

**A CALCULATED RISK**  
 Forensic Evaluation at the Intersection of Interpersonal  
 Violence and Pennsylvania Child Custody

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**Who am I?**



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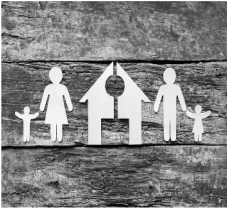
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**Pennsylvania Child Custody  
 § 5329 Risk of Harm Evaluation**

	<b>Objectives</b>
	Define the child custody law and its purpose
	Understand when the evaluation is ordered and why
	Identify your scope, methods and framing to write the evaluation
Learn at least 3 tips for testifying as an Expert Witness	

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### The Child Custody Law

#### 23 Pa.C.S. § 5329(a) Consideration of Criminal Convictions

**Offenses.**--Where a party seeks any form of **custody**, the court shall consider whether that party or member of that party's household has been *convicted of* or has *pleaded guilty or no contest* to any of the offenses in this section or an offense in another jurisdiction substantially equivalent to any of the offenses in this section. The court shall consider such conduct and determine that the party **does not pose a threat of harm** to the child before making any order of custody to that parent when considering the following offenses:

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### The common denominator?



§ 5329(a):  
Enumerated offenses.  
[See Appendix A]

§ 5329(b):  
Parent convicted of murder.

§ 5329(b.1):  
Parent convicted of certain sexual offenses.

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### The purpose of the § 5329 Evaluation



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### How do I write this thing?

[See Appendix B]



**Identify the Scope**

- Use the Order of Court
- Speak with the Attorneys (yuck!)
- Look for interpersonal violence
- Use collateral contacts
- Narrow the issues

**Identify your Methods**

- Gain an overview
- Decide on relevant testing
- Compile data from all sources
- Evaluate/assess the individual
- Write with the correct framing

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### Framing

This can help with the language barrier between mental health professional and the courtroom: IRAC

*“Due to these facts, there is a risk/no risk of this particular type of harm to this particular child, I recommend this action because it will do this to mitigate the risk or threat of harm.”*

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Judges want to hear a narrow scope, multi-source methods and a conclusion with remedies for mitigation	<h3>Testifying as an Expert Witness</h3>	Attorneys want the judge to hear that you are the right/wrong expert that came to the right/wrong conclusion
Your testimony was deemed necessary to the case		Attorneys who want more information, have to ask
The most important person in the room is you		Don't get defensive, you are the expert in your field
You are simply giving the Judge information		Make clear conclusions and recommendations
Use that framing language	L-CAT	

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**Chance of a Lifetime**


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**A Calculated Risk: Forensic Evaluation at the Intersection of Interpersonal Violence and Pennsylvania Child Custody**

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*Thank you all for attending Right From the Start 2024. Thank you to Dr. Valliere for trusting me to present; and, Thank you all for your attention to my small contribution.*

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