

Forensic Psychological Assessment of Parental Alienation: The Jurist's View*

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ABSTRACT – A qualitative study of legal practitioners' perceptions of the role of forensic psychologists in proceedings involving parental alienation (PA) is presented. Data on 71 legal practitioners in the state of Mato Grosso/Brazil were collected via online survey and then subjected to quantitative and qualitative analysis. The results focus on the performance of Mato Grosso psychologists, acting as accredited service providers, in terms of their technical capacity for PA certification, in support of the judicial decision and protection of the child, adolescent and family. AP verification involves a complex psychological assessment, requiring specialist training and excellent technical and personal skills of the psychologists involved. Suggestions to improve praxis include more professionals, better logistical and technical conditions, and an interdisciplinary and ethical approach.

KEYWORDS: forensic psychologist, legal professionals, psychological assessment

Avaliação Psicológica Forense da Alienação Parental: A Visão de Juristas

RESUMO – É apresentado um estudo qualitativo das percepções dos operadores do direito sobre o papel dos psicólogos forenses nos processos que envolvem alienação parental (AP). Foram recolhidos dados de 71 operadores do direito no estado de Mato Grosso/Brasil através de um inquérito online, submetidos a análise quantitativa e qualitativa. Os resultados focam o desempenho dos psicólogos, como prestadores de serviços credenciados, com capacidade técnica para a certificação de AP, apoio à decisão judicial e protecção da criança, adolescente e família. A certificação de AP é um processo muito exigente, requerendo formação especializada e excelentes capacidades técnicas e pessoais dos psicólogos envolvidos. As sugestões para melhorar a praxis incluem mais profissionais, melhores condições logísticas e técnicas, e uma abordagem interdisciplinar e ética.

PALAVRAS-CHAVE: psicólogo forense, operadores do direito, avaliação psicológica

The incidence of divorce in Brazil is increasing, with 385,200 cases in 2018, compared to the 170,700 cases in 2009, there has been a growth of 44.31% in nine years (Instituto Brasileiro de Geografia e Estatística [IBGE], 2020). Amongst the many kinds of interpersonal conflicts that can arise after divorce, allegations of Parental Alienation (PA) are relatively frequent (Machado & Sani, 2019). PA allegations

tend to occur after the definition of custody, within the scope of the separation; allegations may occur singly or as part of a processes leading to custody and the regulation of visits (Figueiredo & Alexandridis, 2014). The judicial processes are often complex and for this reason psychological expertise is requested to assist judges in their decision-making (Machado & Sani, 2014, 2015).

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PA is both complex and controversial and this has led to efforts, in several countries, towards the creation and validation of protocols and instruments to support psychological assessment (Gomes et al., 2020). For example, in the United States, Childress (2010) developed the Protocol for the Clinical Assessment of the PA Process and the Childress Alienation Scale. In Brazil, Gomide et al. (2016) built and validated a Parental Alienation Scale, based on the father-mother-child triad and the PA Legal Indicators Scale, which was built by a multidisciplinary team from the Instituto Prof. Jorge Trindade (Molinari, 2016; Trindade, 2020). Also in the Brazilian context, Lago and Bandeira (2013) created the Parental Relationship Assessment System (SARP) which includes a set of techniques that aim to assess the quality of the relationship between parents or guardians with their children with the purpose of assisting professionals of psychology and others domains (e.g., psychiatrists, social workers), with judicial expertise, involved in custody disputes and/or regulation of visits. Questionnaires to support the recognition

of PA indicators have been validated in Bogotá, Colombia (Tapias et al., 2013) and Mexico (Agüero & Andrade, 2013).

Given the contributions of science to improving the specialized response of technicians, particularly in forensic psychological assessment, especially in matters of family disputes (American Psychological Association – APA, 2010; Conselho Federal de Psicologia [CFP], 2019a; Sani, 2017), we accept that it is important to understand the perceptions of different legal practitioners on the qualifications, training and performance of psychologists in the preparation of psychological reports and opinions. Based on an empirical study, supported by a theoretical review on the theme of PA, this article proposes to discuss the role of the psychologist in the activity of psychological assessment in the context of justice. Thus, after theoretically framing the theme of forensic psychological assessment and reflecting on the social construction of the psychologist in the view of other legal professionals, we will present the empirical study carried out in the context of forensic practice.

FORENSIC PSYCHOLOGICAL ASSESSMENT

Psychology and Law need to be in constant dialogue in order that Justice is served. The expert psychologist, in addition to knowledge in their specialist domain (e.g., psychological assessment, child development, family ties, psychopathology, paraphilia, violence, abuse, abandonment, among others), must also have a basic understanding of material law (Civil, Criminal, Family) and its procedures (deadlines, impediment/suspicion, technical assistant) as well as Human Rights, amongst other areas. In the context of psychological assessment, it is crucial to have specific knowledge concerning the choice, application and interpretation of results obtained and the techniques for preparing psychological documents (CFP, 2019b; Fermann et al., 2017).

Psychosocial expertise has been subject to severe criticism. On-going training is imperative. Forensic assessment needs to be comprehensive and dynamic and able to propose appropriate support procedures, for example, alternative methods of conflict resolution to appease the family conflict (Gerbase et al., 2018). Mediation is sometimes proposed as one of the means to promote positive co-parenting through improved communication, promoting dialogue and reflection, as well as supporting the emotional behaviors of parents, so as to execute parental responsibilities in a peaceful, shared manner (Molinari, 2016).

When preparing reports, professionals must act so as to contain situations that exacerbate PA. To prevent the reports from being inaccurate and biased, the psychologist should seek to hear all versions of the situation, from everyone involved, thereby making them

a co-participant in the PA (Perissini, 2018). The different results of forensic evaluations, especially in family courts, generates controversy related to PA; this signals a lack of knowledge and preparation in the technicians involved, usually those working at the early stages of the process, and raises the need for professional training (Calçada, 2014). A restricted and partial focus, resulting from both a lack of a foundation in the relevant literature to justify positions and interventions, and a hearing for all parties involved, leads to an unfinished vision (Perissini, 2018). The need for specialization of technicians cannot deny the important role of interdisciplinarity (Molinari & Sani, 2015), and they must be open to teamwork, cooperation and dialogue with other legal professionals and diverse sources of knowledge, so as to develop better strategies and strengthen interventions (Pimenta, 2017; Rovinski & Pelisoli, 2019). The expert psychologist must work in an integrated fashion, analyzing all possibilities of occurrence and investigating all allegations with multiple sources; the evaluation must be carried out carefully, clearly and directly, to counter any suspicions of partiality (Rovinski & Pelisoli, 2019). In the socio-historical approach, the professional should critically reflect on controversies regarding the proliferation of discourses around individual pathologies, as some of them (e.g., PA syndrome) do not have scientific support or recognition in mental health manuals. Above all, the psychologist must act ethically and be an instrument of social transformation, promoting freedom, citizenship and mental health (Sousa, 2010).

BETWEEN LAW AND PSYCHOLOGY: SCIENCE IN THE REALIZATION OF JUSTICE

Research at the interface of psychology and law provides evidence (Gomes et al., 2018; Silva & Macêdo, 2016) that supports the realization of justice (Sacramento, 2019). Studies include investigation of the relevance and influence of psychological expertise in judicial decision-making (Machado & Matos, 2016; Polak, 2014), surveys of factors determining psychologist's performance¹, either in terms of the physical environment or specific instruments and ethical conditions (Otaran & Amboni, 2015), and examination of the technical qualifications and performance of multidisciplinary and interprofessional teams in specific areas, such as 'special testimony' (Trindade & Sani, 2014).

In the context of forensic work, expectations created around the psychologist's work tend to be focused on the resolution of cases, with the reports having a great relevance to the judge's decision (Machado & Matos, 2016). In the aforementioned study, carried out with judicial magistrates, statements emerged that situate the psychologist in key positions in the forensic context, with their actions translating, for example, into placements in courts, family mediation and training of magistrates. This results in greater specialization of courts, with expertise spanning methodological aspects, content, presentation of solutions, ethical conduct and greater training. Additionally, criticism was focused on the reports, including delay in their delivery, use of technical language, the excessive length and little transparency, and a lack of rationale for their preparation (Machado & Matos, 2016).

A qualitative study by Afonso and Senra (2016) of ten psychologists highlighted the expressive demand, a lack of professionals with the necessary specialization, with general technicians being used, who are more susceptible to the significant stressors of the role. These stressors, including judicial pressures on timelines, lack of scientific studies concerning performance, and inappropriate physical infrastructure, are detrimental to the quality of praxis. The lack of human resources to carry out forensic work, in addition to the lack of specific training, is corroborated in other studies (Otaran & Amboni, 2015).

Technical qualification and experience of working in an inter-professional team are often mentioned as aspects required for the expert's good performance. Child protection studies relating to child victimization by domestic violence (Azevedo & Sani, 2017; Trindade & Sani, 2014) have underlined the importance of a consolidated approach founded on basic premises such as the importance of qualified listening to the child, the primacy of non-revictimization, the minimization of harm, and the child's right to protection. In specific cases,

involving child and adolescent victims and/or witnesses of domestic violence, the technical and jurisdictional team's actions were found to be disjointed and/or lacking (e.g. in integration, dialogue, manifest multidisciplinary and unique listening) resulting in essential deficits in the psychological support for court decisions (Otaran & Amboni, 2015; Polak, 2014; Trindade & Sani, 2014). Moreover, the expert needs to master a range of knowledge and experience (e.g., sexual abuse, AP, custody, visits, parenting styles and other specific psycholegal knowledge) to support comprehensive assessments, and to be able to produce reports that are logical and clear (Polak, 2014). The use of techniques and procedures such as interviews, school visits and visits to homes (Lago & Bandeira, 2008), particularly in matters involving family and minors, greatly contributes to the quality of the psychological assessment.

In matters involving the Guard and suspected PA, research also identifies important dimensions of the role of psychologist in serving justice, including that of the expert, technical assistant and others (Chefer et al., 2016; Lago & Bandeira, 2008; Luz et al., 2014; Maia et al., 2018). The study of PA by Luz et al. (2014) found that the psychologist was relevant in the identification of emotional conflicts, the analysis of the subjectivity of relationships, the forensic reading of the factors motivating the conflict, as well as in their contributions to clarifying certain aspects of the case and to finding possible solutions. On the other hand, it was pointed out that the professional's participation was limited by several factors including excessive demands, the rigor of their instruments, lack of transparency of expert objectives, recommendations based on findings that went outside of their areas of expertise and which were not well accepted. Psychological assessment was found to be crucial for supporting court decisions concerning PA, but it is loaded with excessive expectations arising from a tension between the pressure for a clear recommendation on the one hand, and from the imprecision of the instruments used for its determination, on the other. The study also reported that the court measures following a ruling of PA were: warning, fine, referral to psychotherapy, penalty, modification of custody or judicial restrictions to filial acquaintanceship (Luz et al., 2014).

Otaran and Amboni (2015), in an empirical study, emphasize the need for other forms of intervention for PA, such as linking to the local support network, mediation, psychotherapy, support groups in the public health network, and public awareness campaigns. An example of an alternative intervention is The Parent-Child Workshop for families in forensic interparental conflict after separation, directed by the Conselho Nacional de Justiça (CNJ) [National Council of Justice] in Brazil (Maia et al., 2018). Through assessment,

¹ <https://crppr.org.br/guia-de-orientacao-psicologia-e-justica-psicologo-peritao-e-assistente-tecnico/>

we can recognize the importance of the psychologist's work in the context of justice and seek ways to improve the quality of their work, the documents they produce and the contributions they can make to serving justice.

In this study, we aimed to understand the perception of legal professionals about the role and intervention of the forensic psychologist in the context of PA. We ask questions such as: What is the effectiveness of the psychologist's performance within the legal context? Can the action of the forensic psychologist protect children and adolescents involved in parental abuse of AP? Have the interventions of forensic technicians subjectively influenced court decisions?

Specific objectives of the study included to: i) investigate the types of professional relationships with forensic psychologists in the districts; ii) assess the influence and relevance of the forensic assessment in the perception of law practitioners; iii) survey the techniques used, and the measures, interventions and referrals taken by the forensic psychologist in PA processes; iv) explore the failures and needs perceived by legal professionals towards improving the psychologist's work; v) use suggestions provided by lawyers to improve the psychologist's work. We designed and carried out a qualitative, descriptive, exploratory, cross-sectional study, using a questionnaire aimed at legal practitioners.

METHOD

Participants

The sample was constituted by a non-probabilistic convenience sampling of legal practitioners with experience in Civil, Family and Childhood and Youth courts in the state of Mato Grosso (with seventy-nine districts), leading to a total of seventy-one participants in the study. Among the respondents, twenty-eight were magistrates [M] (39.4%), eighteen were lawyers [L] (25.4%), fifteen were prosecutors [P] (21.1%) and ten were public defenders [D] (14.1%). The sample had mostly male individuals (66.2%), aged between 26 and 58 years, with a mean age of 37.8 ($SD=7.5$).

In terms of professional experience, this sample had fifty-one participants (71.8%) working for more than four years, seventeen participants (23.9%) with experience of two to four years, two lawyers who had worked for between one and two years, and only one who had been in the profession for less than one year. Regarding the types of courts represented, thirty legal professionals (42.3%) worked in the civil court, seventeen in the childhood and youth court (23.9%), sixteen in the family court (22.5%), with 8 participants (11.3%) choosing not to provide this information. Concerning the type of districts, twenty-five participants (35.2%) operated in the 2nd instance, twenty-four subjects (33.8%) worked in the 1st instance, 9 individuals (12.7%) were in the 3rd instance and thirteen of the participants in the special entrance (18.3%).

Instruments

Through a review of scientific literature on the topic of Parental Alienation (PA), a questionnaire was prepared for law practitioners and made available to participants through the Google Forms platform. The questionnaire contained sections referring to: sociodemographic and professional data e.g., age, sex, type of legal professional, length of practice, type of district, experience in court related to the child and

family theme and the length of such experience; general questions (open and closed) about the forensic psychologist, including: their general role, professional relationship, specific role in custody processes, visits and PA (e.g., *Is there an expert psychologist on your practice court? Is there a licensed psychologist on your practice court?*); the forensic psychologist in PA cases: determination of psychological expertise, jurist's opinion, comments, interventions, criticisms, procedural and extra-procedural suggestions (e.g., *In your opinion, what is the relevance of the work of the forensic psychologist in PA cases? In your opinion, what are the flaws in the work of the forensic psychologist?*) amongst others.

Procedures

The study started only after approval by the Ethics Committee of Plataforma Brasil together with authorizations from each of the bodies of the different legal professionals. After performing a pre-test with the instrument, information about the research was sent by email, telephone and WhatsApp, inviting participation and dissemination of the study among peers. All those who indicated their availability to participate received a link to the questionnaire.

Once the link was accessed, each potential participant was provided with a brief explanation of the study, at the end of which they could freely consent to, or decline, their participation in the study. Data were collected between November 2019 and March 2020, prior to the period of the COVID-19 pandemic, and were subsequently subjected to quantitative or qualitative analysis, depending on the type of variables and objectives. Quantitative data analysis was performed in Excel from the Microsoft Office suite. Qualitative data analysis used the ATLAS.ti (v. 8) software (Costa & Itelvino, 2018), a program that supports the storage, management, encoding and association of textual data (Neto & Mazz, 2015).

RESULTS

Type of professional relationship of the forensic psychologist in the districts

The question asked whether there was an “expert psychologist” (selected in public concourse from the Judiciary Branch) in his court of action and, subsequently, whether the psychologist was accredited as a service provider (i.e. without an employment relationship). The results revealed how the terminology “expert” and “accredited” were confused. Of the total sample, fifty-three participants (74.6%) stated that there was an “expert psychologist”, however eighteen legal professionals (25.4%) stated that there was not. Later, when asked about the existence of a “accredited psychologist”, sixty-five legal professionals (91.5%) answered ‘yes’ and only six individuals (8.5%) said ‘no’.

The results revealed that for 85.9% of the legal professionals requested psychological expertise after an issue of PA was raised, and that the demand may arise at any stage of the procedure, although more frequently in the hearing (40.8%). Examples of other times are the process of resolving the case (before sentencing), or cases where the PA allegation has not yet been determined, or where an agreement has been reached. L17- *“In the processes in which I acted; the judges did not pay attention to the existing problem. Perhaps lack of knowledge regarding the seriousness of the topic”*. D2- *“It was determined more whenever the Alienator finds themselves in this procedural situation of loss of family power, he accepts quickly an agreement”*.

Influence and relevance of forensic technical intervention in the perception of legal practitioners

All legal professionals expressed that the role of professional psychologists is of great importance, and this positive assessment can be portrayed in four organizational categories of valuation (see Table 1).

Broadly speaking: Sixteen respondents (22.5%) expressed a generally favorable assessment of the role

of forensic psychologists. This category included seven magistrates, 3 prosecutors, 2 defenders and 4 lawyers as the following narratives illustrate. M4- *“Very large, the magistrate hardly fails to follow the team’s opinion”*. P13- *“Very important. Specific training is essential”*. D7- *“Fundamental in these cases”*. L13- *“Extremely important, since with the psychological assessment it is possible to verify with better analysis the damage caused to the child or adolescent”*.

Technical knowledge for PA diagnosis: Forty-one legal practitioners (57.8%), including fifteen magistrates, eleven prosecutors, 6 defenders and 9 lawyers, stated that the reason for their positive appreciation of the psychologist’s function was related to the technical knowledge that this brings to the understanding of the PA phenomenon. M14- *“It serves as a guide to correctly identify the occurrence or not of PA”*. P4- *“Certify the existence or not of parental alienation and guide the alienator of its negative consequences, in addition to instructing the judge in the adoption of the appropriate measure for the case”*. D1- *“Extremely relevant. The judge, generally, does not have the technical knowledge to investigate the PA”*. L18- *“The psychologist plays a key role in cases of PA, both for identifying the case and for an eventual referral for solving the problem being generated in the child”*.

Awareness and well-being of the parties, legal security, child protection: 9 legal professionals (12.7%), including 2 magistrates, 2 defenders and 5 lawyers, highlighted aspects related to the skills of professional psychologists in working towards the well-being and rights of the parties. M10- *“Depicts the family scene in an impartial way, but with the child’s well-being at the center”*. D3- *“The work of the forensic psychologist seeks to protect one of the fundamental human rights recognized in the pact of San José, Costa Rica (Article 5), everyone has the right to have their physical, mental and moral integrity respected”*. L12- *“This professional represents the security of fair judgment. Well, it manages to reach areas that are invisible to the eyes and silent to the ears”*.

Table 1
Influence and relevance of the forensic psychologist in PA cases

Categories	Description
Broadly speaking	Different expressions of appreciation of the psychologist.
Technical knowledge for PA diagnosis	Specific valuation about the theoretical and scientific specificity of the professional for technical assessment, diagnosis and certification of the PA.
Awareness and well-being of parties, legal security, child protection	Legal professional’s focus is on clarifying the PA as a guide for the beneficence and justice of those involved, placing the psychologist as a protective agent for the human rights of children and adolescents.
Supporting judicial decision-making	Psychologist provides advice to the judicial process, contributing elements of conviction to the judge’s sentence.

Supporting judicial decision-making: 5 legal professionals (7.0%), including 4 magistrates and 1 prosecutor, highlighted the role of the psychologist as an assistant to the judge. M3- *“Helps the judge in making a decision with technical data often unknown to the magistrate”*. P3- *“Technical knowledge that aids decision-making by the judiciary”*.

More comments could be added to their answer: Forty-three participants (60.6%) chose to do so, including thirteen magistrates (18.3%), ten prosecutors (14.1%), 9 defenders (12.7%) and eleven lawyers (15.5%). Of this group, twenty-nine legal professionals (67.4%), including 9 judges, 7 prosecutors, 5 defenders and 8 lawyers, reinforced their own valuation, repeating that they believed that their technical knowledge, amongst other similar terms, of the psychologist was essential and extremely valuable. M10- *“Indispensable in cases of custody disputes, removal of family authority and paternity investigation and very relevant in cases of rape of the vulnerable and in others”*. P2- *“Prosecutor and Judge depend directly on the work of the forensic psychologist... seven years working in the Public Ministry and Children’s proceedings, I have never seen a decision that did not take into account the aspects of the report”*. D5- *“The forensic psychologist has technical knowledge capable of broadening the view of the concrete case, going beyond the knowledge of the legal field”*. L16- *“I really believe in the relevance of forensic psychologist work. In view of the fact that it serves as a basis for guiding those who work in the legal field”*.

For the other legal professions of sample (32.6%), 2 magistrates highlighted the need for standardization of reports; 2 other legal professionals mentioned that there must be training and qualification of technicians; 4 participants highlighted effective interdisciplinary work with the social worker, accreditation of a psychologist in the districts, the need for therapy by professionals in the family courts, and the impartiality of the expert. Three participants also highlighted the high demand and shortage of professionals, and three others who raised criticisms such as lack of structure in the reports, a need for humanization of the instruments, and a lack of monitoring of professionals. M4- *“Often it is not complete, it is interesting that there was a standardization. From time to time it’s very vague. Even this magistrate is aware that expertise is not a time for opinions”*. P6 – *“We need more psychologists and better qualifications”*. M17 – *“I highlight the good symbiosis with professionals in the social area for joint action”*. P4- *“Considering the immense number of lawsuits, with the scarcity of psychologists, the expert’s work leaves something to be desired, as there is no close monitoring and with several sessions and visits to certify the existence or not of parental alienation”*. L10- *“The psychologist should use more humane tools to obtain information from the child or adolescent”*.

Survey of the techniques, measures, interventions and referrals taken by the forensic psychologist in PA processes

In the PA processes, with regard to the professional’s activities, forty-five participants (63.4%) indicated that an expert report, fourteen legal professionals (19.7%) specified that a case referral was made and twelve legal professionals (16.9%) stated that an intervention on PA was made.

Expertise is a common option when there are resources and, if necessary, it can give rise to the intervention of the psychologist, that can include activities such as consultation, psychotherapy, psychiatric evaluation, temporary monitoring with family members, school and home visits, partnership with the local university and services such as CEJUSC (Centro Judiciário de Solução e Conflitos/Judiciary Center for Conflict and Solution), CRAS (Centro de Referência de Assistência Social/Social Assistance Reference Center), CREAS (Centro de Referência Especializada de Assistência Social/Specialized Social Assistance Reference Center), Health Secretary (SUS), CAPS (Centro de Atenção Psicossocial/Attention Center Psychosocial), treatment for alcohol/drug addiction, AA (Alcoholics Anonymous) and other kinds of support from the municipal safety net. Other cases include a need for referral to investigate the occurrence, and those where the agreement gives rise to a court decision. M4- *“Usually just the expertise. Here there is a very well-structured network. The forensic psychologist works in the city hall there is an informal referral to the network, or having resources, I as a magistrate suggest monitoring by a psychologist”*. P1- *“Community programs for strengthening bonds, opinion concerning the suspension of visits or modification of custody”*. L15- *“In my case, the judge only called for psychological evaluation, which did not happen, because, in the end, the couple understood that they were hurting the children’s feelings. Finally, they entered into an agreement and opted for shared custody”*.

Investigation of the failures and needs perceived by legal professionals to improve the psychologist’s work

Concerning criticisms about the role of the forensic psychologist, twenty-three legal professionals (32.4%) were unable to specify any flaws, however forty-eight (67.6%) pointed out aspects that could be improved (see Table 2).

Lack of depth, foundation and quality of expertise: In highlighting flaws, seventeen legal professionals (35.4%) referred to PA as a complex problem that needs to be deepened and contextualized, which does not always happen. Of these, 6 magistrates, 7 prosecutors, 1 defender and 3 lawyers, stated that some psychological reports could be evasive,

Table 2
Categories of Forensic Psychologist Failures

Categories	Description
Lack of depth, foundation and quality of expertise	Dubious, evasive, generic, unfounded reports
High demand, lack of professionals, resources and structures	Large number of skills and lack of infrastructure in some counties
Partiality and personal involvement	Professional does not distance themselves from the parties, being partial in their evaluations
Lack of technical qualifications	No training, improvement and specialization in the area
Personal disinterest	Technician lacks effort and commitment
Discontinuation of treatment	No persistence in psychological referral

reticent, abstract, dubious, containing imprecise diagnosis and ambiguity. M9- *"I find that sometimes the psychological report is very evasive, reticent, abstract"*. P7- *"The report sometimes contains generic explanations, without the necessary contextualization with the concretely analyzed situation"*. D5- *"Most of the time, the forensic psychologist only works at a specific moment in the process, not having the opportunity to carry out a more complete follow-up of the case."* L17- *"Even though we have in mind that the final decision will be made by the judge, most professionals do not give a definitive conclusion about the situation, leaving room for more than one interpretation"*.

High demand, lack of professionals, resources and structure: For eleven legal professionals (22.9%), more specifically 5 magistrates, 3 prosecutors, 2 defenders and 1 lawyer, the high volume of procedures negatively impacts the quality of service. Aspect that should be improved include: high demands, backlog of work, lack of structure and resources, and the short time to carry out the tasks. M8- *"Accumulation of work, which ends up deepening compromises"*. P15 – *"Sometimes the lack of continuity with the same professional reduces the effectiveness of the work; when the professional is effective, hired through a public tender, they can follow the entire procedural process. The temporary professional does not do that"*.

Partiality and personal involvement: 8 legal professionals (16.7%) report as negative aspects in the professional's performance: possible personal/emotional involvement, proximity to the parties, personal opinions without foundation, biased reporting, preconceived opinion, and partiality. M19- *"In general, I do not see flaws, although in specific cases there may be, for example, a biased report by the professional without specifying any situation that justifies their proposition"*. D8- *"Sometimes I consider it biased towards one of the parties"*. L11- *"Partiality and letting yourself be carried away by the emotional blackmail of the parent who practices PA"*.

Lack of technical qualifications: 9 participants highlighted potential negatives in relation to the lack of: co-preparation of studies with the social worker, specific training in PA, technical training and qualifications, forensic

experience, or a specific technical position on the case. M12 – *"The role of psychologists is essential, but it would be great if they had more training to act in specific cases of abuse against children and parental alienation"*. P3- *"When you do not take a position on the best measure to be taken or you needlessly postpone the technical position on the case"*.

Personal disinterest: 1 defender (2.1%) negatively commented on the commitment and actions of the psychologist. D2- *"In specific cases, I see that there is a lack of interest and firm and specific action to verify the situations narrated in the processes"*.

Discontinuation of treatment: 2 respondents (4.2%) highlighted that, in the forensic context, treatment is contingent on the framework of social policies on place. D4 – *"As action is restricted to the actual procedural situation, once the legal issue has been overcome, the child/adolescent is at the mercy of the State's social policies to continue the treatment"*.

Participants' suggestions to improve the psychologist's work

Of the total sample, sixty-one participants (85.9%) contributed suggestion to improve the practice of forensic psychologists (cf. Table 3).

More professionals (specialization and improved infrastructure): Thirty-three participants (54.1%) suggested hiring more technicians to meet the large procedural demand and, additionally, the raised the need for increased specialization (training, qualifications) and improvements in working conditions. M16- *"Greater knowledge of the legal area, especially of the objectives of the process and what information and tools the judge needs when deciding"*. P4- *Specialization of the professional and more professionals to carry out the intervention/expertise*. D9- *"I am aware that the demands are disproportionate in relation to the number of professionals, that is, it would be necessary to increase the number of these professionals"*. L18- *"Access to family-systemic training"*.

Table 3
 Categories of improving the psychologist's performance

Categories	Description
More professionals (specialization and improved infrastructure)	Need to hire more technicians due to procedural demand and improvement
Improvements in the assessment/report (depth, objectivity, time)	Proposals for a more in-depth, accurate and objective assessment and for a more standardized and precise report, with more time for preparation.
Public tenders (remuneration and career plan)	Investments in the professional's career, salary and bond
Triangulation of information with magistrate and protection network	Service and protection network, training in special testimony, triangulation with a judge
Personal investment	Dedication and non-involvement of technicians

Improvements in the assessment/report (depth, objectivity, time): The quality of assessment/report was the focus of fourteen participants (23.0%) and, of these, 7 considered it essential to have a more accurate and in-depth study of the cases and an integrated follow-up throughout the process. Four respondents suggested that the psychological report should be more standardized and precise and reach more objective conclusions about PA. Three magistrates indicated that an extension of the deadlines could help to ease problems. D5- *"It would be interesting if the forensic psychologist could do a full follow-up of the cases, a situation that would allow a more complete analysis of family entities"*. M5- *"In relation to the accredited psychologist, the reports should be standardized. It seems that each psychologist does his/her report and not all address the same aspects."* P7- *"More objective conclusions, as far as possible, indicating whether or not interference in the psychological training capable of configuring parental alienation was found"*. M7- *"Give the necessary time to complete the work so that the professional can carry out the work in order to identify the nature of the problem and the profile of those involved"*.

Public tenders (remuneration and career plan): Only three legal professionals (4.9%) suggested that the

psychologist's career, salary and employment status were areas for improvement. M17- *"Better pay and perhaps a career plan"*. P15- *"Public tender and continuous improvement"*.

Triangulation of information with magistrate and protection network: Three respondents (4.9%) noted the need for closer links with law professionals e.g., a closer relationship with a magistrate, and social workers, towards a more integrated support network. M10- *"Closer relationship with the magistrate, aiming to establish a bond of trust"*. D3- *"Integration with a support network together with social workers"*.

Personal investment: Eight legal professionals (11.3%) suggested that the psychologist should have greater dedication, impartiality, proactivity and availability. M22- *"Dedication."* P3- *"I focus on some professionals in the performance of their job"*. D8- *"Impartiality"*. L16- *"Everyone must work with excellence, but the objective is not very precise, when dealing with children. For this reason, always seeking excellence is not exactly a criticism, just a caveat"*.

DISCUSSION

The study found that the majority of forensic psychologists, who work in some districts of the Court of Justice of the State of Mato Grosso – TJMT, were hired under the "accredited" modality. Others were engaged through other forms of connection, and only one of them was admitted by public concourse. These data corroborate art. 56 of State Law n. 8814/08, in which the positions of Social Worker and Psychologist were removed from the TJMT and the workers were classified as Judicial Analysts, and pursuant to art. 2 of Provision no. 26/2012/CM, which states that professionals in the areas of Social Assistance, Psychology, Nursing and Medical, are private individuals who collaborate with the Judiciary, providing public service, without employment, accredited by the TJMT. This form of employment differs in comparison to the results of a survey in other regions of

Brazil, in which it was found that 49% of professionals had an effective employment contract through a public concourse in institutions of the Judiciary. However, in the same survey, the South of the country had 78.6% of liberal professionals, closer to the numbers reported here, differentiating it from other regions, which had an average of 75% in employment by public examination (Lago & Bandeira, 2008).

Legal professionals consider the work of forensic psychologists to be relevant, either in general, by acknowledging access to psychosocial expertise as fundamental to broadening their perspective, and more specifically in cases of PA, in helping surface its several contributing factors (Gerbase et al., 2018) and/or in the contributions they bring to supporting the court decision (Machado & Matos, 2016; Otaran & Amboni, 2015).

Other legal professionals highlighted the psychologist's specific theoretical and scientific expertise for the technical assessment, diagnosis and certification of PA. The data corroborate that forensic psychologists help to elucidate conflicts, relationships, forensic motivations and possible outcomes (Luz et al., 2014), so their role in this matter is of great importance (Maia et al., 2018). Some legal professionals also value the role of the psychologist as an agent for the protection of children and adolescents, with a focus on clarifying the issues surrounding PA as a guide for the benefit and justice of those involved. From the data, the legal professionals have a positive perception of the influence and technical contribution of the psychologist, both in their contributions to the judicial process and in providing support for the judge's decision-making.

The study also revealed that psychological expertise is very often requested to assist in interventions in cases the family/psychosocial study carried out and where PA is suspected, as well as in referrals to court to verify the occurrence of PA. Most legal professionals perceive the psychologist as an expert (Shine, 2017). This aligns with research at the Tribunal Judicial de Santa Catarina, Brazil, in which expertise was the most commonly requested form of support in PA-related cases (Otaran & Amboni, 2015). In addition, several bodies (e.g., CREAS, CRAS, CAPS, CEJUSC, SUS, AA) are recognized that can, in close coordination with the judiciary, provide different types of support, allowing a range of possible interventions (e.g. linkage with network, mediation, guidance, psychotherapy or support groups) (Otaran & Amboni, 2015) both as forms of support and as alternative methods of conflict resolution (Gerbase et al., 2018).

Legal professionals also suggest ways to improve the psychologist's work, by eliminating some flaws or aspects identified as negative, such as: the lack of depth, foundation and quality in the expertise; deficiencies in the number of professionals, resources and structure; issues of partiality and personal involvement; lack of technical qualification; personal disinterest, or lack of commitment/continuity in PA cases that are typically demanding (Gerbase et al., 2018). There are few psychologists who are specialized for the demands of forensic roles (Afonso & Senra, 2016), including demands

to conclude (Luz et al., 2014), and there is a need for specific training (Otaran & Amboni, 2015; Trindade & Sani, 2014).

The study also elicited suggestions from legal professionals for possible improvements to the praxis of the forensic psychologist, such as: (needing) more and better qualified professionals, as has been reported elsewhere (Machado & Matos, 2016; Otaran & Amboni, 2015). This suggestion is closely related to the reference made by the legal professionals to the holding of public tenders which – they believed – would support the career path and remuneration of forensic psychologists. Other suggestions were made for improving the quality of the psychologist's work. For example, for increasing the quality of the psychologist's specialized reports, in terms of objectivity and structure, and by extending the time allowed for their preparation, corroborating others who refer to the pressures resulting from the demands of the legal system (Afonso & Senra, 2016).

The investigation of cases of PA is demanding, as it domain which requires a wide body of theory (e.g., psychopathology, violence, abuse, abandonment, legal notions) (Calçada, 2014; Perissini, 2018; Polak, 2014), as well as a practical domain, which may imply the use of different protocols (Paulino, 2018), and requires the skills to carry out a comprehensive and well-planned forensic psychological assessment (Sani, 2017). This requires the forensic psychologist to be multidisciplinary and collaborative (Pimenta, 2017; Rovinski & Pelisoli, 2019). An example of the importance of this mode of working is provided by remarks by the legal professionals about the necessity for triangulation of information with the magistrate and the network of protection.

Finally, legal professionals state that improvements to the psychologist's specialist profile must attend to their personal investment, stressing that in the forensic context, in addition to all the knowledge and technical skills required (American Psychological Association [APA], 2010; CFP, 2019a, 2019b), there are also ethical demands (Otaran & Amboni, 2015; Sousa, 2010) which can only be met through personal characteristics such as availability, dedication, impartiality or proactivity in dealing with sensitive matters of disputes in the family.

CONCLUSION

The study of the perception of legal practitioners on the role of psychologists in the judicial system contributes to the debate on the specialized contributions of technicians who work in the forensic area, specifically in complex cases such as family disputes with allegations of violence. The qualitative investigation included a wide and diversified sample of 71 legal professionals (judges, prosecutors, public defenders and lawyers) from the Court of Justice of the State of Mato Grosso – TJMT, which, although not representative

of the whole of Brazil, provides important results for the characterization of the professional practice of the Brazilian forensic psychologist. The questions addressed in this research relate to the (perceptions of) expert performance of the forensic psychologist in matters involving the suspicion of PA, responding to the specific Brazilian legislation through Law 12,318 / 2010 (Brazil, 2010).

The results corroborate that forensic psychological assessment in the context of PA is performed, above all, by

accredited experts, without an employment relationship, and that it is an activity of influence and technical relevance, either to support judicial decision-making or in the support and protection of the child or adolescent and their family. Legal professionals emphasize the expertise of the psychologist, particularly in the preparation of reports and other activities related to forensic psychological assessment, in particular for the certification of PA. Given this, legal professionals make suggestions that they believe would lead to an improvement in the performance of the

forensic psychologist. Examples include a strengthening the training and specialization of forensic psychologists, whose work necessitates interdisciplinary knowledge and work in a highly complex domain. The research reaffirms the importance of the guidelines for the praxis of forensic psychological assessment. The perspective of the psychologists themselves could not be explored in this study but will be explored in other studies, in the certainty that it is through the crossing of perceptions that justice will be realized.

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