

Evidence Base of Custody and Access Evaluations

Michael A. Saini, PhD, MSW, RSW

Custody and access evaluations are routinely conducted by psychiatrists, psychologists, social workers, and other mental health professionals. The primary goal of the evaluation is to assist judges, lawyers, and families by providing expert opinions regarding the level of interparental conflict, parent functioning, child–parent relationships, and the children’s developmental, social, emotional, and educational needs post separation and divorce. Custody and access evaluations are given considerable weight by the courts with the expectation that custody evaluators will report within the best available scientific evidence and they will use objective, reliable, and valid procedures within the evaluation process. Although there is a growing body of scientific literature that explores children’s and parents’ adjustment after separation and divorce, there remains less evidence regarding the efficacy of custody evaluations as a tool to assist the courts and families in this adjustment process. Best practice guidelines, surveys, and analytical discussions about what constitutes best practice remains the focal point of these discussions. This evidence-based review systematically draws on studies of custody evaluations to determine the current state of scientific knowledge. Multiple databases of peer-reviewed and unpublished literature were searched to critically review the existing evidence. Data from cross-sectional designs, content analysis methods, and outcome-based studies represent aggregate data of over 1,945 mental health professionals, 417 lawyers and judges, and 568 children and families involved in custody evaluations. Outcome-based studies reflect the dual focus of evaluations to provide the courts with the best evidence and to provide families with opportunities to step out of the litigation process. Data synthesis within the evidence-based approach provides the opportunity to evaluate the current empirical evidence, identify gaps, and highlight areas for further review and for future research work. Framing custody and access evaluations within the evidence-based movement has implications for the judicial system, custody evaluators, researchers, families, and children. [*Brief Treatment and Crisis Intervention* 8:111–129 (2008)]

KEY WORDS: child custody, evaluation, divorce, family conflict, evidence-based practice.

The majority of separating and divorcing couples are able to work through their anger, disappointment, and loss in a timely manner, as

well as establish healthy interpersonal relationships (Hetherington & Kelly, 2002). However, following separation approximately 20 per cent

From the Research Institute for Evidence-Based Social Work, Faculty of Social Work, University of Toronto.

Contact author: Michael A. Saini, Research Associate, Research Institute for Evidence-Based Social Work, Faculty of Social Work, University of Toronto, 246 Bloor Street West,

Toronto, Ontario M5S 1A1, Canada. E-mail: michael.saini@utoronto.ca.

doi:10.1093/brief-treatment/mhm023

Advance Access publication January 3, 2008

© The Author 2008. Published by Oxford University Press. All rights reserved. For permissions, please e-mail: journals.permissions@oxfordjournals.org.

to 40 per cent of parental interactions are considered conflictual (Ahrns, 1981; Erlanger, Chambliss, & Melli, 1987; Hetherington, Cox, & Cox, 1985; Johnston & Campbell, 1988, 1993; Weiss, 1975); of these, approximately 10 per cent are considered 'high conflict' (Hetherington, Stanley-Hagan, & Anderson, 1989; Maccoby & Mnookin, 1992; Mnookin & Kornhauser, 1979; Saini & Birnbaum, 2007). High-conflict parents have been characterized by elevated rates of litigation and relitigation, high degrees of anger and distrust, difficulty focusing on their children's needs as distinct from their own, and chronic difficulty cooperating and communicating about their children after the separation/divorce (Bacon & McKenzie, 2004; Emery, 1994; Gilmour, 2004; Hetherington & Kelly, 2002; Johnston, 1994; Saini, 2005). These parties often turn to the courts when they reach an impasse and are unable to agree on a workable parenting plan for the children (Martin, 2005).

Although 90 per cent of custody matters are settled before the parents enter into court proceedings (Hetherington et al., 1989), these settlements are usually completed within the context of the legal system and 'the shadow of the law' (Stamps, 2002, p. 10). Within this legal context, the basis of custody determination has switched over time, from a preference toward assigning custodial care of children to their fathers' to a maternal preference and then moved in the 1970s to a presumption of the 'best interest of the child' (Bearss, 2004; Mason, 1999). This vaguely defined and often used term implies that legal decisions should be based on considerations of the needs and interests of the child rather than on the gender or rights of the parent (Kelly, 1994).

The presumption of 'best interest of the child' has created an opportunity for mental health professionals to contribute their expertise regarding the level of interparental conflict, parent functioning, child-parent relationships, and the child's developmental, social, emo-

tional, and educational needs after separation and divorce (Gready, 2006). In many cases, the mental health professional is requested to conduct an assessment and provide recommendations of custody and access of the child based on this expert opinion (Baerger, Galatzer-Levy, Gould, & Nye, 2002).

Perhaps due to the complexity of child custody cases, judges are increasingly turning to mental health professionals to provide custody and access evaluations and to make recommendations (Ash & Guyer, 1984; Grisso, 1986). There is an apparent "desire by judges to have access to independent 'unbiased' expert advice to assist in dealing with cases involving the fate of children" (Bala, 1990, p. 183). Advice offered by professional custody evaluators is likely given considerable weight in the judge's final custody decision. In fact, studies show that judges follow the recommendations of mental health professionals above 90 per cent of the time (Ash & Guyer, 1984; Baerger et al., 2002; Caplan & Wilson, 1990; Johnston, 1994). Lawyers have also been found to give considerable weight to the custody evaluations even when parties settle out of court. Ash and Guyer (1986) suggest that custody evaluations have been used as a bargaining tool to convince the other party to settle the dispute prior to engaging in court proceedings. Tippins and Wittmann (2005) opine that parties may settle disputes based on the recommendations, even when they do not agree with the opinions of the evaluator because they may perceive that they will likely do worse if they go to trial.

Conducting a child custody evaluation may be one of the most challenging activities of mental health professionals. Custody evaluations involve working with acrimonious parties and sorting out competing allegations of physical, sexual, and emotional abuse, domestic violence, substance abuse, mental illness, parenting deficits, children aligned with one parent, and the involvement of children in

the conflict (Mason & Quirk, 1997). In addition, the evaluator is scrutinized within court proceedings by the judge and opposing counsel regarding his or her credibility, fact finding procedures, decision making in the process, and rationale used to formulate the final recommendations (Bow & Quinnell, 2001).

Such scrutiny is considered essential given that recommendations provided by custody evaluators have the potential to change the child's time and relationship with parents, siblings, and extended family members; impact the child's emotional, social and school functioning; and influence the child's overall adjustment after separation and divorce (Kelly & Johnston, 2005). Therefore, the child must be safeguarded to ensure harm is not committed by flawed and subjective recommendations that do not objectively account for the interest of the child (Bow & Quinnell, 2002; Woody, 2000). Gould and Martindale (2005) also communicate that harm can come to families when custody evaluators make recommendations that are invalid, unreliable and methodological incongruent with scientific evidence.

In response, several organizations have recently published standards and guidelines for evaluating child custody disputes. These organizations include the American Academy of Child and Adolescent Psychiatry (1988), the American Association of Family and Conciliation Courts (1994, 2006), the American Psychological Association (1994), Board of Registration for Social Workers in British Columbia (2002), College of Alberta Psychologist (2002), and the Saskatchewan Association of Social Workers (2001). In addition, many books and book chapters have been written to guide the production of custody evaluations (Ackerman, 2001, 2006; Bradley, 2004; Butterfield, 2003; Evans, 1997; Galatzer-Levy & Ostrov, 1999; Gould, 2006; Grisso, 1987; Gunsberg, 2005; Hynan, 2003a; Knapp & Keller, 1993; Lebow, Walsh, & Rolland, 1999; Martindale,

Martindale, & Broderick, 1991; Mooney & Nelson, 1989; Otto, Buffington-Vollum, & Edens, 2003; Schaul, 2005; Schutz, Dixon, Lindenberger, & Ruther, 1989; Stahl, 1994, 1999, 2002; Tumas, 2005). Despite the mounting published guidelines and guiding frameworks, child custody evaluations fall short of meeting the evidence-based threshold now established in clinical practice (Byrne, O'Connor, Marvin, & Whelan, 2005).

Custody Evaluations as An Evidence-Based Practice

Currently, a number of fields within the social sciences are focusing increased attention on the identification and delivery of assessments and interventions that are supported by rigorous scientific research and the integration of credible research evidence into the provision of these services. Evidence-based practice was originally defined as "the conscientious, explicit and judicious use of current evidence in making decisions about the care of individual patients" (Sackett, Straus, Richardson, Rosenberg, & Haynes, 1997, p. 71). More specifically, it involves "integrating individual practice expertise with the best available external evidence from systematic research as well as considering the values and expectations of clients" (Gambrill, 1999, p. 346). Custody evaluations are relevant to the evidence-based movement given the dual role of custody evaluations to be both a valid tool for courts to make custody determinations and an intervention for parents to help parents settle disputes.

While some fields have embraced this movement for decades, others have struggled to create a body of research sufficiently robust to satisfy the requirements for evidence-based analysis. The evidence-based movement requires a commitment from researchers, policy makers, and practitioners to develop scientifically proven methodologies to guide empirically based inquiry.

Bow and Quinnell (2002, p. 164–165) suggest that high-quality and scientifically sound custody evaluations are important because (a) the focus of the evaluation is on the best interest of the child; (b) the stress of the divorce often results in anguish for the families; (c) conclusions and recommendations significantly impact families; (d) custody disputes routinely deal with emotionally charged issues; and (e) custody evaluations are often taken at face value and not subjected to the scrutiny of cross-examination. Given these implications, it is logical, ethical, and necessary to integrate evidence-based principles into the study of custody evaluations.

This evidence-based review aims to systematically draw together the empirical research evidence of custody evaluations by synthesizing the studies with the explicit objective of better informing the judicial system, custody evaluators, researchers, and families. A critical analysis of the methodological approaches and the quality of evidence is important to consider so that gaps can be identified and priorities can be set for further advancement of the evidence-based approach to the study of custody evaluations.

The Search Strategy for the Evidence of Custody Evaluations

This review was conducted in three stages. The first stage consisted of electronic resources to identify studies, which were screened for relevance to custody evaluations. Based on the reading of titles and abstracts, only studies of custody evaluations were included in the first stage of analysis. During the second stage, full text papers of the selected studies were retrieved and were rescreened for relevance. During the third stage, a small number of studies were selected using narrowed inclusion criteria that were analyzed in greater depth for methodological rigor.

Both published and unpublished works were considered eligible for the review. Studies re-

garding custody evaluations have been published in a variety of journals for audiences related to psychiatry, psychology, social work, and mental health. Therefore, to be comprehensive, this review included the following databases: (a) Psychological Abstracts (PsycINFO, PsycLIT, ClinPsyc-*clinical subset*); (b) MEDLINE; (c) EMBASE; (d) Database of reviews of effectiveness (DARE online); (e) ChildData (child health and welfare); (f) ASSIA (applied social sciences); (g) Caredata (social work); (h) Social Work Abstracts; (i) Child Abuse, Child Welfare & Adoption; (j) Cochrane Collaboration; (k) C2-SPECTR; (l) Social Sciences Abstracts; and (m) Social Service Abstracts.

To ensure maximum sensitivity and specificity of the search strategy, both subject headings and word text were searched in a systematic process. Given that little research was expected to be found within the existing databases, the search term strategy was open to maximize sensitivity. Search term combinations included (a) de= child custody and kw= (evaluation* or assessment* or report*); (b) kw= "custody evaluation*" or "custody assessment*" or "custody report*" or "custody and access evaluation*" or "custody and access assessment*" or "custody and access report*"; (c) kw= "custody evaluation*" or "custody assessment*" or "custody report*" or "custody and access evaluation*" or "custody and access assessment*" or "custody and access report*" and de= child custody.

Results of Cross-Sectional Survey Designs

Purpose and Utility of the Custody Evaluation: Views from the Legal System

Based on a survey of 161 family lawyers, Lee, Beauregard, and Hunsley (1998a) reported that lawyers viewed custody evaluations as a desirable alternative to litigation but did not associate it with enhanced family functioning. Waller

and Daniel's (2004) survey of 97 judges revealed that judges are most likely to order custody evaluations for allegations regarding sexual or physical abuse or parental unfitness. Judges reported that they expect a comprehensive procedure and find utility in an inclusive report. They reported that custody evaluations play a significant role in judicial decision making; however, the majority of judges were hesitant to have mental health professionals testify as to the ultimate custody question. Conversely, Bow and Quinnell (2001, 2004) and LaFortune (1997) found that judges favored a more child-focused report that provided recommendations for custody and visitation. From the survey of 121 judges and attorneys, Bow and Quinnell (2004) found that both groups reported custody evaluations to be useful when the objectivity of the evaluator was considered paramount in the report. Both groups also expressed the need for improvements in child custody reports. Recommendations particularly centred on the need for a greater child focus, provision of custody and visitation recommendations, discussion of legal criteria, and timely completion of evaluations.

The Mental Health Professional as Custody Evaluator

The majority of surveys regarding the procedures of custody evaluations have targeted responses from psychologists in private practice. Keilin and Bloom (1986), for example, surveyed 82 mental health professionals. Of these, 78.1 per cent were doctoral level psychologists, 18.3% were psychiatrists, and 2.4 per cent were masters-level practitioners. A total of 80.3 per cent indicated being employed in private practice. Ackerman and Ackerman (1997) surveyed 201 doctoral level psychologists, of whom 88 per cent worked in private practice. In their sample recruitment design, they excluded psychiatrists and social workers. In

1998, LaFortune and Carpenter surveyed 165 mental health professionals and included psychologists (89 per cent), social workers (3 per cent), marriage and family therapists (1 per cent), and professional counselors (6 per cent) but did not include psychiatrists. Bow and Quinnell (2001) completed a survey of 198 clinical and forensic psychologists and did not include psychiatrists or social workers in the sample. A total of 92 per cent worked in private practice. Likewise, Allan, Martin, and Allan (2000), Gourley (1999), Harris (2004), and Wangberg (2000) only surveyed psychologists.

Two studies completed content analysis of custody evaluation reports. The first was completed by Bow and Quinnell (2002) who included only reports written by psychologists. The second was completed by Horvath, Logan, and Walker (2002) and examined reports written by a mix of professional disciplines, including mental health workers conducting evaluations as a Friend of the Court (64.7 per cent); private evaluators, mostly psychologists (31.4 per cent); and employees of a state child protection service agency (3.9 per cent).

Horvath et al. (2002) argues that typical custody evaluations conducted by private practitioners are often too expensive for many divorcing parents. Bow and Quinnell (2001), for example, found that the total cost of an evaluation was \$3,335. Given the high costs of evaluations, the judicial system has employed mental health professionals to conduct custody evaluations at little or no cost to the families (Horvath et al., 2002). There are no prevalence rates regarding the actual number of professionals completing custody evaluations; however, anecdotal information suggests that nonpsychologist mental health professionals routinely conduct custody evaluations, but discussions regarding these evaluations are limited (Bala, 2004; Birnbaum & Radovanovic, 1999; Horvath et al., 2002; Martin, 2005).

The Time Spent to Complete Custody Evaluations

Keilin and Bloom (1986) reported that evaluators spent an overall mean of 19 hr on each custody evaluation. The survey by Ackerman and Ackerman (1997) found that respondents reportedly spent a mean of 26.4 hr on each custody evaluation, including report writing. LaFortune and Carpenter (1998) survey found respondents reported spending 21 hr completing a custody evaluation, including report writing. Austin, Jaffe, and Friedman (1994) reported that the mean length of the evaluation process was 8.64 weeks. Birnbaum and Radovanovic (1999) reported an average of 10 hr of interviewing in their brief evaluation model.

Length of the Report

Bow and Quinnell (2001) found that custody reports averaged 21 pages, with a range of 4–80 pages. Bow and Quinnell (2002) examined 52 child custody reports prepared by a national sample of doctoral level psychologists which ranged from 5 to 63 pages, with a mean of 24 pages.

Parent Interviews

Most custody evaluators rely primarily on a clinical interview with parents (Gourley, 1999), and parents are the primary source of data. (Justice, 1995). Bow and Quinnell (2001) identified that clinical interviews with parents were ranked as one of the most important data collection procedures. Information commonly gathered during these interviews typically address family, marital, and child development histories, family conflicts, child rearing practices, and environmental factors (Breedon, 2005; Collier, 1995). Gould and Stahl (2000) note however that empirically-based structured interview protocols designed specifically for

custody evaluations do not exist within scholarly publication.

Research suggests that parents may bias their responses during custody evaluations to present a more favorable impression by the evaluator. Ash and Guyer (1991) found that a parent undergoing a child custody evaluation will bias his or her report of the child's symptoms in a direction that supports the parent's aim in the litigation. Likewise, Bearss (2004) examined response bias in parents undergoing child custody evaluations by comparing 38 parents from families who underwent custody evaluations with 37 divorcing parents who agreed on custody of their children. Findings showed that the parent group who agreed on custody of their children reported similar levels of child behavioral and emotional problems. In contrast, parents who underwent a custody evaluation had significant differences between parent ratings, with the custodial parent reporting significantly fewer behavioral and emotional problems than the noncustodial parent.

Child Interviews

Child interviews are considered the central part of custody evaluations, second only to parent-based interviews (Bow & Quinnell, 2001). There exists controversy in the field, however, regarding the child's credibility to provide accurate and competent information within the context of a custody evaluation (Hickson, 1999). To investigate this concern, Hickson's study focused on 120 children between the ages of 7 and 11. Children were randomly assigned to a persuasive condition where they were reminded of the positive experiences that their parent had shared with the child and to a non-persuasive condition. Overall, children's perceptions of their parents remained unchanged as a result of suggestion or as a factor of their parents' presence. Of note however, was the

finding that children's perceptions were influenced by their level of self-esteem.

Parent–Child Observations

Parent–child observations are understudied and “there are no empirical data on observing parents and children specifically in custody evaluations” (Hynan, 2003b, p. 220). Scholars who have considered parent–child observations have collected survey research based on evaluators in the field to determine whether or not parent–child observations were being completed as part of the overall custody evaluation (Ackerman & Ackerman, 1997; Bow & Quinnell, 2001; Horvath et al., 2002; Keilin & Bloom, 1986). These recent surveys show that custody evaluators typically include these observation visits (Ackerman & Ackerman, 1997; Bow & Quinnell, 2001). Slaven (2002) surveyed 518 licensed clinical psychologists and found a general lacking of standardized and uniform observational practices. Slaven suggests that observational practices of child custody evaluators have not been adequately tested or operationally defined as valid and reliable. Review of custody evaluation reports by Bow and Quinnell (2002) found that almost half of the reports did not describe the parent–child observation and that these could not be classified as unstructured and/or structured. In addition, only 35 per cent specified the time length of the sessions that ranged from 20 min to 8 hr per session, with a mean of 1.92 hr ($SD = 1.94$) when reported. The majority of evaluators (76 per cent) observed each parent with all children and 18 per cent conducted observation visits with each parent and his or her significant other with all the children together. Parent-child observations are considered essential activities for custody evaluations, second in importance only to clinical interviews with parents and children (Bow & Quinnell, 2001; LaFortune & Carpenter, 1998).

Psychological Testing

Although a discussion of psychological testing is beyond the scope of this current review, several studies have examined the reliability and validity of common psychological tests used within custody evaluations (Gilch Pesantez, 2001; Hopkins, 1999; Jones, 2005; Kennelly, 2002; Mandappa, 2005; McCann et al., 2001; Medoff, 1999; Miller, 1999; Moncho, 2004; New, 2005; Nufeld, 1997; Otto & Collins, 1995; Warnes, 2006), but this analysis is beyond the scope of this review.

Ackerman and Ackerman (1997) survey found that 80 per cent of respondents stated that they did not test children, and 2 per cent did not test adults. Wangberg (2000) found that psychological testing was used over 80 per cent of the time. Bow and Quinnell (2001) also reported use of psychological tests and parent-rating scales in their survey. Psychological testing was considered as adjunctive to clinical interviews with the parents and children, rather than the primary procedure, though the parent was reportedly administered a Minnesota Multiphasic Personality Inventory (MMPI) in 88 per cent of cases. Hagan and Castagna (2001) survey revealed that the use of tests in custody evaluations did not approach rates which would suggest that testing is a standard of practice. But they did find that an estimated 84% frequency of use of the Minnesota Multiphasic Personality Inventory in the assessment of adults.

Collateral Contacts

Keilin and Bloom (1986) found that approximately one half of custody evaluators interviewed third parties (e.g., friends and relatives) in an attempt to gain a better understanding of the children and their parents. Wangberg (2000) found that teachers, therapists, and extended family were most often interviewed. Bow and Quinnell (2001) found that about half of the respondents typically

contacted collateral sources, such as physicians, neighbors, friends, or relatives. However, in a review of actual custody evaluation reports, Bow and Quinnell (2002) found that only 8 per cent of reports provided a list of collateral contacts while 15 per cent made no mention of using collateral contacts in their evaluations.

Recommendations

Gourley (1999) survey found that respondents showed generally high agreement in rating the importance of a series of variables used to consider recommending sole custody or joint custody. Bow and Quinnell (2001) found that nearly the entire sample (96.2 per cent) made recommendations in their reports with the majority pertaining to the physical custody of the children. In addition, therapy for parents (63.5 per cent) was recommended more often than for children (40.4 per cent). Parenting classes (11.5 per cent) and divorce groups for both parents (5.8 per cent) and children (1.9 per cent) were rarely recommended. Horvath et al. (2002) noted that 8 of the 120 evaluations in their sample did not provide recommendations to the court. In 27.3 per cent of the cases, the final decision of custody and access was exactly the same as the recommendations of the evaluator. Sixty three point six per cent of cases the judge's decision and the evaluator's recommendation was similar, but the judge's decision had fewer. In only 9.1 per cent of the cases, the judge's final decision completely countered the recommendations of the evaluator.

Ackerman and Ackerman (1997) found that evaluators recommended sole custody without visitation 3 per cent of the time, sole custody with visitation 32 per cent of the time, joint custody with primary residence with one parent 46 per cent of the time, and joint custody with shared parenting 18 per cent of the time. Reasons for preferred sole custody arrangements included the presence of mental illness in one

parent (61 per cent); the parents' inability to communicate and resolve conflict and cooperate (56 per cent); evidence of physical or sexual abuse (38 per cent); alcohol or other drug abuse (33 per cent); and geographic distance between parents (17 per cent). Conversely, sole custody was not preferred because the child was bonded with both parents (83 per cent); the parents cooperated (58 per cent); sole custody would have excluded the other parent (23 per cent); both parents had equal skills (17 per cent); and sole custody would have facilitated alienation (10 per cent). Four years later, Bow and Quinnell (2001) found that respondents recommended joint legal custody in 73 per cent of the time and sole custody in 27 per cent, indicating a significant jump in joint legal custody recommendations. In this study, the three most important reasons given for recommending sole custody included a lack of interparental cooperation leading to the inability to coparent; 2) severe mental illness of a parent; and 3) the presence of abuse and/or neglect.

Summary of Cross-Sectional Design and Content Analysis Studies

Most research examining child custody evaluations has been based on the cross-sectional self-report surveys of mental health professionals, lawyers, and judges. Although this is useful to provide a sketch of the reported practices of mental health professionals, there are several limitations worth noting. First, of all, there remains an overrepresentation of psychologist in the samples. Secondly, Emery (2005) and Greenberg, Otto, and Long (2003) argue that surveys of professional procedures and opinions about custody evaluations may not accurately depict actual practices. A third major problem with cross-sectional studies is that, because of their one-shot nature, they cannot

clearly establish the time order of variables and, therefore, causal inferences cannot be established.

Results of Custody Evaluations Based on Outcome-Based Designs

Outcomes of Custody Evaluations

Before examining the results of outcome-based designs, it is important to highlight the current debate regarding the question of what outcomes can and should be measured. The American Association of Family and Conciliation Courts (2006, p. 6) has conceptualized that the primary purpose of custody evaluation process “involves the compilation of information and the formulation of opinions pertaining to the custody or parenting of a child and the dissemination of that information and those opinions to the court, to the litigants, and to the litigants’ attorneys”. Likewise, Gould & Stahl (2000, p. 407) opine that the purpose of custody evaluations is to “craft an evaluation product within the legally defined rules guiding scientific evidence. However, Tippins, and Wittmann (2005, p. 203) recently called for a moratorium on the practice of making recommendations to the courts because they reported that scientific evidence found in the literature suggests that the “likelihood of developing predictive power that would warrant specific recommendations is extremely low”. Citing Melton, Petrila, Poythress, and Slobogin (1997) Tippins and Wittmann further state that “given the scores of variables that are idiosyncratic to specific families, it may well be impossible to generate empirical prediction data that could be used to back up specific custody recommendations for specific families” (p. 204). On the contrary, Northman (2004) argued that custody evaluations have the opportunity to assist judges, attorneys, parents, and children affected by the impasse of conflict. Likewise,

others have suggested that recommendations can incrementally increase the validity of judicial opinions (Ackerman & Ackerman, 1997; Clark, 1995), reduce unintended consequences that place families at even greater risk (Kelly & Johnston, 2005), make settlements more common (Bala, 2005), and impact the custody evaluator’s ability to provide parents the opportunities to step out of litigation (Martin, 2005).

Framed within an evidence-based lens, this stalemate between advocates and detractors of recommendations occurs because there remains ambiguity regarding the specification of intended outcomes for conducting custody evaluations. Furthermore, the field has been unable to agree on the target audience of custody evaluations, such as whether the target audience is the judge, the legal representatives, the family, or the child caught in the dispute. Each of these audiences may have different preferred outcomes.

Gould and Stahl (2000, p. 408) makes a distinction between primary and secondary outcomes by stating that “whereas an important goal of the evaluation is to provide necessary information to the court to assist the judge in decision making, a secondary goal must be to assist the family in moving forwards after the evaluation is completed”. Primary outcomes have been reported to include “the reliability and predictability of data” (Gould & Lehrmann, 2002) to provide the courts with the best evidence regarding factors of custody and access. Secondary outcomes have been identified as decreased litigation rates, increased settlement rates, parents’ satisfaction with the custody evaluation process, parents’ satisfaction with the evaluator’s recommendations, increased interparental communication, decreased levels of interparental conflict, and positive child’s adjustment (Birnbaum, 2001; Gould & Stahl, 2000).

Lee, Beauregard, and Hunsley (1998b) compared the custody evaluation literature to the research literature on mediation and found

a paucity of empirical information related to on the process and outcome of child custody evaluations. Only limited data are available on client satisfaction with child custody assessment services or on the impact of these services on the postdivorce adjustment of the family. To scientifically examine the evidence base of custody evaluations, the above outcome measures must be reviewed independently given that each of these attempts to measure different constructs.

Results Based on Outcome-Based Designs

1. Studies on the Validity of Custody Evaluations

No studies were found that examined the validity (criterion or construct) of custody evaluations. Given the difficulty of identifying the principle criterion variable that could be used to validate custody evaluations, the validation of custody evaluations remains a struggle.

2. Studies on the Reliability of Procedures Used within the Custody Evaluation Process

No experimental studies were found that examined the reliability of procedures within custody evaluation. It should be noted that much work has been conducted in the past few years to create more scientifically crafted custody evaluations (Gould, 1999a, 1999b; Gould & Stahl, 2000) with emphasis on the reliability of these reports. However, Bala's (2004) reflection on the fact that there is no single accepted methodology for conducting evaluations illuminates a serious limitation inherent in testing the reliability of custody evaluations.

3. Outcomes Related to Relitigation Rates

Ash and Guyer (1986) compared a sample of highly adversarial families ($n = 58$) referred for a court-ordered custody evaluation with

three control samples including mother custody ($n = 43$), father custody ($n = 30$), and joint custody ($n = 54$) families in which custody was not contested over a 2-year period. Results showed that the families who had undergone custody evaluations had a rate of relitigation (19 per cent) compared to those who settled by themselves (7 per cent). A study conducted by Hauser (1985) found in the 8-year follow-up period that families involved in custody evaluations also relitigated more often (71 per cent) relative to families who were not involved in custody evaluations (41 per cent). Both studies were follow-up post-only designs and therefore provided no baseline data.

4. Outcomes Related to Settlement Rates

Studies examining the outcome of settlement rates have found that parents reach an agreement regarding custody and access in 70 per cent to 90 per cent of cases once they are informed of the custody evaluator's recommendations (Ash & Guyer, 1986; Maccoby & Mnookin, 1992; Simons, Grossman, & Weiner, 1990).

Birnbaum (2001) completed the only random assignment, pre-post experimental design found in this review, which compared a focused custody evaluation (active creation of solutions to the difficulties, less emphasis on past history) with a traditional custody evaluation (parental history, child history, allegations of each parent). Birnbaum found that parents in the focused evaluation settled their disputes (89 per cent) significantly more than parents who received the traditional custody evaluation (62 per cent). These findings suggest that focusing on solutions rather than parent deficits may contribute to more settlements.

5. Outcomes Related to Parents' Satisfaction with the Custody Evaluation Process

Birnbaum (2001) suggests that involving parents' perceptions and experiences based

on their involvement in the custody evaluation has important considerations in the study of outcomes given that their involvement has a direct impact on the outcomes of the evaluation process (p. 166). In Birnbaum's study, parents reported that they were satisfied with the evaluator's attitude, they felt their concerns were listened to, they were satisfied with the thoroughness of the evaluation, and they were generally satisfied with the length of time of the evaluation.

Frank (1990) completed a pre-experimental follow-up-only design of parents with custody evaluations and parents who had agreed to a custody decision without going through the custody evaluation. Results indicate that both groups were moderately satisfied with the custody process but distinctions were made about higher cost and evaluation time for the parents going through the custody evaluation.

Zuberbuhler (1999) completed random assignment of mediation and existing procedures (including the participation in a custody evaluation). Time to disposition was compared between those who went to mediation and those who went to custody investigation (approximately 5 per cent of cases involving children). Parties in the control group showed significantly higher levels of outcome satisfaction and a slightly greater sense of fairness of the evaluation process compared to those in the mediation group. Those in the mediation group reported a more positive outlook regarding the cost and time involved in resolving their dispute. These results are similar to other outcome-based studies completed within the past decade (Austin & Jaffe, 1990; Birnbaum & Radovanovic, 1999; Simons et al., 1990).

6. Outcomes Related to Parents' Satisfaction of the Evaluator's Recommendations

Birnbaum (2001) found an increase in the time that the noncustodial parent visited with the

children regardless of whether the evaluation was traditional or brief. The most frequent visitation arrangement was every other week (increase of 48 per cent) compared to weekly at 22 per cent. In addition, the majority of parents (66 per cent) reported a more consistent schedule after evaluation and 68% parents were satisfied with the final decision making and visitation arrangements.

7. Outcomes Related to Interparental Relationships after Evaluation

The level of parent communication has been found to increase from pre- to postcustody evaluation (Birnbaum, 2001) but for only half of the respondents (54 per cent). At posttest, parents reported that they spoke less about issues that would cause conflict. In addition, Birnbaum (2001) reports no differences between the levels of conflict experienced by parents involved in the two evaluation models.

8. Child's Adjustment Improvements following the Custody Evaluation

Tippins and Wittmann (2005, p. 204) assert that there is no research "that supports the notion that clinicians can reliably and validly engage in multidimensional inferential process in a way that yields recommendations that are correlated with positive child adjustment". Some previous studies have suggested that children's participation in custody evaluations are associated with higher self-esteem and a greater sense of control (Ash & Guyer, 1986; Fulton, 1979; Wolman & Taylor, 1991), but caution must be made as these studies did not use true experimental designs to arrive at their conclusions.

Summary of Outcome-Based Studies

Empirical evaluation can be defined as involving the conduct of a "true experiment" (Fink &

McCloskey, 1990). This requires pre- and post-test comparisons of matched control (no treatment) and experimental (treatment) samples. In other words, empirical evaluation of custody evaluations would include a random assignment of families who undergo a custody evaluation (treatment) and families who continue with litigation with no such services provided (control). This research design enables the researcher to overcome a variety of potential sources of bias and provides the best opportunity to determine an unbiased estimate of the effect of participating in a custody evaluation model (Chalk & King, 1998). However, others have questioned whether this is feasible within custody evaluations suggesting that the research into the variables that are considered in formulating parenting plans “will always be constrained by the inability to use true experimental designs . . .” (Otto et al., 2003, p. 203). Due to the limited number of true experimental designs within the field of child custody, this review allowed for both pre-experimental follow-up designs and quasi-experimental designs to allow for the maximum number of studies that evaluated primary and secondary outcomes relevant to custody evaluations. Due to the deficiencies in the internal validity of many of these designs, caution must be made when interpreting the results. Nonetheless, the studies provide a foundation for future research to examine possible outcomes to test the effectiveness of custody evaluations.

Although custody evaluations are given considerable weight in the courts, the validity (both criterion and construct) and the reliability of these evaluations have not been the subject of serious empirical inquiry. This lag is probably due to the complexity of measuring outcomes due to the many extraneous factors that may impede or compete with the analysis of specific outcomes. While outcome data may not achieve total accuracy, moving towards the

identification, measurement and methods to control for the internal validity of designs to measure specific outcomes relevant to custody evaluations would be enormous first steps towards an evidence-based model of custody evaluations.

In research involving human subjects, a very controlled environment is required. It is understood that it would be impossible to control for all extraneous variables outside the laboratory. However, it is important to note that similar struggles have been found in other fields. For example, child welfare continues to struggle to find relevant and accurate outcome data for risk assessments (Baird & Wagner, 2000; Shlonsky & Saini, in press). However, Baird and Wagner assert that to “insist that no research is legitimate because of the imperfections of the data is to trap a field in its status quo . . . clearly the status quo is not an acceptable option” (p. 848). This resonates with the current state of knowledge of custody evaluations.

Conclusions

The findings of this review suggests that there is a growing body of evidence regarding the efficacy of custody evaluations; however, much more is needed to move the field toward an evidence-based approach. For example, research is needed to address areas of domestic violence, sexual abuse, gender bias, parent disabilities, and sexual orientation to name a few. Harris (2004), for example, states that there are currently no clear standards for best practices to assess allegations of domestic violence in child custody cases and virtually no information on what is actually being done in the field by custody evaluators to address this gap. Similarly, Bow and Boxer (2003) found that specialized domestic violence instruments, tests, and questionnaires were underutilized. Specific

attention to allegations of sexual abuse is also needed given that family courts frequently rely on the expertise of mental health professionals to assess allegations of sexual abuse within the context of child custody evaluations irrespective that few practitioners follow formal models, protocols, or guidelines when evaluating allegations of sexual abuse (Bow, Quinnell, Zaroff, & Assemany, 2002). Two studies found gender bias within custody evaluations (Bradshaw & Hinds, 1997; Jameson, 2002) suggesting that male and female evaluators significantly favor the parent of their own gender in specific categories. More research is clearly needed in the area of disabilities. Breeden (2005), for example, found that 70 per cent of participants had performed at least one evaluation involving a parent with a physical disability, yet over 85 per cent of participants stated that they had received no training with regard to performing evaluations with persons with physical disabilities. As well, evidence regarding cultural implications for custody evaluations remains omitted from the current literature as no studies were found that explored issues of diversity in custody evaluations. Lastly, Tye (2003) points out that a growing number of gay and lesbian as well as bisexual and transgender individuals are choosing to be parents. Tye also points to the existence of a sound body of empirical literature which demonstrates the irrelevance of a parent's sexual orientation to his or her parenting ability to the psychological adjustment of the involved children. Further research should focus on issues of sexual orientation as it relates to custody determinations within custody evaluations to assess whether evaluators are incorporating the empirical literature when guiding their recommendations to the court.

Based on the current evidence-based review of custody evaluations, more research is needed to address the following gaps: (a) research to include custody evaluators of different disciplines

so that the field benefits from knowing how these professions converge and diverge in their movements toward evidence-based practice; (b) a clear identification of the primary and secondary criterion and construct variables to appraise effectiveness; (c) robust studies of what works to promote the use of research of custody evaluations; and (d) strategies to promote the use of evidence-based research within the field. Bow and Quinnell (2002) suggest creating a central data bank to score coded data, ensuring ethical consideration, to create a database based on actuarial data so that future predictions can be made based on this database. Before this happens, the field will need to explore which outcomes will serve as the most accurate measures to test the efficacy of custody evaluations. This movement toward an evidence-based approach can serve to enrich the field by enhancing custody evaluations, based on the explicit and judicious use of the best available evidence to serve the courts and families involved in custody disputes.

Acknowledgment

Conflict of Interest: None declared

References

- Ackerman, M. J. (2001). *Clinician's guide to child custody evaluations* (2nd ed.). New York: John Wiley & Sons.
- Ackerman, M. J., & Ackerman, M. C. (1997). Custody evaluation practices: A survey of experienced professionals (revisited). *Professional Psychology: Research and Practice, 28*, 137–145.
- Ahrons, C. R. (1981). The continuing coparental relationship between divorce spouses. *American Journal of Orthopsychiatry, 5*, 415–428.
- Allan, A., Martin, M.-A., & Allan, M. M. (2000). Assessments for the courts: A survey of Australian psychologists. *Psychiatry, Psychology and Law, 7*, 150–158.

- American Academy of Child and Adolescent Psychiatry. (1988). Practice parameters for child custody evaluations. *Journal of the American Academy of Child and Adolescent Psychiatry*, 36, 575–685.
- American Association of Family and Conciliation Courts. (1994). *Models standards of practice for child custody evaluations*. Retrieved October 1, 2004, from http://www.afccnet.org/pdfs/Child_Model_Standards.pdf.
- American Association of Family and Conciliation Courts. (2006). *Models standards of practice for child custody evaluations*. Retrieved November 15, 2006, from <http://www.afccnet.org/pdfs/Model%20Stds%20Child%20Custody%20Eval%20Sept%202006.pdf>.
- American Psychological Association. (1994). Guidelines for child custody evaluations in divorce proceedings. *American Psychologist*, 4, 677–680.
- Ash, P., & Guyer, M. J. (1984). Court implementation of mental health professionals' recommendation in contested child custody and visitation cases. *Bulletin of the American Academy of Psychiatry and the Law*, 12, 137–147.
- Ash, P., & Guyer, M. J. (1986). The function of psychiatric evaluations in contested child custody and visitations. *Journal of the American Academy of Child Psychiatry*, 25, 554–561.
- Ash, P., & Guyer, M. J. (1991). Biased reporting by parents undergoing child custody evaluations. *Journal of the American Academy of Child & Adolescent Psychiatry*, 30, 835–838.
- Austin, G. W., & Jaffe, P. G. (1990). Follow-up study of parents in custody and access disputes. *Canadian Psychology*, 31, 172–179.
- Austin, G. W., Jaffe, P., & Friedman, B. (1994). Custody and access assessors: Effects of background and experience on analogue case judgement. *Canadian Journal of Behavioural Science*, 26, 463–475.
- Bacon, B., & McKenzie, B. (2004). Parent education after separation/divorce: Impact of the level of parental conflict on outcomes. *Family Court Review*, 42, 85–98.
- Baerger, D. R., Galatzer-Levy, R., Gould, J. W., & Nye, S. G. (2002). A methodology for reviewing the reliability and relevance of child custody evaluations. *Journal of the American Academy of Matrimonial Lawyers*, 18, 35–73.
- Baird, C., & Wagner, D. (2000). The relative validity of actuarial- and consensus-based risk assessment systems. *Children and Youth Services*, 22, 839–871.
- Bala, N. (1990). Assessing the assessor: Legal issues. *Canadian Family Law Quarterly*, 6, 179–226.
- Bala, N. (2004). Assessments for postseparation parenting disputes in Canada. *Family Court Review*, 42, 485–510.
- Bala, N. (2005). Tippins and Wittmann asked the wrong question: Evaluators may not be “experts,” but they can express best interests opinions. *Family Court Review*, 43, 554–562.
- Bearss, K. E. (2004). Response patterns of parents undergoing contested custody evaluations. *Dissertation Abstracts International: B. The Sciences and Engineering*, 66(1-B), 542.
- Birnbaum, R. (2001). Reaching beyond the past/ focusing on the future: An empirical examination of two different approaches to access-based disputes. *Dissertation Abstracts International*, 63(12A), 4473.
- Birnbaum, R., & Radovanovic, H. (1999). Brief intervention model for access-based postseparation disputes: Family and court outcomes. *Family and Conciliation Courts Review*, 37, 504–513.
- Board of Registration for Social Workers in British Columbia. (2002). *Standards of practice child custody and access assessments*. Retrieved September 2, 2004, from http://www.brs.w.bc.ca/resources_links/practice_standards/child_custody.htm.
- Bow, J. N., & Boxer, P. (2003). Assessing allegations of domestic violence in child custody evaluations. *Journal of Interpersonal Violence*, 18, 1394–1410.
- Bow, J. N., & Quinnell, F. A. (2001). Psychologists' current practices and procedures in child custody evaluations: Five years after American Psychological Association guidelines. *Professional Psychology: Research and Practice*, 32, 261–268.
- Bow, J. N., & Quinnell, F. A. (2002). A critical review of child custody evaluation reports. *Family Court Review*, 40, 164–176.

- Bow, J. N., & Quinnell, F. A. (2004). Critique of child custody evaluations by the legal profession. *Family Court Review, 42*, 115–127.
- Bow, J. N., Quinnell, F. A., Zaroff, M., & Assemany, A. (2002). Assessment of sexual abuse allegations in child custody cases. *Professional Psychology: Research and Practice, 33*, 566–575.
- Bradley, A. R. (2004). Child custody evaluations. In W. T. O'Donohue & E. R. Levensky (Eds.), *Handbook of forensic psychology: Resource for mental health and legal professionals* (pp. 233–243). New York: Elsevier Science.
- Bradshaw, E. R., & Hinds, R. W. (1997). The impact of client and evaluator gender on custody evaluations. *Family & Conciliation Courts Review, 35*, 317–335.
- Breeden, C. M. (2005). Child custody evaluations when one divorcing parent has a physical disability. *Dissertation Abstracts International: B. The Sciences and Engineering, 66*(4-B), 2297.
- Butterfield, P. H. (2003). Issues in child custody evaluation and testimony. In C. R. Reynolds & R. W. Kamphaus (Eds.), *Handbook of psychological and educational assessment of children: Personality, behavior, and context* (2nd ed., pp. 493–507). New York: Guilford Press.
- Byrne, J. G., O'Connor, T. G., Marvin, R. S., & Whelan, W. F. (2005). Practitioner review: The contribution of attachment theory to child custody assessments. *Journal of Child Psychology and Psychiatry, 46*, 115–127.
- Caplan, P. J., & Wilson, J. (1990). Assessing the child custody assessors. *Reports of Family Law, 27*, 121–134.
- Chalk, R., & King, P. (1998). Assessing family violence interventions. *American Journal of Preventive Medicine, 14*, 289–292.
- Clark, B. (1995). Acting in the best interest of the child: Essential components of a child custody evaluation. *Family Law Quarterly, 29*, 19–37.
- College of Alberta Psychologist (2002). *Child custody assessment guidelines*. Edmonton, Retrieved January 11, 2007, from <http://www.cap.ab.ca/pdfs/ChildCustodyAssessment.pdf>.
- Collier, R., (1995). *Masculinity, law and the family*. London: Routledge.
- Emery, R. E. (1994). *Renegotiating family relationships: Divorce, child custody, and mediation*. New York: Guilford Press.
- Emery, R. E. (2005). Parental alienation syndrome: Proponents bear the burden of proof. *Family Court Review, 43*, 8–13.
- Erlanger, H. S., Chambliss, E., & Melli, M. (1987). Participation and flexibility in informal processes: Cautions from the divorce context. *Law & Society Review, 21*, 585–604.
- Evans, D. R. (1997). Custody and access assessments. In D. R. Evans (Ed.), *The law, standards of practice, and ethics in the practice of psychology* (pp. 201–231). Toronto, Ontario, Canada: Emond Montgomery Publications.
- Fink, A., & McCloskey, L. (1990). Moving child abuse and neglect prevention programs forward: Improving program evaluations. *Child Abuse and Neglect: The International Journal, 14*, 187–206.
- Frank, M. L. (1990). Child custody evaluations: An analysis of the parental experience. *Dissertation Abstracts International: B. The Sciences and Engineering, 51*(2-B), 983.
- Fulton, J. A. (1979). Parental reports of children's post-divorce adjustment. *Journal of Social Issues, 35*, 126–139.
- Galatzer-Levy, R. M., & Ostrov, E. (1999). From empirical findings to custody decisions. In R. M. Galatzer-Levy & L. Kraus (Eds.), *The scientific basis of child custody decisions* (pp. 32–57). Hoboken, NJ: John Wiley & Sons.
- Gambrill, E. (1999). Evidence-based practice: An alternative to authority-based practice. *Families in Society, 80*, 341–350.
- Gilch Pesantez, J. R. (2001). Test-retest reliability and construct validity: The Bricklin Perceptual Scales. *Dissertation Abstracts International: B. The Sciences and Engineering, 61*(9-B), 4982.
- Gilmour, G. A. (2004). *High-conflict separation and divorce: Options for consideration*. Presented to Family, Children and Youth Section, Department of Justice, Canada. Retrieved March 2005, from <http://www.canada-justice.com/en/ps/pad/reports/2004-FCY-1/2004-FCY-1E.pdf>.
- Gould, J. W. (1999a). Scientifically crafted child custody evaluations: Part one: A model for interdisciplinary collaboration in the

- development of psychological questions guiding court-ordered child custody evaluations. *Family & Conciliation Courts Review*, 37, 64–73.
- Gould, J. W. (1999b). Scientifically crafted child custody evaluations: Part two. A paradigm for forensic evaluation of child custody determination. *Family & Conciliation Courts Review*, 37, 159–178.
- Gould, J. W. (2006). *Conducting scientifically crafted child custody evaluations* (2nd ed.). Sarasota, FL: Professional Resource Press.
- Gould, J. W., & Lehrmann, D. H. (2002). Evaluating the probative value of child custody evaluations. *Juvenile and Family Court Journal*, 53(2), 17–29.
- Gould, J. W., & Martindale, D. A. (2005). A second call for clinical humility and judicial vigilance: Comments on Tippins and Wittmann. *Family Court Review*, 43, 253–259.
- Gould, J. W., & Stahl, P. M. (2000). The art and science of child custody evaluations: Integrating clinical and forensic mental health models [Special issue: Child Custody Evaluations]. *Family & Conciliation Courts Review*, 38(3), 392–414.
- Gourley, E. V. (1999). Psychologists' custody evaluation procedures in the Commonwealth of Virginia. *Dissertation Abstracts International: B. The Sciences and Engineering*, 59(11-B), 6065.
- Gready, P. A. (2006). Use of the MMPI-2 in child custody evaluations and child protection evaluations: An examination of defensive responding and psychopathology. *Dissertation Abstracts International: B. The Sciences and Engineering*, 66(11-B), 6272.
- Greenberg, S., Otto, R. K., & Long, A. (2003). The utility of psychological testing in personal injury evaluation. *Assessment*, 10, 411–419.
- Grisso, T. (1986). Psychological assessment in legal contexts In W. J. Curran, A. L. McGarry, & S. Shah (Eds.), *Forensic psychiatry and psychology: Perspectives and standards for interdisciplinary practice* (pp. 103–128). Philadelphia: F A Davis.
- Grisso, T. (1987). Psychological evaluations in divorce custody: Problems, principles, and procedures. In L. A. Weithorn (Ed.), *Psychology and child custody determinations: Knowledge, roles, and expertise. Children and the law* (pp. 157–181). Lincoln, NE: University of Nebraska Press.
- Gunsberg, L. (2005). The developmental evolution of the family forensic evaluation. In L. Gunsberg & P. Hymowitz (Eds.), *A handbook of divorce and custody: Forensic, developmental, and clinical perspectives* (pp. 181–200). Hillsdale, NJ: Analytic Press.
- Hagan, M. A., & Castagna, N. (2001). The real numbers: Psychological testing in custody evaluations. *Professional Psychology: Research and Practice*, 32, 269–271.
- Harris, A. L. (2004). Assessing allegations of domestic violence in high-conflict child custody cases. *Dissertation Abstracts International: B. The Sciences and Engineering*, 65(5-B), 2628.
- Hauser, B. B. (1985). Custody in dispute: Legal and psychological profiles of contesting families. *Journal of the American Academy of Child Psychiatry*, 24, 575–82.
- Hetherington, E. M., Cox, M., & Cox, R. (1985). Longterm effects of divorce and remarriage on the adjustment of children. *Journal of the American Academy of Psychology*, 24, 518–530.
- Hetherington E. M., & Kelly, H. (2002) *For better or for worse: Divorce reconsidered*. New York: W. W. Norton.
- Hetherington, E. M., Stanley-Hagan, M., & Anderson, E. R. (1989). Marital transitions: A child's perspective. *American Psychologist*, 44, 303–312.
- Hickson, C. L. (1999). Custody evaluations: The susceptibility of children to parental influence. *Dissertation Abstracts International: B. The Sciences and Engineering*, 60(4-B), 1886.
- Hopkins, L. C. (1999). The role of the K-scale as a validity measure in court-ordered child custody MMPIs. *Dissertation Abstracts International: B. The Sciences and Engineering*, 60(6-B), 3010.
- Horvath, L. S., Logan, T. K., & Walker, R. (2002). Child custody cases: A content analysis of evaluations in practice. *Professional Psychology: Research and Practice*, 33, 557–565.
- Hynan, D. J. (2003a). Forensic child evaluations. In L. VandeCreek & T. L. Jackson (Eds.), *Innovations in clinical practice: Focus on children & adolescents. A volume in the innovations in clinical practice*

- series (pp. 63–81). Sarasota, FL: Professional Resource Press.
- Hynan, D. J. (2003b). Parent-child observations in custody evaluations. *Family Court Review*, *41*, 214–223.
- Jameson, B. J. (2002). Child custody and access: The views and practices of psychologists and lawyers. *Dissertation Abstracts International: B. The Sciences and Engineering*, *62*(10-B), 4788.
- Johnston, J. R. (1994). High conflict divorce. *Future of Children*, *4*(1), 165–182.
- Johnston, J. R., & Campbell, L. E. (1993). *Impasses of divorce: The dynamics and resolution of family conflict*. New York: Free Press.
- Johnston, J. R., & Campbell, L. E. (1988). Parent-child relationships in domestic violence families disputing custody. *Family & Conciliation Courts Review*, *31*, 282–298.
- Jones, C. C. (2005). A correlational study between the MMPI-2 and the NEO-PI-R with a department of social services referred population. *Dissertation Abstracts International: B. The Sciences and Engineering*, *65*(10-B), 5405.
- Justice, A. (1995). Informant distortion in child custody evaluations: Parental distress and response sets on the Personality Inventory for Children. *Dissertation Abstracts International: B. The Sciences and Engineering*, *55*(9-B), 4123.
- Keilin, W. G., & Bloom, L. J. (1986). Child custody evaluation practices: A survey of experienced professionals. *Professional Psychology: Research and Practice*, *17*, 338–346.
- Kelly, J. B. (1994). The determination of child custody. *Future of Children: Children and Divorce*, *4*, 121–143.
- Kelly, J. B., & Johnston, J. R. (2005). Commentary on Tippins and Wittmann's "Empirical and ethical problems with custody recommendations: A call for clinical humility and judicial vigilance". *Family Court Review*, *43*, 233–244.
- Kennelly, J. J. (2002). Rorschach responding and response sets in child custody evaluations. *Dissertation Abstracts International: B. The Sciences and Engineering*, *63*(6-B), 3034.
- Knapp, S., & Keller, P. A. (1993). Ethical issues in child custody evaluations. In L. VandeCreek, S. Knapp, & T. L. Jackson (Eds.), *Innovations in clinical practice: A source book* (Vol. 12, pp. 257–262). Sarasota, FL: Professional Resource Press.
- LaFortune, K. A. (1997). *An investigation of mental health and legal professionals' activities, beliefs, and experiences in domestic court: An interdisciplinary survey*. Unpublished doctoral dissertation, University of Tulsa, Tulsa, OK.
- LaFortune, K. A., & Carpenter, B. N. (1998). Custody evaluations: A survey of mental health professionals [Special issue: Families and Courts]. *Behavioral Sciences & the Law*, *16*(2), 207–224.
- Lebow, J., Walsh, F., & Rolland, J. (1999). The remarriage family in custody evaluation. In R. M. Galatzer-Levy & L. Kraus (Eds.), *The scientific basis of child custody decisions* (pp. 236–256). Hoboken, NJ: John Wiley & Sons.
- Lee, C. M., Beauregard, C. P. M., & Hunsley, J. (1998a). Attorneys' opinions regarding child custody mediation and assessment services: The influence of gender, years of experience, and mediation practice. *Family & Conciliation Courts Review*, *36*, 216–226.
- Lee, C. M., Beauregard, C. P. M., & Hunsley, J. (1998b). Lawyers' opinions regarding child custody mediation and assessment services: Implications for psychological practice. *Professional Psychology: Research and Practice*, *29*, 115–120.
- Maccoby, E. E., & Mnookin, R. H. (1992). *Dividing the child: Social and legal dilemmas of custody*. Cambridge, MA: Harvard University Press.
- Mandappa, P. (2005). MMPI-2: The need for specific norms in child custody evaluations. *Dissertation Abstracts International: B. The Sciences and Engineering*, *65*(10-B), 5412.
- Martin, L. (2005). To recommend or not to recommend: That is not the question: A response to Tippins and Wittmann's article "Empirical and ethical problems with custody recommendations: A call for clinical humility and judicial vigilance". *Family Court Review*, *43*, 246–252.
- Martindale, D. A., Martindale, J. L., & Broderick, J. E. (1991). Providing expert testimony in child custody litigation. In P. A. Keller & S. R. Heyman (Eds.), *Innovations in clinical practice: A source*

- book (Vol. 10, pp. 481–497). Sarasota, FL: Professional Resource Press.
- Mason, M. A. (1999). The custody wars: Why children are losing the legal battle and what we can do about it. *Social science quarterly*, 80, 879–880.
- Mason, M. A., & Quirk, A. (1997). Are mothers losing custody? Read my lips: Trends in judicial decision-making in custody disputes—1920, 1960, 1990, and 1995. *Family Law Quarterly*, 31, 215–236.
- McCann, J. T., Flens, J. R., Campagna, V., Collman, P., Lazzaro, T., & Connor, E. (2001). The MCMI-III in child custody evaluations: A normative study. *Journal of Forensic Psychology Practice*, 1(2), 27–44.
- Medoff, D. (1999). MMPI-2 validity scales in child custody evaluations: Clinical versus statistical significance. *Behavioral Sciences & the Law*, 17, 409–411.
- Melton, G. B., Petrila, J., Poythress, N. G., & Slobogin, C. (1997). *Psychological evaluations for the courts* (2nd ed.) New York: Guilford Press.
- Miller, T. A. (1999). Rorschach assessment of object relations and affect control in domestic violent and non-violent couples. *Dissertation Abstracts International: A. The Humanities and Social Sciences*, 59(11-A), 4069.
- Mnookin, R., & Kornhauser, L. (1979). Bargaining in the shadow of the law—Case of divorce. *Yale Law Journal*, 88, 950–997.
- Moncho, R. A. (2004). Defensive responding on the Rorschach in a simulated child custody evaluation context. *Dissertation Abstracts International: B. The Sciences and Engineering*, 65(3-B), 1557.
- Mooney, K. C., & Nelson, J. M. (1989). Child custody evaluation. In M. C. Roberts & C. E. Walker (Eds.), *Casebook of child and pediatric psychology* (pp. 176–191). New York: Guilford Press.
- New, D. K. (2005). Observer bias influences in the Marschak Interaction Method Rating System. *Dissertation Abstracts International: B. The Sciences and Engineering*, 66(5-B), 2835.
- Northman, J. E. (2004). The ethical, effective child custody evaluation: Mission impossible? *NYS Psychologist*, 16(3), 21–24.
- Nufeld, G. H. (1997). Predictive validity of the Conflict Tactics Scale in mandated custody evaluations. *Dissertation Abstracts International: B. The Sciences and Engineering*, 58(5-B), 2747.
- Otto, R. K., Buffington-Vollum, J. K., & Edens, J. F. (2003). Child custody evaluation. In A. M. Goldstein (Ed.), *Handbook of psychology: Forensic psychology* (Vol. 11, pp. 179–208). Hoboken, NJ: John Wiley & Sons.
- Otto, R. K., & Collins, R. P. (1995). Use of the MMPI-2/MMPI-A in child custody evaluations. In Y. S. Ben-Porath, J. R. Graham, G. C. N. Hall, R. D. Hirschman, & M. S. Zaragoza (Eds.), *Forensic applications of the MMPI-2. Applied psychology: Individual, social, and community issues* (Vol. 2, pp. 222–252). Thousand Oaks, CA: Sage Publications.
- Sackett, D. L., Straus, S. E., Richardson, W. S., Rosenberg, W., & Haynes, R. D. (2000). *Evidence-based medicine: How to practice & teach EBM* (2nd ed.). New York: Churchill Livingstone.
- Saini, M. (2005). *High conflict families: Definitions and research findings*. (Presentation) Working with High Conflict Families of Separation and Divorce: Best Practice Approaches for Professionals, Toronto, Ontario, April 6–7, 2005.
- Saini, M., & Birnbaum, R. (2007). Unraveling the label of 'high conflict': What factors really count in divorce and separated families. *Ont Assoc Children's Aid Soc J*, 51(1), 14–20.
- Saskatchewan Association of Social Workers (2001). *Standards in custody/access for registered social workers in Saskatchewan*. Retrieved September 2, 2004, from http://www.sasw.ca/standards_of_practice.html.
- Schaal, B. H. (2005). Considering custody evaluations: The thrills and the chills. In L. Gunsberg & P. Hymowitz (Eds.), *A handbook of divorce and custody: Forensic, developmental, and clinical perspectives* (pp. 31–444). Hillsdale, NJ: Analytic Press.
- Schutz, B. M., Dixon, E. B., Lindenberger, J. C., & Ruther, N. J. (1989). *Solomon's sword: A practical guide to conducting child custody evaluations. The Jossey-Bass social and behavioral science series*. San Francisco: Jossey-Bass.

- Shlonsky, A., & Saini, M. (in press). Risk assessment instruments. In C.M. Renzetti, & J.L. Edleson, (Eds.). *Encyclopedia of Interpersonal Violence (Vols. 1-3)*. Thousand Oaks, CA: Sage Reference.
- Simons, V. A., Grossman, L. S., & Weiner, B. J. (1990). A study of families in high-conflict custody disputes: Effects of psychiatric evaluation. *Bulletin of the American Academy of Psychiatry & the Law, 18*, 85–97.
- Slaven, M. M. (2002). Observational techniques in child custody evaluations. *Dissertation Abstracts International: B. The Sciences and Engineering, 63*(1-B), 551.
- Stahl, P. M. (1994). *Conducting child custody evaluations: A comprehensive guide*. Beverly Hill, CA: Sage Publications.
- Stahl, P. M. (1999). *Complex issues in child custody evaluation*. Beverly Hills, CA: Sage Publications.
- Stahl, P. M. (2002). Child custody evaluations. In B. Van Dorsten (Ed.), *Forensic psychology: From classroom to courtroom* (pp. 171–197). New York: Kluwer Academic.
- Stamps, L. E. (2002). Maternal preference in child custody decisions. *Journal of Divorce & Remarriage, 37*(1–2), 1–11.
- Tippins, T. M., & Wittmann, J. P. (2005). Empirical and Ethical problems with custody recommendations: A call for clinical humility and judicial vigilance. *Family Court Review, 43*, 193–222.
- Tumas, A. W. (2005). What judges want (and children dream). In L. Gunsberg & P. Hymowitz (Eds.), *A handbook of divorce and custody: Forensic, developmental, and clinical perspectives* (pp. 7–12). Hillsdale, NJ: Analytic Press.
- Tye, M. C. (2003). Lesbian, gay, bisexual, and transgender parents: Special considerations for the custody and adoption evaluator [Special issue: *Troxel v. Granville and Its Implications for Families and Practice: A Multidisciplinary Symposium*]. *Family Court Review, 41*(1), 92–103.
- Waller, E. M., & Daniel, A. E. (2004). Purpose and utility of child custody evaluations: from the perspective of judges. *Journal of Psychiatry & Law, 32*(1), 5–27.
- Wangberg, D. K. (2000). Child custody evaluation practices: A survey of experienced clinical psychologists. *Dissertation Abstracts International: B. The Sciences and Engineering, 61*(2-B), 1100.
- Warnes, E. B. (2006). The Overcontrolled Hostility Scale from the Minnesota Multiphasic Personality Inventory—Second edition (MMPI-2) in child custody evaluations. *Dissertation Abstracts International: B. The Sciences and Engineering, 66*(7-B), 3994.
- Weiss, R. S. (1975). *Marital separation*. New York: Basic Books.
- Wolman, R., & Taylor, K. (1991). Psychological effects of custody disputes on children. *Behavioral Sciences & the Law, 9*, 399–417.
- Woody, R. H. (2000). *Child custody: Practice standards, ethical issues, and legal safeguards for mental health professionals*. Sarasota, FL: Professional Resource Press.
- Zuberbuhler, J. (1999) Early intervention mediation: The use of court ordered mediation in the initial stages of divorce litigation to resolve parenting issues. *Family Court Review, 39*, 203–206.