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CHILD COURT HEARINGS IN FAMILY CASES: ASSESSMENT QUESTIONNAIRE OF CHILD NEEDS DURING PRE-TRIAL PROCEEDINGS

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Abstract

The basis of family law is the child's interest. This is related to the right to be listened to, but not as an obligation. As a consequence, there is a necessity for the judge to conduct a judicial exploration of the child. But, in general, the judges are not trained in this type of explorations, and they may consequently obtain erroneous information in their exploration. Therefore, in this work, we present the generation of a questionnaire that explores the judicial agents' necessities during judicial exploration of children. Five expert researchers in the subject participated in creating the questionnaire; five family judges participated in the pilot test; and in the final study, 63 family judges answered the final questionnaire. Global reliability was adequate (.858), as was the reliability for interviewer's skills, but it was not for the other areas of the questionnaire. An exploratory factor analysis showed a factor structure consisting of 5 factors that accounted for 46.12% of the total variance, but these five factors don't correspond to the factors provided by experts. But construct validity validated the structure provided by the experts ($\chi^2/df = 1.35$; BBNNFI = .873; CFI = .879; IFI = .881; RMR = .139; SRMR = .153; RMSEA = .075). To sum up, we can say that the questionnaire could be improved, but the best areas are the stages of the interview and the interviewer's skills.

Keywords: Judicial exploration of the child; Family proceedings; Questionnaire; Forensic psychology; Psychometric study; Best interest of the child.

Resumen

El interés del menor se constituye en el eje principal en el derecho de familia. Uno de los aspectos en los que se traduce es en el derecho a ser escuchado, actividad judicial llevada a cabo por jueces o magistrados por medio de la exploración judicial. Ahora bien, los jueces no han recibido suficiente formación para la realización de este tipo de exploraciones, lo que puede llevar a la obtención de información errónea. Como consecuencia, nos planteamos un estudio con el objetivo de crear un cuestionario que permita a jueces y magistrados llevar a cabo una exploración adecuada de los menores. En la elaboración del cuestionario han participado 5 investigadores expertos en la materia; 5 jueces de familia en una prueba piloto; y en el estudio de validación 63 jueces de familia, el 68,48% del total. La fiabilidad del cuestionario a nivel global resultó adecuada (.858), pero no así en todas las áreas de medida hipotetizadas por los expertos. Así, ejecutamos un análisis factorial exploratorio que mostró una estructura factorial compuesta por 5 factores que explicaban el 46,12% de la varianza total, que tampoco se correspondían con los factores previstos por los expertos. No obstante, un análisis factorial confirmatorio validó la estructura factorial formulada por los expertos ($\chi^2/gl = 1.35$; BBNNFI = .873; CFI = .879; IFI = .881; RMR = .139; SRMR = .153; RMSEA = .075). En conclusión, el cuestionario es un buen instrumento para la exploración, por parte de jueces y magistrados, pero puede ser mejorado.

Palabras clave: Exploraciones judiciales de menores; Procedimientos de familia; Cuestionario; Psicología forense; Estudio psicométrico; El mejor interés del menor.

Introduction

The combined effort of different types of professionals—namely judges, tutors, psychologists, psychiatrists, researchers—is of great help in divorce proceedings (Hita, Braver, Sandler, Knox, & Strehle, 2009). In this situation, in family law, all court actions revolve around the child's interest. Closely related to this interest and to all the proceedings that involve the child is the right to be listened to, which is materialized in judicial explorations of children, an action carried out by judges. Through this channel, the national and international legal systems grant children the chance to be the interpreters of their own interest.

There is a general opinion that judicial exploration is not a proof through which judges obtain a series of facts on which to base their ruling, but it is a judicial diligence through which judges allow children to exercise a right. However, there is much controversy around this idea. There is no uniformity as to the form in which the different legal systems around us take this right into account, both as regards the obligation to apply it and the specific way to collect information, which involves a wide array of methods (the judge him/herself interviews the child, the judge collects the child's opinion through an *amicus curie*, through lawyers who represent the child, through specialized services, etc.). Neither is there an automatic link between the concept of the child's benefit and exercising their right to be listened to. Expert Paul Lagarde (1998) claimed in his explicative report of the 1996 Agreement that considering the child's opinion is not always in their interest. This is particularly so when their parents agree as to the action to take and this action is not detrimental for the child. In each case, the child's psychic condition must be analyzed, as well as their age and the circumstances around them in order to prevent the hearing from provoking greater damage than the one intended to prevent. Despite many authors advocating the need for judges to listen to children (McIntosh, Bryant, & Murray, 2008), some researchers highlight the fact that judicial exploration may be traumatic for children and defend that it be carried out by experts, such as psychologists (e.g., Budd, Felix, Sweet, Saul, & Carleton, 2006; Fitzgerald & Moltzen, 2004). Even in some works, strategies are presented to prepare the child when they must testify in court or before a judge (Ya-Hua, Chia-Lin, & Tsung-Chieh, 2009).

Spanish law also considers the child's right to be listened to in any judicial or administrative proceeding in which their interest is involved. Thus, article 9 of the 1/1996 organic law of Legal Protection of the Child establishes that:

1. Children have a right to be listened to, both within the family and in any judicial administrative proceeding in which they are directly involved and that leads to a decision that affects their personal, family, or social sphere.
2. In judicial proceedings, appearances will take place in accordance with the child's situation and their evolutionary development, trying to preserve their privacy.
3. Children will be able to exercise this right themselves or through the person they designate to represent them, when they have sufficient judgment.
4. However, when impossible or inappropriate for the children's interest, their opinion may be known through their legal representatives, provided they are not an interested part or have opposing interests to the children, or through other persons who can convey their opinion objectively due to their profession or special trusting relationship with them.
5. Children can request being listened to directly or through a person that represents them. Refusal of such hearing must be reasoned and it must be communicated to the Attorney General's Office and interested parties.

In addition, a reform operated by the 15/2005 law, July 8, affects three precepts: article 777 inserts in 770.4 and modifies article 92 of the Civil Code. Moreover, article 92 provides the following information:

1. When the judge must rule on child custody, care, and education, they will watch over the right to be listened to...
2. In any case, before ruling on the custody, the judge must bear in mind the Attorney General's Office's report and... listen to the children who have sufficient judgment—when deemed necessary... *ex officio*, by request of the Attorney General's Office, the parties, the technical team or the children themselves.

Thus, in Spanish law, children have a right to be listened to, but in no case can this right become an obligation.

In spite of this, in Spain, children involved in legal proceedings regarding a subject that affects them directly are very likely to be subjected to judicial exploration and judges are likely to conduct it.

Doubts exist as to whether, in general, judges receive sufficient specific training for this purpose and, consequently, whether both the way they interview the child and the way they interpret their language—verbal and non-verbal—is appropriate, therefore bearing consequences in relation to the quantity and quality of the information obtained by the judge.

If the interview is not conducted appropriately, the information obtained may be insufficient or erroneous. For instance, it is known that children tend to nod to a question by an adult invested with great authority if asked affirmatively and not in an open way (“Isn’t it true that your mom/dad...?”), independently from the answer’s truthfulness. Likewise, the exploration can be emotionally painful to the child/adolescent if conducted inappropriately. This can be the case when the children are given the impression that it is them who are choosing one parent over the other, thus creating an emotional conflict of interest difficult to solve for them.

This is why, in the present paper, we present the generation of a questionnaire to explore the judges’ needs when exploring children in order to identify them and program future training policies that may assist them in that task.

Method

Participants

Different samples of subjects have participated in the construction of the Questionnaire to Evaluate the Needs during Judicial Explorations of the Children. Firstly, we worked with a sample of five expert researchers in the field, in order to create the questionnaire’s items. Secondly, a sample of five family judges was used for the pilot study of the questionnaire. And finally, for the final psychometric study of the questionnaire, the instrument was administered to 63 judges from family-specific courtrooms. More specifically, the final questionnaire was sent to all the Family Court Judges in Spain. A total of 92 questionnaires were mailed out (total of judges in Spain that deals with family matters, excluding High Court and Supreme Court judges because in these instances the child is not heard). Therefore, the answer rate was 68.48%.

Measures

In order to construct the instrument, after consecutive meetings between the five expert researchers in the field and the research team members, it was decided that the questionnaire should evaluate five areas: a) the child's evolutionary maturity; b) the setting of the interview; c) the stages of the interview; d) the interviewer's skills; and e) procedural matters.

The first of these areas evaluated refers to the complex, continuous, irreversible process by which the child acquires a series of skills (cognitive, motor, linguistic, social, affective...) until reaching maturity in adulthood. This organized process involves a series of changes or qualitative and quantitative "leaps" that are grouped in different developmental stages (prenatal, infancy, childhood, adolescence, youth, adulthood, and old age) through which we acquire a series of such important functions as postural control, language acquisition, abstract reasoning, or social interaction. Exploring the child's evolutionary level will mainly involve assessing the following areas: cognitive capacity, linguistic skills, and social-emotional skills.

The second area refers to all the elements and norms that make up the environment where the interview of the child takes place. It involves assessing the physical space (decoration of the interview setting, luminosity, noise, privacy, and temperature), temporal variables (duration of the interview), and the interviewer's personal introduction (physical aspects such as apparel, etc.).

The stages of the interview refer to the basic structure that is recommended to follow during an exploration interview. Three stages have been defined: initial contact, central, and closing. It involves aspects such as context or role definition.

Communication skills are the conditions that allow an interviewer to conduct an interview appropriately. On the one hand, this implies that information is properly collected, that is to say, that it serves the interview's purposes; and on the other, that it is properly returned to the interviewee, that is, that they understand correctly what the interviewer is trying to convey. Some of these skills are based on personality traits rather on a molar or molecular level, such as the ability to sympathize or generate openness in the other. Some others, though, are based on the proper use of technology or interviewing techniques, such as asking questions adequately, paraphrasing, or reflecting feelings. It is to the latter that we refer to in this research.

Procedural matters refer to the series or succession of actions conducted while exercising a jurisdictional function derived from law, jurisprudence, or legal doctrine.

The final questionnaire can be seen in the annex.

Procedure

Delimitation and definition of the different areas that the questionnaire should evaluate took place between December 2008 and February 2009. In March 2009, the five expert researchers in the field composed items independently that would assess the possible needs of judges during interviews with children. The experts generated a total of 157 items that were reviewed by the remainder of the research team as regards their format, composition, and intelligibility.

Once this process had been analyzed, in order to assess the validity of their contents, the five expert researchers in the field were requested to assess each item independently. The assessment involved assigning the items to one of the five areas defined on the one hand, and on the other, defining each item's degree of importance (Likert scale from 0 to 3; 0: no important; 1: little important; 2: quite important; and 3: very important). The experts agreed in 71 out of the 157 items evaluated according to the area assessed (15 in the child's evolutionary maturity, 16 in setting of the interview, 2 in stages of the interview, 34 in interviewer's skills, and 10 in procedural matters). Given that the "stages of the interview" area remained underrepresented in this first selection, it was decided to recover the items on whose area four of the expert researchers in the field had agreed. On the other hand, four additional items were also recovered, since the experts had considered they were quite or very important. Thus, the pilot test questionnaire was formed by 88 items.

The pilot test was carried out in June 2009. Since few judges in Spain work in family courtrooms (92 in total), only five family judges were requested to collaborate in the pilot test in order to reserve the population for the final study. The task requested of the five family judges was to assess intelligibility in the 88 items, degree of importance to evaluate the needs during judicial exploration of children (Likert scale from 0 to 3; 0: no important; 1: little important; 2: quite important; and 3: very important) and, finally, to assess the degree of agreement with the statement or item (Likert scale from 0 to 4; 0: totally disagree; 1: disagree; 2: indifferent; 3: agree; and 4: totally agree).

The items of the final instrument were selected according to the answers provided by the pilot test's sample. The conditions the items must comply with in order to be selected were the following: total agreement regarding the item's intelligibility and a sum of assessments over 10 regarding each item's importance. Bearing these criteria in mind, the final instrument was formed by 55 items. It can be seen in the annex, and table 1 shows item distribution according to the five areas evaluated by the questionnaire.

Table 1. Distribution of the 55 items of the definitive questionnaire according to the five areas evaluated.

Area	Number of items per factor	Items
Child's evolutonal maturity	11	1, 3, 4, 8, 13, 25, 32, 46, 49, 50 and 55
Setting of the interview	9	7, 21, 27,33, 34, 43, 44, 45 and 48
Stages of the interview	5	2, 9, 40, 52 and 53
Interviewer's skills	23	5, 6, 12, 14, 15, 16, 17, 19, 22, 23, 24, 25, 26, 28, 29, 30, 35, 36, 41, 42, 47, 51 and 54
Procedural matters	8	10, 11, 18, 20, 31, 37, 38 and 39

The final questionnaire was mailed out in July 2009. A total of 92 questionnaires were sent out, in addition to an introduction letter and a brief explanation of the study. It was requested that the questionnaire be returned by mail. The questionnaire collection phase lasted until October 2009. It should be noted that a reminder was sent in September 2009 to all the courtrooms that had not returned the questionnaire yet. A total of 63 questionnaires were returned.

Data Analysis

All the data analyses have been conducted with the SPSS statistical package, version 19.0 for Windows and the EQS software, version 6.1 for Windows.

The number of questionnaires with 55 items answered was 40. Therefore, given that 36.51% of the total questionnaires answered were missing, it was decided to substitute omissions for a possible value in the measurement scale. More specifically, a maximum likelihood imputation for missing data technique was selected and the EQS software, version 6.1 for Windows was used to apply it.

The data analysis conducted can be divided in two phases: on the one hand, the psychometric study of the questionnaire; and on the other, a descriptive analysis of the answers provided by the studied sample. The psychometric analysis involved obtaining Cronbach's α coefficient as internal consistency for the reliability study, the item's discrimination index study, and the construct validity study based on the factor analysis, both exploratory and confirmatory. It is worth mentioning that the sample size is small for an analysis like this, yet it is robust. Besides, the sample is 68.48% of the study population, and therefore, increasing its size is difficult. The descriptive analysis involved obtaining means, medians, and their confidence intervals for each item and for the global score in each area.

Results

Psychometric Analysis

The reliability coefficient has been obtained on the global scale and for each separate area evaluated by the questionnaire as internal consistency, based on Cronbach's α coefficient, where the values obtained were as follows: child's evolutionary maturity, .717; setting of the interview, .280; stages of the interview, .541; interviewer's skills, .815; procedural matters, .321; and global questionnaire, .858. It can therefore be considered that, globally, the questionnaire presents good reliability as internal consistency, as well as in the "interviewer's skills" area. The "child's evolutionary maturity" area presents adequate reliability, whereas the remaining areas present inadequate reliability (Muñiz, 2005).

The item's discrimination index has been obtained on a global scale and for each area separately, along with the influence of removing the item in Cronbach's α coefficient. These values are shown in table 2. Ebel (1965) claims that if the discrimination index is over .40, the item's discrimination power can be trusted; if it is between .30 and .39, the item can be trusted but it should be improved; if it is between .20 and .29, the item should be reviewed; and if it is below .20, the item should be removed or completely modified. According to this criterion, in the "child's evolutionary maturity" area, 4 out of the 11 items do not present an adequate discrimination index; in the "setting of the interview" area, it occurs in 7 out of the 9 items; as regards the

“stages of the interview”, it occurs in 2 out of the 5 items; while in the “interviewer’s skills”, that is the case in 3 out the 23 items. Finally, in the “procedural matters” area, it happens in 6 out of the 8 items. On the global scale, 15 items do not present an adequate discrimination index. In addition, they are items already detected in the analysis by areas.

As regards the items’ influence in Cronbach’s α coefficient, none of the items seems to have great influence, since the item’s possible removal does not greatly modify the value of this coefficient. That is the case both in the global analysis and in the analysis by areas (see Table 2).

Table 2. Item discrimination index and effect on Cronbach’s alpha coefficient if item is deleted, both in the global analysis of the questionnaire and in the analysis by areas.

Area	Item	Global analysis (55 items)		Analysis by areas	
		ID	Cronbach’s Alpha if item deleted	ID	Cronbach’s Alpha if item deleted
Child’s evolutionary maturity	1	.485	.854	.305	.707
	3	.331	.856	.453	.684
	4	.396	.855	.182	.719
	8	.434	.853	.548	.665
	13	.463	.852	.677	.640
	25	.538	.855	.399	.707
	32	.388	.854	.107	.729
	46	.377	.854	.547	.666
	49	.431	.853	.570	.661
	50	.524	.852	.294	.707
55	.049	.861	.006	.754	
Setting of the interview	7	.385	.854	.146	.235
	21	.123	.860	-.059	.382
	27	.161	.858	.197	.226
	33	.072	.861	.093	.269
	34	.525	.853	.468	.111
	43	.112	.858	.115	.257
	44	.110	.861	-.119	.430
	45	.500	.854	.290	.193
48	.336	.856	.354	.184	
Stages of the interview	2	-.009	.862	.010	.756
	9	.413	.854	.273	.504
	40	.486	.854	.451	.419
	52	.557	.854	.618	.339
	53	.552	.853	.508	.385

Table 2 (continued). Item discrimination index and effect on Cronbach's alpha coefficient if item is deleted, both in the global analysis of the questionnaire and in the analysis by areas.

Area	Item	Global analysis (55 items)		Analysis by areas	
		ID	Cronbach's Alpha if item deleted	ID	Cronbach's Alpha if item deleted
Interviewer's skills	5	.382	.855	.413	.807
	6	.311	.856	.315	.814
	12	.312	.856	.335	.811
	14	.430	.854	.510	.803
	15	.493	.854	.490	.806
	16	.521	.853	.521	.802
	17	.482	.854	.558	.802
	19	.051	.860	.096	.825
	22	.545	.852	.552	.800
	23	.018	.861	-.138	.843
	24	.399	.854	.425	.806
	25	.538	.855	.559	.807
	26	.354	.855	.340	.814
	28	.655	.854	.758	.801
	29	.344	.855	.066	.833
	30	.589	.854	.643	.803
	35	.469	.854	.488	.805
	36	.450	.855	.520	.805
	41	.427	.855	.478	.806
	42	.553	.854	.716	.798
47	.408	.856	.538	.808	
51	.472	.854	.502	.805	
54	.454	.854	.411	.807	
Procedural matters	10	.069	.862	-.073	.400
	11	.296	.857	.402	.116
	18	.243	.858	-.013	.369
	20	.316	.856	.377	.154
	31	.207	.859	.299	.189
	37	-.001	.863	-.160	.434
	38	.094	.861	.199	.252
	39	.324	.855	.086	.313

The study of validity has been conducted from the perspective of construct validity based on an exploratory factor analysis (table 3 and figure 1) and a

confirmatory factor analysis of the expert judges' classification of items by areas (see Tables 4, 5, and 6, and Figure 2).

As an extraction method to perform the exploratory factor analysis, principal components with oblimin rotation was used, which converged at iteration 33. This shows that it has been difficult to reach the factorial solution. As shown in table 3 or figure 1, the items can be clustered together into five factors or areas that would explain 46.118% of the total variability. The first factor explains 22.192% and is basically formed by 12 items from "interviewer's skills", 4 items from "child's evolutionary maturity", and 5 items from "setting of the interview", according to the expert judges' classification. The second factor explains 8.785% of the total variability and is formed by 4 items from "child's evolutionary maturity", 2 items from "interviewer's skills", and 1 item from "setting of the interview", according to the expert judges' classification. The third factor explains 5.943% of the total variability and it is constituted by 1 item from "child's evolutionary maturity", 1 item from "interviewer's skills", and 5 items from "procedural matters". The fourth factor explains 4.729% of the total variability and it is formed by 2 items from "interviewer's skills", 2 items from "procedural matters", 1 item from "stages of the interview", and 1 item from "setting of the interview", according to the expert judges' classification. Finally, the fifth factor explains 4.470% and it is formed by 3 items from "child's evolutionary maturity", 6 items from "interviewer's skills", 4 items from "stages of the interview", and 4 items from "procedural matters", according to the expert judges' classification. Despite that, based on the exploratory factor analysis' results, it can be claimed that the items can be grouped into five factors, they do not match the classification proposed by the expert judges. The first factor would group items that refer to aspects of general knowledge needed to examine a child (General Interviewing Skills, GIS), as well as training needs, just like the fifth factor, although the latter involves specific contents (Specific Interviewing Skills, SIS). The second factor would group items related to the tools and skills the judges have when conducting the child's exploration (Interviewing Resources, IR). The third factor would refer to the bureaucratic aspects of a child's exploration (Bureaucratic Elements, BE). Finally, the fourth factor would refer to conditions of different nature under which to conduct the exploration (Unspecific Resources, UR).

Table 3. Exploratory factor analysis structure matrix with oblimin rotation (convergency at iteration 33).

Item	F1(GIT)	F2(IR)	F3(BE)	F4(UR)	F5(SIT)
1	.480	-.012	.054	.147	.479
2	.155	-.284	-.114	.407	-.066
3	.279	.593	.164	-.260	-.092
4	.482	-.166	.376	-.006	.464
5	.555	.015	.282	.045	.093
6	.195	.214	.193	.481	.116
7	.611	.084	.073	-.146	.190
8	.094	.808	.230	.058	.083
9	.252	.135	.089	.183	.545
10	-.092	.143	.084	.486	-.063
11	.096	.144	.759	-.032	.221
12	.229	.049	.495	.339	.129
13	.087	.838	.060	.110	.094
14	.444	-.208	.417	.047	.553
15	.503	-.071	.213	-.040	.569
16	.616	.216	-.019	-.033	.251
17	.579	-.049	.254	.023	.426
18	.254	.225	-.047	-.565	.404
19	-.004	-.047	-.036	-.126	.299
20	.085	.196	.591	.111	.252
21	-.022	.181	.104	-.156	.122
22	.460	.096	.135	-.190	.753
23	-.252	.273	.064	.059	.013
24	.484	-.011	.338	.407	.151
25	.748	.022	-.122	.132	.362
26	.239	.227	-.082	.431	.215
27	.466	.057	-.269	-.223	-.073
28	.853	.080	.138	.084	.315
29	.049	.795	-.012	.069	-.109
30	.804	.028	.093	.080	.286
31	.038	.244	.461	-.132	.116
32	.356	-.196	.281	-.007	.629
33	.144	.331	-.274	.126	-.154
34	.570	.327	.046	.240	.155
35	.464	-.061	-.107	.078	.682
36	.718	.001	-.054	-.072	.240
37	-.019	.192	-.419	-.107	.090
38	-.085	.208	.503	.379	-.160
39	.092	.292	-.127	.079	.513
40	.480	-.159	.233	-.025	.672
41	.481	.160	-.200	.279	.341

Table 3 (continued). Exploratory factor analysis structure matrix with oblimin rotation (convergency at iteration 33).

Item	F1(GIT)	F2(IR)	F3(BE)	F4(UR)	F5(SIT)
42	.567	-.092	.158	.094	.645
43	-.040	.067	.023	.066	.274
44	-.070	.118	-.114	.565	.221
45	.684	.059	.061	.049	.274
46	-.088	.809	.001	.259	.168
47	.606	-.077	.013	.181	.317
48	.590	-.091	.104	.300	.056
49	.216	.724	-.078	.093	.000
50	.610	.060	.262	.102	.335
51	.609	.172	.094	-.012	.246
52	.594	-.165	.191	.060	.715
53	.482	-.012	.277	.041	.606
54	.386	.057	.161	-.027	.531
55	.042	.073	-.595	.279	.176
% of explained variability	22.192	8.785	5.943	4.729	4.470

Criteria of adequation:

Kaiser-Meyer-Olkin: .074

Mauchly sphericity test: $\chi^2 = 3149.166$, $df = 1485$, $p < .001$

GIT: General Interviewing Tools. IR: Interviewing Resources. BE: Bureaucratic Elements. UR: Unspecific Resources. SIT:

Specific Interviewing Tools.

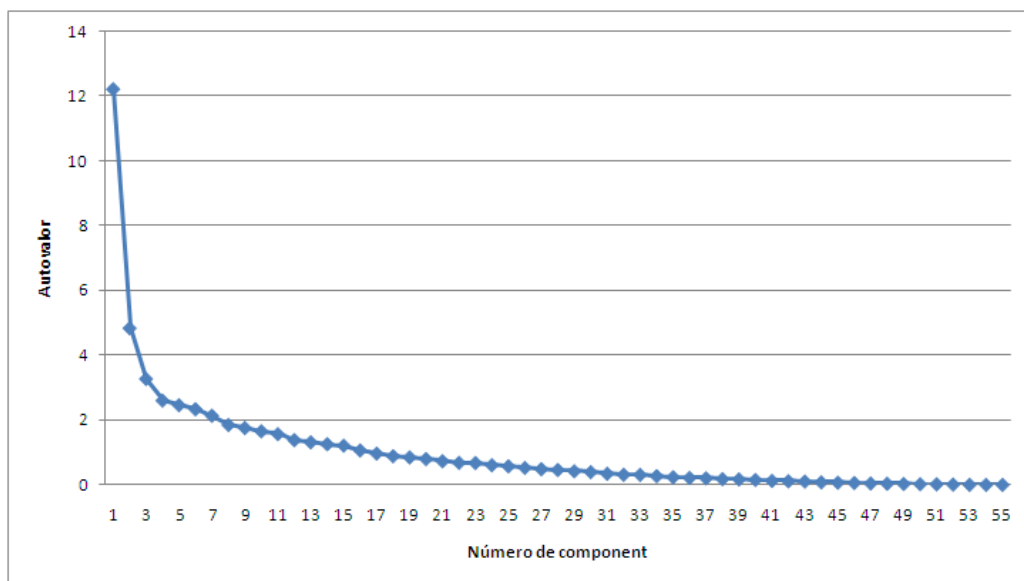


Figure 1. Scree plot obtained in the exploratory factor analysis.

As a parameter estimation method, Elliptical Reweighted Least Squares (ERLS) was used, due to the ordinal nature of the item measurement scale and the biased distribution of the answers given to some items (Bentler and Dijkstra, 1985). Moreover, the variance of the factors has been set to 1 in order to render the factor measurement scale. Finally, the analysis has been conducted under the assumption of correlated factors. This, the measurement model is an exogenous model with the following structure: $[X_i = \Lambda_x \xi_j + \epsilon_i]$ (Loehlin, 2004).

Table 4 shows the fit indexes obtained. As can be observed, the χ^2 statistic does not show good fit of the data to the proposed structure, since it is statistically significant. In any case, this is a very sensitive index to sample size (Bentler & Bonnet, 1980). For this reason, interpreting the quotient of χ^2 and their degrees of freedom is a better solution. In this case, it is 1.349, which indicates an adequate fit of the data to the structure evaluated according to Bentler (1989) and Bentler and Wu (1995), who consider that fit is adequate when this quotient is smaller than 5. On the other hand, BBNNFI, CFI, and IFI tend to 1, which shows good fit (Schumacker & Lomax, 1996), and residual indicators (RMR, SRMS, RMSEA) tend to 0, which also shows a good fit of the model (Hu and Bentler, 1999).

Table 4. Fit indexes in the confirmatory factor analysis.

Fit Index	Value
Chi square	$\chi^2 = 1913.972$ $df = 1419$ $p < .001$ $\chi^2 / df = 1.349$
Bentler-Bonett Normed Fit Index (BBNFI)	.656
Bentler-Bonett Non-Normed Fit Index (BBNNFI)	.873
Comparative Fit Index (CFI)	.879
Bollen's Fit Index (BFI)	.881
McDonald's Fit Index (MFI)	.020
LISREL Goodness-of-Fit Index (GFI)	.474
LISREL Adjusted-Goodness-of-Fit Index (AGFI)	.429
Root Mean Squared Residual (RMR)	.139
Standardized Root Mean Squared Residual (SRMR)	.153
Root Mean Squared Error of Aproximation (RMSEA) with 90% confidence interval	.075 (.066 ÷ .083)

Table 5 shows the standardized factor loadings, which have been estimated based on the confirmatory factor analysis. As can be observed, in the “child’s evolutionary maturity” area, 6 out the 11 factor loadings estimated were not statistically significant; in the “setting of the interview” area, it occurs in 4 out of the 9 loadings estimated; in the “stages of the interview” area, in 1 out of the 5 loadings estimated; in the “interviewer’s skills” area, in 4 out of 23 loadings estimated; and finally, in the “procedural matters” area, it occurs in 4 out of the 8 loadings estimated.

Table 5. Standardized solution of factor loadings in the confirmatory factor analysis and proportions of variability explained by each item based on the factor solution (solution convergence at iteration 216).

Item	Child’s evolutionary maturity	Setting of the interview	Stages of the interview	Interviewer’s skills	Procedural matters	R ²
1	.102					.010
2			.110			.012
3	.602					.363
4	-.019					.000
5				.472		.222
6				.233		.054
7		.590				.348
8	.798					.636
9			.395			.156
10					-.009	.000
11					.721	.520
12				.278		.077
13	.852					.726
14				.594		.352
15				.640		.409
16				.557		.310
17				.639		.408
18					.129	.017
19				.129		.017
20					.674	.454
21		.024				.001
22				.669		.448
23				-.180		.032
24				.462		.213
25	.051			.703		.506
26				.279		.078
27		.346				.120
28				.797		.635
29				-.031		.001
30				.750		.563

Table 5 (continued). Standardized solution of factor loadings in the confirmatory factor analysis and proportions of variability explained by each item based on the factor solution (solution convergence at iteration 216).

Item	Child's evolutional maturity	Setting of the interview	Stages of the interview	Interviewer's skills	Procedural matters	R ²
31					.467	.218
32	-.089					.008
33		.130				.017
34		.591				.349
35				.625		.391
36				.630		.397
37					-.212	.045
38					.451	.204
39					.118	.014
40			.732			.535
41				.521		.271
42				.740		.548
43		.054				.003
44		.015				.000
45		.714				.510
46	.767					.589
47				.621		.385
48		.533				.284
49	.698					.487
50	.137					.019
51				.580		.337
52			.878			.771
53			.665			.443
54				.504		.254
55	.024					.001

Significant factor loadings are shown in bold.

Table 6. Matrix of correlations between the five areas.

	Child's evolutional maturity	Setting of the interview	Stages of the interview	Interviewer's skills
Setting of the interview	.280			
Stages of the interview	-.026	.636 *		
Interviewer's skills	.130	.905 *	.894 *	
Procedural matters	.356 *	.142	.379 *	.251

* Statistically significant correlation coefficients with $p < .05$.

Table 6 shows the correlation matrix between the five areas. Out of the 10 correlations estimated, five were statistically significant with a level of significance smaller than .05. More specifically, the following correlation coefficients were statistically significant: between “child’s evolutionary maturity” and “procedural matters” (.356); between “setting of the interview” and “interviewer’s skills” (.905); between “stages of the interview” and “setting” (.636); between “stages of the interview” and “interviewer’s skills” (.894); and between “stages of the interview” and “procedural matters” (.379).

Descriptive Study

The descriptive analysis of the answers given by the Family Court Judges involved obtaining the mean and median and their confidence intervals with a 95% level of confidence. The confidence interval of medians was obtained from the standard error method (Kendall, 1945; Mothes & Torrens-Ibern, 1970).

This analysis was conducted for each area’s total score and for each item. The total score was obtained in each area from the scores’ mean on the items that belong to the area (see Table 1). These confidence intervals are shown in Figures 2 to 7.

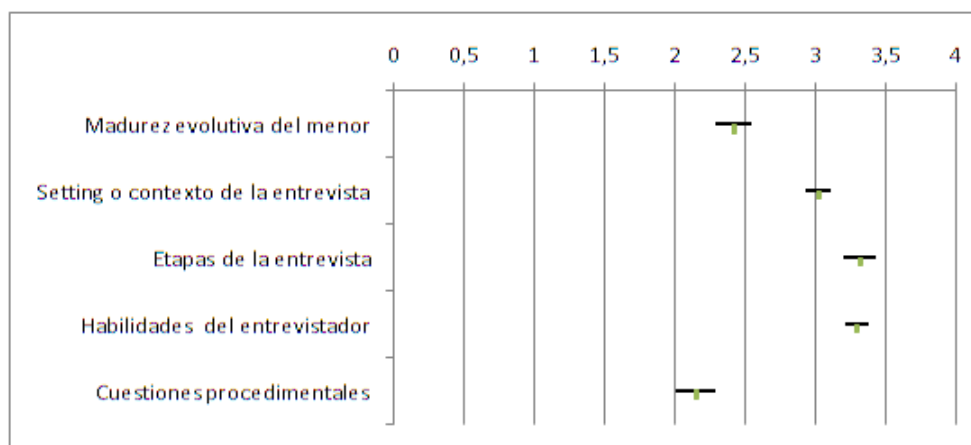


Figure 2. Confidence interval of means (upper graph) and medians (lower graph) for the scores on the five areas evaluated by the questionnaire to examine the judges’ and magistrates’ needs during judicial explorations of children.

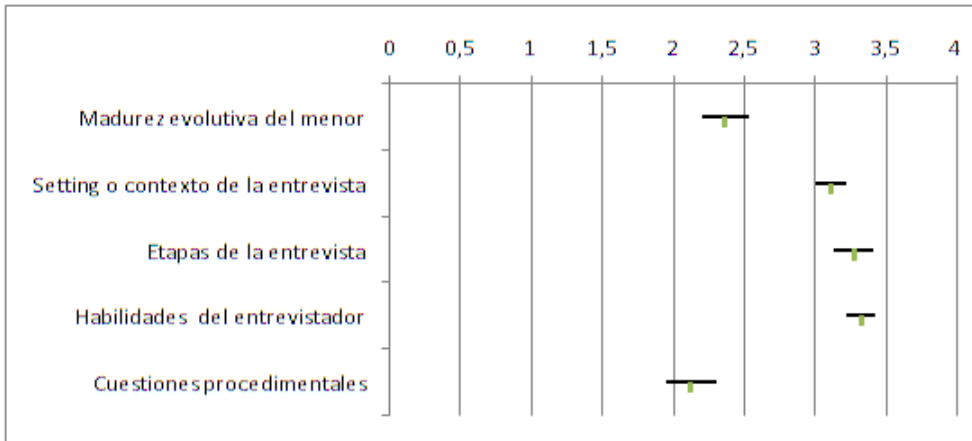


Figure 2 (continued). Confidence interval of means (upper graph) and medians (lower graph) for the scores on the five areas evaluated by the questionnaire to examine the judges’ and magistrates’ needs during judicial explorations of children.

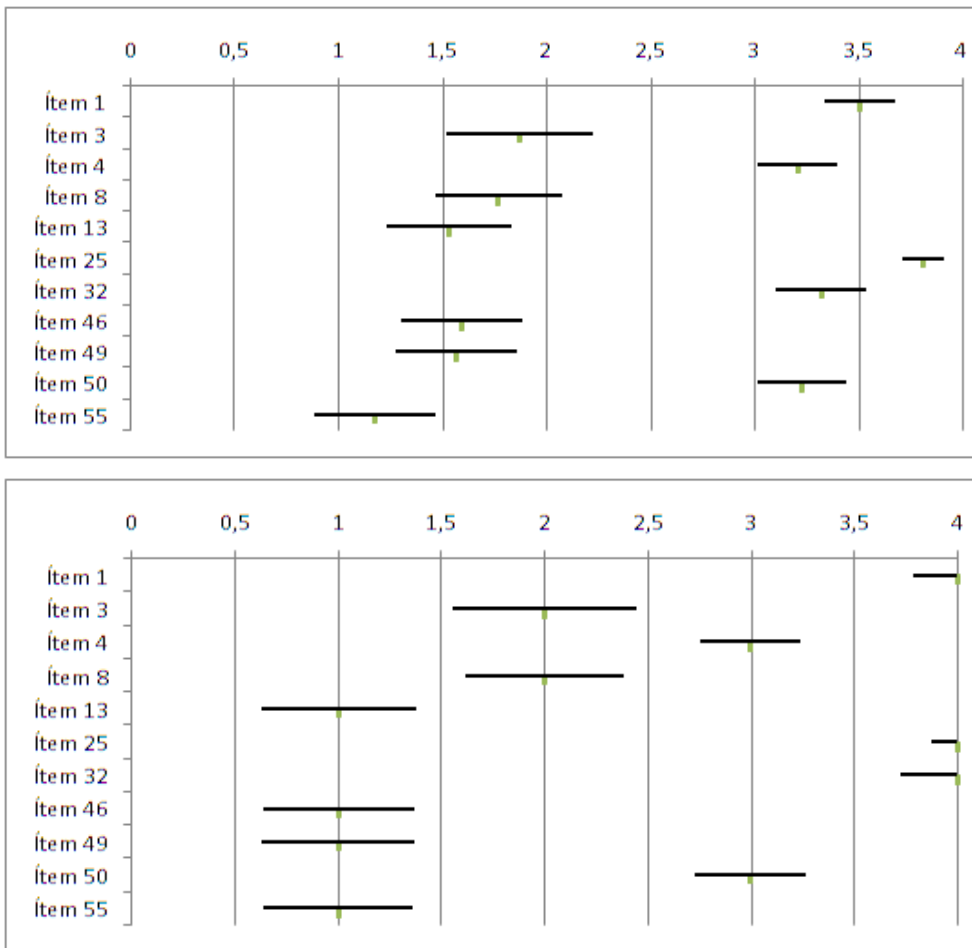


Figure 3. Confidence interval of means (upper graph) and medians (lower graph) for the scores on the items that form the “child’s evolutionary maturity” area in the questionnaire to examine the judges’ and magistrates’ needs during judicial explorations of children.

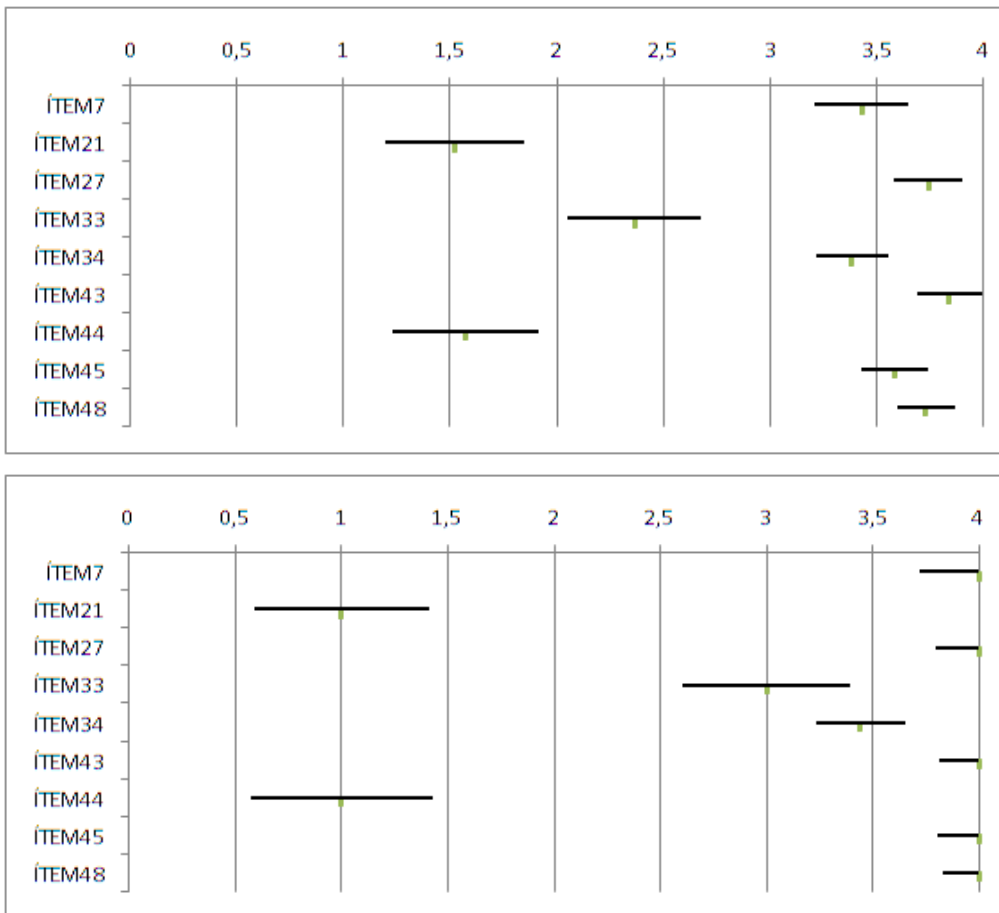


Figure 4. Confidence interval of means (upper graph) and medians (lower graph) for the scores on the items that form the “setting of the interview” area in the questionnaire to examine the judges’ and magistrates’ needs during judicial explorations of children.

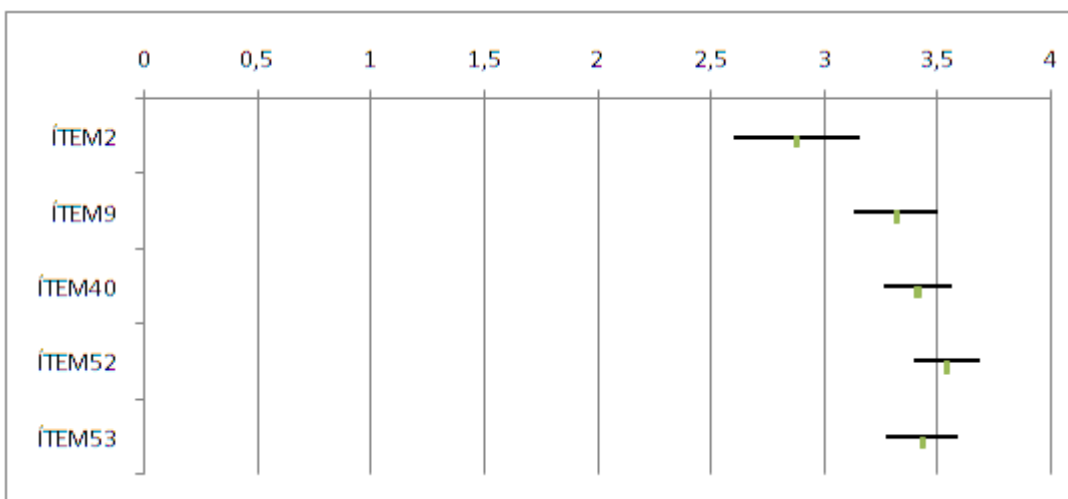


Figure 5. Confidence interval of means (upper graph) and medians (lower graph) for the scores on the items that form the “stages of the interview” area in the questionnaire to examine the judges’ and magistrates’ needs during judicial explorations of children.

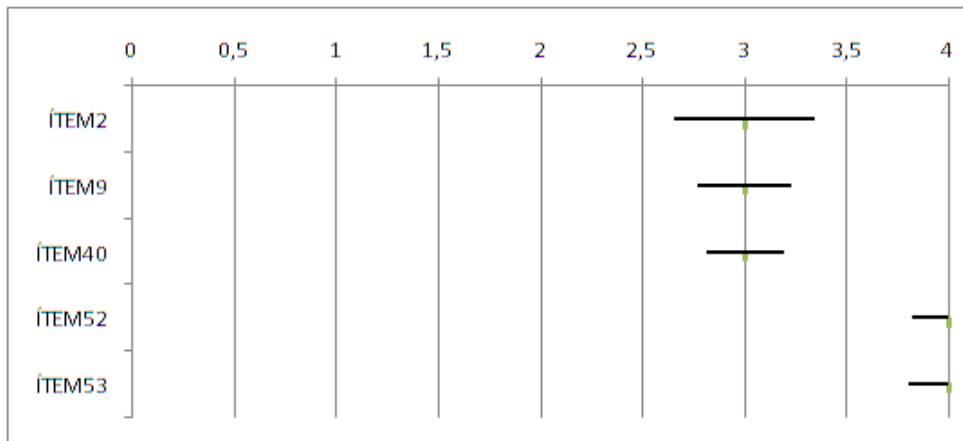


Figure 5 (continued). Confidence interval of means (upper graph) and medians (lower graph) for the scores on the items that form the “stages of the interview” area in the questionnaire to examine the judges’ and magistrates’ needs during judicial explorations of children.

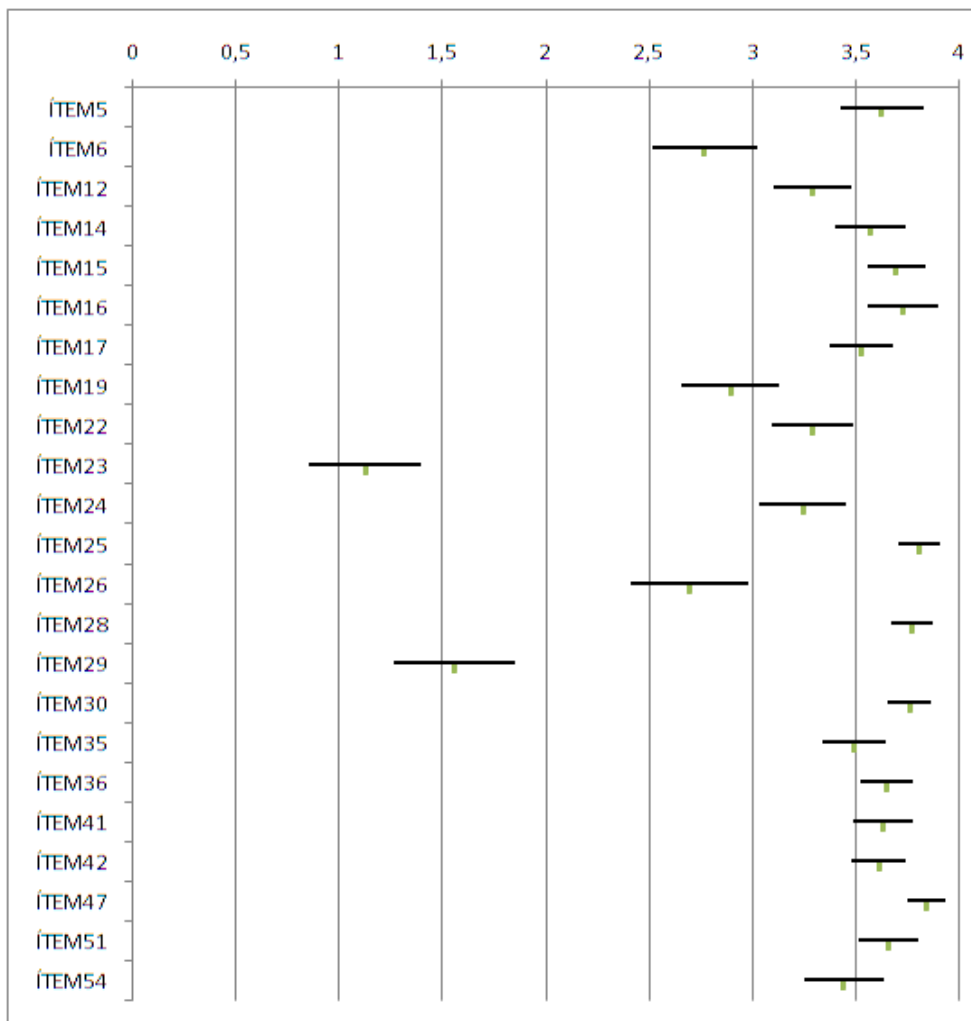


Figure 6. Confidence interval of means (upper graph) and medians (lower graph) for the scores on the items that form the “interviewer’s skills” area in the questionnaire to examine the judges’ and magistrates’ needs during judicial explorations of children.

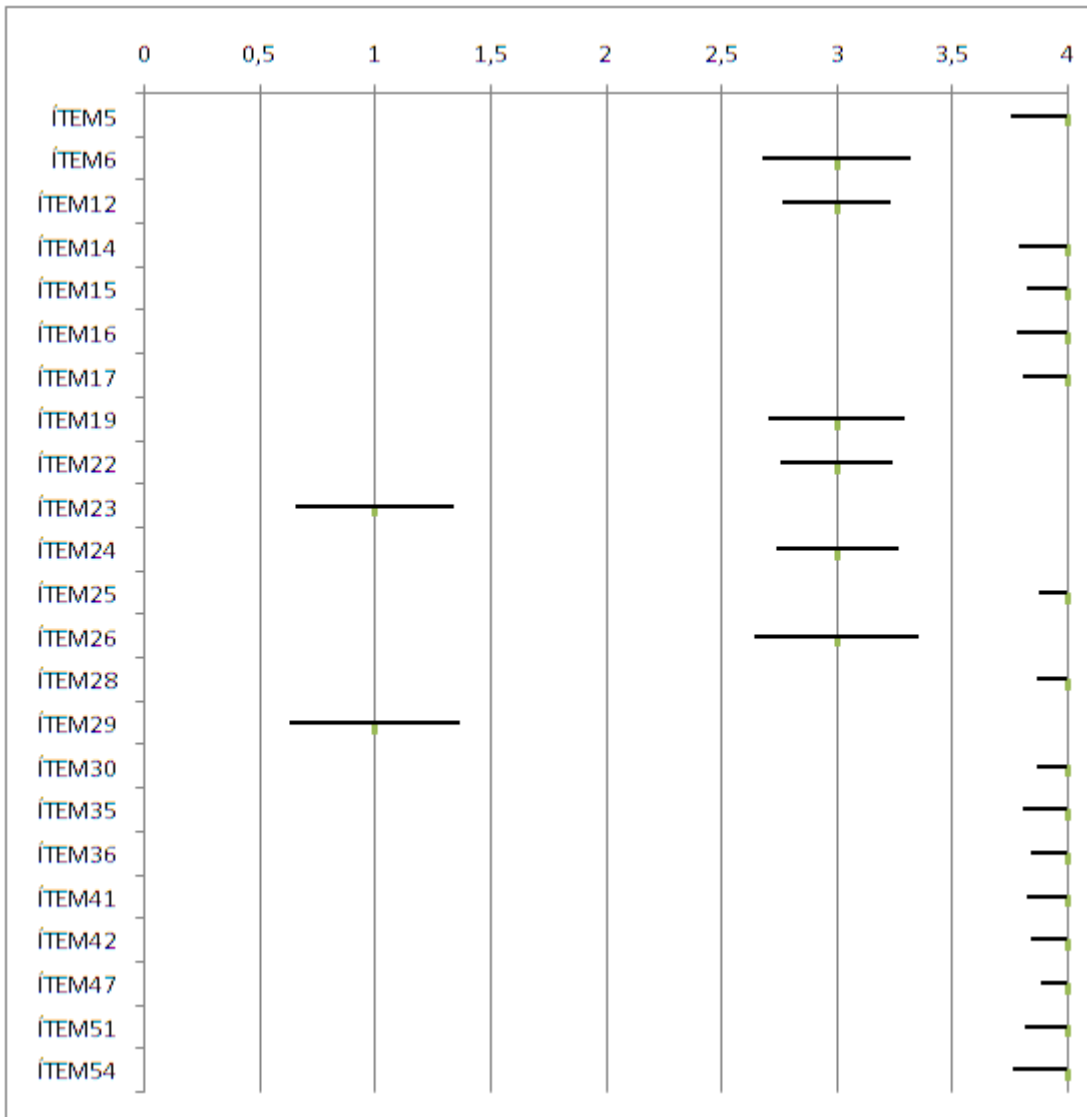


Figure 6 (continued). Confidence interval of means (upper graph) and medians (lower graph) for the scores on the items that form the “interviewer’s skills” area in the questionnaire to examine the judges’ and magistrates’ needs during judicial explorations of children.

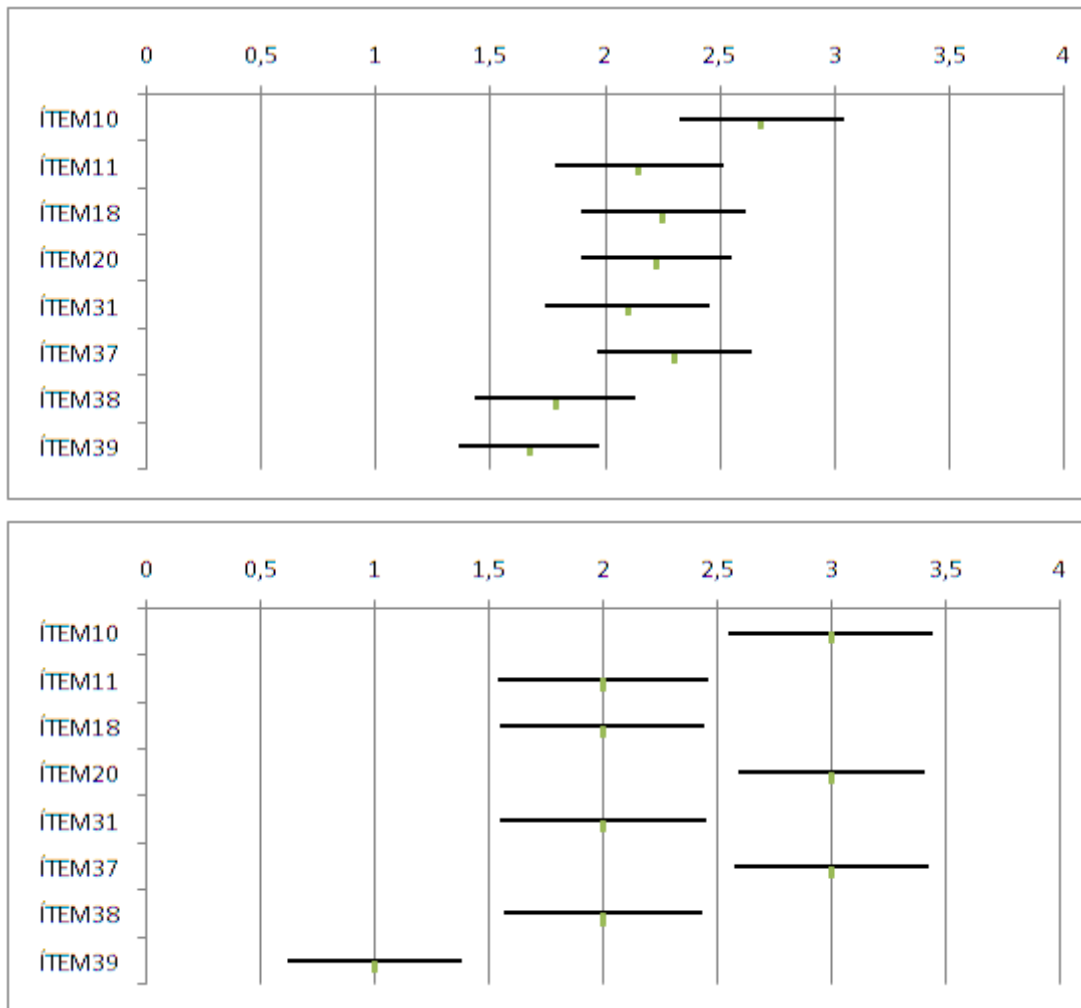


Figure 7. Confidence interval of means (upper graph) and medians (lower graph) for the scores on the items that form the “procedural matters” area in the questionnaire to examine the judges’ and magistrates’ needs during judicial explorations of children.

As can be observed in figure 2, the intervals obtained for the mean are very similar to those obtained for the median, and are very precise in all the areas. The areas on whose items the judges sample showed the greatest agreement are the “stages of the interview” and the “interviewer’s skills”; whereas the area where they agreed the least was “procedural matters”, followed by the “child’s evolutionary maturity”.

The confidence intervals of means and medians for the items throughout the areas do not show the same pattern (see Figures 3 to 7). For this reason, given the ordinal nature of the item measurement scale, interpreting the confidence intervals of the medians in all cases was considered more adequate.

Figure 3 shows the confidence intervals of means and medians of the items that belong to the “child’s evolutionary maturity” area. The judges show their greatest

agreement in this area on items 1, 25, and 32. In fact, in all three of them, the median equals the measurement scale's upper limit. In turn, the judges agree the least on items 13, 46, 49, and 55, where the median equals 1 in the four cases. For the remaining items, the medians are in the intermediate range of agreement. Therefore, it is apparent that the pattern of answer to the items in this area is not homogenic.

Figure 4 shows the confidence intervals of the means and medians of the scores given to the items of the "setting of the interview" area. By taking a closer look at the confidence intervals of medians, it can be seen that the median matches the maximum value of the answer scale in five out of the nine items (items: 7, 27, 44, 45, and 48); whereas the median is 1 in two items (21 and 44). The remaining two items present quite a high median, which shows the high degree of agreement on them.

As for the "stages of the interview" area, the degree of agreement with the five items of the area is quite high. In two out of the five items, the median is 4 (items 52 and 53), while for the remaining three items, the median is 3 (figure 5).

As regards the items that make up the "interviewer's skills" area (figure 6), the degree of agreement on the items is quite high. Only in two items is the median 1 (items 23 and 29), while in 6 items the median is 3, and 4 in 15 of the items (maximum score). That is to say, for over half of the items in this area, the judges from the sample studied show the maximum degree of agreement.

Finally, the confidence intervals of the mean and the median of the items from the "procedural matters" are shown in figure 7. As regards this area, in general, the degree of agreement on the items is lower. One of the 8 items shows a median of 1, 4 items present a median of 2, and 3 items present a median of 3.

Discussion

As a general conclusion, it should be noted that the answer rate of the questionnaire sent out to the sample of judges with exclusive family competences is very high, 68.48%.

As regards the psychometric study of the final instrument, several conclusions can be drawn. With respect to reliability as internal consistency, the scale shows good reliability on a global level, but this is not the case when the analysis is conducted by areas. In this sense, only two areas present good or adequate reliability ("interviewer's

skills” and “evolutional maturity”), which, on the other hand, are the ones with most items. As for the discrimination index, it should be noted that again the items function best in the “interviewer’s skills” and “child’s evolutional maturity” areas. Despite some items presenting discrimination values of little adequacy, it was decided to keep those in the data analysis conducted, since some of the areas might otherwise be underrepresented. The idea of a second administration with a reviewed second scale was ruled out, since it involved a second evaluation of almost the same sample with a very similar instrument, given the reference population size. This matter should be addressed in a future review of the present scale. As regards construct validity, it should be noted that the exploratory factor analysis provides a factor structure consistent with 5 areas, but inconsistent with those provided by the expert judges. Based on the confirmatory factor analysis, it can be concluded that the structure proposed by the expert judges has been confirmed. However, it would possibly be advisable to optimize the questionnaire since, despite fit indexes being generally adequate, not all the hypothesized factor loadings are statistically significant (number of statistically non-significant factor loadings: 6 out of 11 in the “child’s evolutional maturity” area; 4 out of 9 in the “setting of the interview” area; 1 out of 5 in the “stages of the interview” area; 4 out of 23 in the “interviewer’s skills” area; and 4 out of 8 in the “procedural matters” area).

It can therefore be claimed that the questionnaire generated is a good measurement instrument to explore the judges’ needs during the exploration of children, but that it can be modified in order to optimize it as an evaluation tool. In fact, these changes must involve redefining the items comprised in the following areas: “setting of the interview”, “stages of the interview”, and “procedural matters”. These areas present inadequate reliability, proportionally they have more items with an inadequate discrimination index, the most non-significant factor loadings in the confirmatory factor analysis, and in addition, they comprise the items without an adequate discrimination index.

As for the descriptive analysis, it should be noted that the areas where the judges show the greatest agreement are “stages of the interview” and “interviewer’s skills”, whereas the area where they agree the least is “procedural matters”. This aspect is consistent with a more precise analysis when describing the items for each of these areas. Logically, both in the “stages of the interview” and “interviewer’s skills” areas, the degree of agreement on the different items is quite high. The median has the

maximum score in two out of the five items in the “stages of the interview” area, and in fifteen out of the twenty-three items in the “interviewer’s skills” area. On the other hand, the items of the “procedural matters” area present, in general, the lowest degree of agreement. Lastly, the items of the “child’s evolutionary maturity” and “setting of the interview” areas are the least homogeneous, regarding the pattern of answer, in the degree of agreement of the judges from the studied sample.

Finally, it is considered advisable to reformulate the questionnaire to explore the needs of judges and magistrates during the explorations of children according to the results of the present study. The reformulated questionnaire should be administered once more in order to determine whether its psychometric properties improve.

Acknowledgements

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¹ Generalitat de Catalunya: the institution under which the autonomous community of Catalonia is politically organized.

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Annex: Final questionnaire



CHILD COURT HEARING IN FAMILY CASES. QUESTIONNAIRE TO ASSESS THE CHILD NEEDS DURING THE JUDES EXPLORATION.

Creating a questionnaire to examine the needs during judicial explorations of children

Item Generation and Selection Process

Below, you will find a series of statements regarding the possible needs during judicial explorations of children. You are kindly requested to assess your degree of agreement regarding each statement in a 0 to 4 scale:

0. Totally disagree
1. Disagree
2. Indiferent
3. Agree
4. Totally agree

ID	Statement	Degree of agreement				
1	It is necessary to know the child's evolutionary periods.	0	1	2	3	4
2	Interviews with a child must always be prepared in advance.	0	1	2	3	4
3	Enough information is available regarding the child's characteristics and capacities before performing the exploration.	0	1	2	3	4
4	More information is needed regarding the child's language comprehension ability.	0	1	2	3	4
5	It is advisable not to run ahead of the child's answers, their silence must be respected.	0	1	2	3	4
6	It is advisable to repeat, from time to time, what the child says but in other words.	0	1	2	3	4
7	Appropriate rooms must be available to take declarations from the children.	0	1	2	3	4
8	In general, enough information is available regarding the child's capacities (memory, attention, reasoning...) according to their age.	0	1	2	3	4
9	The child must be told who you are, what your mission is, the goal of the exploration and how it is going to take place.	0	1	2	3	4
10	The Audiencia Provincial ² must explore the child again if the first instance decision is to be changed.	0	1	2	3	4
11	A civil servant must take the minutes of the interview.	0	1	2	3	4
12	Working guidelines must be available in case a child gets aggressive during an interview.	0	1	2	3	4
13	Enough information is usually available regarding suggestion in childhood.	0	1	2	3	4
14	Training in child interviewing techniques is required.	0	1	2	3	4
15	A pleasant tone of voice must be used.	0	1	2	3	4
16	It is advisable to avoid inducing answers.	0	1	2	3	4
17	Guidelines must be available in order to pose the questions properly when exploring a child.	0	1	2	3	4
18	The result of the exploration must be kept in a sealed envelope.	0	1	2	3	4
19	It is advisable to check the accuracy of the information provided by the child by rephrasing the questions.	0	1	2	3	4
20	What the judge has construed during the exploration must be recorded.	0	1	2	3	4
21	The exploration can be carried out in the courtroom, but only after the trial has already finished.	0	1	2	3	4
22	It is advisable to know when to ask specific or generic questions.	0	1	2	3	4
23	It is advisable to make a value judgement of the child's behavior now and then.	0	1	2	3	4
24	Training must be provided to judges in order to improve their interpersonal skills when interviewing a child.	0	1	2	3	4
25	It is advisable to use understandable language according to the child's age.	0	1	2	3	4
26	At the end of each part of the exploration, what the child has said must be summarized to them, in their own words, to make sure they have been understood.	0	1	2	3	4
27	A minimum number of persons must be present when taking declaration from a child.	0	1	2	3	4
28	It is necessary to show an active understanding and listening attitude before the child explored.	0	1	2	3	4
29	Enough information is available regarding the possible influence of the judge's attitudes and skills during a child's exploration.	0	1	2	3	4
30	A proper attitude must be maintained toward the children when interviewing them.	0	1	2	3	4
31	The exploration minutes, with the child's verbatim declaration, must be added to the file.	0	1	2	3	4
32	Specialized training in children's characteristics and capacities is necessary.	0	1	2	3	4

² Audiencia Provincial: courts located in each province of Spain.

ID	Statement	Degree of agreement				
33	The exploration must be carried out solely by one person.	0	1	2	3	4
34	Noise must be prevented from the room where the child's exploration is being carried out.	0	1	2	3	4
35	It is interesting to have guidelines and criteria at your disposal in order to pose questions to the child.	0	1	2	3	4
36	During the exploration, questions inducing the child to uncertain answers must be avoided.	0	1	2	3	4
37	The judicial exploration must be carried out even if the child provides a hand-written document stating they do not wish to be listened to.	0	1	2	3	4
38	The exploration minutes, comprising the judge's interpretation, must be added to the proceedings.	0	1	2	3	4
39	The exploration must be interrupted if the child mentions an event that would constitute a criminal offense.	0	1	2	3	4
40	It would be advisable to have a better knowledge regarding the best way to structure the different moments of a child's exploration.	0	1	2	3	4
41	It is advisable to maintain visual contact with the child during the interview.	0	1	2	3	4
42	Guidelines must be available in order to react if a child starts crying during the interview.	0	1	2	3	4
43	It is necessary to carry out the child's exploration without the presence of their parents.	0	1	2	3	4
44	Explorations to a group of brothers can be performed jointly.	0	1	2	3	4
45	A physical space in which there are no interruptions is necessary when making declaration to a child.	0	1	2	3	4
46	Enough information is available regarding children's memory and attention capacity before starting the exploration.	0	1	2	3	4
47	It is advisable to avoid legal technical terms during the child's exploration.	0	1	2	3	4
48	The exploration must be performed without wearing a gown.	0	1	2	3	4
49	Enough information is available regarding children's intellectual capacity before starting the exploration.	0	1	2	3	4
50	Information is needed regarding the possibility that children's declarations change with age.	0	1	2	3	4
51	It is advisable to avoid lecturing the child.	0	1	2	3	4
52	Information is needed on how to structure an interview with a child.	0	1	2	3	4
53	Children must be told why their declaration is wanted.	0	1	2	3	4
54	Interpersonal skills are required when interviewing a child.	0	1	2	3	4
55	A twelve-year-old child must always be considered mature.	0	1	2	3	4

Instructions

Presentation

The *European Journal of Psychology Applied to Legal Context*, the Official Journal of the Sociedad Española de Psicología Jurídica y Forense, publishes empirical articles, theoretical studies and focused reviews of topics dealing with psychology and law (e.g., legal decision making, eyewitness). Only original papers (not published or submitted elsewhere) will be published. Papers driven to both legal systems, inquisitorial and adversarial, will be welcome as well as papers based in concrete laws of a European country. Neither the Editors nor Publishers accept responsibility for the views or statements expressed by the authors.

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