



## **NOJOS Ethical Considerations for Sex-Specific Assessments**

### The Assessment Process:

1. Know the purpose of the evaluation and clearly articulate its purpose and context within the body of the report:
  - a. consider if the evaluation is forensic (court-ordered) or treatment oriented;
  - b. understand the Restorative Justice model, which is focused on balancing more focused on helping the harmed party, the responsible party, and the community, to create accountability, competency development, and community safety; and
  - c. inform the reader of the purpose of the assessment, preferably on the cover page of the assessment.
  
2. Employ the appropriate assessment for each individual case, prioritizing risk assessment yet considering the actual problematic behaviors of the youth. The nationally recognized risk tools are normed and designed to assess risk for sexual assault (hands-on or unlawful) recidivism. Consequently, these 'risk' tools cannot be used to infer 'risk' of recidivism for youth without hands-on or unlawful offenses. These tools can be used, at times, to identify high risk factors worthy of clinical attention and monitoring, but not to infer risk.
  - a. Sex Behavior Assessments ["SBA"] are completed on youth under the age of 12 wherein risk tools cannot be applied directly due to the youth's age. SBA's are also completed on youth who have **not** committed a "sexual assault behavior." For example, the youth may have engaged in sexual misconduct, but the behavior is may be considered "normal," developmentally expected adolescent sexual behavior (e.g. a boundary violation or unwanted touch without malicious intent, non-coercive nude picture exchange, underage youth engages in sex with another underage consensual partner, etc.).
  - b. Sexual Behavior Risk Assessments are for youth with an adjudicated sexual offense, typically adolescents age 13 and older. If the youth is not adjudicated, but fully admits to the alleged behavior, use a statement explaining that this is not a legal determination of behavior, but the result of this youth being placed for treatment due to their inappropriate sexual behavior.
  - c. The SBRA includes risk assessment while the SBA focuses on sexual behavior treatment needs for problematic sexual behaviors. When the risk tools don't adequately apply, default to administering an SBA.

3. Seek training in the following areas as recommended by Phil Rich [Rich, P. (2009). *Juvenile Sexual Offenders: A Comprehensive Guide To Risk Evaluation*. Hobokon, NJ: John Wiley]:
  - a. adolescent development involving expected and normative attitudes, emotions, experiences, interactions, and behaviors of childhood and adolescent development;
  - b. juvenile antisocial behavior or deviations in child and adolescent behavior that fall outside of age-appropriate and age-expected social norms that propel the youth to engage in antisocial or criminal behaviors in an effort to meet personal needs;
  - c. adolescent psychopathology involving the nature and diagnosis of mental disorders;
  - d. adolescent assessment requiring the capacity to evaluate, understand and interpret behavior with a special emphasis on projecting risk for future antisocial and sexually abusive behavior;
  - e. and knowledge of, or at least a strong theory about, the dynamics of healthy sexual development and development of sexually abusive behavior including its onset, and maintenance over time
4. Understand how consensual and age-appropriate sexual behaviors, developmentally expected curiosity and experimentation, and nuances of consensual sexualized behaviors between youth in residential centers or group homes different from sexual misconduct or problematic sexual behaviors; it is understood that these noted behaviors may be inappropriate and need redirection, but do not necessarily require an assessment or higher levels of treatment.
5. Be familiar with the *Sexualized Behavior Screening & Decision Making Tool*
6. Use instruments and tools for which the evaluator has received specified training and/or credentialing (otherwise, the evaluator should receive supervision). Understand the appropriate use of the tools:
  - a. regarding appropriate gender and age;
  - b. regarding adjudication status;
  - c. *regarding the development process*; and
  - d. only use tools for the correct population.
7. Mind the balance of the data gathered by the process of the evaluation; don't rely on one source of data or on one instrument.
8. Consider who will have access to the report or the documents (e.g., victim statement) gathered. Consider the privacy of the youth who engaged in the sexually problematic behaviors and the privacy of the victim(s). Consider how this information may be redistributed, being sensitive of confidential material being protected as much as possible.

#### Recommendations:

9. Comprehend Utah Code 78A-6-102.5 (amended 2022) for the least restrictive environment: (f) remove a minor from parental custody only where the minor's safety or welfare, or the public safety, may not otherwise be adequately safeguarded; and (g) consistent with the ends of justice, act in the best interests of the minor in all cases and preserve and strengthen family ties.
10. Understand the legal constraints around treatment options, and how the youth's adjudications (or lack of) effect placement options.

11. Recognize mental health treatment needs, which may be a separate issue from the sexually problematic behavior and may therefore need a separate treatment course (or they may be treated together if appropriate regarding the mental health need and the treatment level/placement).
12. Know the consequences of recommending too high or too low of a level of treatment or placement.

Industry Standard of Care and State Laws:

13. Understand and follow the reporting laws regarding child sexual abuse (Utah Code Section 62A-4a-403; CPS Hotline 1-855-323-3237).
14. Follow the ATSA guidelines for assessment (<https://www.atsa.com/juvenilepractice>).
15. Use the NOJOS “best practices” guidelines for assessment, which are taught in NOJOS conferences and can be found on the NOJOS website (<https://nojos.net/treatment>).
16. Know the importance of staying current with the instruments used in the profession.
17. Understand the concept of dual relationships, wherein the evaluator cannot be the treatment provider, and that evaluators cannot recommend treatment specific to their own program.
18. Do no harm.