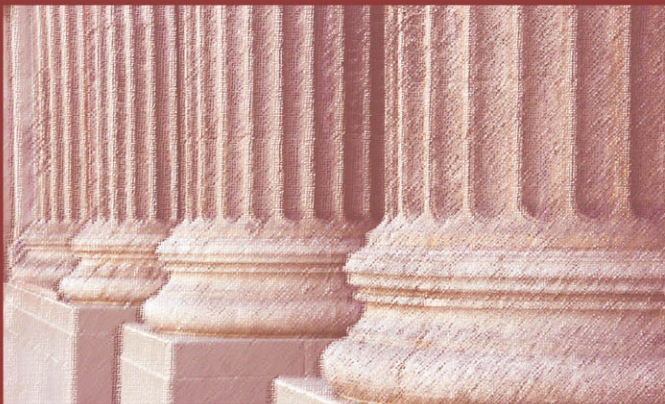


Tina Maschi
Carolyn Bradley
Kelly Ward
EDITORS

Forensic Social Work

PSYCHOSOCIAL AND LEGAL ISSUES IN
DIVERSE PRACTICE SETTINGS



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Psychosocial and Legal Issues in Diverse Practice Settings

Editors

Tina Maschi, PhD, LCSW, ACSW

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 **SPRINGER PUBLISHING COMPANY**
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Preface

Social workers are found in most community and institutional settings, including social services agencies, schools, hospitals, substance-abuse and mental health programs, child welfare agencies, and courts and prisons throughout the world. Regardless of the location of practice, to be effective practitioners social workers must share common professional needs. We need to have the skills to assist and empower clients who may be struggling with an array of problems, including legal issues, unfair policies, and/or lack of legal protections. We also must be able to work collaboratively with other professionals and stakeholders to help clients sort through a mixture of financial, psychological, emotional, social, and legal concerns.

This book targets the important and emerging practice area of forensic social work, an area that is often overlooked or misunderstood. The book builds on prior work in this area by providing a broader view of forensic social work to include the knowledge and skills needed to practice effectively with clients in the sociolegal environment. We define “forensic social work” to include not only a narrow group of victims and offenders involved in the juvenile justice and criminal justice settings, but all the individuals and families involved with family and social services, education, child welfare, mental health, and addictions programs, in which they are affected by federal and state laws and policies. Examples include social workers advocating for legal protections for undocumented workers, those assisting individuals and families in need as they apply for entitlements such as Medicare or Social Security disability benefits, and those providing mental health treatment to inmates with special needs in a correctional setting.

This book fills a critical gap in social work education. Interdisciplinary practice and legal knowledge are essential for social workers to ensure that clients are effectively served. Yet the implications of legal issues are rarely addressed and/or integrated in social work education in a meaningful and practical way. This book addresses this perceived oversight. This volume, made up of 26 chapters written by forensic professionals, enlightens readers with state-of-the-art, practical knowledge in collaborative forensic social work practice. Readers of the book will become more confident and competent in integrating sociolegal knowledge and skills, especially collaboration and advocacy, into their professional practices.

Organization

Forensic Social Work is structured so that the reader can make the most of its contents. It is divided into seven parts that move from the broad discussion of collaborative forensic practice to specific fields of practice. Part I, Overview of Collaborative Forensic

Practice, prepares the reader with a definition of collaborative forensic social work practice. Assuming a social justice systems approach, we define this specialty practice area to include all practice fields that operate in the sociolegal environment. These fields range from social and mental health services to the juvenile and criminal justice systems. Readers are guided on a journey through the history of forensic social work from its roots in the charity and corrections movements to its current manifestation as the work of professional clinicians and policy advocates. The use of a social justice systems approach helps readers visualize their practice within the sociolegal system. A comprehensive description of civil and criminal law helps readers understand the legal issues and court proceedings that affect clients and professional practice. This section concludes with a discussion of multidisciplinary practice, which provides practitioners with knowledge and skills that can be applied to any field of practice.

In Parts II through VI, readers are introduced to specific fields of practice affected by the sociolegal environment. In these sections, readers learn what it means to use legal knowledge and skills in practice areas, such as family and social services, education, child welfare, mental health and addictions, juvenile justice, criminal justice, and immigration systems. Readers also have the opportunity to hear from seasoned practitioners and experts about the types of clients or practice issues they may encounter in a specific practice field.

Part II, *Forensic Practice in Family and Social Services*, begins with an overview of which is followed by a discussion of forensic practice with female victims of partner violence and older adults victims of abuse. The educational system is another area in which social workers must know federal and state policies and other service systems that influence their students' success. Part III, *Forensic Practice in Education*, addresses the relationship between school social work and the law. The unique school reentry needs of juveniles being released from secure care in the juvenile justice system are also addressed.

As clients' problems become more serious, such as child maltreatment and neglect, social workers often become involved in the child welfare system. Part IV, *Forensic Practice in Child Welfare*, tackles specialized practice in the child welfare system. It provides readers with an overview of this system as well as a detailed account of the theory and practice of forensic interviewing with alleged victims of child sexual abuse.

Mental health and addictions are practice areas filled with legal quagmires. Part V, *Forensic Practice in Mental Health and Substance Abuse*, helps prepare social workers in this arena by making readers aware of the psychological, social, and legal issues affecting their clients and their professional practice. This section addresses the knowledge and skills required for practice with clients presenting with mental health and/or addiction issues in the community and the criminal justice system. Specialized topics addressed include social work practice with drug-court-involved clients, mothers in addictions treatment at risk of criminal justice involvement, and suicidal clients in jail settings.

In Part VI, *Forensic Practice in Juvenile and Criminal Justice*, readers learn about systems traditionally associated with forensic social work. Social workers in these systems often work with clients who have a multitude of social, psychological, financial, and legal issues involving delinquency or a criminal law violation. Three chapters provide insiders' portraits of the continuum of care for juveniles and adults that range from the courts to prisons to community reentry. Social justice issues, such as the disproportionate waiver of minority youth into the adult system, as well as the use of the restorative justice approach for victims and offenders are highlighted.

Preface

The book concludes with Part VII, Diversity, Human Rights, and Immigration. A detailed discussion linking human rights to forensic social work is presented. Special topics, such as social work practice with undocumented workers and refugees and victims of human trafficking, prepare social work practitioners to address the diverse sociolegal needs of these clients.

After reading this book, social workers will be better positioned to intervene with clients within and across various fields of practice. They will also be better prepared to integrate specialized knowledge and skills in interdisciplinary collaboration with other professionals. Additional resources found in the book enable the lifelong learning process of forensic social work practice with a variety of populations across a wide range of practice settings.

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Part I

Overview of
Collaborative
Forensic
Practice

Defining Collaborative Forensic Social Work With Diverse Populations

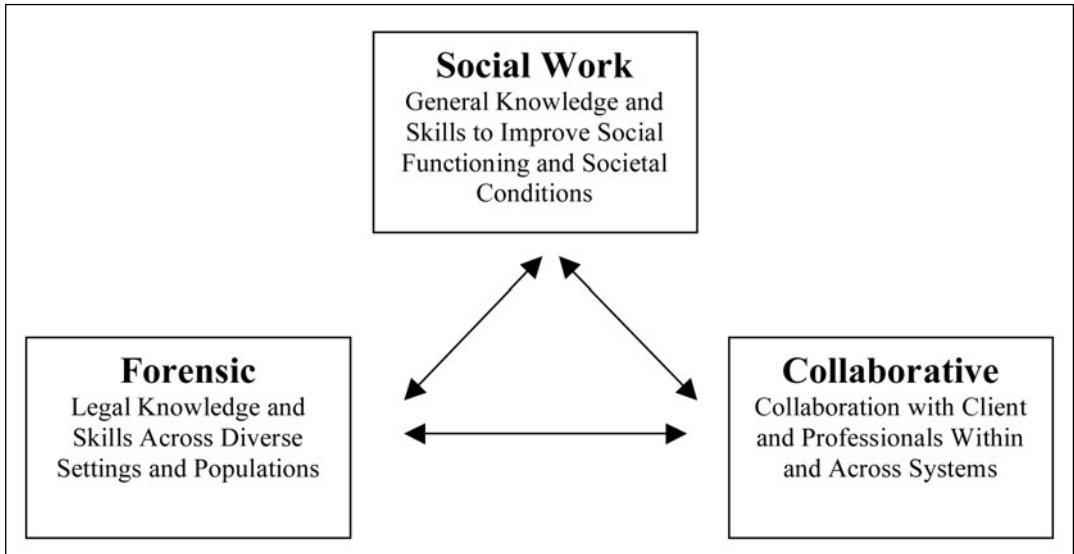


Tina Maschi
Mary Lou Killian

As a professional social worker, inevitably you will encounter diverse individuals, families, or communities affected by social/environmental and legal issues. Poverty, homelessness, parental divorce, exposure to family or community violence, and juvenile or criminal offending are just some of the hardships clients face. Frontline social workers in a variety of settings (e.g., community-based child and family services, health care, education, child welfare, mental health, substance abuse, social services, juvenile justice, and criminal justice systems) interact daily with clients who have multiple problems, including legal ones. For example, a social worker may have a client who is a single father facing allegations of child neglect. He knows little about the child welfare policies and laws affecting his family or how to navigate the court system. Thus, it is imperative that social workers supplement their specialized practice expertise with knowledge of the laws and policies that influence their client populations. The practice of collaborative forensic social work is ideal because social workers are positioned to take action in a sociolegal environment.

We argue that all social workers across all fields of practice, not just those in juvenile and criminal justice settings, often assist clients affected by laws and policies

1.1

A broad definition of social work.

or problems in accessing resources. Therefore, it is imperative that practitioners integrate their understanding of collaboration, the law, and specialized skills with generalist social work practice. This book will help prepare practitioners with the knowledge, values, and skills to navigate the social and legal issues that affect clients.

We also argue that effective, collaborative forensic social work practice requires a two-pronged approach to helping clients. This dual approach involves intervening with clients on both an individual level to address a client's social well-being (e.g., referral to mental health counseling) and/or at the legal or policy levels (e.g., representing a youth in court as a child advocate or participating in lobbying efforts to advocate for legislation that addresses special population needs). We define collaborative forensic social work as an *integrated (i.e., generalist, specialized, and collectivistic) approach to social work practice with diverse populations across diverse practice settings in the sociolegal environment*. Figure 1.1 illustrates this definition. This figure depicts a broad definition of forensic social work that integrates the knowledge and skills of generalist and specialized social work, forensic social work, and collaboration. We refer to this specialty area as "collaborative forensic social work."

The integrated role of collaborative forensic social workers allows us to assume multiple professional roles, functions, and activities. This strategy is designed to improve clients' social functioning and environmental conditions through collaboration with clients, professionals, and other stakeholders within and across different systems of care. The "forensic" or "legal" aspect of the work situates social workers in a position to honor their professional commitment to social justice through the use of legal knowledge and skills, including advocacy and policy practice.

Definitions

Generalist Social Work

Embedded in our definition of collaborative forensic social work are the general principles of social work practice, such as the International Federation of Social Work's (IFSW) definition. According to the IFSW:

The social work profession promotes social change, problem solving in human relationships, and the empowerment and liberation of people to enhance well-being. Utilizing theories of human behavior and social systems, social work intervenes at the points where people interact with their environments. Principles of human rights and social justice are fundamental to social work. (IFSW, 2000)

Forensic Social Work

There are a number of definitions of forensic social work. They range from general to specific and they may focus on one or more practice settings or populations. For example, Barker and Branson (2000) placed forensic social work in a broad "legal" environment, and they defined it as a "professional specialty that focuses on the interface between society's legal and human service systems" (p. 3). In contrast, Hughes and O'Neal (1983) defined forensic social work as specifically relating to the intersection of mental health and law, in which social workers "function in this space in which mental health concepts and the law form a gestalt" (p. 393). Roberts and Brownell (1999) described forensic social work in terms of the knowledge and skills needed for the specific populations served, particularly victims and offenders. In this case, forensic social work is the "policies, practices, and social work roles with juvenile and adult offenders and victims of crime" (p. 360). In comparison, Green, Thorpe, and Traupmann (2005) defined forensic social work more broadly as "practice, which in any manner may be related to legal issues and litigation, both criminal and civil" (p. 1).

Barker (2003) and the National Organization of Forensic Social Workers (1997) provide even broader definitions of forensic social work. Barker's definition addresses both civil and criminal law issues:

The practice specialty in social work that focuses on the law, legal issues, and litigation, both criminal and civil, including issues in child welfare, custody of children, divorce, juvenile delinquency, nonsupport, relatives' responsibility, welfare rights, mandated treatment, and legal competency. Forensic social work helps social workers in expert witness preparation. It also seeks to educate law professionals about social welfare issues and social workers about the law. (p. 166)

On their Web site, the National Organization of Forensic Social Work (NOFSW) (1997) offers the broadest definition:

Forensic social work is the application of social work to questions and issues relating to law and legal systems. This specialty of our profession goes far beyond clinics and

psychiatric hospitals for criminal defendants being evaluated and treated on issues of competency and responsibility. A broader definition includes social work practice which in any way is related to legal issues and litigation, both criminal and civil. Child custody issues, involving separation, divorce, neglect, termination of parental rights, the implications of child and spouse abuse, juvenile and adult justice services, corrections, and mandated treatment all fall under this definition. (para 1)

For more on the ethical issues of social work, see chapter 4, “Understanding Civil and Criminal Law.”

Collaboration

As the various definitions suggest, social workers who practice in a sociolegal environment must be well versed in collaboration. This includes working with other professionals (e.g., attorneys, doctors and nurses, and victim advocates), law enforcement personnel, and clients, family members, and other stakeholders.

Historically, social workers have practiced in a variety of “host” agency settings, such as hospitals, schools, industries, psychiatric clinics, police departments, and court and criminal justice settings (Brownell & Roberts, 2002; Jansson & Simmons, 1986). (See chapter 2, “A History of Forensic Social Work in the United States.”) With the increasing intricacies of social problems and dwindling resources, social workers’ involvement in interdisciplinary collaboration within and across agencies is often unavoidable (Bronstein, 2003; Graham & Barter, 1999; Guin, Noble, & Merrill, 2003; Payne, 2000).

In particular, forensic social workers often work with interdisciplinary teams. When they do, the elements of interdisciplinary team practice often consist of:

- a group of professionals from different disciplines,
- a common purpose,
- the integration of various professional perspectives in decision making,
- interdependence,
- coordination and interaction,
- communication,
- role division based on expertise (Abramson & Rosenthal, 1995).

The ability to work interdependently with others is critical to achieving successful client outcomes. As Bronstein (2003) noted, interdisciplinary collaboration is an “effective interpersonal process that facilitates the achievement of goals that cannot be reached when individual professionals act on their own” (p. 299). Social workers who incorporate interdisciplinary collaboration into forensic practice are able to address sociolegal issues with the help of a variety of professionals in a group problem-solving process, which makes it possible to examine the problem from all angles (Abramson & Rosenthal, 1995).

In addition to multidisciplinary practice skills, multicultural competence is critical for forensic social work practice in which diverse populations are served. The following section underscores the important role of diversity in social work practice.

Underscoring Diversity in Forensic Social Work

“Diversity” or other related terms, such as “multiculturalism,” “cultural competence,” and “vulnerable populations” are commonly used in social work practice (Barker, 2003; Beckett & Johnson, 1995; Logan, 2003). *The Social Work Dictionary* defines diversity as “variety, or the opposite of homogeneity” (Barker, 2003, p. 126). Diversity within social organizations commonly refers to the “range of personnel who more accurately represent minority populations and people from varied backgrounds, cultures, ethnicities, and viewpoints” (Barker, 2003, p. 126). (See chapters 23 through 26 for a detailed discussion of diversity issues, especially those related to immigrants and refugees.)

The Diversity Dilemma

How can collaborative forensic social work develop a “way to be” that is affirming and inclusive of diversity? Many of the professions that collaborate in correctional settings are struggling with this question. In law, attorneys speak of “antioppressive legal practice” and the activation of “privilege and disadvantage” (Kafele, 2005). (See chapter 4, “Understanding Civil and Criminal Law.”) In psychiatry, a leading text reminds the reader that cultural considerations should be paramount, for example, when offering expert assessment in areas such as competency to stand trial, the presence of mental illness, or the use of psychological testing across cultures (Tseng, Matthews, & Elwyn, 2004). In mental health treatment, the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration [SAMHSA] published extensive guidelines in 2001 mandating that correctional settings create comprehensive plans for addressing cultural practice in their settings.¹ In medicine and health care delivery, practitioners discuss the importance of “providing care within a framework of cultural meaning,” expecting all colleagues to do so as standard practice (Hufft & Kite, 2003). And in social work, the core of our ethics mandates cultural competence, even when correctional institutions may not seem responsive to such concepts.² (See Part V, “Mental Health and Substance Abuse.”)

Diversity and the Justice System

A glaring example of the lack of cultural competence, indeed the lack of acknowledgement of the role of privilege and race in the U.S. justice system, can be found in the overrepresentation of persons of color and persons from communities in poverty among the incarcerated population. James (2000) provided a good overview of some of these issues, citing rates of arrest for working-class versus typical “white-collar” crime; the use of those in prison as a source of labor; the overrepresentation of African American men in justice system “supervision” (e.g., probation, incarceration, or parole); uneven statistics for lengths of sentences and state executions; and inconsistencies between the U.S. justice system and some provisions of international human rights. James (2000) also noted that when state justice systems deny political rights (including, at times, the right to vote) to those who are or have been incarcerated, this disproportionately affects people of color and the poor. Addressing these issues is squarely within the realm of “diversity practice,” and it is social work’s responsibility to respond, as a profession that is based on an ethics of human rights.

Diversity in Practice

Diversity and collaborative forensic social work practice encompass several overlapping mandates. At the micro end of the spectrum, recruitment and retention of personnel throughout service and justice systems should reflect the diversity of the communities in which those systems operate. Those systems must also accommodate all individuals who are participating, whether accused, aggrieved, or employed, and respond to their diverse characteristics and abilities. Forensic social workers are ethically bound to develop practice skills grounded in an understanding of clients in their contextual identities and lives. In the mezzo section of the spectrum, social service programs and services must be vigilant regarding unintended structural biases that favor or accommodate individuals with certain backgrounds or characteristics over others. This extends to governmental agencies as well, whose policies and procedures may rise to the level of regulation or law and thus have even more impact on individuals' and families' lives. Finally, at the macro end of this continuum, the intersection of forensic social work with considerations of diversity points to the need to work for the improvement of human rights conditions throughout all nations. Wherever a forensic social work practitioner finds herself or himself on this continuum, the remaining segments cannot be ignored (see chapters 23 to 26).

Summary and Conclusions

The broad definition of collaborative forensic social work incorporates the knowledge, values, and skills of social work, policy practice, the law, collaboration, and diversity. Consistent with the mission of social work, collaborative forensic social work involves a two-pronged approach to assessment and intervention with diverse clients in a sociolegal environment. With the increased complexity of social problems, adopting this approach will help increase social and justice outcomes for the diverse populations we serve.

Notes

1. These can be accessed at <http://mentalhealth.samhsa.gov/publications/allpubs/sma00-3457/ch2.asp>
2. See, for example, Van Wormer (2001) on the conflicting paradigms of the two arenas.

References

- Abramson, J. S., & Rosenthal, B. S. (1995). Interdisciplinary and interorganizational collaboration. In R. L. Edwards (Ed.), *Encyclopedia of social work* (19th ed., pp. 1479-1489). Washington, DC: NASW Press.
- Barker, R. L. (2003). *The social work dictionary* (2nd ed.). Washington, DC: NASW Press.
- Barker, R. L., & Branson, D. M. (2000). *Forensic social work: Legal aspects of professional practice* (2nd ed.). Binghamton, NY: Haworth Press.
- Beckett, J. O., & Johnson, H. C. (1995). Human development. In R. L. Edwards & J. G. Hopps (Eds.), *Encyclopedia of social work* (pp. 1385-1405). Washington, DC: National Association of Social Workers Press.
- Bronstein, L. R. (2003). A model for interdisciplinary collaboration. *Social Work, 48*, 296-306.

- Brownell, P., & Roberts, A. L. (2002). A century of social work in criminal justice and correctional settings. *Journal of Offender Rehabilitation, 35*(2), 1–17.
- Graham, J. R., & Barter, K. (1999). Collaboration: A social work practice method. *Families in Society, 80*(1), 6–13.
- Green, G., Thorpe, J., & Traupmann, M. (2005). The sprawling thicket: Knowledge and specialisation in forensic social work. *Australian Social Work, 58*, 142–153.
- Guin, C. C., Noble, D. N., & Merrill, T. S. (2003). From misery to mission: Forensic social workers on multidisciplinary mitigation teams. *Social Work, 48*, 362–371.
- Hufft, A., & Kite, M. M. (2003). Vulnerable and cultural perspectives for nursing care in correctional systems. *Journal of Multicultural Nursing & Health, 9*(1), 18–26.
- Hughes, D. S., & O'Neal, B. C. (1983). A survey of current forensic social work. *Social Work, 32*, 393–394.
- International Federation of Social Work. (2000). *Definition of social work*. Retrieved May 9, 2007, from <http://www.ifsw.org/en/p38000208.html>
- James, J. (2000). The dysfunctional and the disappearing: Democracy, race and imprisonment. *Social Identities, 6*, 483–492.
- Jansson, B. S., & Simmons, J. (1986). The survival of social work units in host organizations. *Social Work, 35*, 339–343.
- Kafele, K. (2005, March 3). *Understanding cultural competence. Fourth colloquium on the legal profession*. University of Windsor. Retrieved August 10, 2008, from <http://www.lsuc.on.ca/media/fourthcolloquiumkafele.pdf>
- Logan, S. M. L. (2003). Issues of multiculturalism: Multicultural practice, cultural diversity, and competency. In R. A. English (Ed.), *Encyclopedia of social work* (19th ed., 2003 supplement, pp. 95–105). Washington, DC: NASW Press.
- National Organization of Forensic Social Work. (1997). *What is forensic social work?* Retrieved on May 9, 2007, from <http://www.nofsw.org/>
- Payne, M. (2000). *Teamwork in multiprofessional care*. Chicago: Lyceum Books.
- Roberts, A. R., & Brownell, P. (1999). A century of forensic social work: Bridging the past to the present. *Social Work, 44*, 359–369.
- Tseng, W.-S., Matthews, D., & Elwyn, T. S. (2004). *Cultural competence in forensic mental health*. New York: Brunner-Routledge.
- Van Wormer, K. (2001). *Counseling female offenders and victims: A strengths-restorative approach*. New York: Springer Publishing Company.