

### **GUIDELINES FOR BRIEF FOCUSED ASSESSMENT: AFCC TASK FORCE ON BRIEF FOCUSED ASSESSMENTS**

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The Association of Family and Conciliations Courts (AFCC) Task on Brief Focused Assessment was convened in 2007 to study the issues inherent in the use of brief focused assessment models in family courts. The resultant “Guidelines for Brief Focused Assessment” were approved by the AFCC Board of Directors in 2009 and are presented here to prompt discussion and further dialogue about this clearly needed practice.

Key Points for the Family Court Community:

- Issue-specific assessments are increasingly requested by family court judges
- Practice guidelines for clinicians conducting brief focused assessments (BFAs)
- Types of issues/questions appropriate for BFAs
- Advantages and pitfalls of BFAs
- Comparison of BFAs and comprehensive child custody evaluations

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#### **INTRODUCTION**

The pressures of providing family courts with reliable information about families within limited time frames in light of increasing numbers of litigants (many of whom are self-represented), busy court dockets, and scarce resources to fund assessment contributed to the development over the years of a variety of brief focused models of assessment. Although these evolving and increasingly practiced models of issue-specific assessment had been used in multitudes of jurisdictions internationally, under many different names, there had been no consensus about their definition, breadth, purpose, methodology, or goals and there were no published guidelines or standards of practice. In 2007, then President Hon. William Fee convened the Association of Family and Conciliations Courts (AFCC) Task Force on Brief Focused Assessment to study the issues inherent in the use of limited assessment models in family courts. The task force comprised judicial, legal, and mental health professionals from many different jurisdictions. In 2009, the AFCC Board of Directors approved the “Guidelines for Brief Focused Assessment” (hereinafter Guidelines).

The Guidelines apply to the focused assessment of individual and family issues based on specific, narrowly defined referral question(s) identified by a family court judge or designated judicial officer in a court order. The purposes of the Guidelines are to: define models of brief focused assessment (BFA) and differentiate them from comprehensive evaluation models; identify the types of issues and the circumstances under which a BFA can provide useful information to judges resolving parenting time and responsibility disputes; and delineate best practices for BFAs in terms of referral procedures,

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information-gathering techniques, and disseminating the information to the court. Certain sections rely heavily on the Model Standards of Practice for Child Custody Evaluations promulgated by the AFCC in 2006.

Widespread interest in and use of this practice modality has become evident in the several well-attended and well-received statewide and regional workshops sponsored by the AFCC over the past few years. These educational offerings revealed the range of ways in which these types of assessments are being implemented in many different jurisdictions. They also reflect the professional community's commitment to making the family court process affordable for families, given today's financial realities, without sacrificing fairness and quality. Members of the AFCC Task Force on Brief Focused Assessment hope that the publication of these guidelines will spark further dialogue and promote refinement of these practices.

## **GUIDELINES FOR BRIEF FOCUSED ASSESSMENT**

**Developed by the Association of Family and Conciliation Courts Task Force on Brief Focused Assessment<sup>1</sup>**

### **FOREWORD**

In 2007, then AFCC President Hon. William Fee convened the AFCC Task Force on Brief Focused Assessment to study the issues of "limited assessment" models used in family courts. An online survey of family court practitioners revealed that these assessments are increasingly employed in a multitude of family court settings, but lack clear definition as well as standardization of methodology and practice. From the many descriptive terms in use in different courts and communities and with appreciation for the language variations in different jurisdictions, task force members chose the term "brief focused assessment" (BFA) to refer to assessment of narrowly defined, issue-specific questions that arise in family court settings. Although the terms "custody dispute" and "custody evaluation" are often used in discussing assessment in these cases, task force members preferred the term "parenting time and responsibility" disputes to emphasize the contrast between BFAs and child custody evaluations (CCEs). The guidelines described herein are designed to define a model of focused assessment, promote dialogue about when they are appropriate and when the risks outweigh the benefits, and guide practice in the courts and the community.

### **PREFACE**

The pressures of providing courts with reliable information about families within limited time frames in light of increasing numbers of litigants, busy court dockets, and scarce resources to fund assessment have contributed to the development of brief focused models of assessment for use in family courts.<sup>2</sup> BFAs are an evolving and increasingly employed model of issue-specific assessment used in a multitude of family court settings. When used appropriately, BFAs are a legitimate, parsimonious, and sufficient (i.e., stand-alone) process. The guidelines described herein delineate best practices for BFAs in terms of referrals, methodology, and reporting to the court. They rely heavily on the AFCC Model Standards of Practice for CCEs<sup>3</sup> promulgated in 2006 for such aspects of assessment as data gathering and report writing.

Both CCEs and BFAs are used to assist in better informing judicial decision making and both may be appropriate in different phases of the same case. However, BFAs typically address different types of issues and phases of a family dispute and generally utilize a more descriptive approach versus the analytic mode used in conducting a CCE. There are instances in which a BFA is the most appropriate process, for example, when issues in dispute are narrowly defined. There are also situations in which either a BFA or a CCE could be useful, but the BFA is ordered due to economic or institutional

constraints. However, it is important that a BFA not be substituted as an inexpensive alternative where a comprehensive CCE is necessary to address the concerns of the court and the family. Such practice could result in a two-tiered system in which low-income clients routinely receive less comprehensive services than those who can afford to pay for more, building an injustice into the very legal system established to serve all families equally.

## I. INTRODUCTION

- A. BFA models are in use in a variety of jurisdictions internationally, although there has been no consensus about their definition, breadth, purpose, and goals. To date, there are no published practice guidelines for BFAs for use in resolving parenting-time and responsibility disputes.
- B. BFA models presume that in some cases there are discrete issues, limited in scope, that do not require a comprehensive family evaluation. These narrowly defined issues can be assessed at different stages in the legal process, whenever the judge requests a focused assessment to assist in decision making.
- C. BFAs of specific issues, as defined by family court judges or judicial officers, can be a parsimonious and helpful method of supporting better informed judicial decision making and timely resolution of issues, which helps reduce delays in the legal process that can exacerbate family tensions.
- D. Depending on jurisdiction as well as setting (agency, court services, private practice), there may be differences in practices related to focused assessments resulting from statutory, court, or programmatic requirements.

## II. PURPOSES OF THE GUIDELINES

The purposes of these practice guidelines are to:

- (1) define models of BFA and differentiate them from comprehensive evaluation models;
- (2) identify the types of issues and the circumstances under which a BFA can provide useful information to judges resolving parenting-time and responsibility disputes; and
- (3) define the best practices for BFAs in terms of referral procedures, information-gathering techniques, and disseminating the information to the court.

## III. SCOPE OF THE GUIDELINES

These guidelines are designed to apply to the focused assessment of individual and family issues, as specified by judges presiding over parenting-time and responsibility disputes in family courts.

## IV. CONCEPTUALIZATION OF THE BFA PROCESS

- A. The limitations of data collected in most BFAs generally result in a report that is more descriptive than analytic, with a focus on the short-term rather than the long-term needs of the family. Inferences made from the data and recommendations are limited, based on the scope of the referral question(s), the breadth of the data, and the nature of the model itself.
- B. A BFA is designed to help better inform specific aspects of judicial decision making. Because the judicial officer narrowly defines the issues to be assessed, the resulting assessment report is less likely to assume undue influence in the judicial decision-making process regarding the ultimate issues.

## V. DEFINITION OF BFA

- A. BFAs address specific, narrowly defined referral question(s) identified by a judge or designated judicial officer in a court order.
- B. The purpose of BFAs is to provide the judge in a family court dispute with information generated through reliable procedures regarding focused questions that have been identified by the court as important to the resolution of family matters.
- C. In BFAs, an appropriately trained clinician, in a court, agency, or private setting, conducts interviews with parents and their children, observes parent–child interaction, reviews relevant records, and consults relevant collateral contacts. There may be additional activities conducted in connection with the assessment (see section X). The evaluation process is guided by the focused question(s) provided by the court or judicial officer. A list of some types of questions appropriate for BFAs is offered in the Appendix.
- D. BFAs differ from comprehensive CCEs in that BFAs have a narrower scope, are more descriptive in reporting data, and, consequently, have more limited inference making. Comprehensive evaluations, by contrast, are designed to provide data on more broadly based questions about general family functioning and parenting capacity that are not appropriate to the BFA model.

## VI. ADVANTAGES OF BFAs

- A. BFAs can be an efficient and cost-effective tool to assist in judicial decision making.
- B. By their nature, BFAs involve a more circumscribed inquiry into the family issues and are therefore likely to be less intrusive to the family than comprehensive CCEs.
- C. BFAs can be completed in less time than comprehensive assessments so information can be available to the court more quickly, avoiding some of the delays in the resolution of issues that can exacerbate tensions in families.
- D. BFAs may, in some situations, obviate the need for a CCE and keep a case on track toward resolution.
- E. BFAs have the capacity to provide information quickly, in order to assist a judicial determination of interim family arrangements or to assess acute questions regarding individual or family problems, especially those related to time-sensitive child safety issues.
- F. BFAs may advance the parents' ability to resolve their differences by elucidating an area of prior disagreement without risking an extensive delay in the litigation process.

## VII. LIMITATIONS OF THE BFA

Given the limited nature of the data gathered in BFAs, clinicians must keep in mind the limitations inherent in the model and take care to:

- (1) offer interpretations or opinions that are within the available data,
- (2) stay within the scope of the referral question(s),
- (3) make clear the limitations of the model to readers of the report, and
- (4) avoid applying the results to broad, qualitative psycho-social legal issues which are better suited to comprehensive CCEs—if the court order for a BFA indicates that the evaluator is to conduct a “child custody evaluation,” the evaluator should seek clarification of the specific areas of concern to the court or request an order to conduct a comprehensive evaluation in accordance with current professional standards.

### VIII. REFERRAL PROCEDURES

- A. The court should endeavor to match the evaluation model to the needs of the case.
  - (1) An investigation may be sufficient to address fact-based questions such as a child's custodial preference or the school's description of a child's academic and social functioning.
  - (2) A BFA best addresses questions that are well defined and narrow in scope and require clinical judgment, for example, to what degree a child's custodial preference is based on developmentally appropriate reasoning; whether supervised visitation is needed to protect a child's safety or well-being while with a parent in light of some aspect of the parent-child relationship; whether and under what conditions to reunite a long-absent parent and child(ren); and so on.
  - (3) A CCE is most appropriate when a more comprehensive, qualitative study of the family is needed in light of long-term issues, such as postdivorce custody or relocation. A comprehensive evaluation should also be considered when there is a complex family pattern of child maltreatment or certain types of domestic violence.
- B. Prior to commencing a BFA, the assessor must secure a court order that includes a well-defined referral question(s) and specifically names the clinician or the agency to conduct the assessment. It is also recommended that the court order specify to whom the report should be provided upon its completion.

### IX. COMMUNICATION WITH LITIGANTS, ATTORNEYS, AND COURTS

- A. BFA assessors should provide litigants with written information outlining the assessor's, or the agency's, policies, procedures, and fees (if any). The descriptive document provided by the assessor should specify the intended uses of the information obtained during the assessment, include a list of those to whom the assessor will make the report available and the manner in which the report will be released, and confirm that the assessor's policies governing the release of items in the case file will be in conformance with applicable laws and court rules, including child protection laws.
- B. In the initial meeting with the parties, assessors should review key elements of their policies and procedures as well as the limits of confidentiality; respond to any questions; and seek assurance that the policies, procedures, and limits of confidentiality are fully understood. The obligation to take reasonable steps to avoid harm whenever possible and to minimize harm that is foreseeable but unavoidable extends to all those with whom assessors professionally interact; to all those who are involved in the assessment process in any manner, including children; and to those from whom assessors seek collateral source information. Assessors should inform children of the limits of confidentiality, using language that is chosen based upon each child's cognitive capacity and receptive language abilities.
- C. BFA assessors should take steps to ensure that collateral sources know and understand the potential uses of the information that they are providing.
- D. BFA assessors should not have substantive ex parte communications about a case with the court or with the attorneys representing the parties.

### X. BFA PROCEDURES

- A. Assessors should design the BFA by selecting data-gathering methods designed to provide sufficient information to address the referral question(s) of the court.
- B. BFA assessors should strive to be accurate, objective, fair, and independent in their work and are encouraged to utilize peer-reviewed published research in their reports.

- C. The specific methods employed will depend on the referral question(s), but many of the following techniques will be utilized in the majority of assessments:
  - (1) At least one individual interview with each parent or litigant named by the court. A follow-up interview may be conducted in person or by telephone when indicated.
  - (2) Observation of each parent with all children named in the order, unless prohibited by a restraining order or other order of the court. If there has been a long interval of no contact between a parent and child(ren) or particular types of allegations, such as abuse, observation may not be appropriate, depending on the circumstances.
  - (3) Individual interviews with each child named when developmentally appropriate.
  - (4) Collateral contacts to relevant professionals and others, such as family members who provide child care.
  - (5) Relevant record review.
  - (6) Written report that includes the limitations of the procedures.
- D. Depending on the specific nature of the focused issue(s) identified by the court order, these practices may be adapted or additional data-gathering methods may be employed, such as psychological testing or home visits.
- E. In BFA reports, assessors should make known to the court when there are incomplete, unreliable, or missing data. In such cases, assessors should identify the incomplete, unreliable, or missing data, offer an explanation if doing so is possible, and articulate the implications upon any opinions communicated in reports or testimony.
- F. Although recommendations should be limited to the questions specified in the court order, the assessor may identify and report to the court on other relevant issues that are beyond the scope of the order, especially if they involve areas of child safety or significant parenting concerns. This includes suggesting that there be additional questions for inquiry, more in-depth follow-up of a specific issue, or a comprehensive CCE if the court requires more information about the family.
- G. Assessors should perform their professional activities with recognition of the investigative and/or evaluative nature of the task, acknowledgment of the limitations inherent in their assessment procedures, and understanding of the distinction between mental health issues and the specific legal questions before the court.
- H. Assessors must abide by all statutes, court rules, and agency policies of the jurisdiction in formulating BFA reports to the court.
  - I. Written reports are recommended as they provide a permanent record of the BFA. In the case of time-sensitive assessments, it may be necessary to provide oral feedback to the court or judicial officer prior to the completion of the written evaluation.
  - J. BFA assessors should take note of any prior formal assessments conducted on the participants and give careful consideration to the inclusion of testing data from previous evaluations. In doing so, assessors should consider how current the data are, the qualifications of the previous evaluator, the context of the previous evaluation, and the importance of examining the raw data.
- K. A team approach to conducting BFAs is appropriate, provided that all of the clinicians are competent to fulfill their assigned roles. In jurisdictions where court-appointed assessments are governed by licensure laws, unlicensed team members should receive close supervision by a designated licensed team member. Any team member who signs the forensic report should be knowledgeable and answerable to the court on all aspects of the final work product.

## **XI. QUALIFICATIONS OF ASSESSORS**

- A. BFAs should be performed by qualified mental health professionals who are independent practitioners, part of a family court system; court services employees; or individual practitioners or teams qualified by statute or court rule.

- B. Regardless of the manner in which arrangements for their services have been made and regardless of the source of remuneration, BFA assessors should always function as impartial examiners.
- C. BFA assessors should possess appropriate education and training. Assessors who have fewer than 2 years of experience should seek ongoing supervision prior to offering to perform or accepting appointments to conduct BFAs.
- D. Special issues such as domestic violence, substance abuse, alienating behaviors, sexual abuse, relocation requests, and sexual orientation require specialized knowledge and training. Assessors should only conduct assessments in areas in which they are competent.
- E. When assessors lack specialized training in particular areas of concern for the assessment, they should either decline the appointment for the assessment or seek professional consultation in the assessment or that portion of the assessment. If such consultation has been obtained, this should be noted in the assessor's report.

## **XII. SCOPE OF ASSESSORS' OBLIGATIONS**

- A. Assessors are responsible to all consumers of their services: the courts, the participants in the assessment process, and affected others.
- B. Assessors must strive to provide reliable and relevant information to the court in a timely fashion, make clear the limitations of the assessment, and identify important issues not assessed.

## **XIII. EDUCATION AND COMPETENCY ISSUES**

- A. Legal professionals, including judges and attorneys, who use BFAs and the assessors who conduct them should be educated about the need for definition of scope, the descriptive rather than qualitative nature of the assessment, and the appropriate application of the limited data available.
- B. Assessors should be knowledgeable about statutes, case law, and court rules and policies in the jurisdiction in which they serve.
- C. BFA assessors should have an understanding of the fundamental legal rights of those who are part of the assessment process and should conduct themselves in such a manner as to not violate or diminish those rights.
- D. Assessors should have specialized knowledge and training in topics related to family disputes and should seek consultation or further training in specific content areas in the scope of assessments ordered by the courts. Because research and laws pertaining to family law, divorce disputes, and children's needs are continually changing and advancing, assessors should secure ongoing specialized training and keep current with relevant developments in research and policy.
- E. Assessors should have training in the following areas, as enumerated in the AFCC Model Standards (2006):
  - (1) the psychological and developmental needs of children, especially as those needs relate to decisions about child custody and access;
  - (2) family dynamics, including, but not limited to, parent-child relationships, blended families, and extended family relationships;
  - (3) the effects of separation, divorce, domestic violence, substance abuse, child alignment, and child maltreatment (including child sexual abuse, relocation, sexual orientation issues, and interparental conflict) on the psychological and developmental needs of children, adolescents, and adults;
  - (4) the significance of culture and religion in the lives of parties;

- (5) safety issues that may arise during the assessment process and their potential effects on all participants in the assessment;
- (6) when and how to interview or assess adults, infants, and children;
- (7) how to gather information from collateral sources;
- (8) how to collect and assess relevant data and recognize the limits of the reliability and validity of different sources of data;
- (9) how to address issues such as general mental health, medication use, and learning or physical disabilities;
- (10) how to apply comparable interview, assessment, and testing procedures that meet generally accepted forensic standards to all parties;
- (11) when to consult with or involve additional experts or other appropriate persons;
- (12) how to inform litigants, children, other participants, and collateral sources, of the purpose, nature, and method of the assessment and the limits of confidentiality;
- (13) how to assess parenting capacity and co-parenting capacity and to construct effective parenting and co-parenting plans;
- (14) the legal context within which access issues are decided and additional legal and ethical standards to consider when serving as a BFA assessor;
- (15) how to make the relevant distinctions among the roles of assessor, mediator, therapist, parenting coordinator, and co-parenting counselor;
- (16) how to write reports for the courts to which they will be presented;
- (17) how to prepare for and give testimony at deposition or at trial; and
- (18) how to maintain professional neutrality and objectivity when conducting BFAs.

#### **XIV. RECORD KEEPING AND RELEASE OF INFORMATION**

- A. The term “record” refers to the following documents relating to the assessment: notes, recordings, pleadings and other court papers, assessment instruments, and testing data.
- B. BFA assessors should have a system of record keeping and professional communication that is consistent with laws, rules, and regulations and safeguards applicable privacy, confidentiality, and legal privilege. Unless laws, rules of the court, directives from the court, rules promulgated by regulatory bodies, or private agency policy specify otherwise, assessors should presume that their records are created, maintained, and preserved in anticipation of their review by others who are legally entitled to possess them and/or to review them.
- C. Records of all aspects of the assessment should be reasonably detailed, legible, and stored in a manner that makes expeditious production possible. They should be made available in a timely manner to those with the legal authority to inspect them or possess copies of them. Excluded from these requirements are items that may be protected from disclosure by copyright laws.
- D. BFA assessors or the agencies they work for should maintain active control of assessment records and take reasonable care to prevent the loss or destruction of records.
- E. BFA assessors or the agencies they work for should establish policies regarding their procedures, including procedures for the release of information and payment of fees, if applicable.

#### **XV. USE OF COLLATERAL SOURCE INFORMATION**

- A. Valid collateral source information is critical to a thorough assessment. Sufficiency and reliability of collateral source information is a determination to be made by the assessor.
  - (1) Assessors should be mindful of the importance of gathering information from multiple sources in order to thoroughly explore alternative hypotheses concerning issues

pertinent to the assessment. Assessors should recognize the importance of securing information from collateral sources who, in the judgment of the assessors, are likely to have access to salient and critical data.

- (2) Decisions concerning the sufficiency of collateral source information should be made by assessors. Accordingly, the data sources may include, but are not limited to, oral and/or written reports from collateral sources; school, medical, mental health, employment, social service, and law enforcement records; computer files; financial information; and video and audio data that have been legally obtained.
  - (3) When collateral and documentary data are not available, the assessor should document that limitation in the BFA report.
- B. Assessors should acknowledge the limits of their ability to discern the truthfulness of oral reports from the primary participants. When assessing the reports of participants in the assessment, assessors should seek information from other sources that may serve either to confirm or disconfirm participant reports on any salient issue, unless doing so is not feasible. Where seeking such confirming or disconfirming information is not feasible, assessors should exercise caution in the formulation of opinions based upon unconfirmed reports and clearly acknowledge, within the body of their written reports, statements that are not adequately corroborated and why it may or may not be appropriate to give weight to such data.
  - C. BFA assessors should be aware of their local practices regarding hearsay in reports and in testimony.
  - D. Collateral information constitutes hearsay when included in a forensic work product, therefore, assessors should be aware of exceptions to hearsay rules and other rules governing the admissibility of expert opinion that may apply to forensic assessments in the legal jurisdictions in which their assessments have been performed. Assessors should also be mindful of the fact that the interpretation of hearsay rules and exceptions may vary considerably from judge to judge and as a function of the unique elements of the case.
  - E. Assessors should be prepared to explain how different sources and different types of information were considered and weighted in the formulation of their opinions. In utilizing collateral sources, assessors should seek information that will facilitate the confirmation or disconfirmation of hypotheses under consideration.
  - F. Assessors should disclose all collateral sources contacted as part of the assessment.
  - G. Assessors should list all collateral informants who were contacted and all data sources that were utilized, whether or not the information obtained was utilized by the assessors in formulating their opinions. Where unsuccessful attempts have been made to contact collateral sources, those collateral sources should be identified and an appropriate notation made.
  - H. The participants in the assessment should provide explicit authorization for the BFA assessor to contact collateral sources unless that authority is provided in the order appointing the assessor or is statutorily provided. The BFA assessor should inform collateral sources that there is no confidentiality in the information that is being discussed between the collateral sources and the assessor.

## **XVI. PRESENTATION AND INTERPRETATION OF DATA**

- A. Assessors should only offer opinions to the court in those areas where they are competent to do so, based on adequate knowledge, skill, experience, and education.
- B. Opinions expressed by BFA assessors should be based upon information and data obtained through the application of reliable principles and methods. Assessors should differentiate among information gathered, observations made, data collected, inferences made, and opinions formulated.
- C. An assessor should provide written or oral evidence about the personality characteristics of a particular individual only when the assessor has conducted a direct examination of that

individual and has obtained sufficient information or data to form an adequate foundation for the information provided and/or opinions offered.

- D. In reports and in testimony, assessors should articulate any limitations to the assessment with respect to methodology, procedure, data collection, and data interpretation. When the available data do not enable assessors to comment responsibly on the relative advantages and disadvantages of possible outcomes under consideration, they should decline to offer an opinion.

## **XVII. REPORT WRITING**

Reports to the court should include:

- (1) the court's referral question(s) and date of report;
- (2) dates of all important milestones, for example, guardianship, marriage, separation, and divorce;
- (3) names and dates of birth of those assessed;
- (4) a list of all data-gathering techniques, including date of interview or administration and amount of time utilized;
- (5) documentation that the limits of confidentiality were explained to the litigants and collateral sources in accordance with statutory requirements;
- (6) summary of relevant data collected
- (7) a listing of missing data, including the reason why data were not available;
- (8) discussion of issues related to the referral question(s), including acknowledgment of the limitations of the data and possible alternative hypotheses;
- (9) recommendations relevant to the issues raised in the referral question(s), if requested by the court; and
- (10) any other concerns or issues, especially those that are relevant to the safety of the children, for the consideration of the court.

## **XVIII. ROLE CONFLICT AND DUAL-ROLE ISSUES**

- A. BFA assessors should strive for objectivity and take reasonable steps to avoid multiple relationships with any and all participants of an assessment.
- B. The responsible performance of a BFA requires that assessors be able to maintain reasonable skepticism, distance, and objectivity. For this reason, assessors should take reasonable steps to avoid multiple relationships. Assessors should recognize that their objectivity may be impaired when they currently have, have had, or anticipate having a relationship with those being assessed, with attorneys for the parties or the children, or with the judges. Assessors should recognize that relationships cannot be time delimited; specifically, prior relationships or the anticipation of future relationships may have the same deleterious effects upon assessor objectivity as current relationships.
- C. BFA assessors should disclose any and all professional and social relationships with any subject of the assessment, attorney, or judge involved in the proceeding.
- D. It is recognized that in some geographic areas assessors may not be able to avoid professional or social relationships with individuals whom they may subsequently be asked to assess, with attorneys for those individuals, or with judges hearing the disputes. When avoiding multiple relationships is not feasible, assessors should be alert to the ways their objectivity may be impaired and prior to accepting an appointment, they should provide a reasonably detailed written disclosure of current, prior, or anticipated relationships with others involved in the litigation. Such disclosure should be made in a timely manner.

- E. Multiple relationships may be unavoidable in some jurisdictions. When an assessor is asked or ordered to function in multiple roles and where doing so can be avoided, the BFA assessor has the affirmative duty to inform the appointing agent(s) of the disadvantages of multiple roles and to decline one of the assigned roles.
- F. BFA assessors should not offer advice or therapeutic interventions to anyone involved in the assessment process. Practitioners who are hired to review the work of a BFA assessor should restrict their role to that of a reviewer and should avoid relationships with the participants in the assessment. Practitioners should consider the importance of role delineation in undertaking reviews of the work of assessors; avoid multiple roles; and not meet with litigants, family members, or allies of litigants (other than counsel). Reviewers should not have had any prior relationship with any member of the family that is the subject of the assessment being reviewed.

### **APPENDIX: TYPES OF QUESTIONS APPROPRIATE FOR BFAs**

In the process of weighing the issues, data, and relevant law presented in a family case, judges sometimes need additional information to assist them in their decision making. At times, other judicial officers or attorneys working to present a case to the court may identify areas of dispute between the parents in which additional information would promote better informed judicial decision making. Such individuals, on their own or in consultation with clinicians trained in the BFA model, may identify focused questions that can be assessed in the BFA model. Such issues include:

1. In a case where one parent asserts that a child wishes to live with the noncustodial parent, a BFA of the circumstances of that request could be useful. The assessment might include: What is the context of and basis for the child's wish to change residence? Is the child able to articulate his/her reasoning in a developmentally appropriate way? What is the parents' report of the history of this request as well as the parenting and attachment history? Are there concerns about parental influences on the child's thinking/wish? Does the child have any special needs and what would be the impact on the child of such a change were it to be granted?
2. In a case where one parent has been absent from a child's life for a substantial amount of time: Under what conditions might it benefit the child to establish a relationship with the parent and what might be the risks to the child and current caretakers?
3. In a case where there are allegations of instability in a parent: In what ways might a parent's alleged substance abuse or mental health condition impair his/her ability to provide a safe and nurturing environment for the child during his/her parenting time? Does the parent suffer from a mental illness or substance abuse, and, if yes, how might this impact their ability to provide a consistent and safe environment during their parenting time?
4. In a case where a child is very young or has special needs: Given a parental agreement or court ruling on legal and physical custody, what sort of parenting schedule would be developmentally appropriate?
5. In a case with a young child and unsubstantiated allegations of abuse: How can access be allowed in a safe, developmentally appropriate and careful manner, especially if there has been a lapse in contact?
6. In the context of a larger matter, for example, custody or relocation, a well-defined issue may be identified for a BFA, for example: What would be a developmentally appropriate access plan, if a postdivorce relocation is allowed?
7. In the case of a child who appears aligned with one parent to the exclusion of the other, an assessment of the dynamics of the parent-child relationship with suggestions on how to improve the relationship, if appropriate to do so, could be useful to the court.

## NOTES

1. Members of the AFCC Task Force on Guidelines for Brief Focused Assessment were: Phil Bushard, co-chair; Linda M. Cavallero, co-chair and reporter; Andrea Clark; Hon. Linda Fidnick; Jonathan Gould; Susan E. Hanks; Grace M. Hawkins; Lorraine Martin; Carole McKnight; Nancy W. Olesen; Jennifer L. Rosato; Arnold Shienvold; and Robert M. Smith.

2. The term “family courts” is used as an umbrella term to refer to domestic relations and conciliation courts dealing with family issues.

3. AFCC Model Standards of Practice for Child Custody Evaluation, 2006. Hereafter, AFCC Model Standards (2006).

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