



Social representation of social expert reports in court judgements: a relevant analysis for forensic social work


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ENG Abstract.

Summary

This article presents a novel contribution in the judicial field by analysing the social representation of expert reports in judgments handed down in Spain from 2000 to 2019. Social expert opinions are presented as evidence in court proceedings to assist judges in decision-making, and despite their distinction and contribution, they are currently an underexplored field. The aim of this article is significant in that it allows evidence to be generated through analysis of the themes or issues that appear in judgments together with the content used by judges to uphold or reject claims. The analytical strategy is based on lexicometry using Iramuteq software, allowing for the examination and categorisation of the lexical worlds, the type of relationships established between terms and the contextual-relational dimension of the conditions of production of judicial discourse concerning social expert reports.

Results

The results show a close relationship between social expert reports and cases involving minors, especially in the allocation of custody, and shed light on the contribution of these reports through the measurement of social harm in other areas such as medical malpractice.

Applications

Social harm appears in our analysis as a novel concept that is beginning to appear in judgements following the approval of the new traffic tariff. This means entering a new field of study in which social work must play a key role, leading the measurement of this social harm through social expert reports.

Keywords: Child protection, Social work practice, Social justice, Social workers, Legal.

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1. Introduction

This research presents robust and reliable data on the inclusion of social expert opinion in court judgements. It does so on the basis of two analysis strategies: on the one hand, by placing special emphasis on the themes and cases in which social expert reports have been produced; on the other hand, by delving into the content extracted from the expert opinions to detect the fundamental parts that judges use to make a decision and either uphold or reject a lawsuit.

The academic relevance of this work lies in the importance that the production of expert opinions has been gaining in recent years due to the complexity of the issues that are settled in court (Cisterna & Rojas, 2013; Sjøhelle & Andenæs, 2017). Matters or subjects of expertise are increasingly complex and require specific knowledge in order to solve problems in an appropriate way (Beckett, McKeigue & Taylor, 2006; González, 2013; Gómez & Soto, 2015a). This situation has necessitated a new way of dealing with conflicts in the form of the social report, where the social worker is involved as an expert capable of providing a specific diagnosis of the situation from a perspective that is not only socio-economic but also socio-cultural (Arias & Yañez, 2010: 24).

The reports made by social workers deal with problems with the aim of promoting the social and family well-being of the childrens and his or her immediate environment. A social expert report is considered appropriate when the social factors in the environment are of such a magnitude that it is necessary to study them in depth in order to know what the existing conditioning factors are and their repercussions in the future (Ferri & Cintado, 2018).

Nevertheless, the social expert opinion has little recognition and leadership at either professional or academic levels, despite the fact that it is essential to include it in matters where it is relevant to perform a social analysis of everyday life (Green, Thorpe & Traupmann, 2005; Van Wormer, Roberts, Springer & Brownell, 2008; Gómez & Soto, 2015b; Ferri, 2017). The literature pulls together several studies that emphasize the psychological expert report and its contribution to the judicial field (Pons, Martínez, Pérez & Borrás, 2006; Fariña & Arce, 2006; González, Delgado & García, 2010; Arch, Jarne & Guàrdia, 2011; Muñoz, 2013; Bedoya & De Espinal, 2017), but this contribution is less in the case of the social expert opinion, especially in Spain where academic studies (Simón, 2010; Alcázar, 2014; Gómez & Soto, 2015a, 2015b; Ferri & Cintado, 2018; Soto & Alcázar, 2019) and others of a more professional nature (Hernández, 2002, 2016) that begin to explore this subject of investigation can be found.

In Spain, the use of reports in the courts began to gain prominence with the Divorce Law of July 7, 1981. In this context, the first professionals in the field of Social Work in the judicial sphere began their activities in the psychosocial teams in the courts of two major Spanish cities, Madrid and Barcelona (Soto, 2015). Professional action gradually takes shape, falling within the legal framework (Civil Procedure Law, Criminal Procedure Law, Civil Code, and Penal Code) and under the authority of judges to request the intervention of experts in Forensic Social Work. In this way, forensic social workers have progressively integrated into the Civil and Penal jurisdiction, where they are assigned or posted: Courts of First Instance and Investigation (Deanship), Courts of Violence against Women, Medical Forensic Clinics, Juvenile Courts, Penitentiary Surveillance Courts, Disability Courts, Forensic Anatomy Institutes (De la Calle & De León, 2016).

The affiliation of forensic social work professionals at the public level is twofold: as employees, they are institutionally dependent on the Ministry of Justice or the Justice Department of the corresponding Autonomous Community, depending on which of the two administrations, central or regional, has jurisdiction over matters of Justice. On the other hand, functional and/or hierarchical dependence is determined by where they carry out their duties, for example, Institutes of Legal Medicine and Forensic Sciences (IMLYCF), Deanships, the corresponding judicial body, or the service to which they are attached.

The profession of social work has identified and established another avenue for professional development: independent practice. In Spain, it began around the 1980s but without much impact, as it is more established in the public sector. It refers to the work of social workers as forensic experts, either by judicial appointment or at the request of a party (extrajudicial). The role of the extrajudicial expert is related to expert evidence and its purpose is to persuade. In contrast, technical teams in the public sector are permanent advisory and support bodies that can also carry out technical assistance activities unrelated to the probative field, such as monitoring measures ordered in a judgment.

The request for a forensic social worker's report in the public domain begins when a judicial request for a forensic report is communicated through an official letter or resolution. The professional is then obligated to respond to the received mandate. In this official communication, the judge typically describes what the parties are requesting for evaluation, or they may request it on their own initiative. To respond to the request, socio-family factors and the relationships between individuals and their environment are evaluated in order to formulate a social diagnosis and a technical proposal, which is documented in a social or socio-family expert report.

The expert report is considered as evidence within the entire judicial process, but it is not binding on the judicial authority that decides the case. Instead, it is taken into consideration for the decision, along with other evidence and elements submitted throughout the process, and the judge may make a decision contrary to the conclusions presented by the expert in their report (Nieto, 2015).

Social work professionals can participate in various casework within the judicial domain, including divorce and separation proceedings, child protection, detentions, sexual abuse, care for especially vulnerable individuals or those at risk, restitution for damages caused by crimes or restorative justice, analysis of legal capacities of individuals, assistance and guidance to victims, individuals deprived of liberty, advising judges and courts, participation in the assessment of minors, and researching social aspects of legal practice, among others (Ferri, Navarro & Gúzman, 2022). In summary, the primary objective of social work expert testimony is to provide the judge with greater technical knowledge, enabling them to arrive at a more objective and well-founded assessment of the social and family aspects of individuals involved in a judicial proceeding.

Therefore, this article contributes to the deepening of the analysis of court rulings where social expert reports are provided, establishing which topics are the most recurrent, under what conditions and for what type of cases they appear; in short, it offers relevant information that contributes to optimising professional practice. For the analysis of the judgements from lexical parameters, Iramuteq has been used (Camargo & Justo, 2013), which, through a system of coding and statistical multidimensional analysis, enables the lexical worlds that make up the social representation of the social expert report in the judgements, the type of relationships established between the terms, as well as the contextual-relational dimension of the conditions of production of the judges' discourse to be deepened and categorized.

The article is organised into the following sections. Section two presents the methodology and criteria used to select the sample, the origin of the data and the justification of the Iramuteq programme for the analysis of the judgements. Section three presents the results obtained, showing the predominant terms associated with the social expert report in the sentences (frequency analysis), the underlying structure based on co-occurrences between terms (similarity analysis) and the classification of different lexical worlds (top-down hierarchical analysis). Finally, the main findings are synthesised there is a discussion about the social representation of social expert opinion in the judicial sphere.

2. Method

2.1. Sample

In order to recruit the sample for the present study, searches were carried out using the key word “social expert report” in the Aranzadi Institutions database (Thomson Reuters) on court sentences in Spain in full text digital format. In total, 185 judgements were selected (Ferri, 2018), distributed over three jurisdictions. For the analysis, the entire judgment is not scrutinized; only the parts of the judgment that reference the social expert report have been included. Most of the rulings in which judges include references to the social expert report belong to civil jurisdiction (164). In contrast, criminal (14) and contentious-administrative (7) jurisdictions present comparatively few rulings in which the social expert report is evidence that assists the judge’s decision making. As for social jurisdiction, no data have been obtained. This may be due to the fact that the position of the forensic social worker has been consolidated in a more visible way in family matters (civil jurisdiction) being a fundamental piece in the assessment of the socio-family situation.

To select the corpus (judgements), the criteria of diachronicity, homogeneity and contrast suggested by Arnout (2015) for the analysis of the information is followed. In the first case, there is a sufficiently long period (2000-2019) to identify a pattern and a dynamic on court rulings. In the second, the content of the corpus refers to the same main theme, which is judgements where social expert reports have been produced exclusively. In the third, the contrast criterion is justified by the inclusion of the jurisdiction variable. As mentioned above, the weight of the sentences in the different jurisdictions is not balanced since the fact that the sentences contain a social expert report as evidence is being incorporated as a key element, and its contribution to the proceedings is not equitable across all jurisdictions.

2.2. Procedure and data analysis

The rulings obtained from the Aranzadi Institutions database have been downloaded and adapted to the format readable by Iramuteq (UTF-8). This programme has been selected because it offers robust and reliable results (Ruiz Olabuénaga, 2003; Roy & Garon, 2013; Ruiz Bueno, 2016) and because it is free software that has proven useful for the study of social representations (Camargo et al., 2014; Fernandes et al, 2015; Silva & Bousfield, 2016; Sousa, Gondim, Carias, Batista & De Machado, 2020; Leite et al., 2016; Salgado et al., 2017; Santos et al., 2017; Oliveira, Teixeira, Fischer & Amaral, 2003).

As can be seen in the following example (table 1), each sentence included in Iramuteq, in order to differentiate it, is preceded by four asterisks (****) that serve to mark the beginning and end of each one of them. At the same time, within each judgement, the jurisdiction variable has been identified with three categories, which in the programme must be preceded by an asterisk (*) and separated by a space: *Jur_1 (civil), *Jur_2 (criminal) and *Jur_3 (contentious-administrative).

Table 1. Example of sentence extract in Iramuteq

**** *Sent_012 *Jur_1
(...), which is none other than the interest and benefit of the children and this interest has been duly established through the considerations contained, fundamentally, in the Expert Social Report (...), and the Expert Psychological Report, (...), issued in these proceedings, which are configured and outlined – due to their technical rigour, objectivity and impartiality – as the suitable evidential factor to settle the existing controversy regarding the opportunity to maintain or modify the custody regime of the minor children of the marriage (...).

Source: Own elaboration.

Based on the identification of each of the rulings, the analyses provide information on the lexical richness of the corpus (Tweedie & Baayen, 1998), the frequency of the most often used terms, the semantic associations and the lexical words or themes represented in the court judgements. Three quantitative indices are used to establish the lexical richness of the corpus: 1) *Lexical density*, i.e. the proportion of different words in relation to the total number of occurrences in the corpus (number of forms*100/total number of occurrences). 2) *Range of occurrence of lexical forms*. This index considers the total number of words in the text divided by the type of lexical forms found to obtain the range of occurrence of these words (total number of occurrences/number of lexical forms). The wider the interval, the lesser the lexical richness of the sentences and vice versa. 3) *The hapax index* identifies the use of words used only once in the corpus (total number of occurrences/number of hapax). In short, the corpus containing a higher percentage of words and a smaller range of lexical forms and hapax has a greater lexical richness (López, 2001; Cisneros & Olave, 2019).

In addition to the lexical richness indices, the frequency and semantic associations (co- occurrence) between the terms in the corpus are analysed by means of similarity analysis. This analysis provides a graphical representation in the form of a tree of the structure of the content of the sentences by capturing their frequency (font size) and co-occurrence (line thickness) between words according to their connections in the text (Camargo & Justo, 2013).

Finally, a descending hierarchical classification (DHA) is conducted to explore the lexical worlds (reference universes) represented in the form of dendrograms. It is based on the subdivision of the corpus into clusters. Each cluster is accompanied by a series of words ordered according to the associative strength between the

words and their group (χ^2). The DHA results are supported by the hypothesis that the use of similar lexical forms is linked to common representations or concepts (Reinert, 1987).

3. Results

The results obtained are presented on the basis of two analytical strategies. With the first descriptive strategy, the aim is to find out which are the predominant terms associated with the social expert reports that appear in the corpus; with the second, the underlying structure of the sentences is explored on the basis of the co-occurrences between the terms (similarity analysis) and the classification of different lexical worlds (DHA).

3.1. Descriptive Analysis

Figure 1 presents on the abscissa axis the logarithms of ranks and on the ordinate axis the frequencies of the terms in the 185 sentences analysed. The red line drawn on the graph indicates the position of the forms and the inversely proportional relationship between frequency and rank. A few terms appear more frequently and others appear less frequently but in greater numbers. As the words coincide on the representation line, the points are concentrated on the plane, almost forming horizontal lines; in the last horizontal line, located at the bottom, the hapax (terms that obtain frequency 1) are located.

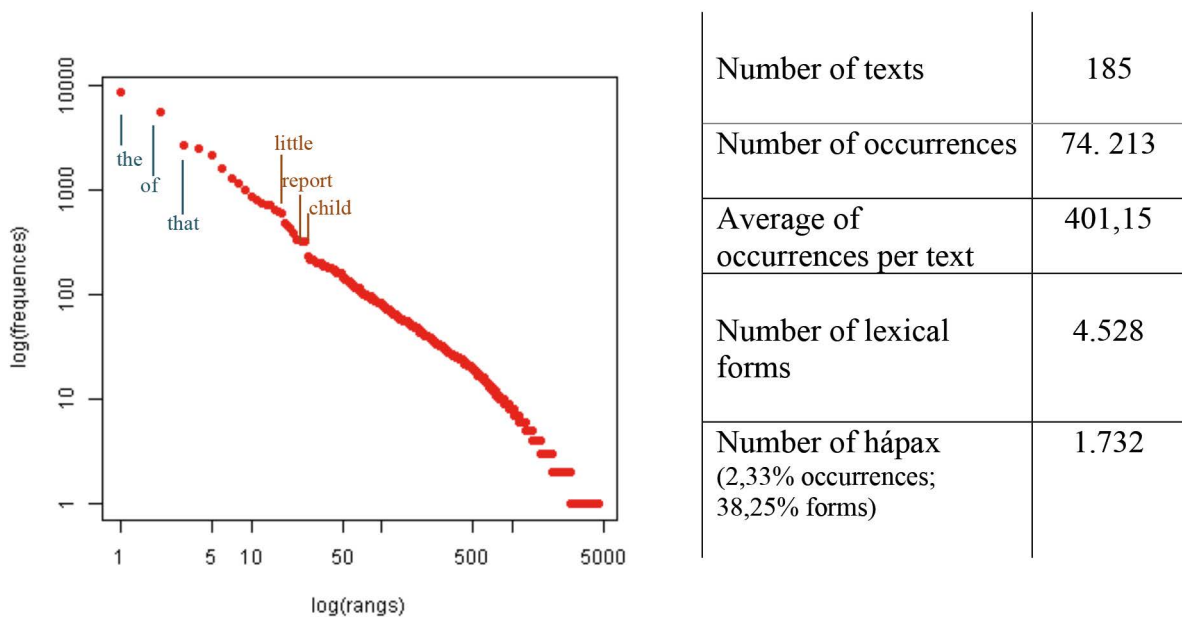


Figure 1. Log (frequency) and log (range) in the court judgements

Source: Own elaboration.

The lexical density index, i.e. the proportion of different forms in the corpus, is only 6.10%; the same figure 1 shows that only 4,528 different lexical forms are used in 74,213 occurrences in the corpus. From the range of occurrence of lexical forms, we know that in the rulings it is necessary to wait 16.38 words for a form of a different lexical group to appear. The hapax index (frequency 1) is 42.8%. These terms represent a small part of the total number of occurrences (2.33%) and less than half (38.25%) of the total number of different forms. Thus, taking into account the three indicators mentioned above, a low lexical diversity can be observed in the corpus, and this may be due to two fundamental features: one, the judgements contain similar grammatical structures based on a common legal language; and two, social expert reports are produced on very specific topics and with similar analytical content.

The average number of occurrences per sentence is 401.15. It should be remembered that the rulings have a greater number of words, but for this research the paragraphs that exclusively refer to the social expert report or were related to it have been selected.

Figure 2 shows the absolute frequencies of the most frequently used active forms (terms) in the judgements analysed with a frequency of 40 or more. For the analyses, supplementary forms are excluded, as they mainly consist of connectors (articles, conjunctions, prepositions), and legal terms that are not directly related to the social expert opinion, such as “page”, “article”, “appeal” and “auto”.

The figure above shows the prevalence of the term “child” with a frequency of 626 occurrences in the judgements analysed. Other words that also have a high frequency of occurrence have to do with decision-making regarding children in relation to custody and guardianship after separation or divorce: “report” (n=488), “child” (n=396), “custody” (n=331), “social” (n=330) and “parent” (n=324). Alongside these, other words appear with a somewhat lower frequency that are also linked to factors concerning separation or

divorce, such as the visiting arrangements that are established and the type of family relationships parents have with their children before and after the break-up (“parent” n=189; “visit” n=178; “relationship” n=161; “family” n=160). The remaining terms, although with a lower frequency, are directly related to the above-mentioned themes.

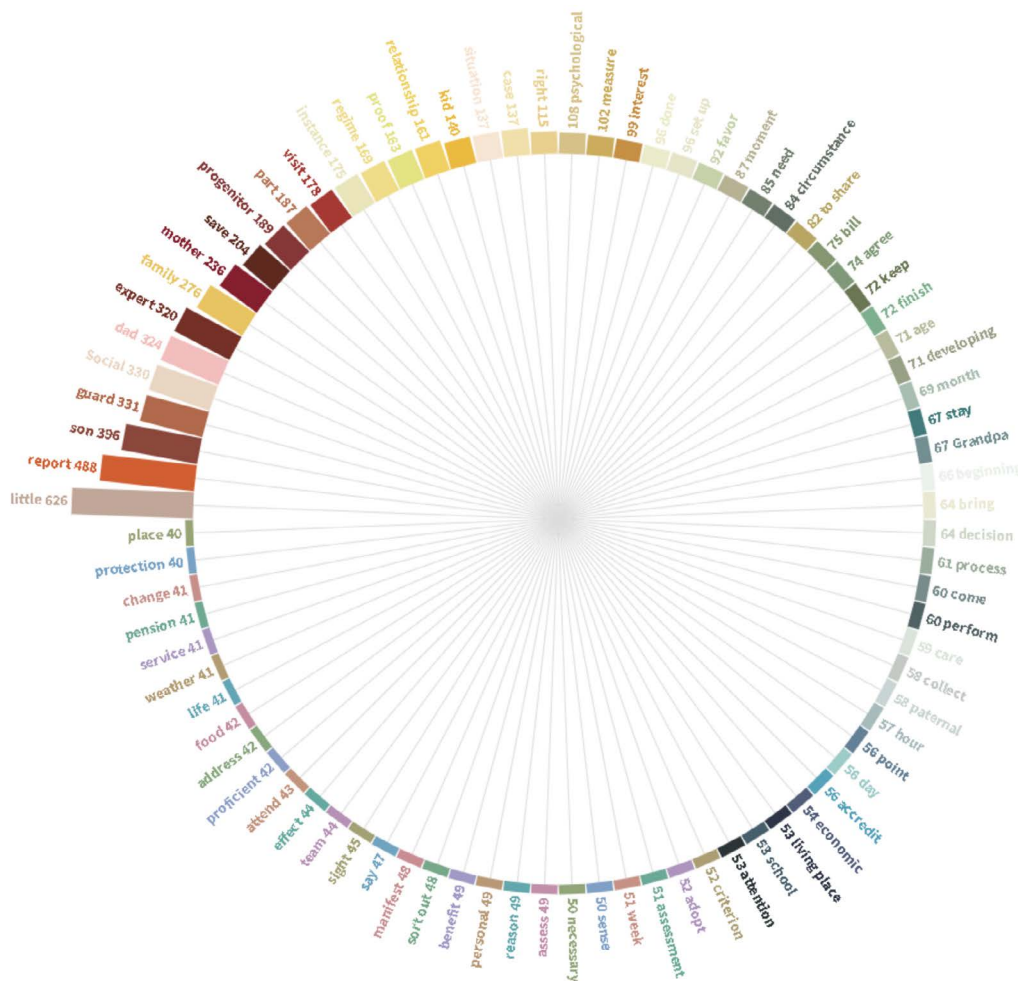


Figure 2. Frequency of occurrence in absolute terms

Source: Own elaboration.

3.2. Central and peripheral core of sentences. Frequency and co-occurrence of terms.

The similarity analysis represented in Figure 3 identifies a central core associated with peripheral elements in the corpus. Both elements are fundamental to understand the social representation of the expert report in the judgements since, although the central code gives the corpus meaning and structure, it is the peripheral elements that outline the significance (Moliner, 2005) and contribute to anchoring and objectification (Moscovici, 1988). The similarity analysis shown contains those links between words that have been shown to be the strongest or most intensely related within the representation or theoretical construct under investigation.

Figure 3 shows the direct relationship of the social expert report in cases where there are childrens (central core) and therefore the terms “father” and “mother” are strongly linked to the term “child”. The “best interests” or “benefit” of the children, “protection” and “care”, the specific “circumstances” of the case (“age”), “family” “relationships”, measures in relation to the “school” environment, housing (“place”) and visiting arrangements (“day”) are assessed in relation to these children. The themes that make up the peripheral core (upper and lower right margin of the figure) associate children with the allocation of custody and maintenance, the establishment of visiting arrangements and the allocation of the use of the family home. The crucial role of social workers in cases involving minors and their particularly suitable profile for studying and assessing the family is evident (Lytle, 1987; Luftman, Veltkamp, Clark, Lannacone & Snooks, 2005; Lewis, 2009; Simón, 2010). These associations, in context, can be read in the following quotations:

(...) with such legal parameters, the court a quo, based on the judicial examination of the minor child and the content of the expert social report, decided to award custody to the mother, a judgement that the court cannot but share in view of all the proceedings in the case. (*Sent_008 *Sex_1 *Jur_1 *Terr_02 *Year_05).

In the Institute of Legal Medicine’s forensic psychological report, whose purpose is the comprehensive assessment of the family situation in order to determine the most beneficial custody and guardianship regime for the minor daughters, it states that the tests administered show that both parents have the basic skills necessary for the emotional and practical care of the girls, these scores being higher for the father, and that contacts with both families of origin have been facilitated, and that the children have good emotional ties with them. (*Sent_201 *Sex_1 *Jur_1 *Terr_09 *Year_17).

The involvement of various legal operators and justice administration professionals is essential to prioritize the attention and resolution of personal conflicts under consideration. It is imperative to have the expertise of specialists in relational and family dynamics who can provide an accurate diagnosis of how judicial decisions will impact their personal and family system, identifying all aspects of vulnerability that may limit or hinder a future of personal and family well-being (Sancho & Pérez, 2021).

Social expert reports are essential to advise the judge on issues inherent to the daily life of families and are approached from a multidisciplinary perspective. The interrelationship between psychology and social work and the contribution of each of them in family matters is well known (Howe, 2003). However, despite the fact that competences are delimited, in the judicial sphere there is often a blurring of the profession of social workers and a greater preeminence of psychological expert reports. The study by Rodríguez, Jarne & Carbonell (2015) shows that 74.2% of psychosocial team reports were carried out by psychologists and only 25.8% by social workers. Along the same lines, Soto & Alcázar (2019) show that social workers perceive a lack of professional recognition and consider the need to use research and the publication of findings as a resource to empower the profession and achieve the objective of highlighting the importance of social issues in the analysis of everyday multi-causal problems.

3.3. Exploratory Factor Analysis. Thematic identification: clusters by jurisdiction

Complementary to the similarity analysis, a top-down factor analysis was carried out. This analysis enables the establishment of the reference universes of the judgements that represent the context in which the social expert report appears as documentary evidence in the different jurisdictions (civil, criminal and contentious-administrative) by means of clusters.

In general terms, and looking at the three jurisdictions with the results obtained (figures 4, 5 and 6), despite the fact that each jurisdiction judges its own matters, a common element is observed in all of them when social expert reports are provided in the proceedings: the presence of childrens and the importance of analysing socio-family relationships. The similarity analysis (Figure 1) showed the same results, giving the social expert report a key role in the analysis of family and social dynamics and structures in order to guarantee the best interests of the child.

If civil jurisdiction is considered (figure 4), which has a significantly higher number of judgements than the rest (164/185), the dendrogram divides the corpus into six clusters indicating the topics in which the social expert report is pre-eminent. These are: “best interests of the child” (cluster 6; 21.62%), “alimony” (cluster 5; 18.24%), “mother figure” (cluster 3; 23.55%), “foster care” (cluster 2; 13.51%), “visiting arrangements” (cluster 1, 12.16%). Cluster 4 (10.81%) refers to legal issues such as trial, complaint, summons, appeals to different courts, among others.

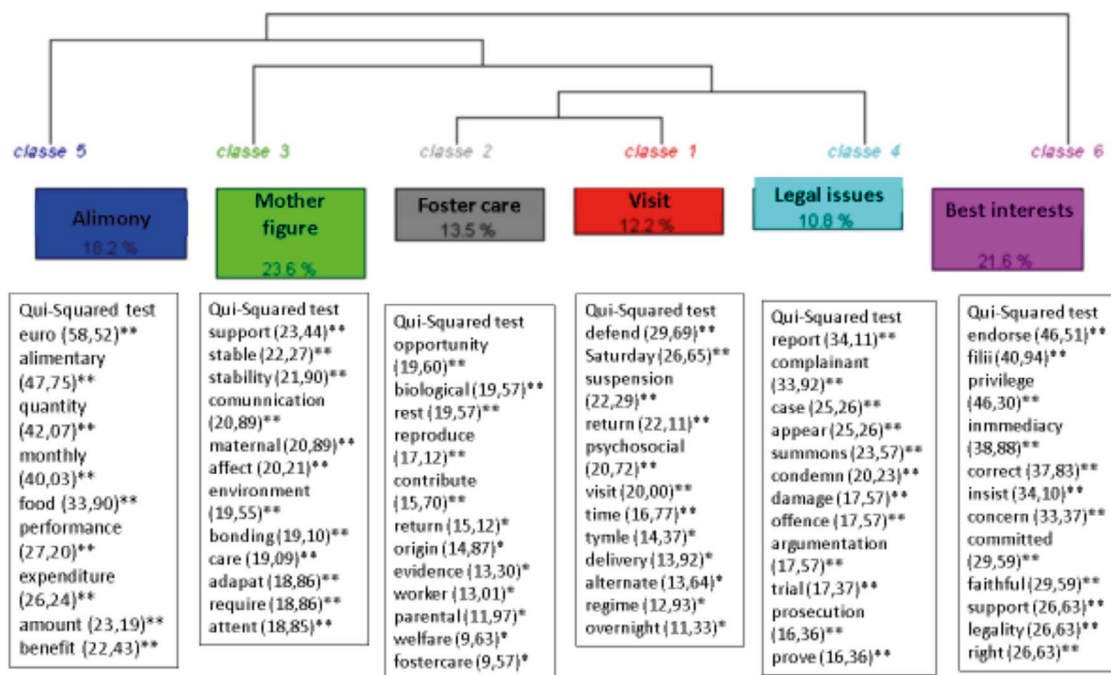


Figure 4. Civil jurisdiction cluster by Descending Hierarchical Classification

Source: Own elaboration. Note: ** (p < 0,0001). * (p < 0,001) Qui-Squared test, IRAMUTEQ software.

The aforementioned topics show the direct relationship of the performance of social expert reports in family matters, whether in the assignment of custody, modification of measures in divorce or separation proceedings, regulation of paternal-filial measures, and/or in relation to measures for the protection of childrens such as foster care.

Cluster 5 groups together the most controversial and most contentious issues in a separation or divorce with children, such as alimony and the allocation of the home (Sánchez, 2015; Sjøhelle & Andenæs, 2017). In many matrimonial proceedings, when the parties claim sole custody of the children, they are in fact covering up disputes over the exclusive use of the family home (González, 2013). The paragraph of the judgement cited reflects how judges use the content of the reports on these issues to reinforce and support their ruling.

With the modifications that we will determine as we consider it to be more beneficial for the child than the current one and taking into account the economic income and expenses of each of the parents, in accordance with what is set out in the social expert report, which is not in dispute, it is not appropriate to establish maintenance. (*Sent_024 *Sex_2 *Jur_1 *Terr_07 *Year_09).

In civil jurisdiction, social expert reports are also provided in cases of foster care (cluster 2), a child protection measure that averts the stay of minors in child protection centres. Social workers need to take several aspects into account when they assess family belonging and stability for children in foster care (Wissö, Johansson & Höjer, 2018). Several studies point to the important role of social workers in foster care issues (Bernedo, Salas, Fuentes, & García-Martín, 2014; Boyle, 2015; Munkholt & Madsen, 2021). The following quote details a case of separation of children from their biological family due to neglect, which allows the data provided in Figure 4 to be contextualized.

(...) the grounds contained therein, which are hereby reproduced, since it has been fully demonstrated through the proceedings in the case file that it is impossible to reintegrate the minor with her biological mother, who has not demonstrated that she has been rehabilitated from her addiction (*Sent_139 *Sex_1 *Jur_1 *Terr_08 *Year_03).

Cluster 3 of civil jurisdiction (the most representative) reflects the role of the mother figure in the care of children, associating it with terms such as “support”, “communication” and “stability”. These results show that, in Spain, custody continues to be mostly exclusive to the mother, although in recent decades, the rising divorce rate, diversification of family configurations and influence of fathers’ rights groups have led to changes in child custody policies in many Western countries (Rosen et al. 2009; Lessard et al. 2010; Fariña, Seijo, Arce, & Vázquez, 2017).

(...) in the examination carried out, no indicators have been detected that would suggest a change of custody of the minor, as the responsibilities inherent to the exercise of custody have so far been adequately assumed by the maternal parent with the collaboration of her older sister. (*Sent_047 *Sex_1 *Jur_1 *Terr_08 *Year_17).

The analysis of criminal jurisdiction (Figure 5) allows the judgements to be grouped into four clusters. As can be seen, the issues concerning statements in the trial (cluster 4; 26.2%) and decisions and appeals (cluster 3; 25.2%) carry significant weight. It should be noted that the social and psychological expert report in this jurisdiction (cluster 2; 29%) is the group with the highest percentages, with terms within its group associated with residence and domicile. As in civil jurisdiction, cluster 1 (19.63%) of criminal jurisdiction brings together all the elements inherent to the allocation of custody, including the words “parent”, “best interests” of the child, “visiting arrangements” and “cohabitation”. The fact that these types of words appear in criminal jurisdiction is due to the fact that when there is previously an open criminal proceeding between the parties (a complaint for gender violence, for example), the competent court to resolve family matters is the Court of Violence against Women, which in Spain has jurisdiction over both criminal and civil jurisdiction.

(...) there is also a social expert report from the social worker which concludes by recommending that the current system of custody and shared holidays should be maintained for the development of the children so that they can relate to both parents. (*Sent_220 *Sex_1 *Jur_2 *Terr_06 *Year_18).

In the contentious-administrative jurisdiction (figure 6) there are six clusters grouped two by two. In the first division of the corpus (clusters 3; 15.2% and 4; 22%), there is evidence of the relationship of the social expert report in cases involving minors and the study of their family relationships and social situation. In this type of case, the social expert opinion is carried out with the aim of reclaiming for the social harm caused by a supervening situation by means of financial compensation, material benefits, assistance to a third person, etc. The judgements analysed in this jurisdiction have to do with cases in which the public administration commits medical negligence towards childrens (as in the case of the aforementioned quote), or in which minors are harmed by the death of their ascendants.

Based on the Social Study and the sources used, I consider that the possible medical malpractice suffered by Julieta has caused and will cause the following social damage: The process of the normal development of this family has been truncated, as an incapacitated member of the family, who needs the total support of her family system, she has become the central focus of the family, changing drastically the affective-sexual couple relationships, and parent-daughter relationships, causing overprotection, physical and emotional overload, a high level of stress and absolute deprivation of the family expectations for the normal development of their daughter at all levels, which causes very serious moral damage. (*Sent_237 *Sex_1 *Jur_3 *Terr_12 *Year_15).

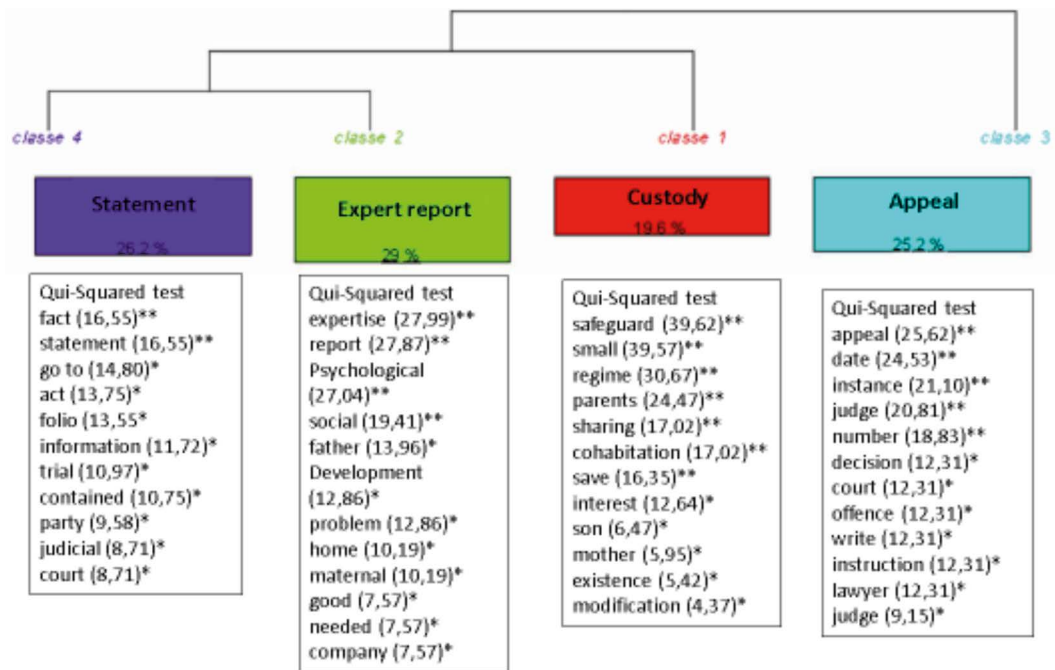


Figure 5. Criminal jurisdiction cluster by Descending Hierarchical Classification

Source: Own elaboration. Note: ** (p < 0,0001). * (p < 0,001) Qui-Squared test, IRAMUTEQ software.

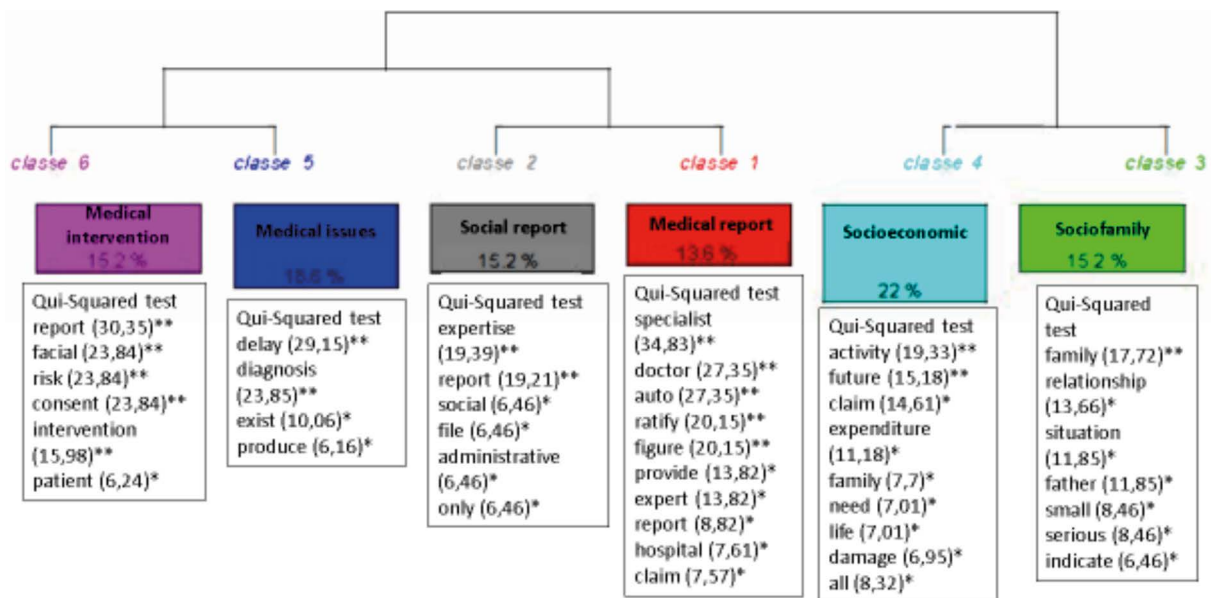


Figure 6. Contentious-administrative jurisdiction cluster by Descending Hierarchical Classification

Source: Own elaboration. Note: ** (p < 0,0001). * (p < 0,001) Qui-Squared test, IRAMUTEQ software.

In clusters 2 (15.2%) and 1 (13.6%), second subdivision of the corpus, the social and medical expert report takes on a fundamental role in the contentious-administrative jurisdiction. Despite the lack of social expert reports in these cases, the judgements show their potential for obtaining compensation for social damages. These reports are made at the request of one of the parties, since there is no specialised team made up of, among other professionals, social workers, as there is in civil or criminal jurisdiction. The last separation (clusters 6; 15.2% and 5; 18.6%) covers issues related to medical issues linked to illness, diagnosis described by a doctor, operations and interventions, etc., which are the basis for determining the social harm produced by the medical and psychological consequences of negligence as reflected in the aforementioned quote.

4. Conclusion

This paper has presented a textual statistical analysis applied to a total of 185 court rulings in Spain from 2000 to 2019. The aim was to identify words, categories and thematic units in order to contribute emerging information to the understanding of the social representation of social expert opinion in the judicial sphere.

The research highlights the growing importance of social expert reports in judicial proceedings, particularly in matters related to family and childhood. The increasing complexity of legal issues has led to a rising demand for specific socio-family analyses to adequately address these concerns. Despite their evident relevance, social expert reports often lack the recognition and leadership required at both professional and academic levels. There is a noticeable disparity in attention compared to psychological reports, raising questions about the lack of acknowledgment in academic literature and judicial practice, despite their crucial role in assessing social and family factors.

Regarding social expert reports, recurring themes were identified, emphasizing issues such as child custody, family relationships, children's well-being, and the evaluation of family environments. These recurrent themes underscore the importance of a social approach in judicial decision-making, highlighting the need to consider these aspects in case evaluations. The analysis by jurisdictions reveals variations in the most prominent issues. In civil jurisdiction, custody and the best interests of the child are fundamental, while criminal jurisdiction emphasizes issues related to trial statements with the same topics. In administrative litigation, the importance of social reports in cases of social harm caused by medical negligence is observed. These differences underscore the need to tailor approaches according to the specific legal context, recognizing variations that arise in different judicial settings.

Social harm appears in our analyses as a novel concept that is beginning to appear in judgements following the approval of the new traffic scale (Hernández, 2016).

The measurement of social harm in expert reports opens the door to recognising the social injury or impairment produced in everyday life in terms of compensation; the social functionality of a person before and after the situation that occurred is evaluated (Ferri, Rodríguez & Rivas, 2020). Currently, the concepts of "social injury", "social vulnerability" and "social harm" hold enormous potential for many areas of the discipline of social work (Soto & Alcázar, 2019).

Mentioning in legal judgments aspects reflected in the expert reports of social work professionals such as vulnerability, social harm, discrimination, and/or patriarchal domination contributes to greater visibility of existing power asymmetries in our society and identifying the contexts in which the offense occurs or where victims may be harmed (Libera, 2017). Indeed, in the field of gender-based violence, social harm is starting to gain prominence and be distinguished from moral harm by judges. This is reflected in the Judgment of the Criminal Court No. 2 of Mataró (Barcelona) dated July 22, 2021, which incorporates the concept of social harm, drawing on academic studies (anonymized quote), where social harm is summarized as damage to the life project, affecting all the social factors that shape the constructed systems of individuals.

As a common link to the three jurisdictions analysed (civil, criminal, contentious-administrative), the crucial role of social workers in cases involving minors and their particularly suitable profile for studying and assessing the family is evident (Lytle, 1987; Luftman, Veltkamp, Clark, Lannacone & Snooks, 2005; Lewis, 2009; Simón, 2010). In these cases, the social worker must verify the living conditions of the parents with their children, observe the material and subjective conditions of the children and assess the emotional bonds and family and social relationships to ensure the best interests of the child (Lewis, 2009). For that matter, social workers' constructions of children and childhood are central to how professionals interact with children and support their needs (Bruheim, Studsrød, & Ellingsen, 2019). These elements make up the core of the social representation of expert opinion and set the trend for the predominant themes in social expert reports (custody, visiting arrangements and child support).

5. References

- Alcázar, R. (2014). Diseño de una escala para la evaluación de la custodia compartida en el ámbito judicial [Design of a scale for the evaluation of joint custody in the judicial field]. *Azarbe*, 3, 271-277.
- Arch, A., Jarne, M., & Guàrdia, P. J. (2011). Child custody assessment: A field survey of Spanish forensic psychologists' practices. *The European Journal of Psychology Applied to Legal Context*, 3(2011), 107-28.
- Arias, J., & Yáñez, V. (2010). Un nuevo constructo para el peritaje del Trabajo Social. Los desafíos de una investigación/intervención fundamentada desde la propuesta teórica de Pierre Bourdieu [A new construct for the Social Work expertise. The challenges of a research / intervention based on the theoretical proposal of Pierre Bourdieu]. *Revista Trabajo Social*, 79, 23-34.
- Arnoult, A. (2015). Réflexion méthodologique sur l'usage des logiciels Modalisa et Iramuteq pour l'étude d'un corpus de presse sur l'anorexie mentale [Methodological reflection on the use of Modalisa and Iramuteq software for the study of a press corpus on anorexia nervosa]. *Nouvelles perspectives en sciences sociales*, 11(1): 285-323. <https://doi.org/10.7202/1035939ar>
- Beckett, C., McKeigue, B., & Taylor, H. (2007). Coming to conclusions: social workers' perceptions of the decision-making process in care proceedings. *Child & Family Social Work*, 12(1), 54-63. <https://doi.org/10.1111/j.1365-2206.2006.00437.x>
- Bedoya, E. E., & De Espinal, L.A (2017). La incidencia del peritaje psicológico en la decisión judicial [The incidence of psychological expertise in the judicial decision]. *Funlam Journal of Students' Research*, 2, 137-145.
- Bernedo, I. M., Salas, M. D., Fuentes, M. J., & García-Martín, M. Á. (2014). Foster children's behavior problems and impulsivity in the family and school context. *Children and Youth Services Review*, 42, 43-49. <https://doi.org/10.1016/j.childyouth.2014.03.022>
- Boyle, C. (2017). 'What is the impact of birth family contact on children in adoption and long-term foster care?' A systematic review. *Child & Family Social Work*, 22, 22-33. <https://doi.org/10.1111/cfs.12236>

- Bruheim, I., Studsrød, I. & Ellingsen, I.T. (2019) Child protection social workers' constructions of children and childhood: An integrative review. *Child & Family Social Work*, 25, 83-96. <https://doi.org/10.1111/cfs.12720>
- Camargo, B. V. & Justo, A. M. (2013). Iramuteq: um software gratuito para análise de dados textuais [Iramuteq: free software for analyzing textual data]. *Temas em Psicologia*, 21(2): 513-518. <https://doi.org/10.9788/TP2013.2-16>
- Cisneros, M., & Olave, G. (2019). El léxico disciplinar en la educación universitaria [The disciplinary lexicon in university education]. *Panorama Económico*, 27(1), 249-266.
- Cisterna, I., & Rojas, P. (2013). *La Pericia Social Forense. Modelos y Práctica de una intervención especializada en Trabajo Social* [The Forensic Social Expertise. Models and Practice of a specialized intervention in Social Work]. Chile: Human Business.
- De la Calle, M. J. M. y De León, L. P. (Eds.). (2016). *El trabajo social en el ámbito judicial*. Colegio Oficial de Trabajadores Sociales de Madrid. https://www.comtrabajosocial.com/wp-content/uploads/2022/05/TS_ambito_judicial.pdf
- Fariña, F., & Arce, R. (2006). El papel del psicólogo en casos de separación o divorcio [The role of the psychologist in cases of separation or divorce]. *Future of Children*, 4, 143-164.
- Fariña, F., Seijo, D., Arce, R., & Vázquez, M. J. (2017). Custodia compartida, corresponsabilidad parental y justicia terapéutica como nuevo paradigma [Shared custody, parental co-responsibility and therapeutic justice as a new paradigm]. *Anuario de Psicología Jurídica*, 27(1): 107-113. [10.1016/j.apj.2016.11.001](https://doi.org/10.1016/j.apj.2016.11.001)
- Fernandes, J. S. G., Montiel, J. M., Andrade, M. S., Bartholomeu, D., Cecato, J. F., & Martinelli, J. E. (2015). Análise discursiva das representações sociais de idosos sobre suas trajetórias de vida [Discursive analysis of the social representations of the elderly about their life trajectories]. *Estudos Interdisciplinares sobre o envelhecimento*, 20(3), 903-920. Recuperado de <https://seer.ufrgs.br/RevEnvelhecer/article/view/46451>
- Ferri, E; & Cintado, V. (2018). Un análisis sistemático de la importancia que los Jueces y Juezas otorgan al dictamen pericial social. *Documentos de trabajo social. Revista de trabajo y acción social*, 61, 295-314.
- Ferri, E. (2017). El daño social como concepto indemnizable en víctimas de accidentes de circulación [Social damage as a compensable concept for road accident victims]. *TSDifusión*, 124, 22-26.
- Ferri, E., Rodríguez, Z. M., & Rivas, M. (2020). Feminización del daño social. Análisis de la cotidianidad en camareras de piso y policía local tras un accidente laboral [Feminisation of social harm. Analysis of everyday life in housekeepers and local police after an accident at work]. *Revista Prisma Social*, 29, 195-221.
- Gómez, F., & Soto, R. (2015a). Nuevas tareas, nuevos lugares del trabajo social judicial en España [New tasks, new places of judicial social work in Spain]. *Serviço Social & Sociedade*, 121, 125-142.
- Gómez, F., & Soto, R. (2015b). El trabajador social de la Administración de Justicia española en los procesos de rupturas matrimoniales [The social worker of the Spanish Administration of Justice in the processes of marital breakdown]. *Estudios Sociojurídicos*, 17(2), 131-166.
- González, J. L. (2013). La prueba pericial en la ley de enjuiciamiento civil. Balance crítico [The expert evidence in the civil procedure law. Critical balance]. *Revista de Estudios Jurídicos*, 13, 1-21.
- González, D., Delgado, S., & García, E. (2010). Valoración Pericial Psicológica de la Víctima de Mobbing [Psychological Expert Assessment of the Mobbing Victim]. *Psicología Iberoamericana*, 18(2), 8-18.
- Green, G., Thorpe, J., & Traupmann, M. (2005). The sprawling thicket: Knowledge and specialisation in forensic social work. *Australian Social Work*, 58(2), 142-153. <https://doi.org/10.1111/j.1447-0748.2005.00199.x>
- Hernández, A. (2002). La Prueba Pericial de los Trabajadores Sociales [The Expert Test of Social Workers]. *La Toga*, (133). Recuperado de <https://www.revistalatoga.es/la-prueba-pericial-delos-trabajadores-sociales/>
- Hernández, A. (2016). Aportaciones de un dictamen pericial social en una causa de negligencia médica [Contributions of a social expert opinion in a medical negligence]. *La Toga*, 193. Recuperado de <https://www.revistalatoga.es/aportaciones-de-un-dictamen-pericial-social-en-una-causa-de-negligenciamedica/>
- Horcajo, P. J., & Dujo, V. (2017). Informe pericial psicológico: Competencias parentales y valoración psicológica de una menor en un presunto caso de síndrome de alienación parental [Psychological expert report: Parental skills and psychological assessment of a minor in a presumed case of parental alienation syndrome]. *Psicopatología Clínica Legal y Forense*, 17(1): 126-143.
- Howe, D. (1997). Psychosocial and relationship-based theories for child and family social work: political philosophy, psychology and welfare practice. *Child & Family Social Work*, 2(3), 161-169. <https://doi.org/10.1046/j.1365-2206.1997.00044.x>
- Leite, G. de O., Martins, F. D. P., França, M. S. de, Ângelo, B. H. de B., Vasconcelos, M. G. L., & Pontes, C. M. (2016). Representações sociais de mulheres sobre o cheiro do leite materno [Social representations of women about the smell of breast milk]. *Escola Anna Nery*, 20(4), 1-8. <https://doi.org/10.5935/1414-8145.20160090>
- Lessard, G., Flynn, C., Turcotte, P., Damant, D., Vézina, J. F., Godin, M. F. & Rondeau-Cantin, S. (2010). Child custody issues and co-occurrence of intimate partner violence and child maltreatment: controversies and points of agreement amongst practitioners. *Child & Family Social Work*, 15(4), 492-500. <https://doi.org/10.1111/j.1365-2206.2010.00705.x>
- Lewis, K. (2009). *Child custody evaluations by social workers*. Washington: NASW Press.

- Libera, S. Ó. (2017). Trabajo social, ámbito penal y labor pericial: aproximaciones teóricas y metodológicas en cuanto a la determinación de la extensión del daño por delitos de homicidio. *Documentos de trabajo social: Revista de trabajo y acción social*, (60), 23-41.
- López, H. (2011). Los índices de riqueza léxica y la enseñanza de lenguas [Lexical richness indices and language teaching]. En J. de Santiago Guervós, H. Bongaerts, J. Sánchez & M. Seseña (Eds.), *Del texto a la lengua: La aplicación de los textos a la enseñanza-aprendizaje del español L2-LE* (pp. 15-28). Salamanca: Asociación para la enseñanza del español como lengua extranjera.
- Luftman, V. H., Veltkamp, L. J., Clark, J. J., Lannacone, S. & Snooks, H. (2005). Practice guidelines in child custody evaluations for licensed clinical social workers. *Clinical Social Work Journal*, 33(3): 327-357. <https://doi.org/10.1007/s10615-005-4947-4>
- Lytle, J. E. (1987). Kramer vs. Kramer revisited: The social work role in child custody cases. *Social Work*, 32(1): 5-10. <https://doi.org/10.1093/sw/32.1.5>
- Moliner, P. (2005). La teoría del núcleo matriz de las representaciones sociales [The theory of the matrix nucleus of social representations]. En T. Rodríguez & M. L. García (Eds.), *Representaciones sociales. Teoría e investigación*. Guadalajara: Universidad de Guadalajara.
- Moscovici, S. (1988). Notes towards a description of social representations. *European Journal of Social Psychology*, 18(3), 211-250.
- Munkholt, K. & Madsen, N. (2021). Feasible interventions for children in foster care according to service users and practitioners. *Child & Family Social Work*. <https://doi.org/10.1111/cfs.12820>
- Muñoz, J. M. (2010). El constructo Síndrome de Alienación Parental en Psicología Forense: Una propuesta de abordaje desde la evaluación pericial psicológica [The Parental Alienation Syndrome construct in Forensic Psychology: A proposal for an approach from the psychological expert evaluation]. *Anuario de Psicología Jurídica*, 20, 5-14. <https://doi.org/10.5093/jr2010v20a2>
- Muñoz, J. M. (2013). La evaluación psicológica forense del daño psíquico: propuesta de un Protocolo de actuación pericial [Forensic psychological evaluation of mental damage: Proposal of an expert action protocol]. *Anuario de psicología jurídica*, 23(1), 61-69. <https://doi.org/10.5093/aj2013a10>
- Nieto, C. (2015) *Análisis y valoración de la prueba pericial: social, educativa, psicológica y médica: el perito judicial*. Madrid: Dykinson.
- Oliveira, D. C., Teixeira, M. C. T. V., Fischer, F. M., & Amaral, M. A. (2003). Estudo das representações sociais através de duas metodologias de análise de dados [Study of social representations through two data analysis methodologies]. *Revista de Enfermagem da UERJ*, 11(3), 317-327.
- Pons, G., Martínez, A., Pérez, M., & Borrás, J. J. (2006). La evaluación del abuso sexual infantil: Comparación entre informes periciales en función del diagnóstico de abuso [The evaluation of child sexual abuse: Comparison between expert reports based on the diagnosis of abuse]. *Psychosocial Intervention*, 15(3), 317-330.
- Reinert, M. (1987). Classification Descendante Hierarchique et Analyse Lexicale par Contexte – Application au Corpus des Poesies D'A. Rimbaud [Descending Hierarchical Classification and Lexical Analysis by Context – Application to the Corpus of Poetry D'A. Rimbaud]. *Bulletin de Méthodologie Sociologique*, 13(1), 53-90. <https://doi.org/10.1177/075910638701300107>
- Rodríguez, C., Jarne, A., & Carbonell, X. (2015). Informe pericial psicológico en tribunales de familia: análisis de su estructura, metodología y contenido [Psychological expert report in family courts: analysis of its structure, methodology and content]. *Escritos de Psicología*, 8(1), 44-56. <https://dx.doi.org/10.5231/psy.writ.2015.1203>
- Rosen, L.N., Dragiewicz, M. & Gibbs, J.C. (2009) Fathers's rights group: demographic Correlates and Impact on Custody Policy. *Violence against Women*, 30, 513-531. <https://doi.org/10.1177/1077801209331409>
- Roy, N., & Garon, R. (2013). Étude comparative des logiciels d'aide à l'analyse de données qualitatives: de l'approche automatique à l'approche manuelle [Comparative study of qualitative data analysis software: from automatic to manual approach]. *Recherches Qualitatives*, 32(1): 154-180.
- Ruiz Bueno, A. (2016). Aproximaciones automáticas en el tratamiento de datos textuales [Automatic approximations in the treatment of textual data]. Recuperado de <http://diposit.ub.edu/dspace/handle/2445/68983>
- Ruiz Olabuénaga, J. I. (2003). *Metodología de la investigación cualitativa* [Qualitative research methodology]. Bilbao: Universidad de Deusto.
- Salgado, A. G. A. T., Araújo, L. F., Santos, J. V. O., Jesus, L. A., Fonseca, L. K. S., & Sampaio, D. S. (2017). Velhice LGBT: uma análise das representações sociais entre idosos brasileiros [LGBT old age: an analysis of social representations among elderly Brazilians]. *Ciências Psicológicas*, 11(2), 155-163. <http://dx.doi.org/10.22235/cp.v11i2.1487>
- Sánchez, C. (2015). El uso de la vivienda familiar en España en el régimen de custodia compartida [The use of the family home in Spain in the shared custody regime]. *Actualidad Jurídica Iberoamericana*, 3, 91-103. Recuperado de <https://roderic.uv.es/bitstream/handle/10550/52002/89-103.pdf?sequence=1>
- Sancho, M. V. y Pérez, E. (2021). La evaluación pericial social como garantía de igualdad en los procesos judiciales. *Revista Jurídica de Igualdad*, (10), 8-9.
- Santos, V., Salvador, P., Gomes A., Rodrigues, C., Tavares, F., Alves, K., & Bezerril, M. (2017). Iramuteq nas pesquisas qualitativas brasileiras da área da saúde: Scoping review [Iramuteq in Brazilian qualitative health research: Scoping review]. *Investigação Qualitativa em Saúde*, 2, 1-10. Recuperado de <https://proceedings.ciaiq.org/index.php/ciaiq2017/article/view/1230/1191>

- Silva, M. L. B., & Bousfield, A. B. S. (2016). Representações sociais da hipertensão arterial [Social representations of arterial hypertension]. *Temas em Psicologia*, 24(3), 895-909. <http://dx.doi.org/10.9788/TP2016.3-07>.
- Simón, M. (2010). Aportaciones del trabajo social a la pericial de familia [Contributions of social work to the family expert]. En J. J Tapia (Ed.), *Custodia compartida y protección de menores* (pp. 177-210). Madrid: Dykinson.
- Sjøhelle K. & Andenæs, A. (2017). Parents in high-conflict custodial cases: negotiating shared care across households. *Child & Family Social Work*, 22(1), 296-305. <https://doi.org/10.1111/cfs.12240>
- Soto, R. (2015). *El trabajo social familiar: una ayuda para el sistema judicial en las crisis conyugales* [Tesis doctoral. Universidad Complutense de Madrid, Madrid].
- Soto, R., & Alcázar, R. (2019). La teoría forense en el trabajo social en España [Forensic theory in social work in Spain]. *Documentos de trabajo social*, 62, 50-71.
- Sousa, Y., Gondim, S., Carias, I. A., Batista, J. S., & de Machado, K. (2020). O uso do software Iramuteq na análise de dados de entrevistas [The use of Iramuteq software in the analysis of interview data]. *Revista Pesquisas e Práticas Psicossociais*, 15(2), 1-19.
- Tweedie, F., & Baayen, R. (1998). How Variable May a Constant Be? Measures of Lexical Richness in Perspective. *Computers and the Humanities*, 32(5), 323-352.
- Van Wormer, K., Roberts, A. R., Springer, D. W. and Brownell, P. (2008). "Forensic social work: Current and emerging developments". In *Comprehensive handbook of social work and social welfare: The profession of social work*, Edited by: Sowers, K. M. and White, B. Vol. 1, 315-342. Hoboken, NJ: John Wiley & Sons. doi:10.1002/9780470373705
- Wissö, T., Johansson, H., & Höjer, I. (2019). What is a family? Constructions of family and parenting after a custody transfer from birth parents to foster parents. *Child & Family Social Work*, 24(1), 9-16. <https://doi.org/10.1111/cfs.12475>