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Predictors of psychological recommendations in child protection evaluation



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ABSTRACT

Child protection matters from an important social and legal challenge, in which psychologists may be called upon to address a series of questions relevant for judicial decision-making. In an explorative manner, the current study investigates variables that influence psychological evaluators' recommendations in child protection cases. The data is based on a quantitative content review of 103 psychological evaluation reports, conducted at an institute of forensic psychology in Germany. Using bivariate and logistic regression analyses, the following predictors were analyzed in this study: Child-related factors, familial risk factors, and general custody criteria. The outcome measure was the evaluator's recommendation regarding long-term placement of the child and long-term custody arrangements. Evaluators were more likely to recommend permanent foster placement if the child showed insecure or disorganized attachment patterns, especially when combined with developmental delays, or if the child was temporarily in institutional or foster placement at the time of evaluation. The results support the conclusion that the most important factors for psychological expert recommendations refer to the "harm of the child" criterion in terms of developmental and psychological maladaptation.

1. Introduction

Child abuse or neglect creates issues that are highly relevant to both psychological and legal professions. From a legal perspective, this is based on the duty of the state to intervene where the child's welfare requires it (in Germany according to §1666 and §1666a German Civil Code). In this context, psychologists may be called upon to address a series of questions relevant for judicial decision-making. By providing expert opinions to the courts, psychological data and expertise may provide crucial sources of information to assist in these decisions ([American Psychological Association, 2013](#)).

[American Psychological Association \(2013\)](#) guidelines describe three typical stages characterizing the specific procedures guiding state intervention in child protection cases, that may overlap in practice. During any phase of a child protection case, psychologists can be asked for an evaluation. In the first phase, an investigation by child welfare authorities is triggered by a report of suspected child maltreatment. In the second phase, if investigation results indicate that the child has been harmed or is at significant risk of harm, intervention strategies are applied, which typically include voluntary services or protective child custody. In the third phase, if efforts at reunification fail, the case may move from child protection to termination of parental rights and permanency planning for

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the child (e.g., long-term kinship care, guardianship, adoption). This process also fits with the flow and context of cases in German courts (Balloff, 2018).

1.1. Assessment practices in Germany

In Germany, especially in the final phase of a child protection case, when termination of parental rights and permanency planning for the child are considered, the family court typically orders a psychological evaluation of the child. With regard to standards and consistency in reports, German forensic literature suggests the assessment of two superordinate criteria when conducting psychological evaluation in child protection matters (Balloff & Walter, 2015). These criteria are (1) any significant harm to the child that has occurred or is likely to occur, and (2) a lack of willingness or capacity of the caregiver to avert the endangerment, leading to the assessment of the parental capacity and its potential limits. Child-related criteria that need to be assessed in this context include the child's development status, the attachment and emotional relations of the child, the child's preference and opinion, and educational, social, and spatial continuity aspects (Balloff & Walter, 2015; Dettenborn & Walter, 2016).

1.2. Evidence-based risk assessment

Examination of research literature on risk assessment in child welfare suggests an integration of a clinical and an actuarial approach to determine the risk of maltreatment, while distinguishing between risk and needs assessment (DePanfilis & Scannapieco, 1994; Mendoza, Rose, Geiger, & Cash, 2016; Munro, 2004). Actuarial instruments are based on empirically established relationships between risk factors and child maltreatment resulting in objective classification instruments that estimate the likelihood of future harm. In the clinical approach, conclusions are based on the judgment of a professional who analyses information using a theory and consensus based approach (cf. Mendoza et al., 2016). In a meta-analysis, Van der Put, Assink, and Boekhout van Solinge, (2017) conducted a review of 27 risk assessment instruments, concluding that actuarial instruments outperformed clinical instruments. However, moderator analyses revealed that the onset of maltreatment can be better predicted than the recurrence of maltreatment.

It is essential to emphasize that psychological evaluators in court proceedings usually enter the risk assessment process at a different point of case progression than child protection workers. As Van der Put et al. (2017) pointed out, it must be distinguished, whether the actuarial instruments provide screening methods that identify an increased risk of maltreatment in the general population (the onset of maltreatment), or methods that determine the recurrence of maltreatment at an already identified increased risk by child protection services. From this background, psychological evaluators tend to base their recommendations on theoretical criteria and general empirical positions, rather than on actuarial instruments (Kindler, 2015).

1.3. Results from previous studies

Only a few studies have empirically investigated factors that influence the psychological recommendation in an evaluation process, usually conducting retrospective court case reviews. These studies however, mainly refer to evaluations conducted in custody proceedings or access proceedings when a parent is seeking visitation rights (Cancian & Meyer, 1998; Cancian, Meyer, Brown, & Cook, 2014; Christensen, Dahl, & Rettig, 1990; Fox & Kelly, 1995; Kunin, Ebbesen, & Konecni, 1992; Racusin, Albertini, Wishik, Schnurr, & Mayberry, 1989; Raub, Carson, Cook, Wyshak, & Hauser, 2013). It is important to note that evaluation in custody and access proceedings differs from evaluation in termination of parental rights hearings in various ways. While some assessment criteria (e.g. personal dispositions of the child, the parental capacity, or the child's preference or opinion) may overlap, a fundamentally different weighting of the factors is necessary in child protection matters (Balloff & Walter, 2015).

Studies mostly conducted in the 1990s, referring to custody and access proceedings, identified that the age and gender of the child, as well as income and level of education of the parents, influenced sole custody arrangements (Cancian & Meyer, 1998; Christensen et al., 1990; Fox & Kelly, 1995; Racusin et al., 1989). Cancian et al. (2014) however, relativize findings from their previous study (Cancian & Meyer, 1998). In their first cross-sectional analysis, it was shown that fathers were less likely to receive custody for younger children and more likely to receive custody when all children were boys (Cancian & Meyer, 1998), yet no significant effects of age or gender were observed in the follow-up analysis (Cancian et al., 2014). Kunin et al. (1992) reported that factors affecting the father had the strongest influence on judicial decisions, but this relation was moderated by a child's preference to stay with the father. Overall, the child's preference proved to be the strongest predictor. Raub et al. (2013) found that parental emotional instability, antisocial behavior and low income all decreased chances of gaining custody. The authors additionally reported that the chance of a recommendation on sole physical custody for the father decreased if a parent reported a past or current mental health treatment of at least one child involved.

Due to the lack of specific studies on influential factors in cases of parental termination, generalizations should be treated with caution. This is the first study to empirically analyze factors that influence psychological evaluators' recommendations in German child protection cases, so previous results cannot be reported. Legal and cultural differences should be regarded when putting this study in the context of current international research. It should be highlighted that both nationally and internationally, an extension of research on expert and judicial decision-making processes in family law is strongly recommended by the scientific community, as better knowledge of the factors that influence the decision-making process of clinical professionals may contribute to more objective, valid, and reliable decisions of professionals (Balloff & Walter, 2015; Dettenborn, 2016; Fichtner, 2015; Kindler, 2015; Klein & Lange, 2016; Stover, 2013).

Building on the theoretical and empirical criteria presented in the introduction section, we investigated potential influential

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