

Essential Elements of Competent Child Custody Evaluations
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Psychologists are increasingly called upon to provide forensic services for the courts. In the family law arena, one service that is often requested of psychologists is to conduct child custody evaluations. While practice patterns may vary, competent child custody evaluations include certain basic elements. The purpose of this article is to identify those elements and discuss their importance.

As part of their training psychologists are not routinely taught how to conduct child custody evaluations. This is a specialized task that requires considerable knowledge of normal and abnormal child, adolescent and adult development, the effects of divorce on children, familiarity with various custody arrangements, and the appropriateness of specific schedules for children at different stages of cognitive and emotional development.

Proper professional training and experience are needed to conduct competent child custody evaluations. Relevant post-graduate education courses and individual case consultation with an experienced child custody evaluator are two avenues that can be followed to develop the knowledge base and skills needed for this activity, especially for psychologists who did not receive requisite training during graduate school.

The scope of an evaluation is typically determined by two factors. First is the purpose of the evaluation, which should be stated in the Court's order of appointment, and cites the expectation of receiving recommendations on the issue of child custody and/or parenting time. The second factor, related to the first, concerns the issues raised by each parent, as well as any other substantive information that an evaluator might receive. For example, if one parent accuses the other of child sexual abuse, domestic violence or substance abuse, such claims would require thorough investigation.

In addition to properly framing the scope of a child custody evaluation, child custody examiners should possess knowledge of relevant statutes, especially the Michigan Child Custody Act, as well as applicable case law. A competent child custody evaluator recognizes that the primary legal question in a child custody evaluation is the "best interests of the child" standard and that failure to apply the obtained data to the relevant Factors reduces the reliability and validity of the report's findings and recommendations. In addition, it is critical for child custody evaluators to know which standard of proof applies to family law disputes and whether an established custodial environment does or does not exist in a particular case.

The following factors should be considered in a child custody evaluation.

Focus of the evaluation: The primary concerns in a child custody evaluation involve issues relating to the psychological and developmental needs of the child, and the

extent to which each parent possesses the willingness and ability to meet the routine and unique needs of the child.

In assessing parental capabilities, inquiry is made regarding each parent's knowledge, awareness, and general sensitivity to the child, as well as to the skills, attitudes, and abilities each parent brings to the parenting enterprise. The psychological and developmental needs of the child should also be determined, with particular attention paid to whether development has been proceeding normally or has been delayed. If a child's development has been delayed or if the child has special needs, then it is important to identify whether one parent or the other is more capable or better suited to meet the child's unique needs.

Equal treatment: Under most circumstances, both parents should be administered equivalent interviews and the same battery of psychological tests. This allows for equitable comparison according to the Michigan Child Custody Act factors. To treat one parent in a substantially different manner than the other parent raises the question of bias, and could cast doubt on the examiner's neutrality, findings and recommendations.

Similarly, children should be treated in a substantially equal manner, unless there is good reason to do otherwise. One legitimate reason for differential treatment would be with children of disparate ages, such as toddlers and school-age children. In this circumstance, the school-age child would be interviewed while the toddler would not be, because the latter lacks the requisite cognitive and verbal skills to participate in an interview.

Multiple sources of data: Comprehensive child custody evaluations gather information from multiple sources including interviews, direct observation and psychological testing. Additionally, it is useful to review a child's school records, and to speak with collateral sources such as teachers, day-care providers, or other professionals that possesses relevant knowledge of the child or the family.

If the parents or child are in therapy or have a significant chronic medical condition, it is important to review their mental health or medical record, or to speak with their therapist or physician. Other third parties, such as extended family, friends or co-workers might be contacted as well if the evaluator considers it warranted.

Collecting information from multiple sources allows for comparison and contrast of data. Additionally, greater confidence can be vested in conclusions that are based on two or more sources of information, while appropriate reservations can be acknowledged about conclusions that are not as well documented.

Confidentiality: Psychologists are ethically obligated to inform participants in a child custody evaluation about limitations to confidentiality. This includes explaining the purpose of the evaluation, the manner in which the information will be reported, and to whom it will be reported. Even when evaluations are Court ordered it is good practice

for child custody evaluator's to obtain each parent's written authorization to release the report.

Limitations of opinion: Under most circumstances, psychologists are ethically bound to avoid giving opinions about the psychological functioning of individuals they have not personally evaluated. The intent of this ethical standard is to limit the rendering of a professional opinion to individuals that have been adequately evaluated and to insure that opinions are based on sufficient and reliable information. Psychologists are not precluded, however, from responding to hypothetical questions.

In conclusion, the selection of an appropriately trained, competent child custody evaluator is an important legal strategy. This article identifies practice guidelines that competent, well-trained child custody evaluators follow. Before stipulating to the use of a forensic psychologist, attorneys are advised to confirm that a potential child custody examiner possesses the necessary education and training to conduct a competent child custody evaluation and adheres to relevant professional standards.

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