



Understanding Changes in *DSM-5*

LEGAL ISSUES

Although we usually think about *DSM-5* in terms of the diagnosis of mental illness, it is also used in a variety of legal and other situations (Appelbaum, 2014). For example, *DSM-5* is used in courts to determine disability, criminal responsibility, and the capacity to perform tasks and understand actions. Forensic evaluations can be required to determine if a person is capable of writing a will, running a business, or consenting to medical treatment (Simpson, 2014).

Courts typically determine who is responsible for a specific act. As such, they want to say this situation or this person is responsible. Thus, conditions which result in injury, stress, or trauma are treated differently in courts as opposed to how they are treated by health care professionals. For example, there are a number of lawsuits related to the National Football League as well as the Veteran's Administration in terms of responsibility for care. This is part of a larger situation in which brain injury from sports, military service related to over a decade of combat, and the aging of the population are playing a critical role in our society. How neurocognitive disorders are defined in *DSM-5* plays an important role in these decisions.

Another disorder that was changed in *DSM-5* and is often found in court proceedings is PTSD (Levin, Kleinman, & Adler, 2014). With the original introduction of the diagnosis of PTSD in the 1980s, a variety of victims have come before the courts either as defendants or plaintiffs. Likewise, studies have shown higher rates of PTSD in prison populations. As noted in Chapter 7 on stress and trauma, changes in the *DSM-5* criteria for PTSD resulted in different individuals being diagnosed with the disorder. This, in turn, could influence the outcomes of court proceedings. That is, *DSM-5* includes work situations such as those experienced by firefighters, police, and emergency medical personnel as well as the military in exposure to stress-related disorders. This could change the nature of the legal rulings.

The larger conceptual shift in *DSM-5* from categorical to more dimensional descriptions of mental disorders should have important implications for its use in the legal system. In particular, the legal system seeks to determine who is guilty or responsible for a particular act. This underlying legal goal may be at odds with a psychological understanding of human behavior. It will be some time before we know how *DSM-5* will influence the legal system.