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The growing admissibility of expert testimony by clinical social workers on competence to stand trial

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Abstract

Expert testimony by clinical social workers concerning a criminal defendant's competence to stand trial has increasingly been admitted in certain state courts over the past two decades, yet most state laws still require that court-appointed competence evaluators be psychiatrists or psychologists. Pressure to admit social workers' testimony will come from social workers' increasing role in diagnosis and treatment of mental disorders. The evolution of forensic assessment instruments that permits greater transparency in competence evaluation and facilitates training, and the standardization of forensic evaluation in general, support greater use of clinical social workers as competence evaluators. A list of proposed qualifications for competence evaluators is developed from recent criticism of evaluation shortcomings, and the article describes how social workers could help address these problems. Through review of representative case precedents, comparison of educational and credentialing practices of clinical social workers and psychologists, and assessment of limited quality data on forensic assessments across disciplines, the article proposes that the principal determinant of qualifications to testify as a competence expert should be advanced training, experience, and credentialing in the specific skills related to competence evaluation rather than professional designation.

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