



## Our Mission

The legislature declares that, in order to safeguard the public health, safety, and welfare of the people of this state against unauthorized, unqualified and improper practice of social work, it is necessary that a proper regulatory authority be established and adequately provided for.

FALL 2018

# News | Louisiana State Board of Social Work Examiners

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## From The Chair

*John S. Shalett, LCSW-BACS*

I am thankful for being reappointed to the Board for an additional three-year term. Please know that I am fully committed to providing leadership and a creative vision for the Board. Also, please know that your Board is dedicated to its work. Individually and collectively, the Board works tirelessly to address critical issues; to be responsive and regularly examine its standards, rules and procedures. We are committed to hearing the concerns of our licensees.

The 2018 regular legislative session brought two changes which were effective August 1, 2018. Act 227 added to the definition of social work practice, as well as, allowing individuals to submit an application for licensure, certification, or registration to the Board within ninety days of commencement of social work practice. The Board considers an

application for licensure, certification, or registration as not only the application, but ALL supporting documents required to apply. Click the link to review Act 227.

<http://www.legis.la.gov/Legis/ViewDocument.aspx?d=1100065>

Act 515 changes the name public member to consumer member. It also moves the nomination of this position from the professional social work organizations to the state at large. Click the link to review Act 515.

<http://www.legis.la.gov/Legis/ViewDocument.aspx?d=1102604>

Act 227 looks very different from its first introduction as Senate Bill 24. Additionally, LABSWE did not know of the bill until after its passage on the Senate floor. While LABSWE is not authorized to lobby for or against a piece of legislation, we are able to provide information about the impact a piece of legislation may have on the Board or its licensees.

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John Shalett, LCSW-BACS  
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**Consumer Member**  
New Orleans, LA

BOARD MEMBERS

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## Child Custody Evaluation Guidelines

Louisiana State Board of Social Work Examiners

Originally published in July, 1998 and amended by LABSWE in 2004 and 2014

Edits by Marcia Cox, LCSW, and Leslie Todd, LCSW, in August 2018

*Disclaimer: This is a practice tool not to be mistaken as Statutes or Rules.*

### **PREFACE**

In 1998, LABSWE appointed a committee to develop guidelines for performing child custody evaluations. Those guidelines were amended in 2004 and 2014.

The Association of Family and Conciliation Courts (AFCC) defines child custody evaluation: **“The child custody evaluation process involves the compilation of information and the formulation of opinions pertaining to the custody or parenting of a child and the dissemination of that information and those opinions to the court, to the litigants, and the litigants’ attorneys.”** See AFCC’s Model Standards for Practice at [www.afccnet.org](http://www.afccnet.org).

### **PURPOSE OF CHILD CUSTODY EVALUATION**

The purpose and focus of the evaluation is to determine what is in the **best interest of the child** as stated in LA Civil Code Article 134. The court-ordered evaluation is written for the Judge, to help him or her determine the custody and visitation schedule for each child.

The “Best Interest” principle is generally recognized as:

- Children have the right to love both of their parents and to have access to each of them without interference. All children benefit from an absence of conflict between their parents.
- Children need to be safe and secure and protected from abuse, neglect and exploitation.
- Children of difference ages have different needs.
- Children need continuity of care in order to promote stability in their lives.
- Children do best when parents/guardians can be supportive of each other.

### **ROLE OF EVALUATOR:**

The evaluator assists the court by collecting data and writing an impartial report regarding the best interest of the child according to pertinent Louisiana statutes and the legal preference for joint custody. The evaluator may be called to testify regarding his or her recommendations by deposition or in court.

### **GUIDELINES FOR EVALUATOR COMPETENCE:**

Child custody evaluation is a specialty area of practice involving an advanced level of education, training and supervision. Competence may be obtained through academic coursework, continuing education workshops, and supervised practice. Social workers should be knowledgeable regarding both clinical and legal aspects of child custody evaluation. See **Addendum 2** for pertinent

**Louisiana statutes and Addendum 3 for recommended clinical skills.**

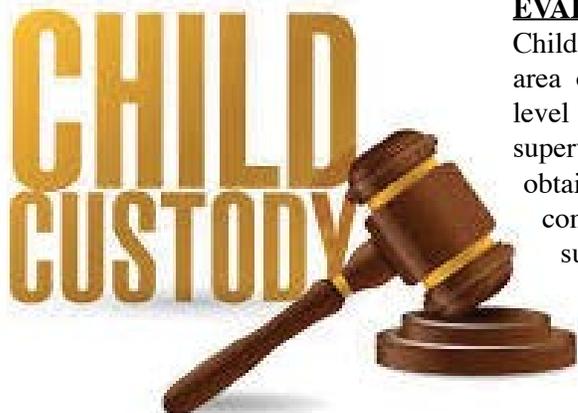
### **ETHICAL CONCERNS FOR SOCIAL WORKERS:**

**1. Impartiality:** It is extremely important that the custody evaluator maintain impartiality as evidenced by affording equal time to each party, refraining from aligning with any party, and being consistent regarding policies and procedures with all parties.

**2. Sufficient Data Collection:** Multiple data sources, such as individual interviews, parent-child interviews, and collateral sources such as medical, educational and legal records, be considered in making recommendations.

**3. Dual Relationships:** The social worker should not conduct a child custody evaluation in a case in which he or she previously served in a therapeutic role for any involved party. Conversely, once a social worker has served as an evaluator, he or she shall not take a therapeutic role with any of the parties involved in that child custody evaluation. Child custody evaluators shall disclose any and all professional and social relationships with any subject of the evaluation, attorneys, or judge in the proceedings. They shall provide in a timely manner a detailed written disclosure of current, prior or anticipated relationships with others involved in the litigation.

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## Examination Writers Sought

The Association of Social Work Boards (ASWB) is seeking qualified social workers to write questions for the licensing exams used in the United States and Canada.

Interested applicants must have both a degree in social work and a valid social work license, be currently practicing social work (teaching social work courses is also considered practice), and have the ability to produce 30 multiple choice questions that meet ASWB standards. All writers must be able to work with computers and email. Additionally, all writers must attend a training session, to be held August 23-25, 2019. Travel expenses to attend training, including food and lodging, will be paid by ASWB.

Social workers from all levels of social work education, licensure, and experience are needed. Writers from diverse

demographic and practice backgrounds are encouraged to apply. Selection is limited to 25-30 writers. Successful applicants will be paid \$1,500 for a set of 30 test questions determined to meet ASWB standards, written over a six- to eight-month time frame.

To be considered, applicants must complete all screening documents and supply other information via email by December 31, 2018. For more information and application materials, visit <https://www.aswb.org/exam-candidates/about-the-exams/exam-development/item-writer-program-2/>

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### **From The Chair**

*John S. Shalett, LCSW-BACS*

Concerns about legislation being introduced affecting the Board and licensees, without the Board's knowledge, led to our Consumer Member, Evan Bergeron, recommending the implementation of a Legislative Review Committee. More information regarding the committee is in this newsletter.

At our meeting in September, we approved new guidelines for conducting child custody evaluations. This document is a practice tool and not a change to the Louisiana Social Work Practice Act or the Rules, Standards and Procedures. A HUGE shout out to Leslie Todd, LCSW-BACS, and Marcia Cox, LCSW, for revising these guidelines. Your wisdom and knowledge are most appreciated. The revised guidelines are published in this newsletter and on the Board's website under Resources.

Again, I look forward to my continuing service on the Board. Your continued interest and input is welcome as we continue to address many critical and timely issues.

Best wishes for a Happy and Healthy Holiday Season,

*John S. Shalett, LCSW-BACS*  
*Chair, LABSWE*

# LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS

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## Child Custody Evaluation Guidelines

### SCOPE

Comprehensive child custody evaluations generally require assessment of all of the parents/guardians and children involved. No conclusions may be offered about parties who have not been interviewed. Allegations concerning parental competence, such as domestic violence, substance, or child abuse in any form, must be addressed. See **Addendum 1 regarding Model Standards of Practice for Child Custody Evaluation.**

**Financial Arrangements:** Prior to commencing a child custody evaluation, financial arrangements must be clarified and agreed upon in writing. A fee schedule should be included which covers depositions, court appearances, consultations with other professionals, etc.

**Informed Consent:** The social worker should ensure that each adult and child participant (as age-appropriate) is aware of: 1) the purpose, nature, and method of the evaluation; 2) who has requested the evaluation; 3) who will be paying the fees; 4) the possible disposition of the data collected, and 5) the limited confidentiality afforded in this evaluation.

### MANDATORY REPORTING:

The social worker must inform participants that he or she is a mandated reporter regarding child abuse, neglect or suspected abuse. This mandate is contained in the Louisiana Children's Code, Article 603 (15) (b) and in the NASW Code of Ethics, 1.07 Privacy and Confidentiality; La. R.S. 37:2718(C) (Louisiana Social Work Practice Act.)

### DATA COLLECTION:

Multiple methods must be used to gather data. These may include, but are not limited to:

- clinical interviews

- observation
- social histories
- psychological and/or psychosocial assessment tools
- collateral documentation, such as school and health reports, drug screens, extended family members and significant others. Social workers should corroborate information with at least one other source whenever possible. See **Addendum 4 regarding areas of assessment.**

### REPORT STRUCTURE:

The document should be concise but detailed enough to provide necessary information to support the evaluator's conclusions and recommendations.

The report should begin with:

- 1) identification of litigants, their children, court officers, and case number.
- 2) summary of the referral question
- 3 dates of interviews
- 4) Body of collected data: information regarding each party's concerns, history, current functioning, and relationships, as well as the children's developmental histories and current functioning.
- 5) Summary: The overall dynamics, children's needs, and parental competencies as derived from the collected data.
- 6) Conclusions: The evaluator's opinions should be soundly based on the collected data.
- 7) Recommendations: These should derived from clinical data and the best interest of the child.

The recommendations should be reasonable regarding financial resources, geographic accessibility, etc.

### RECORD MAINTENANCE:

The social worker should maintain the following records until at least when the youngest child in the custody dispute is seven years over majority age.

1. a telephone log of all contacts with litigants and relevant professionals;
2. all notes and interview information

3. copies of informed consent
4. correspondence relative to the evaluation
5. collateral information submitted by the parties or other professionals
6. billing records
7. any other relevant records

### COURT TESTIMONY

Child custody evaluators should be aware that they may be called to testify in deposition or in Court at any time after the report has been issued.

**Addendum 1: Model Standards of Practice for Child Custody Evaluation,** David A. Martindale, Report. Family Court Review, Vol. 45, Issue 1, Jan. 2007, 70-91.

### **Addendum 2: Legal Considerations:**

Social workers should study the following Louisiana Civil Code Articles that the Court uses to determine custody:

- Louisiana Civil Code Article 131, Court to determine custody;
- Article 132, Award of custody to parents;
- Article 133, Award of custody to person other than parent; order of preference;
- Article 134, Factors in determining child's best interest;
- Article 135, Closed custody hearing;
- Article 136, Award of visitation rights;
- Article 137, Denial of visitation; felony rape; death of a parent; and
- Revised Statute Article 9, part III, Child Custody Subpart A. Evaluation and Mediation and Subpart B. Joint Custody.

The court specifically considers 12 factors in Civil Code Article 134 below:

1. The love, affection, and other emotional ties between each party and the child.
2. The capacity and disposition of each party to give the child love, affection, and spiritual guidance and to continue the education and rearing of the child.

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## LABSWE Adopts New Legislation Review Procedures Evan Bergeron, Esq., Consumer Member

At its September Meeting, the LABSWE adopted a set of new procedures that dictate how the Board can take positions on legislation pending before the Louisiana Legislature. The Board created a new committee, the Legislation Review Committee, who will conduct open public hearings on pending legislation and make recommendations to the Board. Here are the highlights of the new procedures:

- The Legislation Review Committee is made up of five members: three from the Board and two from the Staff.
- The Committee will meet twice in connection with each session of the Legislature where social work-related bills are pending: once before the session starts and once during the session.
- The Committee will conduct a public hearing on each bill affecting the practice or credentialing of social work. Any member of the public may appear and give public comments on any bill the Committee is considering. Members of the public may also submit written comments before the meeting.
- The Committee will vote on recommendations to the full Board, which will be considered at the next Board meeting. The Board will then consider and vote on its official positions.

Committee meetings will usually take place on Thursday afternoon at 5:00 p.m. on the day before the regularly scheduled Board meeting. Notice of the Committee meeting will be provided in advance and the agenda will be posted on the LABSWE website.

Board Chair John Shalett also appointed the members of the Legislation Review Committee, who will serve one-year terms beginning October 1. They are: Evan J. Bergeron, Esq., Consumer Member; John Shalett, LCSW-BACS; Brent Villemarette, LCSW-BACS; Emily DeAngelo, Board Administrator; and Regina DeWitt, Administrative Assistant. Evan J. Bergeron will serve as Chair of the Committee.

The Legislation Review Committee will hold its first organizational meeting on Thursday, October 25, 2018 at 5:00 p.m. at the Board Office in Baton Rouge. This meeting will be open to the public. A full copy of the Review Procedure adopted by the Board is available upon request.



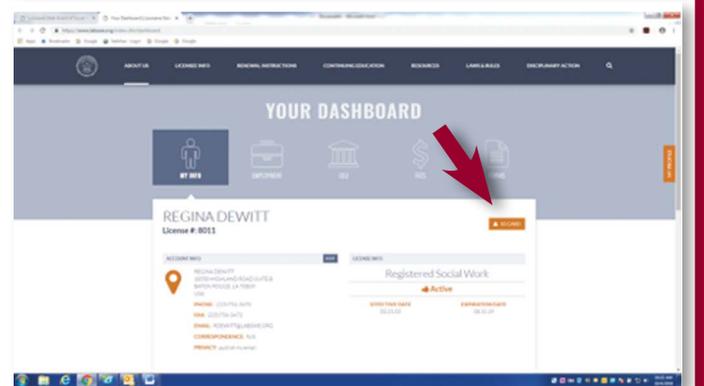
### ANNOUNCEMENTS

✓ Paper ID cards are no longer being issued for new licensees and will not be issued with renewals filed in 2019. Your ID card can be printed from your dashboard by clicking on the orange button that says ID CARD.

✓ LCSW-BACS, unless you have already done so, mail or upload the certificate of completion for the continuing education completed in the area of clinical supervision between July 1, 2016 and June 30, 2018.

✓ Beginning January 1, 2019, a \$15.00 non-refundable registration fee will be charged for the Board Orientation Workshop (workshop to become a BACS). The dates for this training will be set after the Board schedules its board meeting dates.

✓ 2019 Board meeting dates will be set at the October 26, 2018, meeting. The dates will be published on the website under About Us/Calendar.



# LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS

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## **Child Custody Evaluation Guidelines**

3. The capacity and disposition of each party to provide the child with food, clothing, medical care, shelter, and other material needs.
4. The length of time the child has lived in a stable, adequate environment, and the desirability of maintaining the continuity of that environment.
5. The permanence, as a family unit, of the existing or proposed custodial home or homes.
6. The moral fitness of each party, insofar as it affects the welfare of the child.
7. The mental, emotional, and physical health of each party.
8. The home, school, and community history of the child.
9. The reasonable preference of the child, if the court deems the child to be of sufficient age and maturity to express a preference.
10. The willingness and ability of each party to facilitate and encourage a close and continuing relationship between the child and the other party.
11. The distance between the respective residences of the parties.
12. The responsibility of care and rearing of the child previously exercised by each party.

### **ADDENDUM 3: CLINICAL COMPETENCY**

The social worker should enhance his or her competency through specialized continuing education, training, experience, and/or supervision in the following areas:

1. Child and Family Development
2. Child and Family Psychopathology

3. Family System Analysis
4. Impact of Divorce and/or Re-Marriage on Children
5. Family Law
6. Legal Standards and Procedures as represented in the Louisiana Children's Code
7. Ethical Standards and defined by the Louisiana Social Work Practice Act, National Association of Social Work, and other related professional organizations
8. Formal and Informal Community Resources that may be available to the family
9. Child Abuse/Neglect
10. Family/Domestic Violence
11. Substance Abuse
12. Cultural Diversity
13. Criminal History

### **ADDENDUM 4: AREAS OF ASSESSMENT IN CHILD CUSTODY EVALUATIONS** (AACAP, 1997)

American Academy of Child and Adolescent Psychiatry  
<https://www.aacap.org/>



## **FALL 2018**

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