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Book Reviews: Technical Books Section

...A VALUABLE GUIDE FOR FORENSIC SOCIAL WORKERS ...This is an honest and sincere attempt at explaining an issue which has not had much work done on it, leave alone anything written about it. This book tries to look at all aspects of Forensic social work. The book details legal conflicts one may face and offers suggestions on how to deal with these situations. It is replete with good and suitable examples. Highly recommended to all...

Forensic Social Work - Legal Aspects of Professional Practice, Second Edition by Robert L. Barker and Douglas M. Branson. Softcover, 8.8" x 6.3" x 1".
The Haworth Press Inc., 10 Alice St., Binghamton, NY 13904, United States, (US/Canada). . (US/Canada); . Publication Date February 2000. 262 pages with Index., Hard Cover / ISBN-13: 978-0-7890-0867-9 / ISBN-10: 0-7890-0867-X. Soft Cover / ISBN-13: 978-0-7890-0868-8 / ISBN-10: 0-7890-0868-8. Price Hard Cover: $54.95. Soft Cover: $24.95

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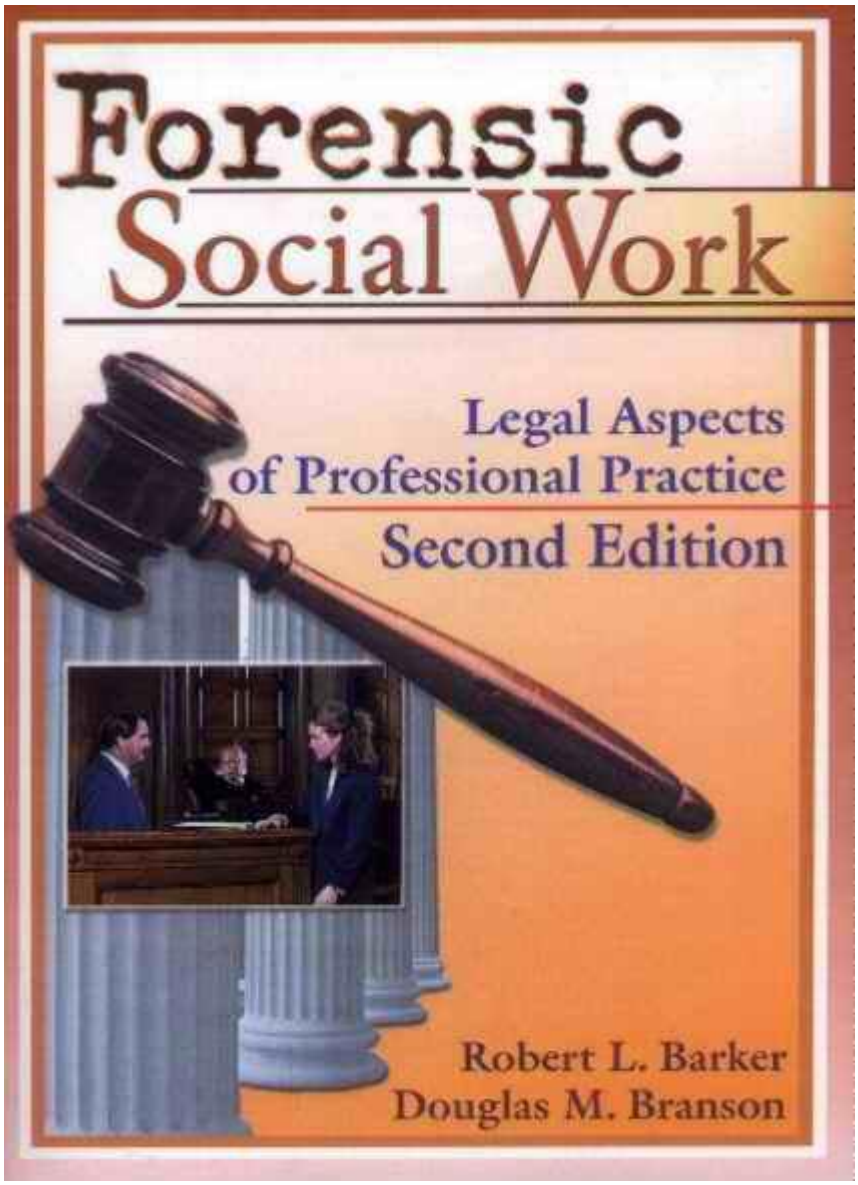

Forensic social work is a much talked about specialty in the new millennium, but unfortunately many are not aware of what this entails. But before talking about Forensic social work, let us first be clear in our minds, what social work involves. Social work is concerned with social problems (say marriage disputes, divorce etc), their causes, their solutions and their human impacts. Social workers work with individuals (say, resolving conflict between spouses on the verge of divorce), families (say, trouble between two siblings and their respective families), groups (say, between two racially different groups residing in the same location and facing some conflict), organizations and communities, as members of a profession which is, theoretically at least, committed to social justice and human rights.

The work undertaken by social workers can vary widely between countries as the aims and values of social workers must reflect the cultural and social norms of the society in which they operate, in order to cater appropriately for the needs of the people they serve.

The main tasks of social workers are casework (such as linking clients with agencies and programs that will meet their psychosocial needs), counseling (psychotherapy), human services management, social welfare policy analysis, community organizing, advocacy, teaching (in schools of social work), and social science research.

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Social workers work in a variety of settings, including non profit or public social service agencies, grassroots advocacy organizations, community health agencies, schools, faith-based organizations, and even the military. Other social workers work as psychotherapists, counselors, or mental health practitioners, normally working in coordination with psychiatrists, psychologists, or other medical professionals. Some social workers focus their efforts on social policy or academic research into the practice or ethics of social work.

...Readers would learn a number of subjects related to Forensic social work, namely how to avoid malpractice lawsuits by understanding the criteria for liability, how to distinguish implanted memory from recovered memory and understanding how witnesses and social workers may misuse remembered information, duty-to-warn laws, guidelines for action when laws and ethics collide, preparing for litigation, separating the role of the expert witness from the role of the fact witness while testifying, understanding the motivations, payments, and positive incentives for entering the field of forensic social work and finally writing reports and contracts for the litigious society using the problem-oriented (SOAP) record... Highly recommended!...

Sometimes social workers have to address legal issues, say when they are counseling a couple on the verge of divorce, and the issue of child custody arises. At such times, the information base they would use is called Forensic Social Work. Strictly speaking forensic social work is the application of social work to questions and issues relating to law and legal systems. Normally a social worker working with mentally deficient would work with them, so they can better integrate themselves in the society. But a forensic social worker would go beyond this and would help him in deciding such issues as their criminal responsibility (if he has been involved in some crime). Thus Forensic social work goes far beyond clinics and psychiatric hospitals and focuses on issues such as those of competency and responsibility. A broader definition of forensic social work includes all social work practice which in any way is related to legal issues and litigation, both criminal and civil. Some topics which fall under the definition of Forensic Social Work are child custody issues, involving separation, divorce, neglect, termination of parental rights, the implications of child and spouse abuse, sexual abuse, working with prostitutes and their legal rights, juvenile and adult justice services, corrections, and mandated treatment.

Unfortunately till very recently there was no good book on this subject. But now workers in this field can resort to a very good book on this subject. The book under review examines the professional specialty of forensic social work which involves testifying in court as an expert witness, investigating cases of possible criminal conduct, and assisting the legal system in such issues as child custody disputes, divorce, child support, juvenile delinquency, spouse or child abuse, and placing individuals in mental hospitals. As a student or professional social worker, the reader will explore a variety of ethical and legal issues, such as malpractice, licensing, credentialing, marketing for forensic clients, and presenting effective courtroom testimony. Current and fact-filled, this new edition discusses the origins of forensic social work and offers implications for future practice.

Quite a good amount of new material had been added in this edition. This includes a chapter on how to establish a forensic social work practice, with information on how to bring in clients, generate new referrals and make other important contacts. Another new chapter expands on the first edition's discussion of implanted memory versus recovered memory and the ways that social

workers use and often misuse this information. A third new chapter examines credentialing requirements for forensic social work.

The book details legal conflicts one may face and offers suggestions on how to deal with these situations. Replete with good and suitable examples, some aspects of forensic social work that the reader will learn about are:

1. Avoiding malpractice lawsuits by understanding the criteria for liability
2. Distinguishing implanted memory from recovered memory and understanding how witnesses and social workers may misuse remembered information
3. Duty-to-warn laws
4. Guidelines for action when laws and ethics collide
5. Preparing for litigation
6. Separating the role of the expert witness from the role of the fact witness while testifying
7. Understanding the motivations, payments, and positive incentives for entering the field of forensic social work
8. Writing reports and contracts for the litigious society using the problem-oriented (SOAP) record

The book is complete with a glossary, case examples, and information on how to obtain clients, new referrals, and other contacts. It gives a thorough look at the profession of forensic social work. The reader will explore the legal and ethical issues that come with this profession, learn the credentials needed to become a forensic social worker, and discover how to adequately market yourself in the field. The book will prepare a prospective forensic social worker for the circumstances that may arise and help him to professionally and successfully overcome future challenges. This would would prove immensely valuable to all forensic social workers. Forensic scientists in other fields may gainfully go through this book to know what this interesting new branch means to all of us. Highly recommended.

Excerpts from the book:

Forensic social work is an area of social work that is not very widely understood. The editorial board of this journal decided to give a few excerpts from this highly recommended book, so readers could get some idea about this fascinating area. Here is what the authors describe in the first chapter entitled "Forensic Social Work in a Litigious Society" (pages 4-9).

LAW IN THE ORIGINS OF SOCIAL WORK

While forensic social work itself is a recently identified specialty, many of its activities are as old as the profession itself. At the beginning of the twentieth century social work emerged in large part to fulfill many legal functions. The earliest social workers investigated families to determine if parents were abusing their children or otherwise not meeting their children's developmental needs. They reported the findings of their social investigations to the media and law authorities and testified in courts about their findings (Richmond, 1898; Addams, 1899).

The earliest social workers were oriented to changing society and its social injustices. They led political movements to change laws and to pressure the legal system to enforce existing laws with more rigor. They led successful campaigns to change or enact child labor laws, obtain legal rights for women, improve laws that would better protect workers and consumers. This social activism

was largely motivated by their direct exposure to the problems of poverty and their work in prisons and crime-ridden neighborhoods (Axinn and Levin, 1992).

Many of the people who created the social work profession and its employing organizations were lawyers. For example, attorney Robert Weeks deForest (1848-1931) was a founder and the principal leader of the Charity Organization Societies, the early social agencies where social workers were first employed and given their present name (Quam, 1995a). He also founded the first school for social workers (now known as Columbia University School of Social Work). Robert deForest also organized the Russell Sage Foundation, the philanthropic foundation that financed many of social work's first organizations, educational facilities, and publications. The Foundation published most of the first major social work textbooks and the Social Work Yearbook, which evolved into today's Encyclopedia of Social Work.

Lawyer Florence Kelley (1859-1932) is also considered a founder of the social work profession. Her law background led to her work as head of a government agency to enforce its labor laws, which later developed into her crusade against child labor and exploitation of the working poor. She helped create the National Consumer's League and the United States Children's Bureau. Realizing that these organizations and others with similar goals at the local level required competent, trained, staff to be effective, she encouraged and obtained funding for training programs for a new professional group (Edwards, 1995).

Another pioneer in the creation of social work was lawyer Sophonisba Breckinridge (1866-1948), who brought social work education into the university system and led the movement to include legal courses in the social work education curriculum. She helped develop the graduate program now known as the University of Chicago School of Social Service Administration and was its long-time dean. She also helped create the influential social work journal Social Service Review and was a founder of the organization that became the National Association of Social Workers (Quam, 1995b).

Many of the other founders of professional social work who were not lawyers, nevertheless spent considerable energies working with the law. Jane Addams (1860-1935) devoted much of her life to social activism and lobbying lawmakers, from local aldermen to national and international leaders (Addams, 1902). She organized and led political parties and became the first woman president of the National Conference on Charities and Corrections (Bryan, Slote, and Argury, 1996; Lundblad, 1995).

Mary Richmond (1861-1928), who now is widely considered to be the progenitor of the clinical side of social work, was actually also very much involved in legal work and social activism (Longres, 1995). She helped establish child labor laws, juvenile courts, and legislation for deserted wives. Her early books, especially Friendly Visiting Among the Poor (1898) and Social Diagnosis (1917), contained extensive discussions about how workers should engage the legal system in efforts to help the disadvantaged.

EARLY AFFINITY OF SOCIAL WORK AND THE LAW

With such a foundation it was natural for social work to have close ties to the law and legal justice system. Almost every new professional school included law courses. Field placements were in family courts, prisons, legal aid offices, and even private law firms. Upon graduation, many social workers became probation and parole officers and court investigators. They were often asked to

evaluate the merits and risks of keeping an offender in the community and to prepare "Pre-sentence Investigation Reports (PSIR)" (lsenstadt, 1995, p. 71). Those who worked in welfare offices, settlement houses, and charity organization societies encountered the victims of crime and injustice and reported their findings to law authorities (Tice, 1998).

During its first thirty years social work was closer to the law than it is now to the health and mental health fields. Most early social workers belonged to the National Conference on Charities and Corrections (founded in 1879), and many of its other members were law officials. The nation's juvenile court system avoided the adversarial procedures of other courts by employing social workers to advocate for the child, family, and state simultaneously. Then the worker would act as probation officer for the judges' sentences of juvenile cases (Ezell, 1995).

The major employers of social workers were public welfare offices and child welfare organizations, and much of their work involved investigating and reporting to the legal authorities the conditions to which children and the disadvantaged were subjected (Trattner, 1999). Many social workers found themselves testifying in courts almost as frequently as they were working with clients. Recognizing that this was becoming a major social work function, the schools of social work increased their offerings of courses in legal aspects of professional practice and encouraged more students to study such offerings.

DIVERGENCE BETWEEN SOCIAL WORK AND THE LAW

It was not until the mid-1930s that social work began its turn away from a legal orientation toward its emphasis on mental health and humanistic concerns. The poverty and economic problems seen in the Great Depression (1929-1941) drew the interests of many social workers away from the law and more toward economics and sociology. The new philosophies of Sigmund Freud (1856-1939) and other psychoanalytic theorists influenced many other social workers toward an interest in the mental processes of individuals (Specht and Courtney, 1995).

Many professional schools of social work replaced their curricular offerings in the legal and justice fields with more courses with psychosocial orientations. Field placements in law settings were replaced by those in mental health clinics. Even though the social work profession recognized and advocated closer relationships with law professionals, few practical steps were made in that direction (Schroeder, 1995; Brieland and Lemmon, 1985; Sloane, 1967).

As social workers pursued other interests, prisons, juvenile courts, and the probation system could no longer find enough workers to fill most of their jobs and had to turn to members of other disciplines (Miller, 1995). Reflecting the schism between social workers and the justice/corrections system, the National Conference on Charities and Corrections split into two groups. The Gault decision in 1967 gave children the same legal rights in courtrooms as adults, and soon social workers were replaced by lawyers in the juvenile court system (Manfredi, 1998; Singer, 1996). In public welfare and child protective service agencies, investigations of potential abuse were carried out increasingly by individuals who had not been trained as social workers.

As social work moved farther from the legal institutions, it also seemed antipathetic toward legal regulation of professional practice. By the mid-1960s only three states had social work licensing laws (DeAngeles, 1993). Efforts to license social workers in other jurisdictions were minimal and ineffective.

Many influential social workers argued against licensing (Flynn, 1987). They claimed that it was anathema to the values of the profession, that it would only encourage elitism, and that it would drive everyone but clinical social workers out of the profession. And most important, they said, it was unnecessary; the profession did not need to be legally regulated because it had two safeguards that were supposedly more reliable. One was the profession's system of controlling its workers by closely supervising them in their agency employment. The other was the widespread assumption in the profession that the worker's behavior would be unassailable because of social work's high moral principles and values (Vigilante, 1974).

The view that licenses were unnecessary changed, perhaps more for economic reasons than high-flown moral ones. Insurance companies, which became increasingly important to all providers of social and health care services, began to refuse reimbursement to professionals who were not licensed. Clients who had insurance would seek only the services of licensed professionals; social workers wanting to serve these clients would have to find a psychiatrist willing to supervise their work.

Most social workers continued to shrug off the insistence on licensing by insurance companies. They believed, for awhile, that it would affect only private practitioners, who were not very popular in the profession anyway (Barker, 1992). After all, most clinical workers were employed in social agencies, and their funding was paid for by taxes or donations and programs such as United Way.

However, the social agencies themselves found they too were affected. For all but government agencies, funding from private donations and fund drives remained static as costs mounted. Clients who had insurance went to licensed professionals. The more affluent clients who paid larger portions of their co-payment costs were gone, and the agencies could not see many clients who could pay little or nothing for their services. The agencies also needed the insurance company money. They wanted to hire only licensed professionals.

The change came dramatically fast. In little more than a decade, by 1992, every state had established licensing or legal regulation of its social workers (Landers, 1992). Once licensing was established, social workers could become recognized providers of mental health services at the local and state levels. The movement was spearheaded by individual social workers in each state, along with help from professional associations, agencies, and consumer groups, as well as lawyers and lawmakers. They overcame opposition from within the profession and from other professional disciplines, notably psychology and psychiatry. Their opposition was based largely on concerns about losing market share of the mental health care "business" (Whiting, 1995, p. 2428).

Of course, the victory for social work is a mixed blessing. Legal regulation may mean more jobs, income, opportunities to serve all clients, and public acceptance; it also means more scrutiny and higher risks. Social workers became subject to the same controls that the public exercises over other professions-at a time when the public has grown increasingly litigious.

The book is full of such facts related to Forensic Social Work. I am sure our readers would enjoy the book as much as we at the journal office did.

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