Objectives

- Recognize potential areas of bias with regard to child custody determinations.
- Understand ways to improve one’s cultural competence as an evaluator.
- Describe how to apply the concept of cultural humility and responsiveness to parenting plan/child custody evaluations.
- Analyze cases and identify diversity considerations that are relevant to parenting plan/child custody evaluations.
Culture & Diversity in Parenting Plan Evaluations

- Culture Competence as an Ethical Responsibility
- Systems Perspective
- Exploring Our Values
- Examining New Frameworks
- Application to Parenting Plan Evaluations.

Systems Perspective
Ecological Systems Model

Inherent qualities of individuals and their environments interact to influence how they grow and develop.

![Ecological Systems Model Diagram](image)

The Intersection of Culture in The System

“Culture is those shared sets of world views, meanings, and adaptive behaviors derived from simultaneous membership and participation in a variety of contexts, such as:

<table>
<thead>
<tr>
<th>Category</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>language</td>
<td>rural, urban, or suburban settings</td>
</tr>
<tr>
<td>race, ethnicity</td>
<td>religion &amp; spirituality</td>
</tr>
<tr>
<td>socioeconomic status</td>
<td>nationality</td>
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<tr>
<td>age</td>
<td>gender</td>
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<tr>
<td>sexual orientation</td>
<td>physical ability</td>
</tr>
<tr>
<td>family configuration</td>
<td>political ideology</td>
</tr>
<tr>
<td></td>
<td>stage of acculturation</td>
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</tbody>
</table>

(Falicoš, 1998)
Multifaceted Nature of Identity

Identity is comprised of intersecting or “intertwined” aspects. The sense people make of their identity is often bound by:
- Personal factors
- Cultural factors
- Sociopolitical factors
- Systemic factors
- Historical factors

Attempting to separate the person from their context can lead to misinterpretation and misrepresentation.

Case Example

- Evaluator is conducting an observation visit with the father and the child.
- The child is playing with Legos on the floor. The father sat on the couch while watching him. The father is characterized as not being engaged.
- One of the recommendations made is for the father to attend parenting courses before any parenting time is expanded. The father’s lack of engagement with the child is pointed to as a factor.
- The father alleges cultural discrimination and says the recommendations are invalid.
- The report does not mention the background of the family, their cultural practices. Similarly, the evaluator acknowledges that these questions were not asked during the evaluation.
- The family is Black from Ghana.
Towards Cultural Competence

The Guidelines and Diversity

• The 2022 AFCC Guidelines have embedded issues of diversity in many areas of the document:
• From the outset in the foreword the Guidelines mentions:

  • The Task Force has added a section on guiding principles and values; expanded and clarified evaluator education and training; expanded and clarified recommendations about evaluators’ legal knowledge; revised the guidelines on interim recommendations to address situations involving safety and special circumstances; expanded the section on team evaluations to include various models of training; embedded cultural and diversity considerations throughout, and added a section on guidelines for virtual evaluations.
Guiding Principles and Values

• Objectivity - Evaluations are independent, impartial, free of material conflicts of interest, fact-based, methodologically balanced, and culturally informed.

• Just and equitable practices - Evaluation methods are sensitive to and avoid worsening societal inequities, including, but not limited to, those related to social status, ethnicity, religion, race, language, gender, gender identity, sexual orientation, ability status, age, education, and wealth disparities.

Education, Training and Competence

• In Section 1:
  • Child development, including physical, cognitive, emotional, language, and social development, gender identity, sexual orientation, and the impact of parenting practices and other influences on children’s development;
  • Effects of racism, sexism, poverty, and other socio-cultural issues in the lives of adults, children, and families;
  • The guidelines also mention that additional training should be sought on how to evaluate diversity, equity, and inclusion issues;
Education, Training and Competence - Examples

• What are the various dimensions of parent’s racial socialization and how are they related to children’s adjustment within ethnic minority populations?
• What are some parenting practices that serve as risk and protective factors for gender-nonconforming children and youth?
• What factors should you consider in differentiating parentification versus family responsibility for a child whose parent has a serious physical disability?

Education, Training and Competence

• Proactive Strategies and Opportunities
  • AFCC DE&I Webinars and Trainings
  • Experiential exercises
  • Formal Education and CEU’s/CLE’s
  • Research
  • Consultation and Peer Supervision
Data Gathering

In Section 6, the evaluation of children includes:

• Evaluators should interview children in a developmentally appropriate, culturally sensitive, trauma-informed manner using empirically informed interview techniques.

• In their reports and testimony, evaluators should describe the factors that influenced the weight that was given to the child’s input and expressed wishes, including, but not limited to the child’s developmental stage, emotional and cognitive maturity, independence, temperament, impact of trauma, experiences, cultural considerations, and role in family dynamics.

• Evaluators should gather data sufficient to reach an adequate understanding of cultural issues in families that are relevant to the assessment of relationships.

Interviewing Children

• In Section 7 the Guidelines mention:

  • When structuring interviews evaluators should plan and structure interviews with their purpose in mind, and consider the child’s age, developmental stage, language abilities, culture, any disabilities, and any known traumatic or adverse experiences;
Data Gathering & Interviewing Children - Examples

• Gathering information about children’s traumatic experiences related to discrimination or transitioning.
• What is your experience in interviewing children ages 2-18? How does your approach differ?
• What additional steps or challenges might you face in interviewing a child diagnosed with an Autism Spectrum Disorder (ASD) and how do you factor in the weight of the child’s input and expressed wishes?

Use of Formal Assessment Instruments

• Section 10 states:
• ...Likewise, evaluators should use instruments that are normed on the race/ethnicity group and language of each party, or on an appropriate representative sample, whenever possible.
• Evaluators should be mindful of the potential impact that cultural and language diversity may have on test performance and results and be prepared to explain the possible impact.
• Evaluators should also recognize that disabilities may not directly impair parenting but may impact test results.
Use of Formal Assessment Instruments

- Some evaluators are accustomed to administering a standard battery of measures.
- What measures have not been psychometrically validated for X population?
- How might you accommodate an individual for whom ESL?
- What would be your approach to evaluating an individual who was born and raised in Zimbabwe until age 30, but has lived in the US for the past 18 years and has a MBA from Wharton?
- What do you do if you can not administer the “standard” battery?
- How do you address this in your report?

Virtual Evaluations

- Section 13, the Guidelines caution that evaluators should take certain factors into consideration
  - mental health conditions, developmental limitations, or other disability that may significantly affect the process;
Profession Specific Guidelines

• APA 2022 Guidelines on Child Custody Evaluations
• Standards for Cultural Competence in Social Work Practice
• National Association for Law Placement (NALP) Best Practices Guide (NALP, 2020)

Principles of Cultural Humility

• A lifelong commitment to self-evaluation and self-critique

(Tervalon & Murray-Garcia, 1998)
Cultural Sensitivity in Practice

• In the context of a CE’s role, cultural sensitivity begins with understanding and appreciating your own identity and values

• Begins with efforts to uncover and understand your knowledge and biases

Values Exercise
Values Exercise

Statements will be presented, and you will select one of 4 possible responses:

A. Strongly disagree
B. Disagree
C. Agree
D. Strongly agree

Make note of your responses and the overall results!

I believe it is unsafe for a parent to keep firearms anywhere at home, whether in a locked cabinet or any other location.
I believe that a woman should remain in the home and take care of all caregiving responsibilities.

I believe that the custodial parent can require the child to participate in faith-based activities or services during their parenting time without input from the other parent.
I believe that a parent’s use of corporal punishment reflects their inability to communicate with their children.

I believe that a parent should not use alcohol or marijuana while exercising custodial time (regardless if legal in the state).
I believe older adolescents should have a part-time job to pay for their own extra expenses (e.g., gas, movies).

I believe that a parent who has been diagnosed with Borderline Personality Disorder will have difficulty supporting the best interests of their child(ren).
Values Exercise

• What patterns did you notice for yourself or for the group?

• Then think of the “best” or most respectful reason a person might hold a belief/value that is very different from your own belief/value.

The most basic antidote to biased reasoning

Avoid relying on personal biases or unsupported beliefs

Balanced process

• When performing examinations....forensic practitioners seek to maintain integrity by examining the issue or problem at hand from all reasonable perspectives and seek information that will differentially test plausible rival hypotheses”

• (APA Specialty Guidelines for Forensic Psychology)
Exploring New Frameworks

• Evaluation and conceptualizations with diverse individuals and families begins with understanding the local structural, attitudinal, and cultural barriers that impacts their family.

• Understand cultural competency at both systemic and individual levels

Cultural Responsiveness
Cultural Responsiveness

- A concept borrowed from educational pedagogy.
- Cultural competency and cultural humility make up the framework for culturally responsive work.

(Ladson-Billings, 1994, 2014)

Cultural Responsiveness

- Continuously gaining an understanding of the varied needs of diverse individuals, families and communities.
- Learning from these families and communities.
- Reserving judgment.
- Learning to bridge the cultural gap between different perspectives.
- Moving away from using the majority group (e.g., White, cisgender, middle-class men) as the norm.
Implications for Parenting Plan Evaluations

**ACCESS**
Cultural factors may interfere with family’s access to or willingness accept particular services

**ASSESSMENT**
Views and drives on discipline, privacy, communication, emotional expression, and other factors

**RECOMMENDATIONS**
An individual’s or family’s particular needs (ethnicity, religion, language, socio-economic status, etc.)

Assessment and Diagnosis

*Multiple factors result in issues being overlooked, misinterpreted, or stereotyped.*
Implicit Bias and Diagnosis – Sex & Gender

- Under-diagnosis of depression, trauma, and interpersonal violence in males.
- Under-diagnosis of ADHD and Autism in females.
- Likewise, women often experience misdiagnosis of medical conditions as “stress,” depression, and anxiety.
- Overdiagnosis of Borderline PD in females

Differing Interpretation of Behaviors

- Understanding observed behaviors and functioning.
  - Parent-child observation of parent telling the children, “No you didn’t. You need to stop lying.”
  - Family that yelled and spoke loudly viewed as dysfunctional
  - Father feeding 8-year-old child with his fingers and her grunting when she wanted more.
Assessment of Functioning

- Utilizing culturally-inappropriate assessment measures or norms
- Pathologizing of others’ values, e.g., parenting, discipline, relationship roles, and gender expectations
- Overlooking family strengths and resources, e.g., spiritual community, kinship relationships
- Failure to identify needs in families who fit expected norms, e.g., White, educated, financially resourced

Be aware of your gaps.....

- What are the various dimensions of parent’s racial socialization and how are they related to children’s adjustment within ethnic minority populations?
- What are some parenting practices that serve as risk and protective factors for gender-nonconforming children and youth?
- What factors should you consider in differentiating parentification versus family responsibility for a child whose parent has a serious physical disability?
Recommendations:

- Consider the families resources and cultural values
- Create parenting plans that are culturally responsive
Grounding Thoughts & Questions: Race/Ethnicity

- Ethnicity includes 1:10 Black Americans are migrants
- Hispanics are the nation's second-fastest-growing racial or ethnic group in the U.S and make up 18% of the population in 2019. Individuals who trace their heritage to Spanish-speaking countries in Latin America and to Spain, each with distinct demographic and economic profiles.
- Interracial marriage in the United States has only been legal throughout the United States since 1967 U.S. Supreme Court (Warren Court) decision Loving v. Virginia (1967)
- 15.1% of all new marriages in the United States were of individuals from different racial backgrounds
Grounding Thoughts & Questions: Race/Ethnicity

• Preferred terms (e.g., African-American/Black/Carribean)
• History of related microaggressions/traumas
• Worldviews and culture-related attitudes
  • (e.g., collectivism, authoritarian parenting, discipline, diet/food preferences, hair, language, spirituality)
• Holidays and celebrations
• For multi-racial or multi-ethnic families, how parents balanced differences pre-separation and plan moving forward.

Grounding Thoughts and Questions: LGBTQ+

• Growing diversity of family constellations
• Lesbian, Gay, Bisexual, Transgender

• Most kids in same sex families came from a prior heterosexual relationship
• As of the Supreme Court’s decision on June 26, 2015, gay marriage is legal in all 50 states
• Nearly 50% of same sex couples are now married
Grounding Thoughts and Questions: LGBTQ+

- Same sex couples can jointly adopt children
- A same sex partner can adopt his/her partner’s children through a “step-parent” adoption
- Research overwhelmingly demonstrates that it is the quality of parenting, rather than sexual orientation of parents, that determines child and adolescent outcomes
- Focus should not be on sexual orientation or gender identity, but sexual practices behaviors that may harm the child(ren)

Grounding Thoughts and Questions: LGBTQ+

- Preferred names (e.g., co-mother, dead name) and pronouns
- Conception/Relationship with biological parent (if relevant)
- History of adoption process, if any for nonbiological parent
- Transition history for gender nonconforming/trans identity (client may feel reluctant to disclose due to concerns of how that information will be viewed by evaluators/courts)
- History of related microaggressions/traumas
Grounding Thoughts and Questions: Religion

- Self-identified Christians make up 63% of U.S. population in 2021, down from 75% a decade ago
- Approximately 6% of adults identify with non-Christian faiths, which includes Jewish, Muslim, Buddhist, Hindu & other faiths.
- About 29% of U.S. adults are religiously unaffiliated or “none” – including atheists, agnostics or “nothing in particular”.
- 4:10 U.S. adults consider religion ‘very important’ in their lives
- 25% of U.S. adults say they attend religious services at least weekly

Pew Research Institute (2020)

Grounding Thoughts and Questions: Religion

- Special holidays or traditions
- Religious/spiritual practices to consider/understand
- Views on gender roles/parenting/discipline
- Similarities/differences in practices between parents (pre-post separation/custody dispute)
- Role of spiritual community in parenting involvement
Deployed military members in the U.S. Navy, Marines, Army, and Air Force have higher than average divorce rates.
- The Air Force had the highest rate, at 14.6%, with the Navy at over 12.5% and the other two branches as high as 8%.
- The difficult adjustment of reconnecting and role transitions as a couple after having been used to being apart, coupled with other issues such as financial stress, extramarital affairs, different views on parenting children, alcohol and substance abuse, mental health issues, and IPV all increase the chance of divorce for military personnel.

Grounding Thoughts and Questions: Military

- What branch of the military? Army, Marines, Airforce, Coast Guard, Navy?
- History of deployments? How long?
- History of military traumas?
- How did various transitions impact family roles?
- Timing of transitions/absences in relation to developmental disruptions? How did the parents help the child(ren) make meaning and cope?
- Views about weapons?
Grounding Thoughts and Questions: SES

- History of poverty or in having wealth that might impact parenting behaviors (e.g., scarcity mentality; views about working or rewarding children)
- Presence or absence of financial abuse or control.

Take Away Points
Cultural Humility

- Desire to fix power imbalances where none ought to exist.

(Tervalon & Murray-Garcia, 1998)

Cultural Humility in Practice

- A qualitative analysis reflected that, while there were common understandings of cultural competence and humility, its operationalization differed by:
  - profession
  - health setting
  - locality
  - practitioner’s years of experience
  - practitioner’s cultural background

(Mollah, T.N., Antoniades, J., Lafeer, F.I. et al., 2018)
Cultural Humility in Practice

Critical to sustain cultural competency in everyday practice:

• organizational support
• personal motivation
• professional resilience

(Mollah, 2018)

Important Practices - Consult, Research, Learn...

• Active listening: Clarify, acknowledge, reflect, or expand and build on the information you gather.
• Differentiate between culture and pathology – they are not the same!
• Many online resources – Research what you want to know!
• Talk with someone from that culture who will discuss family life with you
• Take the issue to your peer consultation group
Questions or Comments?

References


References


Fundamentals of Conducting Parenting Plan Evaluations

AFCC’s Online Training Program

Sponsored by SOBERLINK

March 13–16 and March 20-22, 2023

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