



Assessment Critique: Hired gun or dispassionate opinion

If a custody/access assessment provides recommendations:

1. That do not make sense in view of the data
2. Have serious procedural issues or
3. May have been compromised by assessor bias

then, an opinion on the reliability and integrity of the assessment report could be prudent.

If you are dissatisfied with a custody/access assessment, an assessment critique may turn up legitimate reasons to discredit it, providing an opportunity to reintroduce your position.

The value of the assessment critique may weigh heavily on the credibility of the evaluator and the process of evaluation.

While there are no standards by which to critique an assessment, several professional disciplines do set out minimal standards of practice for actual custody and access assessments. These various standards of practice should form the basis of a credible critique as they provide the measure against which the assessment may in part be weighed. It is important to note that as each professional discipline has its own standards of practice; the evaluator should be familiar with several and report the standards used as the basis of the evaluation. As well, it can be important that the evaluator review the assessment against the standard of practice set out specifically by the assessor's own professional discipline. Using such standards of practice as the measure improves the view that the evaluator is objective in the undertaking.

Beyond determining that the assessment was conducted in a manner consistent with standards of practice, the evaluator next considers the data reported with a view to determining appropriate linkages to stated recommendations. In other words, the recommendations must make sense in light of the data reported. Furthermore, the recommendations should be consistent with recent social science literature concerning matters of attachment, child

development, parental conflict, and other issues like abuse or violence in its various forms. If the recommendations are not supported by research, the evaluator can introduce research to support an alternate opinion to that offered by the assessment. The use of research by the evaluator improves the view that the alternate opinion offered is dispassionate.

Lastly, the reputation of the evaluator will figure into the credibility of the opinion provided. If it can be shown that the evaluator has a history of always finding fault with assessments, this can play into a perception of bias on the part of the evaluator and diminish the value of the opinion. What's more, if it can be shown that there were several drafts of the evaluator's report and these were transferred between the referral source and the evaluator, it may be argued that the opinion of the evaluator was coached, again diminishing the value of the opinion as independent.

It is important to distinguish between a solid assessment critique and a case consultation. If what is requested is a case consultation, than what transpires between the consultant and the lawyer may remain private and the consultant's opinion likely won't be entered at court. The lawyer may benefit from a private consultation. However, if an assessment critique is requested and there is a likelihood it will be introduced to the courts, then the integrity thereof should be as beyond reproach as the actual assessment.

A dispassionate opinion carries greater credibility for court purposes than a hired gun. Don't shoot yourself in the foot!

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Gary Direnfeld is a social worker. Courts in Ontario, Canada, consider him an expert on child development, parent-child relations, marital and family therapy, custody and access recommendations, social work and an expert for the purpose of giving a critique on a Section 112 (social work) report. Call him for your next conference and for expert opinion on family matters. Services include counselling, mediation, assessment, assessment critiques and workshops.