

SECTION G: FORENSIC SERVICES

INTRODUCTION

CRCs/CCRCs in a forensic setting conduct reviews of records and/or evaluations and conduct research for the purpose of providing unbiased and objective expert opinions via case consultation or testimony. Although CRCs/CCRCs in a forensic setting may meet with the evaluatee, they do not typically engage in provision of direct rehabilitation counseling services. In a forensic practice setting, if CRCs/CCRCs engage in direct rehabilitation counseling services, they must meet the requirements set forth in Standard G.1.c – Role Changes. CRCs/CCRCs in a forensic setting take great care to produce unbiased, objective opinions that are based on relevant data and methodologies appropriate to the review and /or evaluations. CRCs/CCRCs in a forensic setting are mindful of the need to clearly outline fees, expense reimbursement, conditions of services, terms of termination, and collection policies, which are often achieved through use of a retainer agreement.

G.1. EVALUEE RIGHTS

a. PRIMARY OBLIGATIONS. CRCs/CCRCs in a forensic setting produce unbiased, objective opinions and findings that can be substantiated by information and methodologies appropriate to the service being provided, which may include evaluation, research, and/or review of records. CRCs/CCRCs in a forensic setting form opinions based on their professional knowledge and expertise, which are supported by the data. CRCs/CCRCs in a forensic setting define the limits of their opinions or testimony, especially when there is no direct contact with an evaluatee. CRCs/CCRCs in a forensic setting acting as consultants or expert witnesses may or may not generate written documentation regarding involvement in a case.

b. INFORMED CONSENT. When an evaluation is conducted, the evaluatee is informed in writing the relationship is for the purpose of an evaluation and that a report of findings may or may not be produced. Written consent for an evaluation is obtained from the evaluatee or the evaluatee's legally authorized representative unless a court or legal jurisdiction orders an evaluation to be conducted without the written consent of the evaluatee or when an evaluatee is deceased. If written consent is not obtained, CRCs/CCRCs in a forensic setting document verbal consent and the reasons why obtaining written consent was not possible. When a minor or person unable to give voluntary consent is evaluated, informed consent is obtained from the evaluatee's legally authorized representative.

c. ROLE CHANGES. CRCs/CCRCs in a forensic setting carefully evaluate and document the risks and benefits to evaluatees before initiating role changes. When CRCs/CCRCs in a forensic setting change roles from the original or most recent contracted relationship, they discuss the nature and implications of the role changes with the evaluatee, including possible risks and benefits (e.g., financial, legal, personal, therapeutic). CRCs/CCRCs in a forensic setting seek written consent of the evaluatee and their legal representative and complete a new professional disclosure form with the evaluatee, explaining the right to refuse services related to the change, as well as the availability of alternate service providers. CRCs/CCRCs in a forensic setting refrain from frequent and/or indiscriminate role changes. When changing roles more than one time, CRCs/CCRCs in a forensic setting evaluate and document the risks and benefits of multiple changes.

d. CONSULTATION. CRCs/CCRCs in a forensic setting may act as case consultants. The role as a case consultant may or may not be disclosed to other involved parties. When there is no intent to meet directly with an evaluatee, whether in person or using any other form of communication, professional disclosure is not required for CRCs/CCRCs in a forensic setting.

G.2. FORENSIC COMPETENCY AND CONDUCT

a. OBJECTIVITY. CRCs/CCRCs in a forensic setting are aware of the standards governing their roles in performing forensic services. CRCs/CCRCs in a forensic setting are aware of the occasionally competing demands placed upon them by these standards and the requirements of the legal system. They attempt to resolve these conflicts by making known their commitment to this Code and taking steps to resolve conflicts

in a responsible manner. The goal of CRCs/CCRCs in a forensic setting is to provide impartial findings to the trier of fact regardless of the retaining parties' interest in the outcome of a legal matter.

b. QUALIFICATION TO PROVIDE EXPERT TESTIMONY. CRCs/CCRCs in a forensic setting have an obligation to present to finders of fact the boundaries of their competence, the factual bases (knowledge, skill, experience, training, and education) for their qualifications as experts, and the relevance of those factual bases to their qualifications as experts on the specific matters at issue.

c. AVOIDING POTENTIALLY HARMFUL RELATIONSHIPS. CRCs/CCRCs in a forensic setting who provide forensic evaluations do not enter into potentially harmful professional or personal relationships with current evaluatees or their family members, romantic partners, and close friends. CRCs/CCRCs in a forensic setting give careful consideration to the potential of sexual or romantic relationships to cause harm to former evaluatees. In cases where the former evaluatee is at risk of potential exploitation and/or harm, CRCs/CCRCs in a forensic setting avoid entering into such interactions or relationships.

d. VALIDITY OF RESOURCES CONSULTED. CRCs/CCRCs in a forensic setting ensure the resources used or accessed in supporting opinions are valid, current, and cited.

e. FOUNDATION OF KNOWLEDGE. CRCs/CCRCs in a forensic setting have an obligation to maintain current knowledge of scientific, professional, and legal developments within their area of competence. They use knowledge, consistent with accepted clinical and scientific standards, and accepted data collection methods and procedures for evaluation, treatment, consultation, or scholarly/empirical investigations.

f. DUTY TO CONFIRM INFORMATION. Where circumstances reasonably permit, CRCs/CCRCs in a forensic setting seek to obtain independent verification of data relied upon as part of their professional services to the court or to parties to the legal proceedings.

g. REVIEW/CRITIQUE OF OPPOSING WORK PRODUCT. When evaluating or commenting upon the work or qualifications of other professionals involved in legal proceedings, CRCs/CCRCs in a forensic setting seek to represent their differences of opinion in a professional and respectful tone, and base their opinions on an objective examination of the data, theories, standards, and opinions of the other experts or professionals.

G.3. FORENSIC PRACTICES

a. CASE ACCEPTANCE AND INDEPENDENT OPINION. CRCs/CCRCs in a forensic setting have the right to accept any referral within their area(s) of expertise. They decline involvement in cases when asked to support predetermined positions, assume invalid representation of facts, alter their methodology or process without foundation or compelling reasons, or when they have ethical concerns about the nature of the requested assignments.

b. TERMINATION AND ASSIGNMENT TRANSFER. If it is necessary to withdraw from a case after having been retained, CRCs/CCRCs in a forensic setting assist evaluatees and/or referral sources in locating another CRC/CCRC in a forensic setting to accept the assignment.

G.4. FORENSIC BUSINESS PRACTICES

a. PAYMENTS AND OUTCOME. CRCs/CCRCs in a forensic setting do not enter into financial agreements that may compromise the quality of their services or otherwise raise questions as to their credibility. CRCs/CCRCs in a forensic setting neither give nor receive commissions, rebates, contingency or referral fees, gifts, or any other form of remuneration when accepting cases or referring evaluatees for professional services. Payment for services is never contingent on an outcome of a case or award.

b. FEE DISPUTES. Should fee disputes arise during the course of evaluating cases, CRCs/CCRCs in a forensic setting have the right to discontinue their involvement.