

Psychological Assessment

Psychological report in justice: An analysis of the quality of expert reports

Simone C. Lemes¹

 <https://orcid.org/0000-0002-6781-8056>

Vinícius Renato T. Ferreira¹

 <https://orcid.org/0000-0001-9786-7775>

To cite this article: Lemes, S. C., & Ferreira, V. R. T. (2021). Psychological report in justice: An analysis of the quality of expert reports. *Psicologia: Teoria e Prática*, 23(2), 1–21. doi:10.5935/1980–6906/ePTPPA13393

Submission: 16/05/2020

Acceptance: 24/02/2021



The content of *Psicologia: Teoria e Prática* is distributed under the terms of the Creative Commons Attribution License.

¹ Southern College (IMED), Porto Alegre, RS, Brazil.

Abstract

Psychological reports must meet minimally technical and ethical requirements that are regulated by resolutions of the Federal Council of Psychology (CFP) and by legislation. This study aimed to assess whether psychological reports prepared by freelance psychologist experts for the processes of the Family and Childhood and Justice Courts of Rio Grande do Sul were in accordance with the resolutions, ethical aspects and the theoretical-technical requirements required by the CFP. It is a quantitative research, whose data were analyzed by descriptive statistics and descriptive frequency analysis with documentary analysis. Inconsistencies were identified in the preparation of the experts' psychological reports regarding the various requirements contained in the code of ethics and in the resolutions. It is considered that the misinformation of freelance psychologist experts with regard to CFP resolutions is one of the causes that contribute to the absence of items that are indispensable to the elaboration of quality psychological reports.

Keywords: reports; resolutions; justice; psychology; expertise.

O LAUDO PSICOLÓGICO NA JUSTIÇA: UMA ANÁLISE DA QUALIDADE DOS LAUDOS PERICIAIS

Resumo

Os laudos psicológicos precisam atender minimamente a requisitos técnicos e éticos que são regulamentados por resoluções do Conselho Federal de Psicologia (CFP) e pela legislação. Este trabalho teve por objetivo avaliar se laudos psicológicos confeccionados pelos peritos nomeados pelos juízes para os processos das Varas de Família e da Infância e Juventude da Justiça do Rio Grande do Sul estavam de acordo com as resoluções, aspectos éticos e os requisitos teórico-técnicos exigidos pelo CFP. A qualidade dos laudos analisados foi medida a partir da observância ou não desse conjunto de normativos. Trata-se de uma pesquisa quantitativa, cujos dados foram analisados por estatística descritiva e análise de frequência descritiva com análise documental. Foram identificadas inconsistências na elaboração dos laudos psicológicos quanto aos diversos requisitos contidos no código de ética e nas resoluções. Considera-se que a desinformação de alguns peritos no que diz respeito às resoluções do CFP seja uma das causas que contribuem para a ausência de itens indispensáveis à elaboração de laudos psicológicos de qualidade.

Palavras-chave: laudos; resoluções; justiça; psicologia; perícia.

EL INFORME PSICOLÓGICO EN LOS TRIBUNALES: UN ANÁLISIS DE LA VALIDADE

Resumen

Los informes psicológicos deben cumplir mínimamente con los requisitos técnicos y éticos que están regulados por las resoluciones del Consejo Federal de Psicología (CFP) y por la legislación. El objetivo de este trabajo fue evaluar si los informes psicológicos elaborados por expertos psicólogos independientes para los procesos de los Tribunales de Familia e Infancia y Justicia de Rio Grande do Sul se ajustaban a las resoluciones, aspectos éticos y requisitos teórico-técnicos exigidos por el CFP. Es una investigación cuantitativa, cuyos datos fueron analizados por estadística descriptiva y análisis de frecuencia y documental. Se identificaron inconsistencias en la preparación de los informes psicológicos de los expertos con respecto a los diversos requisitos contenidos en el código de ética y en las resoluciones. La información errónea de los expertos psicólogos independientes con respecto a las resoluciones contribuyen a la ausencia de elementos que son indispensables para la elaboración de informes psicológicos de calidad.

Palabras clave: informes; resoluciones justicia; psicología; pericia.

1. Introduction

The demand for work for expert psychologists in Justice has been growing, mainly in the Family Courts and Childhood and Youth Courts due to the complexity of the issues discussed in the legal proceedings. The psychological expert work, which aims to assist the judge in drafting the sentence, is carried out by a professional psychologist called an expert. He/she is considered a justice assistant, legally committed to the activity of forensics, impartial to the parties, needing specialized technical knowledge to act in the process in which he/she was appointed by the judge (Cruz, 2017), and his/her work is also based on the resolutions of the CFP, built and structured under the Code of Ethics and Psychological Science. CFP resolutions provide guidance on the elements that must be included in a report, from the identification aspects to the clarity of the information on the main results requested by the judge. The elaboration of documents as a result of the assessment process constitutes the expert's final work, and an assessment of this result is essential for the constant improvement of his/her practice and a better promotion of justice. Thus, considering the importance of the psychological report prepared by the expert witness psychologists appointed by the court, the present study aims to

evaluate the quality of these reports produced for processes of Family Courts and Courts of Childhood and Youth of the Justice of Rio Grande do Sul, considering quality as a base for the observance or not of the resolutions, ethical aspects and the theoretical and technical requirements demanded by the CFP at the time of the preparation of each report.

1.1 The resolutions of the Federal Council of Psychology (CFP) and the elaboration of documents

The CFP resolutions are documents that guide and regulate the professional practice of psychology, guiding towards the best practices, and were structured in the light of the Code of Ethics and Psychological Science. The code of ethics is the expression of the professional identity of those who seek in it inspirations, advices and rules of conduct (CFP, 2003). But although the resolutions guide the psychologist not to incur basic failures, many reports prepared for justice do not comply with the Council's regulations and end up becoming documents subject to criticism (Lago, Yates & Bandeira, 2016). Due to the complexity of the theme, the CFP created resolutions with the objective of orientating psychology professionals regarding ethical, theoretical and methodological issues.

It should be noted that the present study was prepared based, among others cited later, on the Resolution 007/2003 that institutes the Manual for the Preparation of Written Documents, produced by psychologists, resulting from psychological assessment that was later revoked by Resolution 006/2019 which, in turn, instituted rules for the elaboration of written documents produced by the psychologist in the professional practice. The reason why the current resolution was not considered is due to the fact that all psychological reports made available by the courts were from closed and archived cases from 2004 to 2018 and what was evaluated in the present study was the observance or not of the established rules in force at the time of the preparation of each report. Among the identified differences, it should be noted that resolution 006/2019 expanded the standardized documents beyond those related to psychological assessments, as it understands that there are multiple areas of professional activity that give rise to different documents. In this sense, the psychological report was differentiated from the report, which now has two classifications, psychological report and multi-professional report. In the specific case of the Psychological Report, the only document that was the object of

this study, there were few changes when analyzing the items III (3 – Psychological Report, article 13) and the following on psychological report of resolutions 007/2003 and 006/2019, respectively. It should be noted that, in the new resolution, the psychological report is specifically defined as the result of a psychological assessment process, with the purpose of supporting decisions related to the context in which the demand arose. Regarding the structure of the psychological report, resolution 006/2019 added the item references and establishes that they should preferably appear in a footnote. Although it was not explicitly mentioned in resolution 007/2003, this item was already used by some professionals because they considered the bibliographic reference of the theoretical foundation presented to be indispensable. The other changes concern items not covered in the present study, such as the keeping of psychological documents, the possibility of the report composing a single document with the multidisciplinary team. Finally, it should be noted that resolution 006/2019 basically presents the same developments as resolution 007/2003 regarding the psychological report, but in a much more detailed way. It is also noteworthy that the validity of the present study is not linked to the fact of having or not considered the current resolutions or resolutions already revoked, but to the fact that, over time, the psychological reports are being or not being prepared according to the regulations in force in each season.

Resolution 9/2018 (CFP, 2018) contains the guidelines for conducting psychological assessment in the psychologist's professional practice and in the regulation of the Psychological Testing Assessment System – SATEPSI. The aforementioned resolution establishes that the psychologist has the prerogative to decide which methods, techniques and instruments are used in the psychological assessment, as long as they are duly grounded in the psychological scientific literature and in the current regulations of the CFP. It also establishes that the use of psychological tests with an unfavorable opinion or which are included in the list of psychological tests not evaluated on SATEPSI's website (CFP, 2018) will be considered unethical.

The expert is considered an adjunct to justice, legally committed to the activity of the expert, foreign to the parties and must have specialized technical knowledge to act in the process in which he/she was appointed by the judge (Cruz, 2017). The expert may be a public servant and work within the structure of the courts of justice, he/she may be a self-appointed psychologist trusted by the court

and appointed by him/her, or a psychologist hired by one of the parties as a technical assistant. In many places, the judge does not have a technical team as provided for in articles 150 and 151 of the Child and Adolescent Statute (Brazil, 1990) and, in accordance with art. 465 of the Civil Procedure Code (CPC), it is up to the judge to appoint an expert specialized in the subject matter of the investigation and to immediately set the deadline for the delivery of the report (Melo, 2016). The judge appoints experts of his/her trust to scientifically justify his/her decisions in accordance with the terms of art. 156 of Law No. 13,105, of March 16, 2015 (Melo, 2016).

The parties involved in a process can request the expertise as a way of elucidating the questioned situation, but only the judge, in the context of the Judiciary, can determine the performance of this work. The parties may appoint their technical assistants, who will prepare an opinion, just as the expert prepares a report, on the same subject in accordance with Article 433 of the Civil Procedure Code (CPC, 2105).

The psychologist's activity as an expert consists of carrying out psychological assessments, which aim at collecting data, examining and presenting evidence for judicial purposes. The expert psychologist must have knowledge not only of the psychological area he is investigating, but also of the legal system in which he will operate (Rovinski, 2004). According to the specificity of each situation, the expert work may include observations, interviews, home and institutional visits, application of psychological tests, use of recreational resources and other instruments, methods and techniques recognized by the CFP (Resolution 008/2010).

1.2 Obligation of items in the procedures for carrying out the Expert Report

Resolution CFP 007/2003 established the Written Document Preparation Manual produced by psychologists, resulting from psychological assessment, according to which the psychological report must contain at least five items: the identification, that is the first topic of the report in which the author / rapporteur must put his full name, with the respective registration number in the Regional Council, followed by the subject, which will indicate the reason, the motive for the request and also the author of the request for the expert assessment. In the sequence, the description of the demand must be included in the document, an

item must be assigned to the narration of the information related to the problem presented and the motives, reasons and expectations that produced the request for the report. The analysis of the demand must be described in order to justify the chosen procedure. The next item is the procedure that describes the method used and also presents the resources and technical instruments used to collect the information, such as: the number of meetings, people heard, etc. Then there is the topic of analysis, in which the psychologist systematically, objectively and faithfully describes the data collected and the situations experienced related to the demand in its complexity. The theoretical foundation that supports the technical instruments used must be respected, as well as the ethical principles and issues related to the secrecy of information. In this item, only what is necessary to clarify the referral should be reported, as provided in the Psychologist's Code of Professional Ethics. Finally, the conclusion, which will present the results and / or considerations regarding the investigation based on the references that subsidized the work. These must transmit to the applicant the analysis of the demand in its complexity and the psychological assessment process as a whole. The document must be closed with an indication of the place and date of issue, the psychologist's signature and his / her registration number with the Regional Council (CFP, 2003).

Resolution 007/2003 also states that the psychologist, when preparing his/her documents, should adopt the guiding principles of the written language techniques and the ethical, technical and scientific principles of the profession, presenting a well-structured and defined wording, clearly expressing what he/she wants to communicate. Psychologists have an ethical obligation to substantiate their conclusions in forensic reports, carefully documenting their factual bases (APA, 1992). The document must have an order that allows the understanding by those who read it, which is provided by the structure, composition of paragraphs or sentences, in addition to grammatical correction. Communication must also present the following qualities: clarity, conciseness and harmony. The psychologist will base the information contained in the documents in observance to the principles and provisions of the Psychologist's Code of Professional Ethics, paying attention to the care in relation to the duties of the psychologist in his/her relations with the person served, professional secrecy, relations with the justice and the reach of information, identifying risks and commitments in relation to the use of information present in documents in their dimension of power relations (CFP, 2003). In

preparing written documents in general, psychologists should rely exclusively on technical instruments (interviews, tests, observations, group dynamics, listening, verbal interventions, mental status exam), according to Resolution 009/2018 that establishes the fundamental and complementary sources for psychological assessment. These are configured as psychological methods and techniques for data collection, studies and interpretations of information about the person or group served, as well as about other materials and documents previously produced and relevant to the matter in question. These technical instruments must comply with the minimum conditions required for quality and use, and must be adequate to what they propose to investigate (CFP, 2003). The CPC has recently changed and Law 13,105 of March 2015 was effective as of March 16, 2016 (Preto, 2016).

In relation to the structure of the expert report, article 473 of the CPC (Mello, 2016) determines that it must contain the exposure of the object of expertise, the technical or scientific analysis carried out by the expert, the indication of the method used, clarifying it and proving to be predominantly accepted by specialists in the area of knowledge from which it originated and a conclusive answer to all the questions presented by the judge, the parties and the Public Ministry. In the report, the expert must present his/her reasoning in simple language and with logical coherence, indicating how he reached his conclusions. The expert is prohibited from exceeding the limits of his/her designation, as well as from issuing personal opinions that exceed the technical or scientific examination of the subject matter. The psychological report, specifically, is a descriptive presentation about psychological situations and / or conditions and their historical, social, political and cultural determinations, researched in the psychological assessment process. An appropriate text from the point of view of language involves series of precautions that, when adopted, will bring to the text the desirable quality of a document that aims to present research in the professional field, such as the expert psychological assessment (Guzzo & Pasquali, 2011). Like any document, it must be supported by data collected and analyzed, in the light of the technical instruments described above, embodied in a technical-philosophical and scientific framework adopted by the psychologist (CFP, 2003).

The purpose of the psychological report will be to present the procedures and conclusions generated by the psychological assessment process, reporting on the referral, interventions, guidance, as well as, if necessary, requesting psychological

counseling, limiting itself to providing only the necessary information related to the demand, request or petition. The proper structure of the psychological report is essential for communication between the psychologist and his/her interlocutor to be effective, being considered one of the expressions of the psychologist's professional competence (Guzzo & Pasquali, 2011). The Professional Code of Ethics when referring to the psychologist's responsibility presents its in article 2, item "g": the prohibition for the psychologist to issue documents without foundation and technical-scientific quality. In art. 20 of the same code, the psychologist, when publicly promoting his/her services, by any means, individually or collectively, will inform his/her full name, CRP (professional registration) and his/her registration number; it will only disclose qualifications, activities and resources related to techniques and practices that are recognized or regulated by the profession (CFP, 2005).

1.3 Quality of Expert Reports

The complaints of psychologists in the Psychology Councils are often associated with psychological assessment processes and inadequacy in the preparation of psychological reports (Noronha & Reppold, 2010). Psychological reports, if produced by psychologists who do not have adequate technical training, may present important flaws in relation to the objectives, methods and conclusions of the research conducted. Thus, the analysis of the quality of psychological reports for judicial purposes becomes a necessity, so that it is possible to identify whether they are properly drafted or if there are problems, and what they would be.

It is noteworthy that the term quality used here refers exclusively to the formal compliance with the rules contained in the CFP Resolutions and legislation in force at each time the reports are prepared. These resolutions include both technical and structural aspects and the technical principles of written language that must be observed. When these formal elements are not attended, failures are manifested, which is why there is a failure to make connections between different reported aspects. The lack of logical organization of the content of the report, the inappropriate use of language and poor writing are also flaws observed when examining the quality of forensic psychological reports (Nicholson and Norwood, 2000).

2. Method

It is a descriptive, quantitative and documentary research, which aimed to analyze the psychological reports prepared by the expert psychologists appointed by the judges through descriptive statistics. Descriptive research aims to describe the characteristics of a population, a phenomenon or an experience. This type of research establishes a relationship between the variables in the object of study analyzed, related to the classification, measure and / or quantity that can be altered through the process carried out. Document analysis consists of identifying, verifying and assessing documents for a specific purpose and, in this case, the use of a parallel and simultaneous source of information was recommended to complement the data and to allow the contextualization of the information contained in the documents. An objective reflection of the original source was extracted, allowing the location, identification, organization and evaluation of the information contained in the document, in addition to contextualizing the facts at certain times (Moreira, 2005).

2.1 Sample

The present research analyzed 74 psychological reports, prepared by expert psychologist appointed by the judges, present in judicial proceedings obtained in counties of the State of Rio Grande do Sul. Authorization was requested for access to psychological reports in twenty counties. In three of these counties, the judges granted authorization and, in seventeen of them, the authorization was not possible for several reasons, among them, due to the lack of personnel to separate the archived processes, difficulty in accessing the files, or because there was no answer to the request. In one of the counties, authorizations were obtained from two judges of different family courts and in the other counties, the research was carried out in childhood and youth courts: county I – court “a”, 20 processes; court “b”, 13 processes; county II – 25 cases; district III – 16 cases. The analyzed reports belonged to the period from 2004 to 2018 and corresponded to a small percentage of the total cases of each court visited.

2.2 Instruments

A spreadsheet was developed to collect the data obtained during the analysis of each report, which contains the guidelines established in resolutions 007/2003,

008/2010, 009/2018 of the CFP and in the Code of Ethics that should be part of the construction of the psychological reports. This spreadsheet did not contain the identification data of those examined, of the experts or of the processes, maintaining the information only at the technical level of the data, that is, whether the report met or not the item mentioned in the resolutions and in the code of ethics.

2.3 Procedures

Judges from Family Courts and Childhood and Youth Courts from each region to be searched in Rio Grande do Sul were contacted to request authorization for access to psychological expert reports prepared by experts appointed by them. After authorization, the project was submitted to the CAAE Research Ethics Committee 10119619.8.0000.5319. The data collection started in April 2019, after the approval of the committee, and was extended until May 2019. The analyzed reports were found through physical search, in a non-systematic way, in processes already filed. The psychological reports were read to analyze the use or not of the criteria defined in the resolutions of the CFPs: 007/2003, 008/2010, 009/2018 and in the Psychologist's Code of Professional Ethics. The data obtained for each process were listed in the spreadsheet created specifically for that purpose. The structure of the report was investigated by evaluating the completion, identifying whether or not the document contained the elements cited in the CFP resolutions, if the information in each item was clearly expressed, and whether the technical terms / concepts were correctly used and explained.

3. Data analysis and results

The data was analyzed by descriptive statistics based on the resolution CFP 007/2003 that establishes the Manual for the Preparation of Written Documents produced by the psychologist; CFP 008/2010, which provides for the psychologist's performance as an expert and technical assistant in the Judiciary Branch; CFP 009/2018, which establishes the guidelines for psychological assessment and the Psychologist's Code of Professional Ethics. Comparisons were made between the existing data in the reports and the items of the resolutions and code of ethics, checking if they were present and subsequently surveying the frequency of occurrence of any problems.

74 reports were analyzed, 33 of them (44.6%) from the Family Courts and 41 (55.4%) from the Childhood and Youth Courts, covering the years between 2004 and 2018. With regard to the guiding principles in the preparation of documents of Resolution 007/2003 of the CFP, in 34 reports (45.90%) the documents do not express what they want to communicate, for example, without integrating the objective of the expert assessment with the conclusion of the report. Twenty-eight documents (37.80%) do not have an ordering that allows understanding by those who read it, nor does it have a structure with a clear composition of paragraphs or sentences. In 11 reports (14.90%) there is no grammatical correction, with the occurrence of agreement errors and other types of errors; in 25 (33.80%) there is a lack of clarity, conciseness and harmony in the phrasing structure; 30 documents (40.50%) do not present an adequate ordering of the contents, that is, the chain of ideas necessary to comprehend what is being analyzed, making it impossible for the reader to comprehend. In 32 reports (43.20%), the explanation of the nature and function of each part in the construction of the whole does not appear in the sentence structure, that is, there are terms or descriptions of events in the sentences for which no explanation of their function is found within of the paragraph under analysis; and 24 reports (32.40%) do not have the appropriate and necessary language for understanding the text. In five documents (6.80%), there is no balance that avoids laconic or wordy writing.

Regarding the identification aspects, the survey of the data obtained in the analyzed reports indicated that the full name of the psychologist was not informed in 15 reports (20.3%). Within the reports in which there was information of the name of the rapporteur, in two of them (2.7%) it was only in the header and, in one report (1.35%) only in the footer. In 20 reports (27%), the register of the psychologist in the CRP was not mentioned, and in 58 reports (78.4%) there was no reference to the professional titles and qualifications of the rapporteur. In 18 reports (24.3%), the item identification of the process was not presented, and in 15 documents (20.3%) the name of the interested party was not included, that is, the name of the person who requested the evaluation.

There is no reference to the subject or purpose of preparing the document in 16 reports (21.6%). In 18 reports (24.30%), there is no item describing the demand that mentions the problem, the reasons that produced the request for the report, and in one (1.35%) of these documents, the expert only mentioned who

would do the psychological assessment. In 61 reports (82.40%), there is no technical-scientific quality, that is, the documents were not produced based on the technical instruments used by psychology to collect data, studies and interpretations of information.

Regarding the procedures, in 25 reports (33.80%), this item was not presented; in 48 reports (64.90%), which contains the item procedures, the resources and technical instruments used to collect the information were not informed, and of these, nine documents (12.16%) had only the manifestation that the interview would be semi-structured; in two reports (2.70%), consultation of the case file was mentioned as a method; in two others (2.70%), it is said that the play therapy was held; and in three reports (4.05%), critical observation was mentioned as a procedure. In 47 reports (63.50%) the number, of people heard during the evaluation was not mentioned, and in 48 documents (64.90%) the number of meetings was not informed. In 41 reports (55.40%), there was no use of psychological tests. In 22 reports (29.70%), there is no report on the use of technical instruments such as interviews and anamnesis.

In the analysis, where the resolutions argue that the theoretical foundation must be respected, it was identified that in 68 reports (91.90%) it was absent. In 66 documents (89.20%), there is no theoretical basis to support the issues related to the secrecy of information. Regarding the item of analysis, 52 reports (70.30%) do not present the considerations generated by the psychological assessment process that transmit to the applicant the analysis of the demand in its complexity and the assessment process as a whole. Within these, in 10 reports, (13.51%) there is no conception of the analysis, that is, this item was used only to narrate the history of the experts, presenting a more descriptive and non-analytical character. In addition, in three reports (4.05%), the analysis item was used to conclude the assessment, when the objective, history, testing results and theoretical foundation should be integrated.

In 51 documents (68.90%), there is no conclusion to the exhibition of the results and / or considerations regarding the investigation based on the references that subsidized the work. At the end, in 12 reports (16.20%), there is no indication of the place, date of issue, signature of the professional and the CRP register number, contrary to Resolution 007/2003 of the CFP, which refers to how the document must be closed. Within these, three reports (4.05%) do not contain the

date of preparation of the expert assessment; in five reports (6.80%), there is no signature of the professional and the registration number; and four reports (5.05%) do not refer to the location.

4. Discussion

The survey carried out in the psychological reports indicated that there was no basic information about the professional in about half of the documents and more than half of these did not explicitly present professional titles and qualifications. Some reports presented information on the qualifications of the psychologist expert beyond the minimum required by Resolution 007/2003 of the CFP, such as a specialization course in an incompatible area, name of the university, how long he/she has worked as an expert and when he/she graduated. The resolution requires that data such as the name of the author / reporter with the respective registration in the Regional Council appear in the psychological report. The absence of this information implies not complying with item 3.2.1 of the document identification. There is an obligation to quote the examiner's name at the beginning of the document (Cohen, Swerdlik & Surman, 2014).

The identification of the interested party, the judge, did not appear in about one fifth of the reports, and the resolution of CFP 007/2003 determines that the psychologist must mention the author of the evaluation request. Also, in a fifth of the reports there is no purpose for the preparation of the document, information that needs to be mentioned in accordance with the aforementioned resolution that establishes the reason for the request. It is necessary that in the presentation of the subject, since it is usually on the first page of the report, the objective of the document is briefly introduced to the recipient (Preto, 2016). In about a quarter of the documents, there is no item describing the demand for the narration of the information related to the problem presented and the reasons, reasons and expectations that produced the request for the document. In this part, according to Resolution 007/2003, an analysis of the demand must be presented in order to justify the procedure adopted. The description of the demand in the legal context is associated with the type of process in which it is operating: regulation of visits, causal link, etc. (Black, 2016). The reports must be clear, objective and contain all the necessary data, so that those involved have a quick and clear access to all information. As it is a document that will be attached to a judicial process, the report

must excel in quality: the psychologist must ensure spelling, typing, clear and concise writing, avoiding technical terms and jargons (if you need to use it, add the meaning or translation as footnotes), with the appropriate bibliographic basis (Silva, 2019).

In more than half of the reports, the resources, procedures and technical instruments used to collect the information were not presented, as well as the number of meetings and people heard, data which are mandatory according to Resolution 007/2003. In one third of the documents, the procedure item that must present the method used for the expert evaluation was not mentioned. The absence of these items does not allow interested parties to know what resources are used by the expert for data collection. The use of the semi-structured interview was mentioned only in nine reports, in one of the documents “sensitive listening” was mentioned as a technique and the use of a technical instrument, with no reference to which instrument. In another report “Critical observation” was mentioned as a data collection procedure. All techniques and methods must be specified and the interviews identified on their respective dates. Ro-vinski (2013) has already verified that reports prepared for justice present structural problems, which could lead to a loss of quality in the work performed (Fermann, 2017). More than half of the reports that used the tests as a method did not inform the name of the test used. One third of the documents did not mention whether an interview was used and in more than half of the reports, there was no application of tests. Among the resources used in the evaluation, the use of the following psychological tests was evidenced: HTP in 14 reports, personality Factorial Inventory (PFI) in six reports, Pfister’s Colored Pyramids in three reports. All instruments used were favorable and approved by the CFP (Psychological Test Evaluation System – SATEPSI) at the time of preparation of the reports made available for analysis. This result is in accordance with the findings of Lago & Bandeira (2008), which showed that 92.9% of the instruments used by psychologists in the South region [of Brazil] were projective tests. The non-use of psychological tests implies a report with few resources for the analysis of the evaluation and elaboration of the documents. There was no need for the expert to conduct home or institutional visits in most cases. According to Resolution 008/2010 in the evaluation process, observations, interviews, home and institutional visits, application of psychological tests, use of recreational resources and other instruments, methods and techniques recognized by the Federal Council of Psychology may be used. In more than 90%

of the cases there was no indication of an assistant expert. The assistant expert is a professional appointed by the parties and authorized to accompany the expertise (Melo, 2016).

In the data collection, it was possible to verify that, in 92% of the reports, no theoretical basis was used to support the expert assessment, but in the remaining 8%, the reasoning that was answered was related to the subject under analysis. In Resolution 007/2003 of the CFP, there is no explicit reference to the mandatory use of theoretical grounds. However, it states in item 3.2.4, analysis of the psychological report, that the theoretical grounds must support the technical instrumental used. The Psychologist's Code of Professional Ethics (2005), in its art. 2nd, prohibits the psychologist from issuing an unsubstantiated document with technical-scientific quality. According to item 1, title I, of Resolution 007/2003 of the CFP regarding the technical principles of written language, the document must present a well-structured and well-defined wording, which clearly expresses what is to be communicated.

Regarding the quality of the written language, important flaws occurred, such as: grammatical errors in 11 reports, 30 documents do not present an adequate ordering of the contents, 32 reports do not present clarity in the phrasing structure, 24 reports did not have a concise language, that is, they were limited to the necessary information. In five documents, there was no balance that would avoid laconic writing or, at the other extreme, a verbose writing. In data collection, it was possible to verify that 61 reports were not prepared with technical-scientific quality, that is, the documents were not produced based on the technical instruments used in psychology for data collection, studies and information interpretations. Problems in phrasing structure and / or proper ordering of the contents can lead to misunderstandings about what one wants to transmit, which can have negative consequences for those evaluated, especially to whom the document is intended (Lago, Yates, Bandeira 2016).

In approximately 70% of the reports, there are no considerations generated by the psychological assessment process that transmit to the applicant the analysis of the demand in its complexity and the assessment process as a whole, as determined by Resolution 007/2003. In 13.51% of the reports, there is no analysis conception, that is, this item was used only to narrate the history of the experts. In addition, in 4.05% of the reports, the item analysis was used to conclude the

assessment. In the analysis, the psychologist will dynamically, objectively and faithfully expose the data obtained related to the demand, theoretically supporting the use of the chosen instruments (Fermann, 2017).

The analysis of the conclusions presented in the psychological reports shows that in almost 70% of them there is no association with the demand, that is, they do not report, for example, results and / or considerations regarding the investigation from the references that subsidized the work. It is considered that the conclusion must be related to the judicial demand that originated the request for expertise (Rovinski, 2013). In this item, the importance of clarity and cohesion of the various topics that make up the expert report is again highlighted. The conclusion is where the questions contained in the demand will be answered, that is, the question for which the psychological assessment was requested must be answered at the conclusion.

After the conclusive narration, in 16.20% of the reports, there was no indication of the place, date of issue, signature of the psychologist and his/her registration number in the CRP. Resolution 007/2003 of the CFP states that the report is finalized with the items mentioned above (Preto, 2016). In this way, all the elements necessary for the perfect identification of the professional who performed the work are indispensable, since the expert assessment without the rapporteur's name, registration number in the CRP and, even more, without signature makes it impossible to correctly identify the expert.

It should be added that the misinformation of psychologists with regard to the resolutions of the Federal Council of Psychology may be contributing to the absence of items that are indispensable to the elaboration of quality psychological reports. Considering that these documents prepared by the experts appointed by the judge will support their decision making, it is of fundamental importance that they meet all the requirements established in the regulations, so that the results obtained by the psychologist throughout the expert process are clear.

In a bibliographic research carried out, it was found that there are few works that deal directly with psychological expert reports. The lack of research in this area, which draws attention to the problems detected, can also explain the absence of so many mandatory aspects for the elaboration of expert reports.

It is important to note that most of the research on forensic reports uses geographic data restricted to their areas and focuses only on their particularities,

which may not always be generalizable to other social contexts or to different justice systems worldwide (Guerreiro, 2014).

5. Final considerations

The present study aimed to investigate whether the psychological reports prepared by the experts appointed by the judges for the Family and Childhood and Youth Courts of Justice of Rio Grande do Sul are in accordance with the resolutions, ethical aspects and theoretical and technical requirements required by the Federal Council of Psychology. In the data survey, inconsistencies of various types were found that can affect the quality of the material produced by the expert psychologist. It is considered that it would be important to bring these data to the attention of the Regional Psychological Councils in order to alert them to the quality of the psychological expert reports and to intensify the work of disseminating all the norms to which psychologists are subject.

It is also considered important to point out the limitations found during the study, among which can be cited: the lack of specific bibliographic material on the subject and the difficulty of accessing some courts of the State Justice of Rio Grande do Sul that were sought, but they were unable to meet the researcher's request. In relation to the reduced production of bibliographic material, this study sought to contribute to this field by offering an updated survey of the problems found in the reports produced for judicial purposes.

For future studies, it is suggested that this research be carried out with a larger number of counties and at national level, adding, still, the Labor and Criminal Courts, in order to identify if the elements that appeared in this work occur or not and with which frequency. It is also suggested to carry out a comparison between the reports prepared by the psychologist experts appointed by the judges and the licensed psychologist experts who work in the courts of law, as it is known that the latter usually work under strong pressure, mainly due to the accumulation of processes awaiting psychological reports.

References

Associação Americana de Psicologia (1992). Princípios éticos da psicologia e código de conduta. *American Psychologist*, 47, 1597–1611.

- Brasil (1990). Lei nº 8.069, de 13 de julho de 1990. Dispõe sobre o Estatuto da Criança e do Adolescente e dá outras providências. Brasília.
- Cohen, R. J, Swerdlik, E., & Sturman, E. D. (2014) *Testagem e avaliação psicológica: Introdução a testes e medidas*. Porto Alegre: Artmed.
- Conselho Federal de Psicologia (2003). Resolução CFP nº 007/2003. Institui o Manual de elaboração de documentos escritos produzidos pelo psicólogo, decorrentes de avaliação psicológica. Brasília: CFP.
- Conselho Federal de Psicologia (2005). Resolução CFP nº 010/2005. Aprova o Código de Ética Profissional do Psicólogo. Brasília: CFP.
- Conselho Federal de Psicologia (2010). Resolução CFP nº 008/2010. Dispõe sobre a atuação do psicólogo como perito e assistente técnico no Poder Judiciário. Brasília: CFP.
- Conselho Federal de Psicologia (2018). Resolução CFP nº 009/2018. Dispõe sobre as diretrizes para a avaliação psicológica no exercício profissional da psicóloga e do psicólogo. Brasília: CFP.
- Cruz, R. M (2017). *Perícias psicológicas no contexto do trabalho*. São Paulo: Vetor.
- Fermann, I., Chambart, D. I., Foschiera, L. N., Bordini, T. C. P. M., & Habigzang, L. F. (2017). Perícias psicológicas em processos judiciais envolvendo suspeita de alienação parental. *Psicologia: Ciência e profissão*, 37(1), 35–47. doi:10.1590/1982-3703001202016
- Guerreiro, J. S., Casoni, D., & Santos, J. C. (2014). Relevance and coherence as measures of quality in forensic psychological reports. *Psychiatry Psychology and Law*, 21(6), 890–902. doi:10.1080/13218719.2014.918077
- Guzzo, R. S. L., & Pasquali, L. (2011). *Laudo psicológico: A expressão da competência profissional*. São Paulo: Casa do Psicólogo.
- Lago, V. M., & Bandeira, D. R. (2008). As práticas em avaliação psicológica envolvendo disputa de guarda no Brasil. *Avaliação Psicológica*, 7(2), 223–234. Retrieved from http://pepsic.bvsalud.org/scielo.php?script=sci_arttext&pid=S1677-04712008000200013&lng=pt&tlng=pt
- Lago, V. M., Yates, D. B., & Bandeira, D. R. (2016). Elaboração de documentos psicológicos: Considerações críticas à Resolução CFP nº 007/2003. *Temas em Psicologia*, 24(2), 771–786. doi:10.9788/TP2016.2-20
- Mello, P. C. de (2016). *A perícia no novo Código de Processo Civil*. São Paulo: Trevisan.

- Moreira, S. V. (2005). Análise documental como método e como técnica. In J. Duarte & A. Barros (Orgs.), *Métodos e técnicas de pesquisa em comunicação* (pp. 269–279). São Paulo: Atlas.
- Nicholson, R. A., & Norwood, S. (2000). The quality of forensic psychological assessments, reports, and testimony: Acknowledging the gap between promise and practice. *Law and Human Behavior*, 24, 9–44. doi:10.1023/A:1005422702678
- Noronha, A. P. P., & Reppold, C. T. (2010). Considerações sobre avaliação psicológica no Brasil. *Psicologia: Ciência e Profissão*, 30(10), 192–201. doi:10.1590/S1414-98932010000500009
- Preto, C. R. S (2016). *Laudo psicológico*. Curitiba: Juruá.
- Rovinski, S. L. R. (2004). *Fundamentos da perícia psicológica*. São Paulo: Vetor.
- Rovinski, S. L. R. (2013). *Fundamentos da perícia psicológica forense* (3a ed. rev. e atual.). São Paulo: Vetor.
- Silva, D. M. P. da (2019). Avaliação psicológica nos processos de alienação parental. *Veredas: Revista Interdisciplinar de Humanidades*, 2(3), 55–76. Retrieved from <http://revista.unisa.br/index.php/1/article/view/74>

Authors' notes

Simone C. Lemes, Postgraduate Program in Psychology (PPG), Southern College (IMED);
Vinícius Renato T. Ferreira, Postgraduate Program in Psychology, Southern College (IMED).

Correspondence concerning this article should be addressed to Simone C. Lemes, Rua Felipe Noronha, 100, Bairro Cristo Redentor, Porto Alegre, RS, Brazil. CEP 91040-060.
E-mail: sclemes@terra.com.br.

EDITORIAL BOARD

Editor-in-chief

Ana Alexandra Caldas Osório

Section editors

Psychological Evaluation

Alexandre Serpa

Luiz Renato Rodrigues Carreiro

Vera Lúcia Esteves Mateus

Psychology and Education

Cristiane Silvestre de Paula

Carlo Schmidt

Social Psychology

Bruna Suguagy do Amaral Dantas

Enzo Banti Bissoli

Clinical Psychology

Eduardo Fraga Almeida Prado

Marina Monzani da Rocha

Carolina Andrea Ziebold Jorquera

Human Development

Maria Cristina Triguero Veloz Teixeira

Rosane Lowenthal

Technical support

Letícia Martinez

Camila Fragoso Ribeiro

EDITORIAL PRODUCTION

Editorial coordination

Ana Cláudia de Mauro

Editorial intern

Júlia Lins Reis

Language editor

Daniel Leão

Layout

Acqua Estúdio Gráfico