

THE PLAN MODEL: SAMPLE QUESTIONS

Step 1: Determine the Expert's Qualifications to Testify

Sample Questions

- ▷ Review the expert's curriculum vitae (CV). Bear in mind that what experts omit from their CVs may be as important as what they include.
 - What is your educational background? Also, look for training on specific issues. For example, has the expert recently attended a domestic violence workshop and, thus, is predisposed to view contentious, though unclear, incidents through that lens?
 - What are your relevant experiences at each job?
 - Have you published any articles or books? If an expert has written on parental relocation and that is an issue in the evaluation, highlight it.
 - Please list each area you consider an expertise.
 - Please list the basis for each expertise you claim. (Be prepared for experts who exaggerate an expertise they claim.)
- ▷ Establish the referral questions the expert is addressing. These questions are included in the initial PRE appointment order. This establishes the evaluation's purpose and, based on the previous line of questions, the expert's expertise to address the subject matter of the testimony.
 - What did the court appoint you to do?
 - What questions or issues from the order of appointment directed your evaluation?
- ▷ Determine if the expert belongs to a professional organization. (This inquiry references steps 1 and 2.) Primary organizations to which experts who conduct PREs may belong include the American Psychological Association (APA) (if the expert is a psychologist) and the Association of Family and Conciliation Courts (AFCC).
 - Do you belong to any professional organizations?
 - If so, which organizations? Why do you belong to these organizations?
 - If not a member, why not?

Step 2: Determine Whether the Expert's Methods Conform to Relevant Professional Standards

Sample Questions

- ▷ Establish the expert's mental health discipline (psychology, psychiatry, professional counselor, social work). This brief inquiry lays a foundation for tying the expert to ethics codes and practice guidelines specific to a particular mental health discipline. Psychology's ethics codes and practice guidelines are the most developed and comprehensive of the mental health disciplines.
 - Are you a licensed mental health professional?
 - In which mental health discipline(s) are you licensed?
- ▷ Commit the expert to their discipline's ethics code and practice guidelines. This inquiry puts experts on the record that they are bound to the discipline's ethics code and practice guidelines.
 - Does the discipline in which you are licensed have an ethics code?
 - Are you familiar with that ethics code?
 - Does Colorado's licensing board have rules of practice for the ethical conduct of your discipline?
 - Are you familiar with those rules of practice?

- Do you conform your mental health practice to your ethics code, applicable professional guidelines, and state licensing board rules?
- ▷ Commit the expert to practice guidelines of APA and AFCC relevant for conducting PREs if the expert belongs to these organizations.
 - Do the organizations to which you belong publish practice guidelines for conducting PREs or child custody evaluations?
 - Which practice guidelines of these organizations apply to conducting PREs? (Be prepared to point out those guidelines if the expert does not name all that apply.)
 - Do you conform your PREs to these practice guidelines?
 - Do you agree that conforming PREs to professional practice guidelines offers the best opportunity for reliable opinions?
 - Why does conforming PREs to professional practice guidelines offer the best opportunity for reliable opinions?
 - If you did not conform your PRE to professional practice guidelines, on what basis do you justify your methods and reasoning?
- ▷ Address the generally accepted methodology framework—recall the three-legged stool—for conducting PREs. Commit the expert to this framework. Then explore whether the expert adequately addressed each methods category. Problems with any of the three methods categories may signal weaknesses with the PRE. Evaluators' files document their methods. For example, notes from interviews and parenting observations and the billing statement are fodder for cross-examination.
 - In conducting your evaluation, you (1) interviewed the parents, (2) administered psychological tests and asked the parents to complete questionnaires, and (3) contacted collateral sources and reviewed records (ask about each element as a separate question). Is this your regular procedure for conducting PREs?
 - How does each method contribute to a competent evaluation?
 - Would you agree that competent PREs reflect competent data gathering in each of the three methods categories?
 - According to your billing statement, you did not interview the children's teachers. Why not?

Step 3: Evaluate the Empirical and Logical Connections Between Data and Conclusions

Sample Questions

- ▷ Ask the expert if they considered reasonable alternative explanations of the evaluation data and case facts.
 - Did you consider other reasonable explanations for your data before deciding on your conclusions?
 - What other reasonable alternative explanations of your data did you consider?
 - At what steps while conducting your PRE did you consider alternative explanations of your data?
 - Taking each alternative explanation, why did you reject that explanation to explain your data?
 - Why are your conclusions the best explanations of your data?
- ▷ Ask the expert about judgment bias and how judgment bias can affect experts' conclusions and opinions.
 - What are typical biases that may affect PRE evaluators?
 - Ask the expert to define each bias. If the expert can't name the four discussed earlier in this paper, name the bias and ask the expert to discuss its meaning. If the expert won't discuss the bias's meaning, suggest the meaning and ask the expert if such a bias could affect PRE evaluators.

Step 4: Gauge the Connection Between the Expert's Conclusions and the Proffered Expert Opinion

Sample Questions

- ▷ Ask the expert if their opinions and recommendations conform to Colorado's best interest of the child factors. Focus on questions of factors that include psychological terms or concepts.
 - Are you familiar with Colorado's best interest of the child factors?
 - Which factors did you consider when finalizing your opinions and recommendations in your PRE?
 - How does each factor you considered apply to your opinions and recommendations?

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