Forensic Social Work in Family Court

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Doctor of Social Work

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Chronology

The social reality of marital breakups in Spain

Functions

Diagnosis

Method

Expert report

Interview

Visit

Chronology

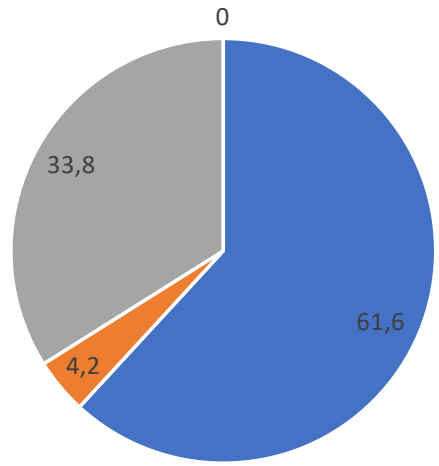
1981. Divorce Law

1982 The Spanish government creates the psychosocial teams of the administration of justice

Psychosocial teams grow throughout the national territory

The idea was to advise the judge on matters other than his knowledge

The first jurisdiction was that of the family, but it has also been used in other judicial matters



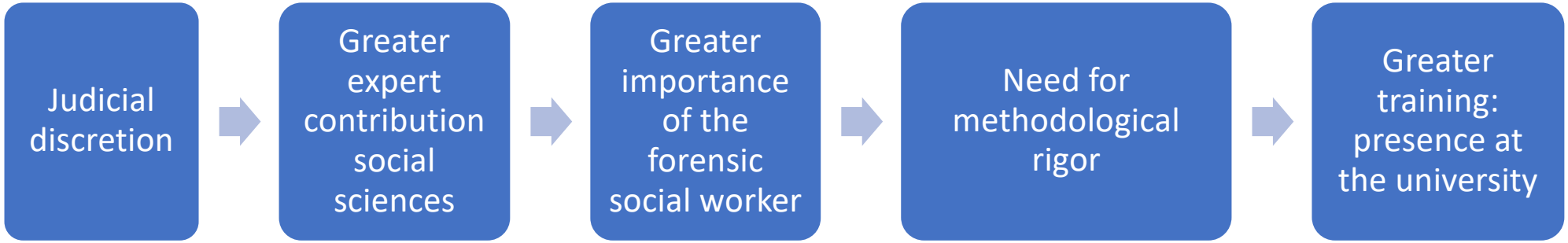
Types of custody

Maternal Paternal Shared Others

The social reality of marital breakups in Spain

- Absolute data (INE, 2018):
- 95.444 marital breakups
- Types of agreement:
- 77,7 % mutual agreement
- 22,3 % contentious
- Same-sex marriage breakdowns:
- 1152 (595 men & 546 women).

Forensic social workers are needed in family justice?



Forensic social work functions

The social workers of the Family Courts report on the family situation of fathers, mothers and children.

Refer directly or through the expert report to families to other resources

They give family assistance

Diagnosis

Complexity of social and family reality → Need for technical knowledge in justice → Greater relevance of forensic social work

Diagnosis

Presence of social work in family courts → Technical need in your evaluations → Methodological development

Diagnosis variables 1

- Cohabiting group
- Labor and economic situation
- Health
- Education
- Living place
- Attitude in interviews
- Personal and family history *

Diagnosis variables 2:
* Personal and family history

- Location in the phratry
- Parents union
- Basic family data
- Characteristics of previous parents history
- Type of authority
- Type of relationship with family of origin
- Other unions and children of parents
- Family genogram

Diagnosis variables 3: Familiar History

- Home of the couple
- Dating time
- Economic, social differences ...
- Place of residence
- Birth of children
- Parental authority and roles
- Family discipline
- Rules, myths and family secrets

Diagnosis variables 4: Familiar Crisis

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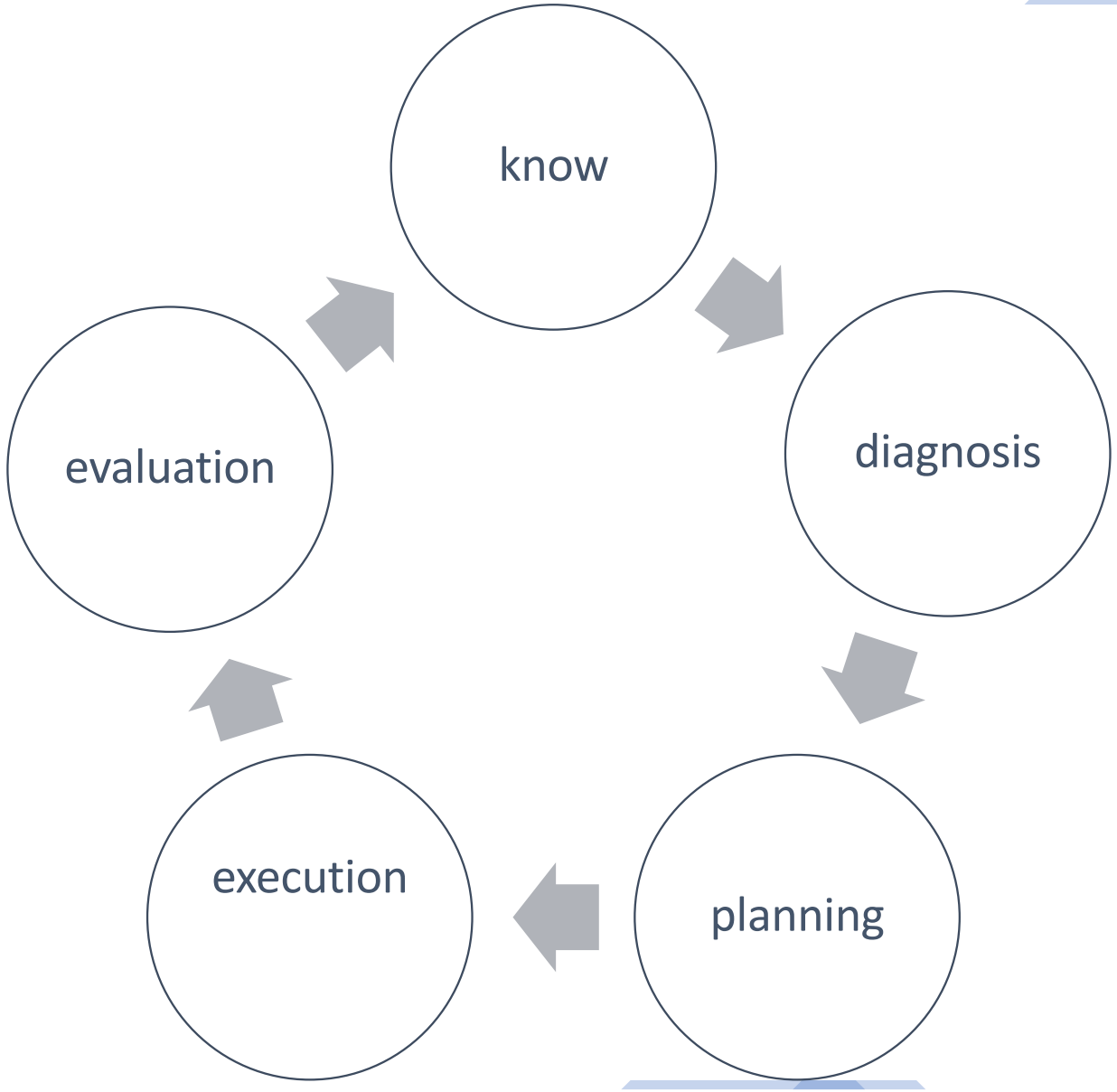
Diagnosis variables: Final diagnosis

Basic method in social work

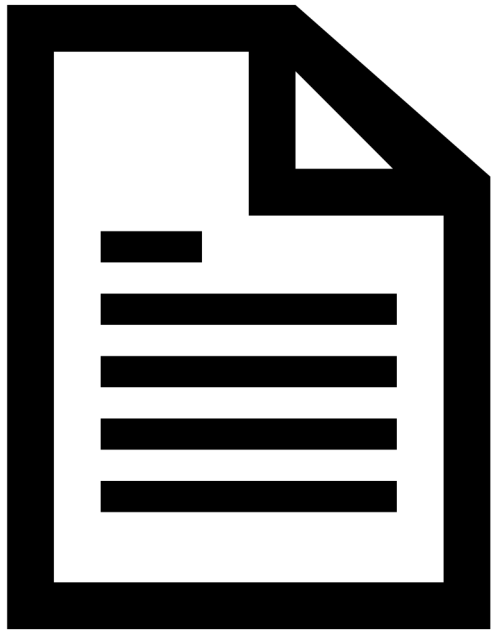


Forensic method in social work

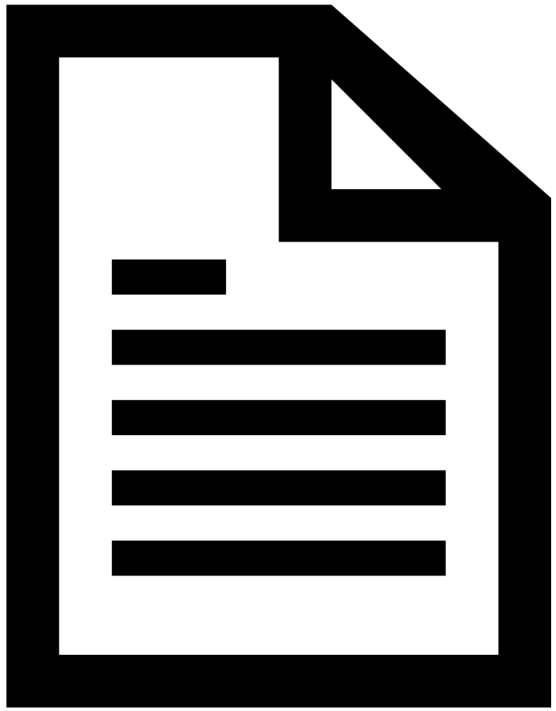
know

interpret

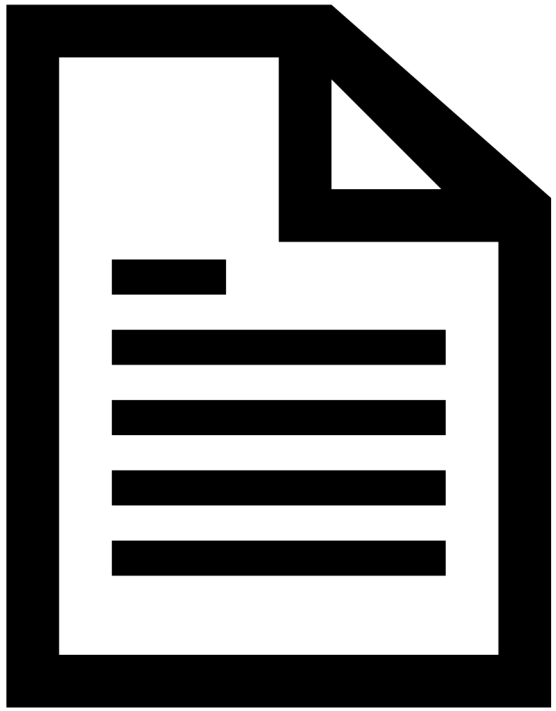
Socio- family report



How should the expert report be?



- Technical and simple
- Aimed at judges and family
- Circular and neutral



Where is the expert report located?

Judge Erice (2006, in Soto, 2016) collects the controversy about whether scientific evidence should be a means of proof or an aid to the judge. The evidence must be submitted to the hearing and contradiction between the parties, it is not only the judge's aid in his decision.

Magistrate Montero (2006, in Soto, 2016) explains that scientific, artistic, technical and practical knowledge is all the more necessary the more complex and technical the legal relationships are.

Magistrate Montero explains that the expert opinion usually deals with facts (art. 335 of the LEC) and that within them must be distinguished:

Scientifically objective expert opinions, those in which the exactness or inaccuracy of a statement must be verified, the result can only be one. It's called a "percipient" expertise and the truest example can be any DNA test.

Opinion reports, which do not try to verify a fact, but rather to appreciate or value it.

What qualities should the expert report have?

Technical qualities

- The reliability of the data
- Terminological precision
- Expository clarity
- Didactic argumentation

Criteria

Support on a solid base of knowledge, supported by a previous social research through the necessary techniques: interview, observation,

It is convenient to reflect the sources and techniques used.

The information must be duly accredited. Value judgments must be based on empirical facts.

It is important to contrast the information properly

Socio- family report

EQUIPO TÉCNICO PSICOSOCIAL
Tribunal Superior de Justicia
Comunidad de Madrid
Calle Joaquín Rodrigo 3
28100 Alcobendas
Tfo. 916258631

INFORME PERICIAL SOCIOFAMILIAR

Informe emitido por Raúl Soto Esteban, trabajador social, adscrito al Tribunal Superior de Justicia de la Comunidad de Madrid.

A petición del **Juzgado de Primera Instancia nº de Alcobendas,** en relación con el procedimiento de: **Divorcio**;, se solicita: "Informe sobre la mejor opción de custodia, en su caso, la posibilidad de custodia compartida y en su caso recomendación del régimen de custodia y de estancias entre el padre, la madre y los hijos, atendidas las circunstancias psicosociales del grupo familiar, tras la práctica de los correspondientes exámenes y demás pruebas pertinentes."

1.- Metodología

a) Entrevistas y observaciones
- Entrevista semiestructurada con el padre de la menor el día …
- Entrevista semiestructurada con la madre de la menor el día …
- Entrevista semiestructurada con la menor el día…

b) Análisis de la documentación obrante en el expediente del proceso judicial, relacionada con el procedimiento.

2.- Composición familiar.

Padre: ……. de 31 años de edad (). Residente en la Calle…. Alcobendas (Madrid). Trabaja como…. en su propio negocio en Alcobendas, con horario de 9 a 14 horas y de 16 a 20 horas a diario.
Madre: …… de 32 años de edad (). Vive en…. en Madrid. Trabaja como…. en una empresa de…., con horario de 10 a 18 horas.
Hija: …….. de 9 años (). Reside con la madre y su pareja.

.- Genograma:

3.- Evolución de la situación familiar.

4.- Valoración de la alternativa de custodia compartida

- Edad de los hijos.
- Número de hijos
- Arraigo social, escolar y familiar.
- Vinculación afectiva de cada hijo con los padres y el resto de personas convivientes en ambos domicilios.
- Relación existente entre los padres, actitud de cada padre para asumir sus deberes y respetar los derechos del otro, cooperar y asegurar la relación con el otro y con las familias extensas.
- Opinión de los hijos.
- Aptitud y voluntad de los padres para garantizar la estabilidad y el bienestar de los hijos y procurar un entorno adecuado a los hijos.
- Posibilidad de conciliación de la vida familiar y laboral de ambos padres y actitud de ambos hacia esa conciliación.
- Disponibilidad de cada padre para sus hijos.
- Situación de los domicilios de los padres, horarios y actividades de padres e hijos y apoyos.
- Dedicación y tiempo que cada padre ha dedicado a su hijo.
- Acuerdos adoptados anteriormente.
- Informes sociales, psicológicos, médicos u otros.

5.- Situación actual de los menores

6.- Consideraciones periciales

7.- Conclusión

El perito firmante del presente informe ha redactado su contenido con imparcialidad y con arreglo a su leal saber y entender. Con todos los respetos a SSª emite la siguiente conclusión:

El presente informe es el resultado de una evaluación sociofamiliar referida sólo a las circunstancias concretas del contexto pericial en que fue solicitado, por tanto no debe utilizarse en casos ni momentos diferentes a ese contexto, y en ningún caso debería mostrarse alguno de sus contenidos a los menores de la familia. Si se produjese una modificación sustancial en alguna de las circunstancias consideradas procedería una nueva evaluación.

Es cuanto cumple informar,

Raúl Soto
Trabajador social

En

Who makes the report

EQUIPO TÉCNICO PSICOSOCIAL

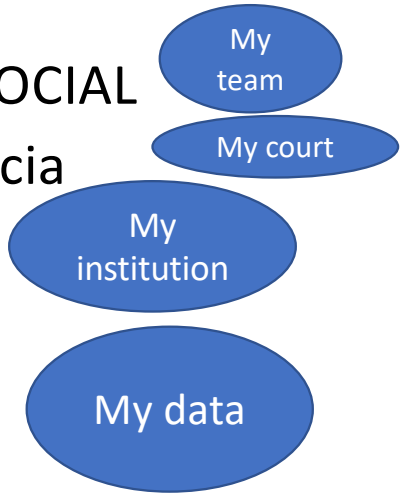
Tribunal Superior de Justicia

Comunidad de Madrid

Calle Joaquín Rodrigo 3

28100 Alcobendas

Teléfono: 916258631



- INFORME PERICIAL SOCIOFAMILIAR

Informe emitido por Raúl Soto Esteban, trabajador social, adscrito al Tribunal Superior de Justicia de la Comunidad de Madrid.

Who is the report for and what are they asking for (object)?

- At the request of the Court of First Instance nº of City, in relation to the procedure of Divorce :, it is requested the best custody alternative.

How is the job done?

1.- Metodología

Method

Interviews

a) Entrevistas y observaciones

- Entrevista semiestructurada con el padre de la menor el día ...
- Entrevista semiestructurada con la madre de la menor el día ...
- Entrevista semiestructurada con la menor el día…

Home visits

b) Visita domiciliaria a las viviendas paterna y materna

c) Análisis de la documentación obrante en el expediente del proceso judicial, relacionada con el procedimiento.

Documentations

Interview is practical, reflective, dynamic and has to do with cultural, institutional, emotional conditions ..
The forensic interview is an evaluation and follow-up interview according to its purpose. According to its modality, it is semi-structured
Before the interview, we will make some hypotheses that will give us relational information, allow us to search and analyze and work on the relational contexts of the person.

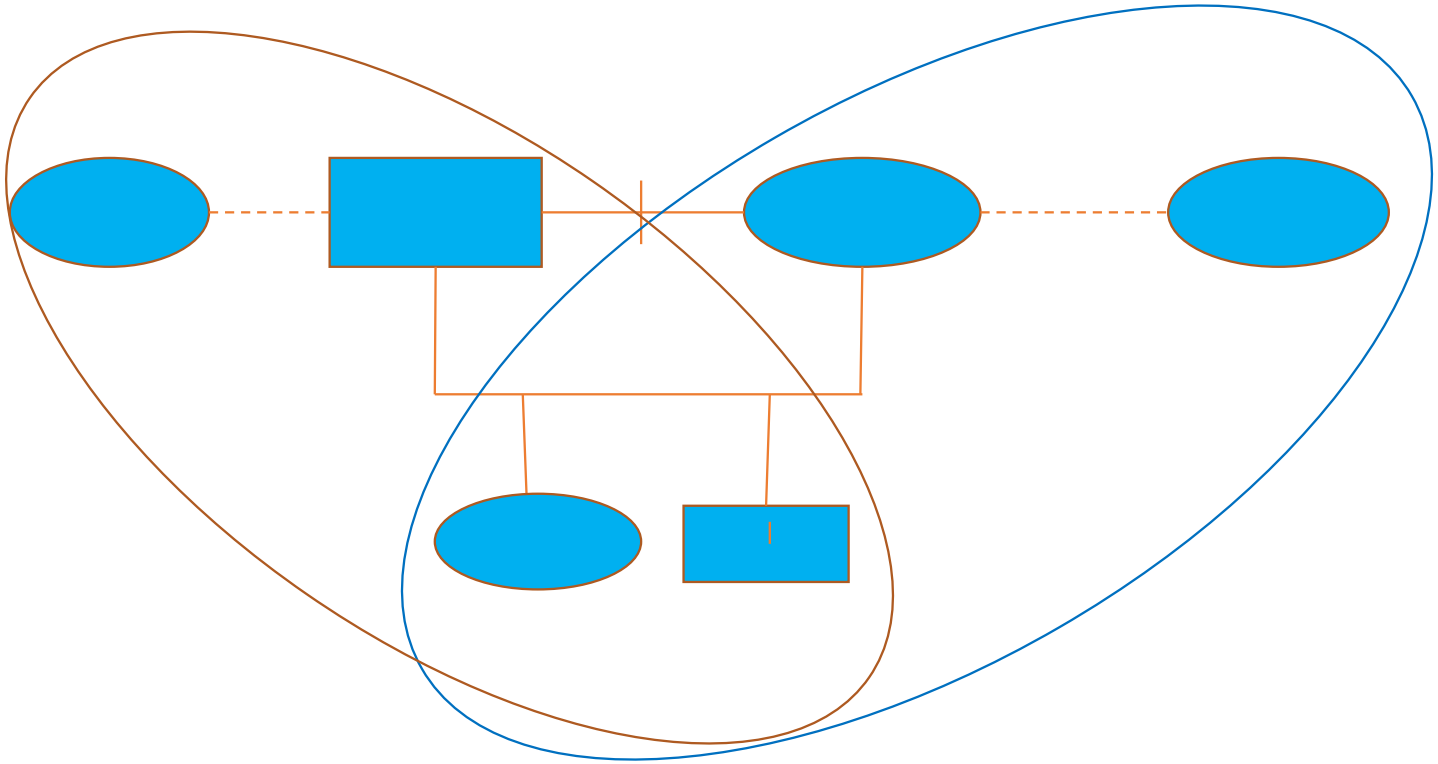
Interview

Home visit, with special care not to fall into control

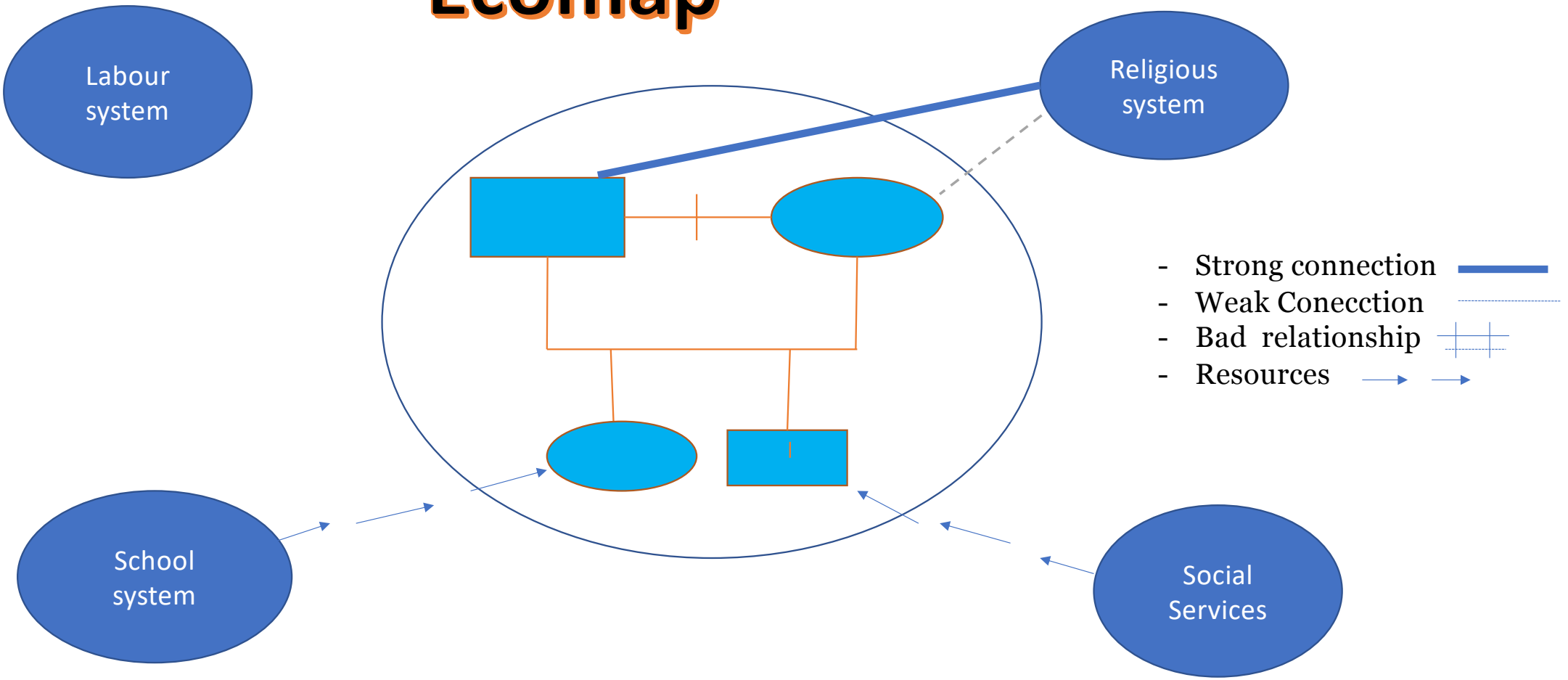
Family

-
- **2.- Family composition.**
  - Father: ……. 31 years old (). Resident on the Street…. Alcobendas (Madrid). He works as…. in his own business in Alcobendas, with hours from 9 to 14 hours and from 16 to 20 hours daily.
  - Mother: …… 32 years old (). Lives in…. in Madrid. He works as…. in a company of…., with hours of 10 to 18 hours.
  - Daughter: …… 9 years old (). He resides with the mother and her partner.

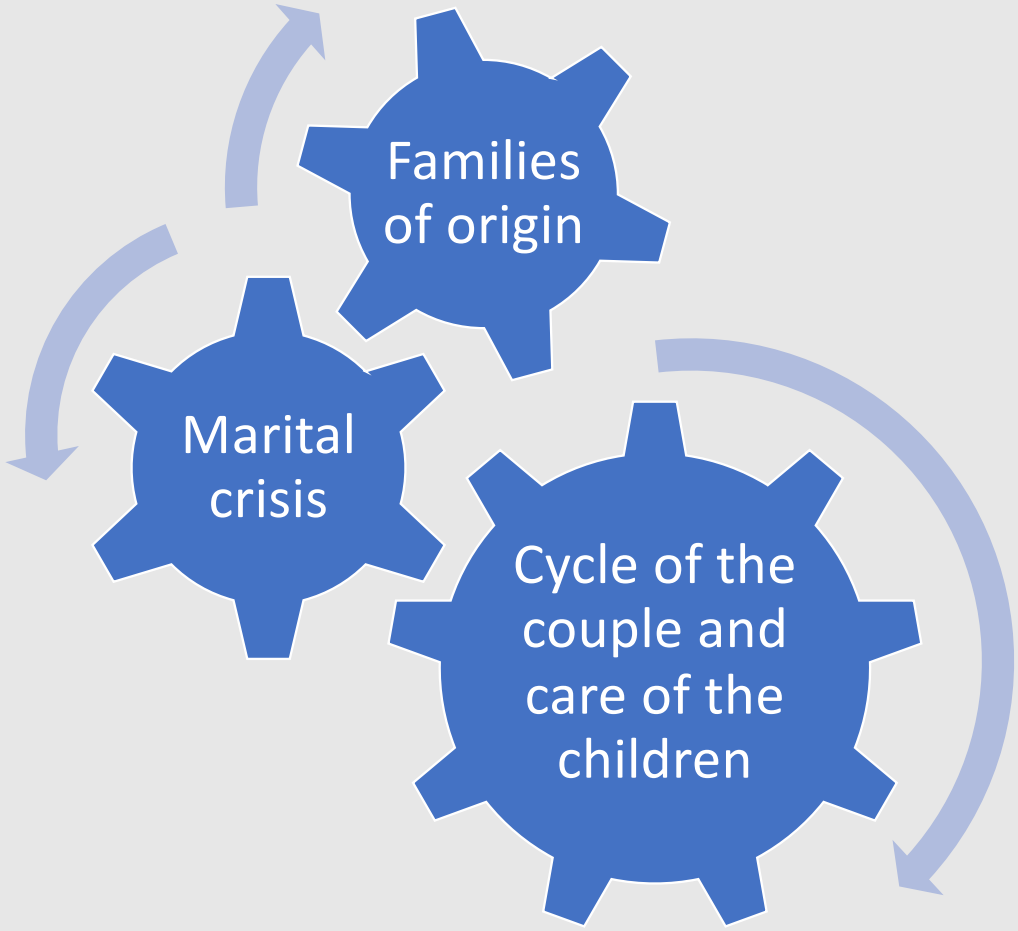
Genogram



Ecomap


Labour system
Religious system
School system
Social Services
- Strong connection
- Weak Conecction
- Bad relationship
- Resources

Family History



Alternative shared custody valuation

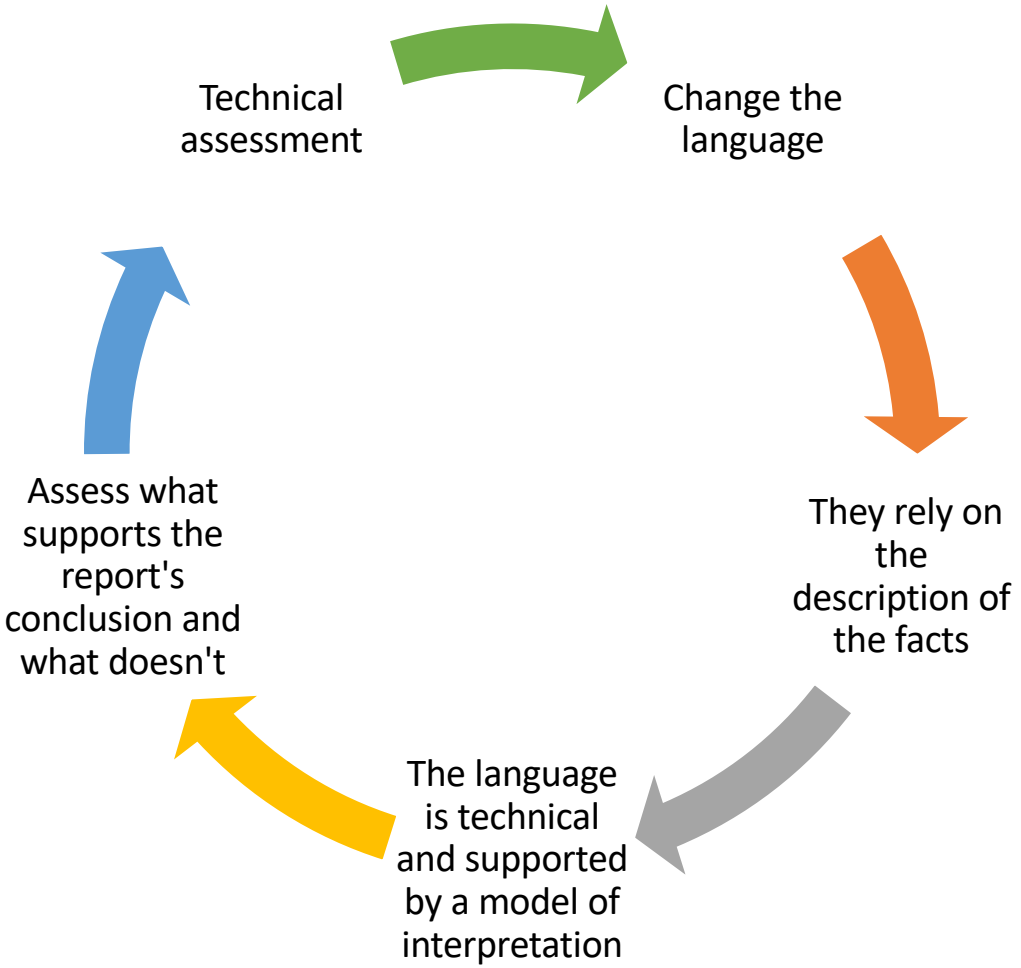
- 1. Willingness for constructive dialogue on medical, educational, conflict issues.
- 2. Common educational model: Concordant educational guidelines.
- 3. Assessment of the degree of conflict. Communication type and the perception of the other parent.
- 4. Involvement in raising children. Participation in educational and care function.
- 5. Proximity of homes: social, school and family roots
- 6. Sufficient material resources
- 7. Age of minors. Predictable alternation system
- 8. Will of minors.
- 9. Attachment figures
- 10. Availability of time. Possibilities of conciliation of family and work life.
- 11. Viable care plan.

Source: Alcázar, R. ("Diseño de una escala para la evaluación de la custodia compartida en el ámbito judicial. Estrategia para la validación científica de la escala (ICC))" : Azarbe nº 3.

Current situation of minors

- Personal adaptation
- Family adaptation
- Social and school adaptation
- Relationship with the conflict.

Considerations



Conclusions

It is the answer to the object of the expert

It contains a technical proposal originating from the considerations.

The proposal is technical, not legal

May contain referrals to resources

Practice

Now we are going to see the issues presented in their practical version, in a real report with the deleted data.

Who and for what is the report made?

SOCIO-FAMILY EXPERT REPORT
Report issued by Raúl Soto Esteban, social worker, attached to the Superior Court of Justice of the Community of Madrid.
At the request of the Court of First Instance No. 5 from Madrid, in relation to the procedure of: Family. Contentious Divorce:, it is requested: "Report on the best custody option, where appropriate, the possibility of joint custody and, where appropriate, recommendation of the care regime and stays between the father, the mother and the children, attended to the psychosocial circumstances of the family group, after taking the corresponding exams and tests".

Familiar composition

2.- Familiar composition.

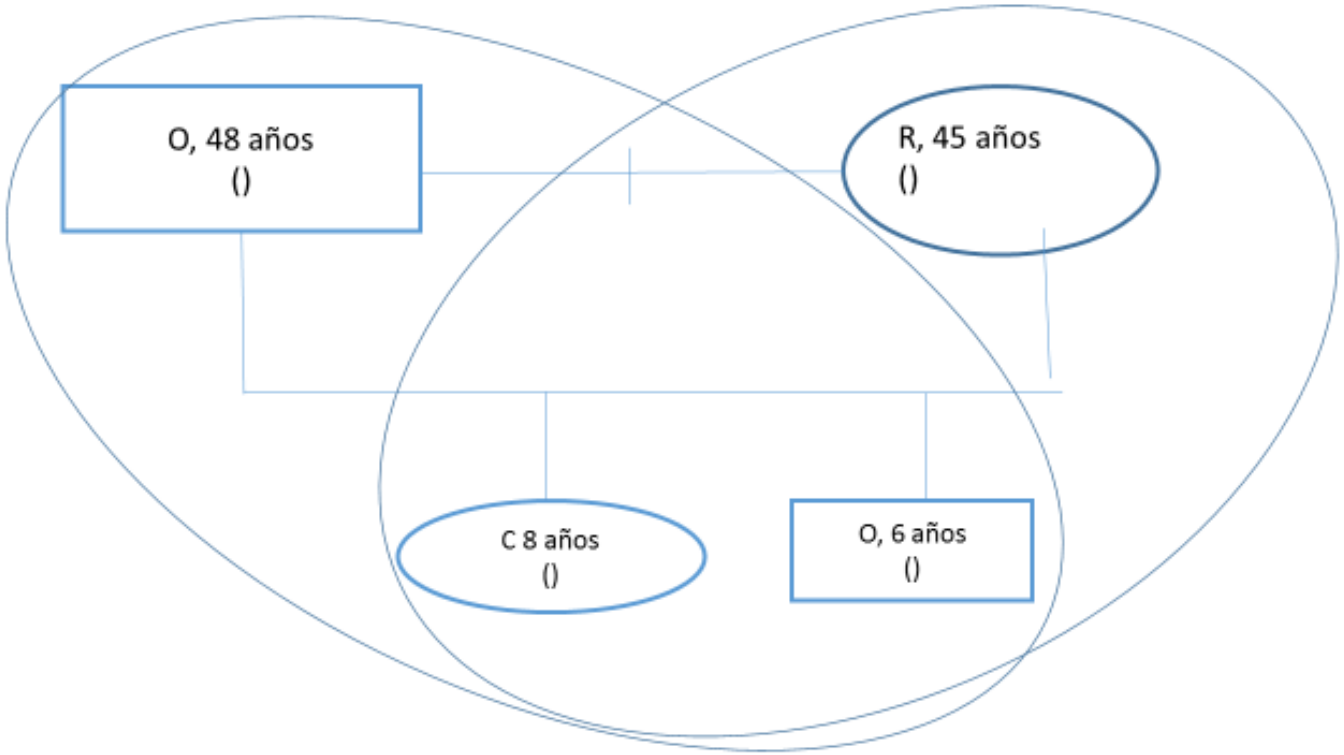
Father: Mister O 48 years old (). Resident on the Street. He works in a construction company, which he takes over and has two employees. You have the possibility to set your own hours depending on whether you are with your children or not.

Mother: Miss R, 45 years old (). Lives in the street. She works as an accountant in the family business from 9 a.m. to 2 p.m. from the birth of her children since the father of Mrs. R is the director of the company and allows family conciliation

Children: C, 8 years old (9/24/2009).

O, 6 years old (8/8/2011).

Genogram



Evolution of the family situation

Regarding the marital relationship, their discourse is radically different: Mr. O describes a relationship of affection and affection in which he insists that he has helped Ms. R a lot because she is a very fragile person with many family problems and that she goes to psychological therapies.
On the other hand, Ms. R critically describes a bad relationship in which Mr. O was a demanding person, who did not treat him well and continually criticized his work as a mother. He explains that he had to force him to go to the children's joint chores and that he was unfaithful and on one occasion gave him a sexually transmitted disease. He indicates that they went to therapy, but it was of no use to them because he was not sincere.

Considerations

- The family has lived with an organization in which the father had a role as a provider of assets and a more limited daily participation than the mother in raising the children. Despite this, he did not have a peripheral role because he directed and controlled the aspects of this upbringing. This situation of control of the father is normal for him, but the mother experiences it as excessive and places it as one of the causes of separation.
- The desire for separation from the mother is poorly received by the father who tries to reverse the situation without success. At the time of the exploration, the father still does not understand the separation and conveys his desire to change this fact.
- The father has changed his parental role for a year to one that is much more participatory and with a greater family presence, which upsets the mother who was considering the separation. The mother explains that this situation has generated uncertainty and anxiety in the children. When the children are explored, this anxiety is not detected (at that moment) and a desire to be with both parents is. In the case of the eldest daughter (C), an accentuated desire for reconciliation is added.
- The involvement of both parents in the education and rearing of children is good news for them: they have a father and a mother who love them and want to be with and raise them. Co-parenting also implies communication and respect. Sharing custody cannot be an instrument to control the other or their way of educating and caring.
- If the mother and father have problems in their co-parenting management, they are recommended to attend a family mediation service, such as the City Council or the Family Support and Encounter Center (CAEF), where they can help them reach a satisfactory agreement for both of you and your children.

Conclusions

The expert who signed this report has prepared its contents impartially and to the best of his knowledge and belief. With all due respect to Your Honour issues the following conclusions:

ONE: It is recommended to Your Honour the continuity of the organization based on shared custody for alternate weeks, clarifying that it is highly beneficial if it is carried out on the interweekly visitation day.
TWO: Professional supervision is advised to improve parent communication and develop parental empathy.

This report is the result of a socio-family evaluation referred only to the specific circumstances of the expert context in which it was requested, therefore it should not be used in cases or times other than that context, and in no case should any of its contents be shown to the minors of the family. If there is a substantial modification in any of the circumstances considered, a new evaluation will proceed.

Thank you

Gracias

Faleminderit

Now, I will try to answer your questions…