

SALVE REGINA UNIVERSITY

**ASSESSING COGNITIVELY IMPAIRED PARENTS
USING A STRENGTHS-BASED MODEL**

A DISSERTATION SUBMITTED TO
THE FACULTY OF
THE DEPARTMENT OF HUMANITIES
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

BY

JULIA MONTMINY

NEWPORT, RHODE ISLAND

MAY 2005

PREVIEW

UMI Number: 3169131

Copyright 2005 by
Montminy, Julia

All rights reserved.

INFORMATION TO USERS

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleed-through, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

UMI[®]

UMI Microform 3169131

Copyright 2005 by ProQuest Information and Learning Company.

All rights reserved. This microform edition is protected against
unauthorized copying under Title 17, United States Code.

ProQuest Information and Learning Company
300 North Zeeb Road
P.O. Box 1346
Ann Arbor, MI 48106-1346

Salve Regina University

Graduate School

The dissertation of Julia A. Montminy entitled "Assessing Cognitively Impaired Parents Using a Strengths-Based Model" submitted to the Ph.D. Department in partial fulfillment of the requirements for the degree of Doctor of Philosophy in the Graduate School of Salve Regina University has been read and approved by the committee.

Reader: Arthur Frankel
Arthur Frankel, Ph.D.

04/01/05
Date

Reader: Cynthia Ardito Fields
Cynthia Ardito Fields, Psy.D.

4/1/05
Date

Mentor: Eugene Lappin
Eugene Lappin, FSC, Ph.D.

4-14-05
Date

Dean of Lance W. Carluccio
Graduate Studies: Lance Carluccio, Ph.D.

4-26-05
Date

Vice President for Theresa I. Madonna
Academic Affairs: Theresa I. Madonna, J.D., Sc.D.

4-28-05
Date

ABSTRACT

This dissertation explores the current method endorsed by the Commonwealth of Massachusetts for assessing parenting abilities in the cognitively impaired population. It seeks to develop a more ethical means of finding the strengths and needs of these mothers and fathers. Using qualitative and quantitative methods, a balanced, holistic view of abilities and deficits is sought. Ultimately, these individuals can be assisted only if service providers understand what their needs are and how to address them effectively.

The data suggest that parents with cognitive disabilities have far greater strengths than usually thought but that they are ignored because of low IQ scores. Evaluation is one-dimensional, and as such, gives a distorted view of a parent's functioning. The practice of relying on quantitative measures leads to unethical treatment for the parents and children. The families ultimately suffer the injustice of this prejudice. In addition, a broad range of resources is not yet available to them because, in part, they are considered to be in the minority of the population of parents who need the services of child protection agencies. In this study, 92 percent of the cases considered consisted of a family whose head was cognitively impaired, either with low-average intelligence or a formal diagnosis of mental retardation. The conclusion of this study is that more parents with disabilities may be able to raise their own children if they are given the proper support.

All the data presented here were gathered from one county in Massachusetts during the years 1995-2003. Of the one hundred families included, all the cases examined were under the jurisdiction of either child protection services or family court. The children were in the custody of the Commonwealth of Massachusetts. The identification of these families, all from past cases, is shielded throughout this study. This is a retrospective study. The facts were gleaned from files. No new parent interviews were completed.

PREVIEW

DEDICATION

To my family
for their support, humor,
and tolerance of this process.

PREVIEW

ACKNOWLEDGEMENTS

For the patience, the wisdom, and the perseverance of
those who assisted in this process,
especially Brother Eugene Lappin, FSC, Ph.D.; Dr. Arthur Frankel;
Dr. Cynthia Ardito Fields;
and for their unfailing support and wealth of experience,
Dr. Mary Montminy Danna;
Lauren Cuddy, Social Worker;
and Maureen Faulkner-Skinner, Social Worker.

LIST OF TABLES

Table 1. IQ Scores from Family Records Used in This Study 2

Table 2. Families Involved with DSS 34

PREVIEW

LIST OF FIGURES

Figure 1. Framework for Assessment	115
Figure 2. A Strengths-Based Model for Assessing Parenting	210
Figure 3. A Strengths-Based Assessment Model for Ms. Smith	211

PREVIEW

GLOSSARY

ADA: Americans with Disabilities Act

Cognitive Impairment: IQ of less than average (90-110 points), including varying degrees of mental retardation and low-average intelligence

DMH: the Department of Mental Health

DMR: the Department of Mental Retardation

DPH: the Department of Public Health

DSS: the Department of Social Services

DTA: the Department of Transitional Assistance

IEP: Individualized Education Plan

Lamb Warning: a verbal disclaimer and acknowledgement that information revealed in assessments is not confidential because it is gathered as evidence used in court

MCLE: Massachusetts Continuing Legal Education

CONTENTS

Approval Page	ii
Abstract	iii
Acknowledgements	vi
List of Tables	vii
List of Figures	viii
Glossary	ix
Chapter 1: The Current State of Assessment	1
The Context of This Study	
Relevant Background of This Researcher	
Approvals and Human Subjects Institutional Review Board	
The Purpose and Importance of This Investigation	
A Holistic Perspective	
The Role of Technology	
The Scope and Limits of the Research	
Definitions of Ethics and Technology	
Methods of Selection and Investigation	
Ethical Issues to Be Considered	
Significant Factors in Studying This Population	
Evaluation of Clients by the Department of Mental Retardation	
The Department of Social Services	
A Protocol for Ethical Treatment of the Cognitively Impaired	

Chapter 2: Review of the Literature	39
Diagnosis and Testing	
Forensic Assessment and Children	
Child Abuse and Neglect Standards	
The Mentally Retarded Population and Strengths	
Ethics and Technology	
Periodicals	
Cognitive Disability in the Family	
More Standards of Abuse and Neglect	
Assessment and Service Provision for the Cognitively Impaired	
Family Strengths	
Conferences, Seminars, and Workshops	
Conclusions from This Review	
What Still Must Be Learned about This Topic	
Chapter 3: Assessing Parental Capacity	95
Evaluating Parents in Massachusetts	
Abuse and Neglect	
Characteristic Risks of Families Accused of Abuse and Neglect	
The Foundations of Assessment	
Practical Issues in the Assessment Process	
Testing	

Interviews	
Observations	
Collateral Reports	
Other Forms of Testing	
Evaluator's Written Recommendations and Court Procedures	
Chapter 4: A Sample Evaluation and Report	138
The Case of Baby Mary	
Decision of Mary's Paternal Grandmother	
Discussion of the Baby Mary Case	
Chapter 5: A Strengths-Based Parenting Assessment Model	191
Impediments to the Process	
Proposed Changes in the Process	
Reassessing the Assessment	
Value of This Analysis for Providers	
Discussion of the Model	
Points Demonstrated in the Dissertation	
Possible Objections and Arguments	
Conclusions	
Summary of the Dissertation's Goals and Findings	
Contributions of This Study	
Disclaimer	

Appendix A: Letters of Approval	229
Appendix B: Parent Interviews	233
Appendix C: Children's Interviews	245
Appendix D: Observations.	248
Selected Bibliography	251

PREVIEW

CHAPTER 1: THE CURRENT STATE OF ASSESSMENT

This dissertation examines the ethical treatment of impaired individuals *as parents* in an age when technological processes often lead to inappropriate standardization. The key question asked in this analysis is whether it is fair, in treating cognitively impaired or mentally retarded parents, to hold them to the same standards as nonimpaired parents, while offering no assistance to mitigate those deficits. Social justice is not served if challenged parents are expected to perform as well as their nonimpaired peers in an assessment process that is not tailored to their needs. The resulting evaluation is invalid and decisions made based upon it could be wrong and unethical.

The Context of This Study

This investigator has worked for 10 years conducting evaluations for the Commonwealth of Massachusetts by appointment of the Juvenile Court Judge and by request from the Department of Social Services. This study considers parents who are involved with the legal and social service systems because of alleged child abuse and/or neglect. Of the one hundred cases chosen here for consideration, only *eight families* included both parents with no classifiable cognitive or developmental impairments. That is, 92 percent of the families were headed by one or more cognitively impaired individuals. Of

these 92 families, 35 had one or both caregivers diagnosed as mentally retarded. Of the 35 families headed by a mentally retarded parent, one mother was diagnosed with moderate, rather than mild, retardation. The remaining 57 families were headed by parents with low-average intelligence which means that they were not viewed as mentally retarded. Therefore, they were not disabled according to the criteria used by the Commonwealth of Massachusetts.

TABLE 1

IQ Scores from Family Records Used in This Study

<u>Population</u>	<u>No. of Cases</u>
Mentally Retarded: IQ between 41-50 (moderate)	1
Mentally Retarded: IQ between 51-75 (mild)	4
Low -Average Intelligence: IQ between 76-89	57
Average or Above Average Intelligence: IQ over 90	8
Total	=100

The status of "not disabled" or "not mentally retarded" is crucial because mentally retarded individuals are compensated with disability insurance paid by the state. However, those persons whose scores fall between mental retardation (an IQ of 75) and average intelligence (an IQ of 90 or above) are not eligible for assistance (Rasteiro 2004, Interview). These individuals are

expected to raise their families by the same means as those parents who are of average or higher intelligence, that is, without formal support from the community or the government. In particular, if they wish to keep their children, cognitively disabled heads of families (whether their IQ scores are 69 or 89) are expected to be as adequate in their parenting as the rest of the population (Field and Sanchez 1999, 240, 275, and 315).

This study holds that personal and professional ethics must guide child protection workers, advocates, and evaluators to prevent them from marginalizing or doing injustice to parents with cognitive disabilities. Such parents must not be stripped of their rights, especially by having their children taken away. Although such an injustice may not be intended, it does occur as social services and the court system are increasingly overwhelmed with the care and protection of abused and neglected children. Each year, child protection services generate more cases but do not necessarily gain more personnel or more time to work with them (Brandon 1999, 399).

To deal with this crisis, many professionals find it easier to use existing but unsatisfactory standards to rush families through the bureaucratic system. This haste is generally intended to shorten the waiting time for children in legal limbo. While it appears humane to ensure that children do not languish in the legal system without a permanent home, the unintended result is often a quick fix that ultimately does more harm than good. Worse, when a bad decision is made for the sake of expediency, this process is certainly unethical. Because technology allows social services to use quantitative

instruments, set certain standards, measure results, and then report them quantitatively, human or qualitative judgment is frequently left out of the evaluation process. The use of technical criteria, especially as the main, if not sole, means of assessing families, may encourage practitioners to overlook or neglect more humane opportunities because they seem inefficient in terms of time and money. Nevertheless, those opportunities may, in the long run, be both more cost-effective and more just. In other words, failure to explore holistic opportunities in the evaluation process is unjust and may well be counterproductive. Evaluators and the system within which they work need to consider each case holistically for the sake of the child, the family, and society.

Massachusetts law, with regard to fitness and termination of parental rights, puts the burden on the state to prove parental *unfitness* (Field and Sanchez 1999, 265-7). This system is fair in that it treats parents as “innocent until proven guilty.” Thus, it does not consider what is *best for the child* except as secondary to proven unfitness of the parent. This legal process may at first seem contradictory, but once understood, it is actually sensible because it recognizes that there are numerous “acceptable” ways to raise children. For example, no law governs television viewing. Parents, whether mentally retarded or not, may or may not allow their children to watch television, but it is their personal choice. Such a decision should never be grounds for judging a parent as unfit, or even be a cause for questioning fitness in the first place. Similarly, what one judge, evaluator, or social worker would deem inadequate

parenting might be acceptable to another. Therefore, parents must not be judged or evaluated on matters that are considered by some to concern the “best interest” of a child but are not really proofs of poor parenting (Field and Sanchez 1999, 244-5). This distinction is especially crucial in evaluating a cognitively impaired or mentally retarded parent.

In all cases, *parenting abilities*, rather than quantitative measures such as IQ score or factors like outward appearance or personal wealth, must be the first standard. Otherwise, all parents are in jeopardy. In the case of a custody dispute, for example, one parent may be affluent and the other not. If the standard were simply what is best for the child, the wealthy parent might win custody based solely on material assets, since most human service practitioners agree that financial security is important. That kind of judgment would invalidate parental skills and the parent-child relationship.

Unfortunately, despite the stated law, children’s best interest is usually the factor convincing the court that children are better off with parents who are not cognitively impaired (Ibid.). It is, however, unfair and wrong to disguise concerns about the abilities of a mentally retarded parent by making arguments in favor of what is best for the child. What is best for the child may, of course, also be what is best for the parent and the family.

This evaluator’s experience suggests, however, that what is *most expedient* for the court and social service providers, because of their over-reliance on certain technological procedures, is usually considered to be in the child’s best interest. Thus, this study examines parental ability from a

more complete or holistic perspective rather than mere quantitative criteria. And with more *kinds* of information available to the court, less risk of bias will be present in decision making. The complete, rounded picture of the parent will show him or her to be much more than an IQ score. The court will be able to see the person as a parent, a family member, a worker, a partner, and more. All the different roles that the particular parent plays will develop a full picture of the person to show where his or her strengths lie and what needs or gaps should be addressed.

Relevant Background of This Researcher

This researcher has been practicing in the field of assessment and investigation since 1995. Before focusing on this area of service, however, this student was a mental health clinician who worked mainly with children and families through the modality of art therapy. A bachelor's degree in fine art and a master's degree in counseling (with a concentration in expressive therapy) allowed this clinician to practice with a number of different populations, including children of domestic violence and their mothers, homeless families, sexually abused and traumatized children, and behavior disordered children. This work was generally performed in the home, school, courthouse, or shelter of the child rather than in the clinical setting of an office.

Once working in the field, this researcher participated in ongoing training and education to keep abreast of current and changing practices for the assessment and treatment of children and families. Most of this instruction was intended to teach methods on a specific topic, for instance, sexual abuse assessment and treatment. As this student found an interest in assessment and investigation, further education was pursued in that area. It began with an intensive training conducted by the Massachusetts Continuing Legal Education (MCLE) of the Massachusetts Bar Association. (Court investigators are first usually lawyers or mental health clinicians. Most still practice their first profession as well as conducting investigations.) Subsequent training in legal and advocacy issues enhanced the primary training. This education helped to round out the clinical view held by this investigator, providing a practical, law-oriented perspective. This background proved useful later, as matters of legality arose often.

As a result of the education and experience, this practitioner was asked to accept the position of Juvenile Court Clinician, which led to making presentations at annual conferences for investigators. The combination of practice and teaching prompted the pursuit of more formal education. A doctorate in humanities with a focus on more ethical treatment of clients seemed an appropriate choice as the goal of all this work was to seek justice for children and families, many of the decisions that this investigator observed in court appeared to be linked to arbitrary time frames and misused resources. Therefore, an education focusing on the issue of humanity versus

technology seemed tailor-made. The inherent conflict between the two is not only important academically, but for certain families, has profound implications.

Besides legal training and valuable experience in judicial decisions, with three young children at home this investigator also holds an informed view of the problems that accompany parenthood. Parenting is challenging, even for those who have higher education, secure employment, adequate housing, help from a second parent, extended family support, and good health. Even with no unusual stress, parenting is difficult. Its many serious challenges allow this practitioner to empathize with parents who are being assessed for their competence. As the primary role models in a family, parents are always responsible to their children for their own behavior. Whether they like it or not, parents are in the spotlight, flaws and all. If a parent gains that insight, the pressure to be the best possible mother or father is at times overwhelming.

The web of relationships that form the family is a complex one. The responsibility for the maintenance of it rests firmly upon the parents. They decide how well the family functions by how they care for the interactions within it. Fritjof Capra states that how well the family is "integrated" or, in other words, how much integrity and wholeness is present shows its health. Capra reminds us that the family, like all systems, is a dynamic, fluid entity that cannot be rigid or inflexible. It must also be stable in order for the necessary growth of all the members (1982, 266-267). If the family system breaks down

in one area—Capra gives the example of mental illness—and the problem is not addressed correctly, the whole will collapse (1982, 366).

The family is part of another larger system, society. The same principles at work on the individual level have also to be upheld at the community level. Families have to feel important, supported, and integrated into society to function well on any level. Capra calls this “social health.” It is the notion that all these systems are interdependent and based on trust, cooperation, and treating one another with mutual respect (1982, 265-266).

Those principles sometimes seem absent from the social service and family court system. It appears that rather than lifting up those with fewer resources, the institutional system tends to dissect relationships, look for problems, and solve them by dissolving the basic unit: the family. This investigator believes that there are solutions beyond what has been offered to these families thus far. Rather than seeing only two alternatives—all or nothing as far as custody is concerned—there is a whole range of compromise and cooperation that can be developed on a case-by-case basis. The difference is that this approach aims neither for independence nor dependence but rather for interdependence: a realistic goal that is flexible (Positive Parenting Quarterly 2004, 5).

Approvals and Human Subjects Institutional Review Board

When this researcher decided to pursue a dissertation on this topic, a discussion was held with the Presiding Juvenile Justice in the county where the cases this study occurred. He agreed that data from this investigator's own previous work could be used as long as there was no identifying information that could break the confidentiality of the families investigated (See Appendix A).

After the judge's approval was secured, this researcher contacted this university's Institutional Review Board. Since all the data were gathered from investigations that had been completed, there were no human subjects to protect. The Review Board also agreed to the use of the data because no identifying information would be disclosed (see Appendix A). Further, most of the information is presented as aggregate data. The sample case that is summarized has had specific facts and identifiers removed. Therefore, the individuals are not recognizable and no confidentiality has been breached.

The Purpose and Importance of This Investigation

The purpose of this study is to examine the factors involved in assessing parental fitness in cases of abuse or neglect brought to family court, to ensure that the fitness of cognitively impaired parents is investigated in a fair, ethical, and holistic manner. It examines whether or not discrimination plays a role in the removal of children from cognitively impaired