
<td>Specialized knowledge and training</td>
<td>Broad education and training as well as specialized knowledge and training</td>
</tr>
<tr>
<td></td>
<td>Ongoing Specialized training</td>
<td>Ongoing specialized training</td>
</tr>
</tbody>
</table>
Education and Training

2022 Education, Training, and Competence

• 2006 had 18 (“Shall”) factors – updated, reorganized, and synthesized for 2022 with 14 (“Should”) factors:
• 2022 Education and Training:
• Minimum Masters Degree
• Child Development (Adding: Social, Gender Identity, and Sexual Orientation);
• Family Systems;
• Culture and Diversity and Their Significance;
• Effect of Racism, Sexism, Poverty, Family Restructuring, Interparent Conflict on Children and Families;
• Impact of Relocation on Families
• Family Violence Patterns (IPV, Child Maltreatment, exposure, etc)
• Child Maltreatment (Neglect, Abuse, ACE’s)

• Parent-Child Contact Problems (Resist-Refuse, Alienation)
• Child and Adult Psychopathology
• Developmentally Appropriate and Empirically Formed Parenting Plans (Transitions to Communication)
• Evaluation of Effect of Previous Interventions
• Evaluation of Risk/ Protective Factors
• Applicable Legal and Ethical Requirements of Evaluators
Additional Training

2006 “shall” possess appropriate Education, those with less than two years are encouraged to seek supervision

2022 “In addition to foundational areas... should...”

- Investigation of allegations of child abuse and IPV
- Eval and treatment of problems in parent-child rel.
- Child’s best interest (Specific to Relocation Req)
- Eval and treatment of substance misuse and MH issues
- Forensic Interviewing of Children
- Evaluation of diversity, equity and inclusion issues
- Forensic Evaluation Models
  - Evidence-informed interviewing, observing, balanced procedures, maintaining objectivity, and interpreting data
  - Limits of Reliability and Validity
  - Report writing for court
  - Prep and Provision of testimony at deposition or trial

- 2022 Specifically References:
  
  Competence:
  
  - Evaluators should obtain consultation/supervision until requirements of their jurisdiction & achieved a level of competence to work independently
  - Evaluators should use supervisors who meet are competent in this domain
  - When Evaluators lack specialized expertise about a significant issue- they should obtain supervision from professionals with that expertise
Knowledge of the Law

• Very Similar between 2006 and 2022

• 2022:
  • Sufficient legal knowledge
  • Working within legal parameters
  • Law, Legal System, and Family Court
Multiple Relationships and Role Conflicts

Both 2006 and 2022 address these area, 2022 Guidelines adds specificity to

Multiple Relationships and Role Conflicts

• Avoiding ~
• Disclosure of Conflict of Interests
• Avoidance of Therapeutic Intervention During Evaluation
Communication Between Evaluators, Parties, Attorneys, and Courts

- 2022 Guidelines
- 2022 Guidelines adds specificity to
  - Appointment Orders and Agreements
  - Written Information to the Parties and Attorneys
  - Reviewing Policies and Procedures
  - Ex Parte and One-sided Communications
  - Interim Recommendations
Record Keeping

Both 2006 and 2022 address these areas; 2022 Guidelines adds specificity to:

• Record Keeping and Release of Records
  • The Record
  • Record-keeping obligations
  • Release of Records
Sources

Both 2006 and 2022 address these area, 2022 Guidelines adds specificity to

Data gathering:
• Competent, Relevant, and Methodological (diverse, reliable and valid, balanced, etc.)
• “All adults”
• Children
• Relationships

Interviewing of Children
• Competence, Structured

Observational-Interactional Assessment
• Conducting Parent-child Observations
• Procedural Issues

Collateral Sources
• Quality and relevance
• Laws, rules and regulations regarding review of records, reports and protected information
Both 2006 and 2022 address this area, 2022 Guidelines adds specificity to:

- Presentation of Information and Opinions
- Articulation of the Bases for Opinions Expressed

Formal Assessments and Instruments

- Recognition of the Scope of the Court Order
- Adequacy of Data
- Identification of Collateral sources
- Formulation of Opinions
- Articulation of Limitations
Multiple Evaluators

Both 2006 and 2022 address this area, 2022 Guidelines adds specificity to

- Types of Team Evaluations
- Evaluator Responsibility
- Additional Considerations for Evaluators in Training

- Adequacy of Data
- Identification of Collateral sources
- Formulation of Opinions
- Articulation of Limitations
2022 Virtual Evaluation

2022 Guidelines - Virtual Evaluation

- Use of technology
- Virtual Interviews with Children
- Reporting Virtual Components
Understanding of the Law, Legal System, and Family Court Setting

• The Civil Legal System

• Legal Standards for the Issues Being Evaluated

• Components of Orders Governing Parenting Rights and Duties

• Law Governing the Conduct and Use of Child Custody Evaluations

• Procedural Law and Practices in the Jurisdiction’s Family Court
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