

FORENSIC ASSESSMENT II

Psychology 861
Spring, 2008

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Office: Psychological Services Center
Office hours: 2-5:00 MW (PSC)

Required Text

Melton, G. B., Petrila, J., Poythress, N. G., & Slobogin, C. (2007). *Psychological evaluations for the courts: A handbook for mental health professionals and lawyers* (3rd ed.). New York: The Guilford Press.

Course Objectives

1. To provide an overview of the literature regarding forensic assessment, with special emphasis on issues relating to civil forensic practice.
2. To familiarize students with appropriate roles for the advocate, the consultant and the independent expert in forensic practice.
3. To continue an examination of research methodology and its pitfalls in investigating and guiding forensic assessment.
4. To prepare students for functioning as expert witnesses.
5. To provide students with a solid foundation in the ethics of forensic practice.

Course Description

The schedule outlined below is tentative and provided to assist you in planning your reading. Topics do not always fit neatly into 3 hour blocks, and the pace may be slowed or accelerated depending upon class response. You are strongly encouraged to begin reading immediately, as class sessions will be of limited value if you have not first read the material.

Jan. 28 Child Custody
(Special guest speaker will be Michael C. Gottlieb, Ph.D.)

Readings:

Melton et al., Ch 16

American Psychological Association. (1994). Guidelines for child custody evaluations in divorce proceedings. *American Psychologist*, 49, 677-680. (Also available online)

Association of Family and Conciliation Courts. (2006). Model standards of practice for child custody evaluation. (www.afccnet.org/resources/standards_practice.asp).

Feb. 4

Civil Commitment

(We will take this opportunity to review the final exam example from forensic Assessment I [David Rule])

Readings:

Melton et al., Ch. 10

Mrad, D. F. & Nabors, E. (2007). The role of the psychologist in civil commitment. In A. M. Goldstein (Ed.), *Forensic psychology: Emerging topics and expanding roles* (pp. 232-259). Hoboken, NJ: John Wiley & Sons, Inc.

_____. (2007). Community treatment orders [Special Issue]. *International Journal of Law and Psychiatry*, 29(6).

Swanson, J. W., Borum, R., Swartz, M. S., Hiday, V. A., Wagner, H. R., & Burns, B. J. (2001). Can involuntary outpatient commitment reduce arrests among persons with severe mental illness? *Criminal Justice and Behavior*, 28, 156-189.

Winick, B. J. (2001). The civil commitment hearing: Applying the law therapeutically. In L. E. Frost & R. Bonnie (Eds.), *The evolution of mental health law* (pp. 291-308). Washington, DC: APA.

Feb. 11

Civil Competencies

Readings:

Melton et al., Ch. 11

Drogin, E. Y., & Barrett, C. L. (2003). Substituted judgment: Roles for the forensic psychologist. In A. M. Goldstein (Ed.), *Handbook of psychology, volume 11, forensic psychology* (pp. 301-312), NY: John Wiley & Sons.

- Moye, J., Karel, M. J., & Armesto, J. C. (2007). Evaluating capacity to consent to treatment. . In A. M. Goldstein (Ed.), *Forensic psychology: Emerging topics and expanding roles* (pp. 260-293). Hoboken, NJ: John Wiley & Sons, Inc.
- Parry, J., & Drogin, E. (2001). Civil law handbook on psychiatric and psychological evidence and testimony (pp. 87-134). Washington, DC: American Bar Association.
- Slovenko, R. (2006). Civil competency. In I. B. Weiner & A. K. Hess (Eds.), *The handbook of forensic psychology* (3rd ed., pp. 190-210), NY: John Wiley & Sons.

Feb. 18

Evaluating Juveniles

Readings:

Melton et al. Ch 14

- Borum, R. (2006). Assessing risk for violence among juvenile offenders. In S.N. Sparta & G. P. Koocher (Eds.), *Forensic mental health assessment of children and adolescents* (pp. 190-202). NY: Oxford University Press.
- Borum, R., & Grisso, T. (2007). Developmental considerations for forensic assessment in delinquency cases. In A. M. Goldstein (Ed.), *Forensic psychology: Emerging topics and expanding roles* (pp. 553-570). Hoboken, NJ: John Wiley & Sons, Inc.
- Feld, B. C. (2000). Juvenile waiver of legal rights: Confessions, Miranda, and the right to counsel. In T. Grisso & R. G. Schwartz (Eds.), *Youth on trial: A developmental perspective on juvenile justice* (pp.105-138). Chicago: University of Chicago Press.
- Grisso, T. (1998). *Forensic evaluation of juveniles* (chs 6-7). Sarasota, FL: Professional Resource Press.
- Kruh, I. P., & Brodsky, S. L. (1997). Clinical evaluations for transfer of juveniles to criminal court: Current practices and future research. *Behavioral Sciences and the Law*, 15, 151-166.

Otto, R. K., & Goldstein, A. M. (2005). Juvenile competence to confess and competence to participate in the juvenile justice process. In K. Heilbrun, N. E. S. Goldstein, & R. E. Redding (Eds.), *Juvenile delinquency: Prevention, assessment, and intervention*. Oxford: Oxford University Press.

Salekin, R. T., & Grimes, R. D. (2008). Clinical forensic evaluations for juvenile transfer to adult criminal court. In R. Jackson (Ed.), *Learning forensic assessment* (pp. 313-346). NY: Routledge.

Feb. 25

Profiles/Evaluating Framework

Readings:

Raeder, M. S. (1997). The better way: The role of batterers' profiles and expert "social framework" background in cases implicating domestic violence. *University of Colorado Law Review*, 68, 147.

Monahan, J., & Walker, L. (1998). *Social science in law: Cases and materials* (4th ed., pp. 439-477). Westbury, NY: The Foundation Press.

Boesch, L. E., Sales, B. D., & Koss, M. P. (1998). Rape trauma experts in the courtroom. *Psychology, Public Policy, and Law*, 4, 414-432.

Law Enforcement Evaluations

Borum, R., Super, J., & Rand, M. (2003). Forensic assessment for high risk occupations. In A. M. Goldstein (Ed.), *Handbook of psychology, volume 11, forensic psychology* (pp. 133-147), NY: John Wiley & Sons.

Scrivner, E. (2006). Psychology and law enforcement. In I. B. Weiner & A. K. Hess (Eds.), *The handbook of forensic psychology* (3rd ed., pp. 534-551), NY: John Wiley & Sons.

Mar. 3

Personal Injury

Readings:

Melton et al., Ch. 12

Greenberg, S. A. (2003). Personal injury examinations in torts for

Melton et al., Chapter 15

Ayoub, C., & Kinscherff, R. (2006). Forensic assessment of parenting in child abuse and neglect cases. In S.N. Sparta & G. P. Koocher (Eds.), *Forensic mental health assessment of children and adolescents* (pp. 330-341). NY: Oxford University Press.

Bruck, M., Ceci, S. J., & Hembrooke, H. (1998). Reliability and credibility of young children's reports. *American Psychologist, 53*, 136-151.

Foote, W. E. (2006). Psychological evaluation and testimony in cases of clergy and teacher sex abuse. In A. M. Goldstein (Ed.), *Forensic psychology: Emerging topics and expanding roles* (pp. 571-604). Hoboken, NJ: John Wiley & Sons, Inc.

Kuehnle, K., & Sparta, S. N. (2006). Assessing child sexual abuse Allegations in a legal context. In S.N. Sparta & G. P. Koocher (Eds.), *Forensic mental health assessment of children and adolescents* (pp. 129-148). NY: Oxford University Press.

London, K., Bruck, M., Ceci, S. J., & Shuman, D. W. (2005). Disclosure of child sexual abuse: What does the research tell us about the way children tell? *Psychology, Public Policy, and Law, 11*, 194-226.

Condie, L. O., & Condie, D. (2006). Termination of parental rights. In A. M. Goldstein (Ed.), *Forensic psychology: Emerging topics and expanding roles* (pp. 294-330). Hoboken, NJ: John Wiley & Sons, Inc.

Sparta, S. (2003). Assessment of childhood trauma. In A. M. Goldstein (Ed.), *Handbook of psychology, volume 11, forensic psychology* (pp. 209-231), NY: John Wiley & Sons.

Committee on Professional Practice and Standards (1999). Guidelines for psychological evaluations in child protection matters. *American Psychologist, 54*, 586-593. (Also available online)

Mar. 31

Expert Witness Testimony

Readings:

Melton et al., pp. 526-546

Bank, S. C., & Packer, I. K. (2006). Expert witness testimony: Law, ethics, and practice. In A. M. Goldstein (Ed.), *Forensic psychology: Emerging topics and expanding roles* (pp. 421-445). Hoboken, NJ: John Wiley & Sons, Inc.

Lubet, S. (1998). *Expert testimony: A guide for expert witnesses and the lawyers who examine them* (pp. 51-134). Chicago, IL: National Institute for Trial Advocacy.

Malone, D. M., & Zwier, P. J. (2000). *Effective expert testimony* (pp. 143-208). Notre Dame, IN: National Institute for Trial Advocacy.

Heilbrun, K. (2001). Testifying effectively. In K. Heilbrun, *Principles of forensic mental health assessment* (pp. 255-282.) NY: Kluwer Academic/Plenum Publishers.

Hess, A. K. (2006). Serving as an expert witness. In I. B. Weiner & A. K. Hess (Eds.), *The handbook of forensic psychology* (3rd ed., pp. 652-697), NY: John Wiley & Sons.

Apr. 7

Ethical Dilemmas

Readings:

Melton et al., Ch. 4

Koocher, G. P. (2006). Ethical issues in forensic assessment of children and adolescents. In S.N. Sparta & G. P. Koocher (Eds.), *Forensic mental health assessment of children and adolescents* (pp. 46-63). NY: Oxford University Press.

Oberlander, L. B. (1995). Ethical responsibilities in child custody evaluations: Implications for evaluation methodology. *Ethics and Behavior*, 5, 311-332.

FINAL

(will be distributed and is due no later than May 5, 2008)

Apr. 14-May 5

*** MOCK TRIALS ***

(will meet in the Courtroom of the CJ Center)

Attendance Policy

Regular and punctual class attendance is expected. SHSU policy is that no student will be penalized for three or fewer hours of absence. However, a major portion of the learning objectives will be met through class discussion.

Course Requirements and Grading

1. 30% of your grade will be based upon a final examination. This will be take-home and you will be expected to apply everything you have learned about forensic assessment to date.
2. 30% of your grade will be based on a research proposal that you are to develop based upon the literature review you did during Forensic Assessment I. This is expected to be a polished product that could be used as a thesis/dissertation proposal. The paper should be prepared in APA format. Although you are not required to conduct the research, it is expected that the project would be practical in your current environment and a suitable population potentially available. Papers may be submitted to me by e-mail. The final product is due April 21, 2008; half a letter grade will be deducted for late papers; papers will not be accepted after April 28, 2008.
3. 30% of your grade will be based on your participation in mock trials to be conducted at the end of the semester. These will involve the participation of both real and mock attorneys. Cases used will be sanitized versions of forensic evaluations you have actually conducted. Your grade will be based upon the effort you put forth and your understanding of the basic principles of expert testimony.
4. 10% of your grade will be based upon class participation. Class attendance is required and you are expected to come prepared to discuss materials in the assigned readings.

Professionalism

Attendance, punctuality, adherence to ethical standards, and the quality of your interactions with colleagues and supervisors all determine your level of professionalism, which in turn signals your readiness to advance to greater participation in forensic evaluations.

Instructor Evaluations

Each student will be asked to complete a course/instructor evaluation form toward the end of the semester. This instructor takes these evaluations very seriously and constructive criticism is appreciated. Changes in class format and techniques are regularly made in response to student comments.

Academic Dishonesty

All students are expected to engage in all academic pursuits in a manner that is above reproach. Students are expected to maintain complete honesty and integrity in the academic experiences both in and out of the classroom. Any student found guilty of dishonesty in any phase of academic work will be subject to disciplinary action. The University and its official representatives may initiate disciplinary proceedings against a student accused of any form of academic dishonesty. During this course you will be involved in forensic evaluations and be privy to very sensitive material. Careful compliance with all ethical standards pertaining to confidentiality is essential. Substantiation of any unethical conduct would result in a failing grade.

Americans with Disabilities Act

It is the policy of SHSU that individuals otherwise qualified shall not be excluded, solely by reason of their disability, from participation in any academic program of the university. Further, they shall not be denied the benefits of these programs nor shall they be subjected to discrimination. Students with disabilities that might affect their academic performance are expected to visit the Office of Services for Students with Disabilities located in the Counseling Center. They should then make arrangements with the instructor so that appropriate strategies can be considered and helpful procedures can be developed to ensure that participation and achievement opportunities are not impaired.

SHSU adheres to all applicable federal, state, and local laws, regulations, and guidelines with respect to providing reasonable accommodations for students with disabilities. If you have a disability that may adversely affect your work in this class, then I encourage you to register with the SHSU Counseling Center and to talk with me about how I may best help you. All disclosures of disabilities are kept strictly confidential. NOTE: no accommodation can be made until you register with the Counseling Center.

Religious Holidays

Section 51.911(b) of the Texas Education Code requires that an institution of higher education excuse a student from attending classes or other required activities, including examinations, for the observance of a religious holy day, including travel for that purpose. Section 51.911 (a)(2) defines religious holy day as: “a holy day observed by a religion whose places of worship are exempt from property taxation under Section 11.20, Tax Code. . . .” A student whose absence is excused under this subsection may not be

penalized for that absence and shall be allowed to take an examination or complete an assignment from which the student is excused within a reasonable time after that absence.

University policy 861001 provides the procedures to be followed by the student and the instructor. A student desiring to absent himself/herself from a scheduled class in order to observe (a) religious holy day(s) shall present to the instructor a written statement concerning the religious holy day(s). The instructor will negotiate with the student how any missed work can be achieved.

Visitors in the Classroom

Given the highly confidential and sensitive materials discussed in class, visitors not assigned to the Psychological Services Center and/or registered for the class will not be allowed.

Required Supplies

Students are required to purchase the course text book.

Classroom Rules of Conduct

To avoid disruption, all students are expected to appear for class in a timely manner. All cell phones, pagers, etc. should be turned off during class.

