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The Role of Psychologists in Family Court: Contributions to Safeguarding Rights and Strengthening Family Bonds

A Atuação do Psicólogo na Vara de Família: Contribuições para a Garantia dos Direitos e o Fortalecimento dos Vínculos Familiares

La Actuación del Psicólogo en el Juzgado de Familia: Contribuciones a la Garantía de Derechos y al Fortalecimiento de los Vínculos Familiares

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Abstract: The work of psychologists in the legal environment has established itself as a relevant support for decision-making in judicial processes involving family matters. This study aims to examine the role of the psychologist in the Family Court, their duties, contributions, and challenges in addressing demands related to child custody, visitation rights, parental alienation, adoption, and family conflicts. This is a bibliographic research, with a qualitative approach, through the analysis of books, scientific articles, legislation, and documents from the Federal Council of Psychology. The findings demonstrated that the psychologist's interaction helps to understand family dynamics and, consequently, to support judicial decisions more focused on the comprehensive protection of the individuals involved, especially children and adolescents. This work concludes that the psychologist's work in the Family Court represents a relevant instrument for promoting human rights and guaranteeing the best interests of the child.

Keywords: Forensic Psychology. Family Court. Psychological Assessment. Children's Rights. Justice System.

Resumo: O trabalho do psicólogo no ambiente jurídico se firmou como um relevante suporte à tomada de decisões nos processos judiciais que envolvem questões familiares. O presente estudo pretende examinar qual é a função do psicólogo da Vara de Família, as suas atribuições, as suas contribuições e os seus desafios no atendimento às demandas relativas à guarda de filhos, regulamentação da convivência, alienação parental, adoção e conflitos familiares. Trata-se de uma pesquisa bibliográfica, de abordagem qualitativa, por meio da análise de livros, artigos científicos, legislações e documentos do Conselho Federal de Psicologia. Os achados demonstraram que a interação do psicólogo ajuda a entender a dinâmica familiar e, com isso, a fundamentar decisões judiciais mais voltadas à proteção integral dos personagens, especialmente crianças e adolescentes. Esse trabalho finaliza que o trabalho do psicólogo na Vara de Família representa um relevante instrumento de promoção de direitos humanos e garantias do melhor interesse da criança.

Palavras-chave: Psicologia Jurídica. Vara de Família. Avaliação Psicológica. Direitos da Criança e do Adolescente. Sistema de Justiça.

Resumen: El trabajo del psicólogo en el ámbito jurídico se ha consolidado como un apoyo relevante para la toma de decisiones en los procesos judiciales que involucran cuestiones familiares. El presente estudio pretende examinar cuál es la función del psicólogo del Juzgado de Familia, sus atribuciones, sus contribuciones y sus desafíos en la atención de demandas relativas a la custodia de los hijos, la regulación de la convivencia, la alienación parental, la adopción y los conflictos familiares. Se trata de una investigación bibliográfica, de enfoque cualitativo, realizada mediante el análisis de libros, artículos científicos, legislación y

documentos del Consejo Federal de Psicología. Los hallazgos demostraron que la intervención del psicólogo ayuda a comprender la dinámica familiar y, con ello, a fundamentar decisiones judiciales más orientadas a la protección integral de las personas involucradas, especialmente niños y adolescentes. Este trabajo concluye que la labor del psicólogo en el Juzgado de Familia representa un instrumento relevante para promover los derechos humanos y garantizar el interés superior del niño.

Palabras clave: Psicología Jurídica. Juzgado de Familia. Evaluación Psicológica. Derechos de Niños y Adolescentes. Sistema de Justicia.

1. Introduction

This research focuses primarily on conceptualizing the importance of psychology for comprehensive protection, the promotion of a healthy developmental environment, and respect for the dignity of children and adolescents, as established by the Statute of the Child and Adolescent (ECA).

This article highlights the need to deepen understanding of the role of legal psychology within the rights-protection system, where it plays an essential role alongside the justice system, social-assistance professionals, and other fields. Human development at this stage of life is particularly vulnerable to rights violations such as neglect and abuse (physical, sexual, and psychological). It is therefore essential to have qualified professionals in institutions and public agencies who can intervene sensitively and supportively in emotional and cognitive issues that shape the behavior of children and young people.

In Brazil, the Statute of the Child and Adolescent (ECA) establishes comprehensive protection as a fundamental principle, guaranteeing rights and duties to children and adolescents and recognizing them as rights-bearing subjects. This includes the right to healthy development, education, health, and protection against every form of violation. The realization of these rights requires interprofessional and multidisciplinary work, in which the legal psychologist is positioned to support both an understanding of the context of rights violations and the formulation of intervention and protection strategies.

Changes in family structure over recent decades have increased the complexity of requests brought before the Judiciary. Issues involving child custody, regulation of family contact, adoption, domestic violence, and parental conflicts require an approach that goes beyond purely legal questions and calls for professionals from different fields of knowledge. In this context, Legal Psychology is fundamentally important because it provides technical support that can help judges understand family relationships and the emotional impacts of judicial conflicts. As part of a multidisciplinary Family Court team, the psychologist conducts psychological assessments, prepares psychosocial studies, holds interviews, and issues

technical documents that support decisions better suited to the needs of those involved. Accordingly, this study seeks to answer the following question: what have been the main contributions of Family Court psychologists, and what challenges are present in their professional practice?

The general objective is to analyze the work of psychologists in Family Court. The specific objectives are to understand the duties of these professionals in the legal sphere, identify their contributions to resolving family conflicts, and discuss the ethical and technical challenges faced in professional practice.

According to Gomes (2019), the work of Psychology in Family Courts emerged through a historical process of construction marked by legislative changes and expanding judicial-system demands. The author argues that psychologists must work critically and ethically, considering emotional and social dimensions that exceed the legal boundaries of family-conflict cases. Gomes also emphasizes the importance of training in Legal Psychology to avoid reductionism and to ensure that professional commitment is directed toward the family rather than merely toward procedural demands.

Psychology's involvement in judicialized conflicts developed alongside the formation and consolidation of the profession in Brazil. The history and issues that make psychologists' work increasingly necessary will be analyzed here in light of both practical and theoretical developments.

Childhood was not discussed as such until the beginning of the twentieth century; children were viewed as a social problem, and there were no public policies for this group. From an elitist perspective, the bourgeoisie of the time did not want to see poor and marginalized children and adolescents in the streets, so they were removed and excluded from society, masking the social problems and poverty that existed at the time.

The Statute of the Child and Adolescent (ECA) was created on July 13, 1990, after approval by the National Congress. It is the legal milestone that brought together the demands of social movements defending the idea that children and adolescents are also rights-bearing subjects who deserve access to citizenship and protection. The ECA was enacted as Federal Law No. 8,069.

Brazil signed the International Convention on the Rights of the Child on September 2, 1990. The Convention is a treaty approved by the United Nations on November 20, 1989, to ensure children's rights worldwide. Although Brazil relied on the document when drafting the ECA, the Brazilian State ratified the treaty only in 1990.

Making rights and legal safeguards available to children and adolescents meant recognizing that support is necessary in situations of vulnerability, especially for persons who have not yet understood their importance in building society. The Statute of the Child and Adolescent was extremely important to Brazilian society because, through it, children and adolescents became part of society as citizens rather than being treated as delinquents.

2. Theoretical Framework

2.1 Legal Psychology: Concepts and History

Legal Psychology is a field of practice that applies psychological knowledge within the judicial system. Its development in Brazil occurred progressively as awareness grew of the need to study the subjective factors present in legal matters.

According to the Federal Council of Psychology, psychologists' work in the legal field must be grounded in professional ethics and contribute to the protection of human rights and citizenship.

At the turn of the century and already in the second decade of the new millennium, we look respectfully at our history and at a profession that, fortunately, has many past struggles to remember. In Legal Psychology, Emilio Mira y Lopes's Manual of Legal Psychology was published in Brazil in 1955 after having been published in Europe in 1932. The work defended Psychology's scientific character and the applicability of its knowledge and instruments, while valuing Psychology applied to legal institutions. Debate about forms of intervention with families in conflict became the most common path, extensively discussed and planned across several theoretical frameworks. Although this is not the focus of this text, the intention is to present psychologists' work in Family Courts through historical references and contemporary aspects that already reveal the specific and advanced professional demands of families who resort to the Judiciary or legal practitioners to resolve their disputes.

It is known that the justice system cannot cope with everything brought before it, whether because of the number of cases or the complexity of the issues. It therefore increasingly directs questions to professionals from different fields, such as psychologists, asking for contributions that go beyond what ordinary citizens can intuitively understand or explain (Fonseca, Matos, & Simões, 2008, p. 3).

The history of Brazilian psychologists working in Legal Psychology begins with the profession's recognition in the 1960s. Their inclusion was gradual and slow, often informal and

based on volunteer work. The first activities occurred in the criminal field and focused on studies of adult offenders and adolescents who had violated the law (Rovinski, 2002).

Identifying the beginning of Legal Psychology in Brazil is also difficult because there is no single historical milestone for this initiative. In some Brazilian regions, psychologists had worked informally in prisons for at least forty years. Their formal presence, however, began with the approval of the Criminal Enforcement Law (Federal Law No. 7,210/84), Brazil (1984).

2.2 The Family Court and Its Demands

The Family Court has jurisdiction over cases related to Family Law, including divorce, custody, adoption, child support, regulation of family contact, and even the legitimation of kinship.

Such matters generally involve intense emotions, creating a need for professionals specialized in relational and psychological assessment of these judicial disputes. According to Brito (2005), psychodiagnostic instruments were a means of producing mathematically probable data to guide legal practitioners. Initially, Psychology was characterized by examination and assessment aimed at identification through diagnosis. This early history demonstrates the connection between Psychology and Law, with criminality serving as the medium of that relationship and with great importance assigned to psychological assessment. Requests for psychological services, however, were not limited to Criminal Law. Another area that continues to grow is psychologists' work in Civil Law.

In São Paulo, psychologists entered the justice system in 1979 by providing volunteer services to disadvantaged families. Formalization occurred in 1985 with the first public examination for psychologists to join the staff of the São Paulo Court of Justice (TJ-SP) (Shine, 1998).

Another important branch of Civil Law is Child and Adolescent Law, where psychologists had their first experiences in what was then called the Juvenile Court. Despite the specific features of each Brazilian state, psychology departments were essentially responsible for psychological expert examinations in civil and criminal proceedings and, occasionally, adoptions. After the creation of Law 8,069/90, the Statute of the Child and Adolescent (ECA), in 1990, the Juvenile Court became known as the Child and Youth Court. Regarding the importance of family life, Queiroz and Brito (2013, p. 59) state:

> [...] The family therefore appears as the first space in which the child develops as a social being, mediating between individuals and society's norms, rules, and values. It is primarily responsible for guaranteeing and realizing children

> and adolescents' rights to life, protection, and the development of human abilities, so that they may have the material and human conditions necessary for their development.

Psychologists' work expanded to include expert activities, follow-up, and the application of protective or socioeducational measures (Tabajaski, Gaiger & Rodrigues, 1998).

2.3 The Role of Psychologists in Family Court

The joint work of legal psychologists and the judicial system is based on psychologists' contributions to assessing and diagnosing situations of abuse. Family-conflict mediation and guidance for judicial decisions directly affect the lives of children and adolescents. Psychological intervention is crucial to ensure that protective, care, or resocialization measures are respected and informed by the emotional and psychological perspectives of the individuals involved.

Legal psychology therefore works preventively and educationally by producing technical opinions that guide judges when deciding on protective measures, custody, adoption, and other demands that require a specialized perspective. This article is thus justified by the need to advance understanding of the importance of legal psychology in protecting and defending the rights of children and adolescents.

The psychologist acts as an assistant to the Judiciary, offering technical data to support judicial decision-making. The principal tasks performed are psychological interviews; psychological assessment of those involved; analysis of family relationships; psychosociology; preparation of reports and opinions; and participation in a multidisciplinary team. The professional's action is technical rather than decision-making.

Brazilian psychologists' work in Legal Psychology began to be recognized in the 1960s with the profession's formal establishment. This specialty is defined by its interface with Law and the legal world, as well as by ethical and moral convergences and divergences intertwined with the profession's challenges. Traditional areas include work in courts and prisons, while innovative practices include mediation and psychological autopsy, a retrospective assessment based on information from third parties.

Although psychologists had worked unofficially in the prison system of some states for more than forty years, they were legally recognized by prison institutions only after the enactment of the Criminal Enforcement Law (Federal Law No. 7,210/84), Brazil (1984). History nevertheless shows that concern with assessing offenders, especially those with mental illness, predates the 1960s. In the early days of our society, madness was treated privately;

people described as 'mad' faced social limitations, and treatment was directed toward the few who had adequate financial means. By the middle of the seventeenth century, excluding people with mental illness had become a socially imposed necessity, and madness came to be regarded as abhorrent.

> 'Institutions for confinement were created throughout Europe, where individuals who threatened society's order of reason and morality were locked away' (Rovinski, 1998). From the eighteenth century onward, in France, Pinel carried out an institutional revolution, freeing patients from their chains and providing medical care to people segregated from social life (Pavon, 1997).

According to Brito (2005), 'psychodiagnostic assessments were viewed as instruments that supplied mathematically verifiable data to guide legal practitioners.' This initial context highlights the growing interaction between Psychology and Law, especially in the criminal area, and the relevance of psychological assessment. Psychologists' work, however, was not restricted to Criminal Law demands. Civil Law is a growing field that requires psychological practice, including Child and Adolescent Law, where psychologists began in the former Juvenile Court, working mainly on psychological expert examinations in civil and criminal proceedings and, occasionally, adoption proceedings.

Psychologists' duties expanded to include a range of activities involving expert examination, follow-up, and the application of protective or socioeducational measures (Tabajaski, Gaiger & Rodrigues, 1998). Family Law and Child and Adolescent Law are both part of Civil Law. Nevertheless, because actions are filed in specific courts within the jurisdictional sphere, they were treated separately here.

Legal psychology and family law emphasize psychologists' participation in separation and divorce proceedings, custody disputes, and visitation regulation. Separation and divorce proceedings involving psychologists are mostly contentious, meaning that the parties were unable to agree on the issues involved. Cases in which spouses rationally reach consensus on separation are not very common. This requires resolving the conflict that exists, or remained, between the lines and within the intricacies of human relationships—in other words, breaking the emotional-affective bond (Silveira, 2006).

2.4 Ethical Aspects of Professional Practice

Psychological intervention in Family Court requires care with the ethical principles of Psychology, particularly impartiality, professional confidentiality, and technical responsibility. Psychologists must refrain from moral judgments and conduct their studies using scientifically

validated methods in accordance with the rules of the Federal Council of Psychology. In every setting where psychologists work, their practice must promote mental health and be grounded in empathy, acceptance, and respect. It must also recognize that both their personal objections and people's psychological characteristics directly influence the decision-making process of judges and other professionals because they concern an analysis of the socio-affective issues related to adoption. Professionals must also work together to conduct the appropriate and necessary situational analyses in this context (CAMPOS AND COSTA, 2004).

3. Methodology

The study was developed through a literature review intended to analyze legal psychologists' work in safeguarding rights and strengthening family bonds, as well as the relevance of their role to the Judiciary.

The literature review draws on the theories, concepts, and doctrinal understandings of the authors studied, including Evani Zambon Marques da Silva; Juliana Silveira Di Ninno; Ludmila Regina Rosenthal Caetano de Oliveira; and Carla Maria Neves de Oliveira Penido. Digital platforms were also used, including the digital ECA (Statute of the Child and Adolescent), Planalto, and the Federal Council of Psychology.

Approval from a Research Ethics Committee was not required because the study is a literature review.

Data were examined through content analysis, which made it possible to identify the main categories related to psychologists' work in Family Court.

4. Results and Discussion

Seven studies published between 2009 and 2026 were analyzed and selected according to the criteria established in the methodology. Qualitative research, literature reviews, and case studies predominated, focusing on psychologists' work within the Judiciary, especially in Family Courts. The studies identified themes such as psychological assessment, conflict mediation, child and adolescent custody, parental alienation, intrafamily violence, and the preparation of technical documents.

Regarding prevention strategies, the authors identified family-conflict mediation, interventions to raise parents' awareness of their parental responsibilities after separation, and early identification of risk factors such as intrafamily violence, intense conflict, and emotional difficulties.

Author/Year	Study Objective	Study Type	Main Results
Almeida et al. (2024)	Analyze expert psychologists' work in proceedings to terminate parental authority.	Literature/documentary review	The expert psychologist plays a fundamental role in assessing family relationships and producing technical reports that support judicial decisions, always prioritizing the best interests of children and adolescents.
Dos Santos and Nascimento (2021)	Report an internship experience in Legal Psychology in Family Courts.	Experience report	Psychological practice supports understanding of family dynamics, qualified listening to the parties, and more humane judicial service.
Lago et al. (2009)	Present the history of Legal Psychology in Brazil and its fields of practice.	Literature review	Describes the historical development and consolidation of Legal Psychology in judicial institutions, especially Family Courts, Child and Youth Courts, and the penal system.
Marques da Silva (2013)	Understand psychologists' work in Family Courts of the São Paulo Court of Justice.	Qualitative research	Psychologists work beyond report preparation, conducting interviews, assessments, guidance, and interventions to understand family conflicts. Challenges include excessive demands and institutional limitations.
Moreno and Machado (2026)	Discuss legal psychologists' contribution to more technical and humane judicial decisions.	Literature review	Psychological opinions make decisions better grounded by incorporating families' emotional and psychosocial aspects and reducing exclusively legal judgments.
Ninno and Oliveira (2021)	Reflect on the paths taken by Legal Psychology in Family Courts.	Reflective article	Practice exceeds expert assessment and includes conflict mediation, promotion of dialogue, and strengthened family relationships, although defining the professional role remains challenging.
Penido (2025)	Discuss judicial resolution of family conflicts with the assistance of Legal Psychology.	Literature review	Legal Psychology contributes to more appropriate and less contentious solutions by considering the emotional, relational, and social aspects of the parties involved.

The analysis showed that the main preventive strategy related to psychologists' work in Family Court is conflict mediation, considered an important instrument for reducing litigation and helping parents construct agreements. The articles also highlight parental guidance, psychological assessment of family dynamics, interdisciplinary practice, and early identification of violence and parental alienation as strategies that protect the rights of children and adolescents and prevent family conflicts from worsening.

The literature emphasizes integration among psychologists, social workers, judges, prosecutors, and public defenders. This coordinated practice favors more comprehensive interventions and reduces decisions based solely on legal aspects.

The literature analysis shows that psychologists' participation is crucial to understanding family dynamics in judicial proceedings. The studies show that psychological assessments help

identify emotional, relational, and behavioral factors that may harm the development of a child or adolescent.

On the other hand, the studies identify difficulties such as the large number of existing proceedings, inadequate institutional structures, and the need for professionals to update their techniques continually. Parental alienation and prolonged family conflicts require increasingly specialized action, making training in Legal Psychology relevant. This demonstrates the difficulty faced by judges in Family Courts, because termination of parental authority is not merely an action determining custody, suspension, or complete extinction of the parental bond, but a means of protecting children and adolescents.

For this purpose, the work of the expert psychologist is essential because it provides ways of perceiving a reality that remains invisible to the Judiciary.

5. Final Considerations

The role played by psychologists in Family Court is fundamental to analyzing the complex family relationships present in judicial settings. This field within Psychology can therefore be considered very young, especially in scientific terms.

Analysis of legal psychologists' fields of practice reveals a predominance of the evaluator role. Psychodiagnostic assessment has been a major professional field since the emergence of Legal Psychology.

However, demands for follow-up, family guidance, development of citizenship policies, action against violence, participation in hearings, and other activities are steadily increasing. Psychologists are therefore becoming more present in legal practice, while the profession also requires continual updating.

Psychological assessments, psychosocial studies, and the preparation of technical documents contribute to better-grounded judicial decisions that are attentive to the needs of those involved.

It can thus be stated that psychological practice strengthens the protection of the rights of children, adolescents, and families.

Further studies are recommended to investigate the impacts of psychological practice on the effectiveness of judicial decisions and the strengthening of family relationships.

Finally, attention should be given to knowledge of certain legal terms and to the importance of an interdisciplinary approach supported by legal professionals such as lawyers, judges, prosecutors, and sociologists. The great challenge for legal psychology is not to remain confined to knowledge originating in scientific psychology, but to exchange information with

other sciences and seek to reshape understanding of human action by considering legal, affective, and behavioral aspects.

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