

## White Paper for Irish Clients and Counsel

Title: Ethical and Systemic Failures in U.S. Family Court Forensic Psychology: Implications for Ireland and the Protection of Children and Families

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### I. Executive Summary

This white paper is intended to inform Irish legal professionals and client parents of the extensive ethical violations and systemic risks associated with the forensic psychology model used in U.S. family courts. The core concern centers around widespread violations of the Belmont Report, a foundational document in human subjects research ethics, and the parallel failure of ethical compliance in psychological forensic practices. These issues raise urgent concerns about the possible replication of similar risks in Irish custody contexts.

This document identifies four primary layers of concern:

1. **Violations of the Belmont Report's three principles:** Respect for Persons, Beneficence, and Justice.
2. **Ethical misconduct by forensic psychologists** under APA Standards 2.01, 2.04, 9.01, and 3.04.
3. **Systemic licensing board failure** and conflict of interest within forensic psychology.
4. **Documented 2.01 violations** among six leading U.S. forensic psychologists who instruct international training courses.

It concludes with a proposed set of **solutions and protective reforms** for Ireland, including consideration of relevant ethical guidelines under the **Psychological Society of Ireland Code of Ethics**.

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### II. Core Ethical Violations: The Belmont Report

The Belmont Report, foundational to ethical research and intervention, mandates protections for vulnerable populations—especially children—in experimental or high-risk settings. The three pillars of the Belmont Report are being violated systematically in U.S. family courts:

- **Respect for Persons:** Courts and parents are not informed that forensic custody evaluations are experimental procedures. No informed consent or awareness of risks, alternatives, or assessor qualifications is provided.

- **Beneficence:** These procedures carry known harms—trauma reenactments, child psychological injury, and misdiagnosis. No risk-benefit analysis has ever been conducted.
- **Justice:** Parents and children in high-conflict custody situations are disproportionately subjected to these unethical procedures. There is no access to validated clinical diagnostics or protective recourse.

These evaluations are being implemented as if they are standard care. In fact, they are non-validated, unregulated, and ethically indefensible under Belmont.

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### III. Findings of the NY Blue-Ribbon Commission

The only formal independent review of forensic custody evaluations in the United States was conducted by the New York State Unified Court System’s Blue-Ribbon Commission on Forensic Evaluations (2021).

Its findings were stark and unambiguous:

- **Forensic custody evaluations are “dangerous”.**
- **They are “harmful to children”.**
- **They should be entirely eliminated from the family courts.**

The Commission emphasized that the current system often re-traumatizes vulnerable parties, embeds evaluator bias into legal outcomes, and fails to provide reliable, evidence-based information to judges. It further criticized the opaque qualifications of evaluators, their frequent use of pseudoscientific constructs, and the system’s overall lack of oversight or remedy.

These findings corroborate the broader concerns raised in this white paper and directly support the argument for the suspension or elimination of forensic custody evaluations as currently practiced.

### IV. APA Ethical Standards Violated

The following APA Ethics Code standards are systematically violated in U.S. forensic evaluations:

- **2.04 – Use of Established Scientific Knowledge:** Evaluators frequently rely on unvalidated constructs (e.g., "parental alienation") with no basis in the DSM-5 or clinical literature.

- **2.01 – Boundaries of Competence:** Many evaluators operate outside their training and experience in critical domains such as attachment pathology and delusional thought disorders.
- **9.01 – Bases for Assessments:** Reports often lack structured data, validated instruments, and sufficient evidentiary foundations.
- **3.04 – Avoiding Harm:** These flawed evaluations are routinely used by courts to make life-altering decisions, leading to child harm and parental trauma.

These concerns are supported by extensive analysis of custody evaluation reports and psychological vita reviews.

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## V. Systemic Failure of Oversight

Despite four decades of these practices, **licensing boards have failed** to act. Many board members are forensic psychologists themselves, introducing a **clear conflict of interest** and resistance to accountability. No IRB-style review or risk-benefit oversight has ever occurred for these procedures despite involving a vulnerable population and quasi-judicial power.

This failure to regulate has permitted widespread professional misconduct and harm, reinforcing a closed system of collusion and ethical evasion.

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## VI. Comparative Competency Failure: AFCC Instructor Analysis

A comparative review of the vitas of six prominent forensic psychologists—all instructors in the AFCC’s flagship course—reveals a common triad of ethical concern:

1. **No documented education, training, or supervised experience** in the diagnostic assessment or treatment of attachment-related pathology.
2. **No documented education, training, or supervised experience** in the diagnostic assessment of delusional or psychotic-spectrum disorders.
3. **Extensive history of conducting forensic custody evaluations** despite the above deficiencies.

Psychologist	Attachment Competence	Delusional Competence	Forensic Custody History
Robin Deutsch, Ph.D.	X	X	✓
Leslie Drozd, Ph.D.	X	X	✓

John A. Moran, Ph.D.	X	X	✓
Marsha Kline Pruett, Ph.D.	X	X	✓
Matthew Sullivan, Ph.D.	X	X	✓
Peggy Ward, Ph.D.	X	X	✓

This pattern presents a prima facie violation of **APA 2.01** and 2.04, and calls into question the ethical legitimacy of training and practice models propagated internationally through AFCC.

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## VII. Relevance to Irish Practice and Risk Transfer

Given the apparent replication of these U.S. practices in Ireland—via AFCC trainings, imported evaluation models, and evaluator migration—the Irish courts and professional bodies should be alert to the risks:

- Parents and children may be subjected to **experimental procedures** without informed consent.
- Reports may be authored by evaluators **lacking the necessary clinical competencies**.
- There may be **no IRB-equivalent protections** or clinical alternatives offered.
- **Licensing and oversight bodies may be structurally unprepared** to detect or respond to such violations.

The **Psychological Society of Ireland’s Code of Professional Ethics** includes provisions equivalent to APA 2.01 (Competence), 2.04 (Scientific Basis), and 9.01 (Assessment Integrity). Application of these standards would raise similar concerns regarding:

- Lack of validated assessment tools.
  - Lack of training in attachment and delusional disorders.
  - Role confusion between therapist and forensic evaluator.
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## VIII. Recommendations for Ireland

1. **Immediate Review of Current Evaluator Reports:** Examine forensic reports already submitted to courts for APA/PSI compliance.
2. **Suspension of All Experimental Practices:** No psychological procedure should be used in custody contexts without informed consent, risk analysis, and validation.

3. **Implementation of Clinical Diagnostic Alternatives:** Return to standard healthcare models of assessment and intervention.
  4. **Establish an Independent Oversight Body:** Equivalent to an IRB, with child protection and scientific validity as primary mandates.
  5. **Reject AFCC Training Models:** Until ethical and clinical legitimacy is independently verified.
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## **IX. Conclusion**

The U.S. model of forensic custody evaluations has produced systemic harm due to its divergence from the Belmont Report and professional ethical standards. Irish courts and professionals now face a choice: replicate these violations or proactively design a system that centers child welfare, scientific integrity, and ethical clarity. This white paper is offered as a first step toward that future of informed, ethical, and protective reform.

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### **Appendices (Available Upon Request):**

- A. Full VEIS Reviews of Six AFCC Instructors
- B. Catalogue of Ethical Concerns from 8-Module Course
- C. Comparative Mapping of PSI and APA Ethical Standards

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