

Access to Justice and the Brief Focused Assessment: The Non-Judicial Perspective

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Introduction

- Okay....let me get this off my chest.....
- One arrow in the quiver
- How'd we get here?

What is a BFA?

- “specific, narrowly-defined referral questions”
- “less extensive and intrusive”
- “targeted investigation into a specific issue”
- “Not more than three issues”

- “generally consists of a single interview with each family member”
- “responds to a circumscribed legal question requiring immediate judicial action”
- “NO CONSENSUS ABOUT...DEFINITION, BREADTH, PURPOSE, METHODOLOGY, OR GOALS”

Refinement of BFA Efforts

- 2007 – AFCC Task Force on Brief Focused Assessment
- 2009 – Guidelines approved by AFCC Board of Directors
- 2012 – Guidelines presented in Family Court Review
- 2020 – Task Force member individually communicates that there have been no known studies published as to the implementation or efficacy of BFAs

CCE vs BFA: Convergence

- Training requirements
- Informed Consent
- General Professional Responsibility Issues
- Assistance to trier of fact at various stages of legal process

- Generation of data likely to include interviews, observations, record review, and individual collateral sources
- Written report recommended

CCE vs. BFA: Divergence

- Necessary specificity of referral question(s)
- Narrowness of referral questions
- Greater focus on description rather than analysis
- Less extensive effort to integrate non-referral question material

- No overall recommendations as to legal or residential custody
- More rapid completion
- Lower financial burden

Potentially Appropriate Referral Issues

- Immediate child safety
- Resist/Refusal
- Substance Dependence
- Child Residential Preference and its Underpinnings

- Temporary relocation
- Reintegration of parent and child after long absence
- Coparenting difficulties
- Parenting strengths and weaknesses

Issues in Practice

- Adequate specificity of referral questions
- Sticking to referral questions
- The description/analysis blurred boundary
- Usefulness in settlement
- Dealing with the scope limitations and the relative utility thereof

Conclusions

- Usefulness?
- Efficiency?
- Economics?
- Access to Justice?
- Where do we go?