Summary Forensic Assessment within Youth Care

The research department of the Department of Justice (WODC) asked Adviesbureau van Montfoort to examine the state of affairs in forensic assessment of minors. This study was conducted from October 2003 to April 2004.

Introduction

In the Netherlands juvenile and penitential courts evaluate certain decisions on minors. In many cases an assessment of the child or juvenile is used as background information for judges to make their decision on the future of the child. These forensic assessments are assessments used in order to obtain a decision in court. A frequently used definition of ‘forensic assessment is the following: “assessments that in one way or another can come to be judged by a legal institution.” Examples of forensic assessments for minors are psycho-diagnostic personality examination within criminal juvenile law or examinations in order to determine the necessity of evoking child protection measures in civil juvenile court.

It has proven difficult to find a modus vivendi for forensic juvenile assessments both in civil as in criminal juvenile court.

In 2002 a national format was published with propositions for improvement in the field of forensic practice. Formats and decision forms for establishing the need for assessment, the kind of assessment and formats for the setup of a forensic report are an important part of the national format.

In January 2004 four districts (Rotterdam, Dordrecht, Utrecht and The Hague) started to work according to this new national format. To be able to evaluate this new format, we studied the ‘forensic situation’ in these districts just before the format was introduced (the end of 2003). The study included four aspects: quantity, costs, current practice in demand and execution of forensic assessments and content and quality of juvenile forensic records. We used a three methods approach: for quantity and costs we obtained data from both applicants and executors of examinations; for the forensic practice we conducted group interviews with the forensic partners and for the content of forensic files we analyzed 101 records (about 25 in each district, 56 penitential and 45 civil dossiers).

Results

Forensic assessments in juvenile criminal law

The Public Prosecution and the Court are the prime commissioners of forensic assessments. The Council for Child Protection has an advising role, but is also independently allowed to ask for an evaluation of the juvenile\(^1\). This role raises questions about if and which type of questions the Council is allowed to add to criminal personality assessments. Executors of research are mainly FOR A, the Haags Ambulatorium, Ambulatorium Zetten and Teylingereind (residential group observations). In some districts the Forensic Psychiatric

\(^1\)The Council for Child Protection demands research when she has additional questions to be answered that are not included in the questions of the personality research (Ambtshalve onderzoek).
Service (FPD) intermediates between applications for juvenile forensic evaluations and freelance assessors.

Despite the fact that registration of applications and evaluations does not correspond, a fairly adequate estimate of numbers of evaluations can be made. In Rotterdam about 220 juvenile forensic reports are written each year, in The Hague about 180, in Utrecht 90 and in Dordrecht this number adds up to 50 on a yearly basis. A juvenile forensic research takes about 25 to 30 hours at an hour rate of €60 to €65. This means that a standard criminal evaluation costs between €1600 and €2000.

Every party requesting assessment has its own arguments in order to regard the necessity of forensic examination. Each institution uses its own list with standard questions and handles matching with an agency herself. A bottleneck is the amount of time it takes to conduct juvenile forensic evaluation. Applicants and the psychologists/psychiatrists who conduct the assessment often have a different perception in this matter: The psychologists and psychiatrists believe they usually finish their reports in time, while especially the Court states that sessions often need to be adjourned because the report is not yet available. Based on the time span mentioned in the records, on the average it takes 12 weeks from the moment the application is pass by before the actual assessment starts. Other bottlenecks in the practice of forensic assessment are: limited assessment capacity and lack of sufficient availability of psychiatric expertise.

In three out of the four districts applicants judge the quality of reports as good. Despite this, independent quality control is called desirable. Some requirements from the national format are found in less than 40% of the analyzed records. These are: an argumentation for the necessity of research and for the specific kind of research, informing the parents that research will be conducted, mentioning the registration of the researcher as a health psychologist (GZ-registration), a summary of test results and the practical feasibility of advices given.

In all districts the parties are mostly positive about the content of the national format. The current situation is still needs improvement to reach eventually the situation described in the format. Topics to start with are finding a way to more transparently judging the necessity of research, facilitating and installing the central role of the FPD (none of the four districts already has an indication-meeting) and enhancing the external quality control for reports. The chain partners see the following advantages in using the new format for the coming period: More transparency in describing the necessity of (psychiatric) evaluation larger assessment capacity, external quality control and shorter evaluation periods. Other things that are hoped for are increased usefulness (practical advice), better quality of reports and more clarity in the aim of research questions (presence of questions from a youth psychological perspective).

**Bottlenecks and recommendations**

Most important bottlenecks in the four districts of this study:

- Many variations in the kind of questions suited for a forensic personality evaluation (especially questions from a youth psychological perspective)
- The need to make a distinction between personality assessment and environmental assessment as far as the role of the parents is concerned
- The independent role of the Child Protection Council as an advising institution, an institution allowed to add questions and as an institution allowed to demand forensic personality assessment
- Lack of forensic expertise in both deciding if research is necessary and in conducting assessments
- The role of youth penitential institutions (JJI) in (observational) evaluations
- Available assessment capacity
- Timeliness of reports

**Forensic assessments in juvenile civil law**

Youth forensic assessments in civil law include evaluation in cases concerning youth protection, custody and arrangements concerning parental access. Institutions applying for this type of forensic evaluations are the court, the Council of Child Protection and Youth Care (BJZ/GVI). The court herself rarely requests this type of investigations, but usually contacts the Council when she wishes an evaluation to be conducted. The assessors are the same as in criminal forensic assessments.

The boundary between forensic assessments and assessments for treatment is less clear in the civil field than in the criminal field. Complications arise when for example a juvenile with a family guardian has committed a crime and might be placed in an institution: is the evaluation forensic, and assuming it is, is it criminal or civil forensic evaluations? Requesting parties now each make their own choice. The definition of forensic evaluations (assessments that in one way or another may come to be judged by a legal institution) seems broad enough to allow this. In ten out of forty-five records (about 20%) it is disputable whether or not the conducted evaluation should be labeled as forensic.

The data on numbers of evaluations provided by requesting and executing parties are not identical. An estimate leads to the following numbers: some 200 cases in Rotterdam, about 150 in The Hague, about 75 in Utrecht and in Dordrecht approximately 30. The data provided on costs of forensic evaluation differ even stronger between requesting and executing parties. Important parameters are the size of the client system (the number of children and parents involved), the type of examination (psychological, psychiatric, multidisciplinary, triple) and the amount of hours necessary for the examination in relation with the complexity of the case. The financial data we acquired isn’t always transparent on these aspects. Adding to this the hour fees range from €60 to €77. Given this, it is hardly possible to calculate a mean standard price for forensic assessment.

All partners are in favor of more efficient application for assessment. The desired type of evaluation is mentioned in a little over half of the dossiers. Applicants use their own standard lists of questions, with space for case-specific questions. Standard questions are used in at least half of the dossiers. Standard questions may not always have been recognized as such, so the number of reports in which they were used may even be higher. Assessors state that the number of questions asked in an examination is often quite large. Institutions applying for forensic research each individually decide which organization they ask to conduct the examination. Many express their concern about the GGZ not being involved, while this institution with her (psychiatric) expertise could or even should play an important role.

Civil forensic assessment is often complex, prone to complaints and dependent on the cooperation of clients (parents and others in the family system). Together with the fact that often a lot of time is spent before the actual evaluation starts, accounts for too lengthy a procedure in all districts it takes. Especially in cases concerning custody and arrangements for parental access this is problematic. The record analysis showed that the mean amount of time needed for an examination (from application to sending of the report) in a protection case is 25 weeks and in custody/parental access cases 35 weeks. Like in criminal examinations, half of this time goes by before the examination actually starts.

Applicants judge the quality of forensic reports in general as good in three out of the four districts. Despite this, both applicants and assessors think an external quality check is useful.
A matter of debate is whether a report should contain merely arguments for a legal decision (in the opinion of executors) or also concrete advises (opinion of the court). Communication on reports with the party who required them is seen as useful but does not yet take place in the four districts.

All together, the situation in the civil forensic field is still further away from the situation described in the national format than in the field of criminal forensic research. Partners expect a positive effect from the central role of the FPD (conform the national format) concerning quality control, shorter evaluation periods, easier access to psychiatric expertise and a clear boundary between assessments serving treatment and assessments serving legal decisions. At the same time, parties point out that there is real danger of increasing bureaucracy

**Bottlenecks**

The most important bottlenecks are:

- The broadness of the definition of forensic assessment: “Assessment that in one way or another might come to be judged by a legal institution.”
- The hazy boundary between assessments aimed at treatment and assessments aimed at making legal decisions
- Indistinctness about cases in which the Council decides to conduct its own evaluation and cases in which the Council decides to ask for external evaluation
- Lack of psychiatric expertise and insufficient possibilities to access this expertise
- The chain cooperation only just started and has not reached maturity yet
- Limited research budget on the side of applicants
- Indistinctness about standardization of hours necessary/available for the different types of evaluations
- Uncertainty about whether a report should contain merely arguments for a legal decision or also concrete advise
- Timeliness of forensic reports, especially concerning custody and parental access cases.