

1 Guidelines for Evaluating Parental Responsibility

2
3 **Introduction**

4 Decisions regarding parental responsibility and parenting time (in most states called
5 child custody and visitation or access)¹ occur within several different legal contexts,
6 including parental divorce; guardianship, neglect, or abuse proceedings; and termination of
7 parental rights. The following guidelines were developed for psychologists conducting
8 evaluations specifically within the context of legal disputes regarding parental responsibility
9 and parenting time that occur in marital or relationship dissolution or its aftermath, or a
10 dispute between two or more parties over parental time and responsibility. Examinations
11 that occur in other contexts are not covered by these guidelines (e.g., child protection
12 matters). In addition, a clear distinction should be drawn between the evaluations
13 addressed in these guidelines and the advice and support proffered in the course of
14 psychotherapy and counseling provided to families, children, and adults. These guidelines
15 build upon the American Psychological Association's (APA) *Ethical Principles of Psychologists*
16 *and Code of Conduct* (APA, 2002) and are aspirational in intent. As guidelines, they are not
17 intended to be either mandatory or exhaustive. Their goal is to promote proficiency in using
18 psychological expertise to conduct parenting time and responsibility evaluations.

19 Most states recognize some form of joint or shared parenting that apportions
20 parental time and responsibility to provide frequent and continuing contact with both
21 parents that would promote meaningful relationships. Additionally, it is no longer the default
22 assumption that there will be a sole custodian and a visiting parent. In light of these facts,
23 the authors of these guidelines have replaced the term "custody evaluation" with the term
24 "parenting time and responsibility evaluations." It is recognized that in many jurisdictions

¹ Jurisdictions that have moved away from the terminology of custody and access or visitation to alternative language acknowledging the continuum of residential agreements and parental responsibilities. Terms such as "parenting," "parenting plan or time," or "parental rights and responsibilities" have replaced custody in a number of states (American Law Institute [ALI], 2000, pp. 131-132).

25 there may continue to be reference to child custody evaluation. Our goal is to reflect an
26 important shift not only in name but also in how these assessments may be conceptualized.
27 There is a sound empirical basis for attempting to decrease contentiousness in these
28 proceedings. If the term "custody" has come to imply possession, ownership, or control in a
29 way that conveys victory or power, while the terms "visitation" or "access" have come to be
30 perceived as marginalizing the parent's importance in the child's life, then it is appropriate
31 to consider a change of terms.

32 Parents share responsibility for decision-making regarding their child's upbringing,
33 and they generally enjoy some share of the child's time. Children do not "visit" with one
34 parent, as use of the term "visitation," implies; with most shared parenting arrangements,
35 children spend time with both parents. The child may live part of the time in each parent's
36 home, or may spend more time in one parent's home because it is in the child's best
37 interests to do so. It does not follow that the parent then must be said to have "custody,"
38 although the term custody may indeed be used in the legal environment. These guidelines
39 do not intend to re-define the nature of the evaluation that the court may request in order
40 to aid in determining what sharing of responsibility and time is in the child's best interests,
41 but rather refer to the evaluation by the term that most closely describes, in behavioral
42 terms, the question posed to the examiner by the court.

43 In addition to this change in the range of outcomes following divorce, there have also
44 been changes in the composition of the family unit. It is not always the case that disputes
45 arise out of marital dissolution; conflict may arise when parents have never been married,
46 and possibly have not lived together at all. There may be disputes when grandparents
47 intervene for time when they have been primary caregivers or when they have had access
48 curtailed following marital dissolution by divorce or death of a child's parent. Disputes may
49 arise long after marital dissolution, and after years of successful co-parenting, when one
50 parent seeks to relocate. For all of these reasons, the term "divorce proceedings" has been
51 replaced with the term "disputes."

52 Parental divorce and other circumstances may require restructuring of parental rights
53 and responsibilities in relation to children. If parents can agree to a restructuring
54 arrangement, which they do in the overwhelming proportion (90%) of divorce custody cases
55 (Melton, Petrila, Poythress, & Slobogin, 1997), there is no dispute for the court to decide.
56 There are numerous ways that disputing parties might resolve questions of parenting
57 responsibility and time, including counseling, consultation, mediation, alternative dispute
58 resolution, collaborative divorce processes, conciliation models, and other forms of conflict
59 resolution. However, if the parties are unable to reach such an agreement, the court must
60 help to determine the relative allocation of decision making authority and physical contact
61 each party will have with the child. The courts typically apply a "best interests of the child"
62 standard in determining this restructuring of rights and responsibilities. Best interests may
63 be defined statutorily, by case law, or not at all within a given jurisdiction. There is not a
64 universally accepted definition of what constitutes a child's best interests (Reppucci, 1984).

65 Psychologists provide an important service to children and the courts by providing
66 competent, objective, impartial information relevant to the best interests of the child. They
67 do so by demonstrating a clear sense of direction and purpose in conducting evaluations; by
68 performing their roles ethically; and by clarifying the nature and scope of the evaluation to
69 all parties involved. Psychologists' involvement in these matters has at times raised
70 questions in regard to the misuse of psychologists' influence and the role psychologists can
71 or should play in such matters (Grisso, 1990, 2005; Krauss & Sales, 1999, 2000; Melton et
72 al., 1997). Parenting time and responsibility evaluation in the context of litigation can be an
73 extremely demanding task. For competing parents or other disputing parties, the stakes are
74 high as they participate in a process fraught with tension and anxiety. The stress on the
75 psychologist/evaluator can become great. Tension surrounding these evaluations can
76 become further heightened when there are allegations of child abuse, neglect, or family
77 violence.

78 Psychologists are in a position to make significant contributions to the court's task of
79 apportioning parenting time and responsibility. Psychological data and expertise, gained
80 through a competently conducted neutral evaluation, can provide information and
81 perspectives not otherwise readily available to the court. This can result in the court making
82 more informed decisions, which may be better ones, overall. Thus, when none of the
83 alternative forms of conflict resolution have succeeded and the courts must resolve the
84 issue these guidelines may assist psychologists in providing well-crafted evaluations. The
85 guidelines address specific issues pertinent to the court's determination of the arrangement
86 of parenting time and responsibility, consistent with the best interests of the child.

87 The term *guidelines* refers to statements that suggest or recommend specific
88 professional behavior, endeavors, or conduct for psychologists. Guidelines differ from
89 standards in that standards are mandatory and may be accompanied by an enforcement
90 mechanism. Guidelines are aspirational in intent. They are intended to facilitate the
91 continued systematic development of the profession and to help facilitate a high level of
92 practice by psychologists. Guidelines are not intended to be mandatory or exhaustive and
93 may not be applicable to every professional situation. They are not definitive and they are
94 not intended to take precedence over the judgment of psychologists.

95 **I. Orienting Guidelines: Purpose of a Parenting Time and Responsibility Evaluation**

96 **1. The primary purpose of the evaluation is to assist in a determination of the best** 97 **interests of the child.**

98 *Rationale.* The extensive clinical training of psychologists equips them to investigate a broad
99 range of conditions, statuses, and capacities. When conducting parenting time and
100 responsibility evaluations, psychologists are encouraged to focus on those individual, family,
101 cultural, and environmental factors that affect the best interests of the child, because the
102 court will draw upon these considerations in order to reach its own conclusions.
103 Psychologists may also address additional questions that are raised by the court.

104 *Application.* Psychologists strive to identify the best interest and needs of the child. To this
105 end, psychologists in their evaluations work to include factors relevant to the family; the
106 child's educational, psychological, and medical needs; and the environmental context of the
107 child.

108 **2. In the context of a parenting time and responsibility evaluation, the child's**
109 **interests and well-being are paramount.**

110 *Rationale.* The legitimate personal concerns of adults who are competing for custody are
111 considered with an appropriate degree of respect and understanding; however,
112 psychologists are mindful that such concerns are ultimately secondary to the welfare of the
113 child whose upbringing may hinge upon the results of the evaluation.

114 *Application.* The establishment of appropriate goals, boundaries and procedures at the
115 onset may aid in setting the welfare of the child as the ultimate goal. Although competing
116 parents, as well as others, may work to have their concerns as the focal point, psychologists
117 strive to establish the needs of the child as the primary concern. For example, after one
118 parent limits another's access to the child for an extended period of time, the court may
119 consult a psychologist on restoring access. The psychologist may be aware that the parent
120 who has been refused contact yearns for immediate full access to the child, to make up for
121 lost time and to restore the relationship with the child. Nevertheless, the psychologist would
122 strive to remain focused upon the child's best interests rather than the parent's interests or
123 desires. The psychologist might evaluate issues surrounding renewed contact, including
124 whether the child would benefit from gradual or more immediate and full contact; the
125 impact of each parent's feelings on the child as the court's orders are implemented; and the
126 resources that might be used to facilitate the child's transition.

127 **3. The focus of the evaluation is on parenting capacity, the psychological and**
128 **developmental needs of the child, and the resulting fit.**

129 *Rationale.* From the court's perspective, the most valuable contributions of psychologists are
130 those that provide a clinically astute and scientifically sound approach to legally relevant

131 issues. Issues that are central to the court's ultimate decision-making obligations include
132 parenting capacity, psychological and developmental needs of the child and the resulting fit.
133 The training of psychologists provides them with unique skills and qualifications to address
134 these issues. *Application.* Psychologists provide the court with information relevant to the
135 court's effort to decide issues of parenting time and responsibility. That information tends to
136 address the fit between parenting capacity and the psychological, developmental, medical,
137 educational, and physical needs of the child. The focus is on the parenting figures'
138 attributes, skills, and values as these may affect the child, rather than on a general clinical
139 assessment of personality. Psychologists' goals are to assess the parenting figures' ability to
140 meet the psychological and developmental needs of the child. A potential parent figure's
141 clinical diagnosis of a major mood disorder, for example, is relevant only in terms of how it
142 affects the parent's capacity to meet the child's needs. The psychologist might consider such
143 issues as availability and use of effective treatment, augmentation of parenting capacity
144 through use of attuned caregivers, and other factors that could affect the impact of the
145 clinical condition on parenting.

146 **II. General Guidelines: Preparing for a Parenting Time and Responsibility**

147 **Evaluation**

148 **4. The role of the psychologist is that of an unbiased expert who strives to** 149 **maintain an objective, impartial stance.**

150 *Rationale.* Family law matters are typically characterized by complex and emotionally
151 charged disputes, concerning highly personal matters, conducted between individuals who
152 are deeply invested in a specific outcome. The volatility of this situation is often exacerbated
153 by a growing realization that there may be no resolution that will completely satisfy each
154 person involved. In such a contentious atmosphere, it is crucial that external
155 recommendations be delivered from a perspective free of unwarranted bias or partiality.
156 *Application.* Psychologists actively work to function as impartial evaluators by maintaining
157 their neutrality throughout the parenting time and responsibility evaluation process.

158 Psychologists actively monitor their values, perceptions, and reactions and seek consultation
159 or clarity of focus in the face of possible loss of neutrality and objectivity. Maintenance of
160 boundaries, along with adherence to standard methods and procedures, may help
161 psychologists be alert to variations that may signal loss of neutrality. Because bias can
162 enter at any time in the evolution of an assessment, psychologists may be attuned not just
163 at the outset but throughout the assessment to issues that call for reassessment of their
164 neutrality and to any needed restoration of balance.

165 **5. Psychologists involved in parenting time and responsibility evaluations gain and**
166 **maintain specialized competence.**

167 *Rationale.* Psychologists continuously strive to augment, within the context of a life-long
168 dedication to professional development, their existing skills and abilities. Laws change,
169 existing methods are refined, and new techniques are identified. Parenting time and
170 responsibility evaluations occur within an environment that imposes shifting demands upon
171 individuals already subject to daunting financial, emotional, and other personal and
172 interpersonal stressors. In this context, competence in performing psychological
173 assessments of children, adults, and families is necessary but not sufficient.

174 *Application.* Although psychologists strive to acquire appropriate knowledge prior to
175 conducting a parenting time and responsibility evaluation, and to be knowledgeable and
176 competent in all related areas, this acquisition is never complete. Knowledge of child and
177 family development, child and family psychopathology, the impact of divorce on children,
178 and the specialized child custody literature is relevant to competent practice in this area.
179 Psychologists strive to become familiar with applicable legal and regulatory standards,
180 including laws governing divorce and custody adjudications in the relevant state or
181 jurisdiction.

182 Psychologists use current knowledge of scientific and professional developments,
183 consistent with accepted clinical and scientific standards, in selecting data collection
184 methods and procedures. When using psychological tests and other assessment tools,

185 psychologists strive to adhere to the *Standards For Educational And Psychological Testing*
186 (American Educational Research Association, American Psychological Association, & National
187 Council on Measurement in Education, 1999). Realizing that competence is not a finite
188 endpoint, psychologists strive to continue their professional development, consultation, and
189 training within the child custody practice. In the event that complex issues arise beyond
190 psychologists' scope of expertise, practitioners seek consultation and supervision from
191 colleagues, supervisors, or relevant agencies and organizations to aid in the management of
192 the complex issues.

193 In the course of conducting parenting time and responsibility evaluations, allegations
194 of child abuse, neglect, family violence, or other issues may occur that are not necessarily
195 within the scope of a particular evaluator's expertise. If this is so, the psychologist seeks
196 additional consultation; supervision; or specialized knowledge, training, or experience in
197 child abuse, neglect, and family violence to address these complex issues. Psychologists are
198 appropriately familiar with state, provincial, and territorial laws and regulations pertaining to
199 child abuse, neglect, and family violence, and act accordingly.

200 **6. Psychologists strive to be aware of personal and societal biases and engage in**
201 **nondiscriminatory, culturally informed practice.**

202 *Rationale.* Professional standards and guidelines articulate the need for psychologists to be
203 aware of their biases regarding age, gender, gender identity, race, ethnicity, national origin,
204 religion, sexual orientation, disability status, language, culture, socioeconomic status, and
205 reproductive technology (e.g., frozen embryos, oocyte donation, and artificial insemination).
206 Biases in these areas may interfere with an objective evaluation and recommendations in
207 parenting time and responsibility evaluations. Additionally, as stressed in professional
208 standards and guidelines, competent psychologists are aware of the impact of these factors
209 on the child's context and the methods used to conduct the evaluation.

210 *Application.* Psychologists strive to be aware of the impact of age, gender, gender identity,
211 race, ethnicity, national origin, religion, sexual orientation, disability status, language,

212 culture, socioeconomic status, and advances in reproductive technology on their perceptions
213 and on the child's life. Psychologists seek training, experience, consultation, or supervision
214 to ensure adequate and current understanding of these influences. Psychologists strive to
215 recognize biases and, if they cannot be overcome, consider withdrawing from the
216 evaluation.

217 For example, a psychologist may be asked to evaluate a family comprised of a
218 biological and a de facto parent who have both been parenting the child since birth and who
219 have equal legal standing in the matter of parental decision-making and parenting time. The
220 psychologist takes care to ensure that bias in favor of the biological connection does not
221 influence data collection or interpretation. Additionally, when a psychologist is asked to
222 evaluate a family whose ethnicity, religion, or other status is unfamiliar to the psychologist,
223 the psychologist may seek consultation and may ask the family to help inform the
224 psychologist how this status might influence the issues to be considered in the evaluation. If
225 the psychologist finds that the lack of familiarity poses too great an obstacle to conducting a
226 relevant and reliable evaluation, then it may be necessary to consider withdrawing.

227 **7. Psychologists remain alert to situations in which multiple relationships with**
228 **participants of parenting responsibility evaluations when such relationships might**
229 **impair objectivity, competence, or effectiveness.**

230 *Rationale.* When performing a parenting time and responsibility evaluation, the role of the
231 psychologist is to provide objective information and informed opinions to help the court
232 render a decision about parenting responsibilities and planning. The presence of multiple
233 relationships with participants of a parenting time and responsibility evaluation, including
234 attorneys and judges, has the potential to impair the objectivity of the psychologist.
235 Additionally, as recognized in ethical standards and guidelines (Ethics Code 3.05), when
236 psychologists engage in multiple relationships there is potential risk of exploitation or harm
237 to the person with whom the professional relationship exists.

238 *Application.* Psychologists generally avoid conducting a parenting time and responsibility
239 evaluation in cases in which they have served in a therapeutic role for the child or family, or
240 have had other involvement that may compromise objectivity. This may not, however,
241 preclude a treating psychologist from testifying in the case as a fact witness. A psychologist
242 asked to testify regarding a therapy client who is involved in a child custody case may
243 consider the limitations and possible biases inherent in such a role and the possible impact
244 on the ongoing therapeutic relationship. Although the court may require the psychologist to
245 testify regarding factual information emanating from a treatment relationship, this role is
246 different from that of an expert witness who gives a professional opinion regarding
247 parenting time and responsibility. These two roles may not be compatible.

248 In addition to the potential deleterious effects of conducting a parenting time and
249 responsibility evaluation where there exists a prior professional relationship, psychologists
250 are aware of the potential problems with conducting such evaluations with current clients or
251 with whom a treatment relationship is anticipated. During the course of a parenting time
252 and responsibility evaluation, psychologists generally refrain from providing other
253 psychological services to any of the involved participants. Therapeutic contact with the child
254 or involved participants following a parenting time and responsibility evaluation is
255 undertaken with caution.

256 In some contexts (e.g., rural communities) it may not be possible to avoid multiple
257 relationships between the psychologist and the participants of the evaluation, attorneys for
258 the case, or the judge involved in the proceeding. It is important to disclose to relevant
259 parties any relationships that might likely lead to impaired objectivity or decreased
260 competence and effectiveness. Psychologists endeavor to inform relevant parties of the
261 potential negative consequences of such multiple relationships and seek to minimize these
262 consequences by either withdrawing or limiting the tasks they agree to undertake.

263 **III. Procedural Guidelines: Conducting a Parenting Time and Responsibility**
264 **Evaluation**

265 **8. The scope of the evaluation is determined by the evaluator, based on the nature**
266 **of the referral question.**

267 *Rationale.* The nature of the question or issue raised by the referring person or the court
268 helps determine the scope of the evaluation. Psychologists may acknowledge the referral
269 question and the issues inherent in the situation by articulating affirmatively the scope of
270 the evaluation. This reflects the reality that the scope of parenting evaluations will vary
271 according to the needs of the case and that courts and referring persons vary in the degree
272 that they specify the parameters of an evaluation.

273 *Application.* Before accepting the referral, psychologists seek, where necessary, to clarify
274 the questions being asked and to determine whether they will be able to provide an answer
275 or opinion. It may be useful to have the scope of the evaluation delineated in a court order
276 or in a signed stipulation with the interested parties and their attorneys. Although
277 comprehensive parenting time and responsibility evaluations generally require an evaluation
278 of all parents or guardians and children, as well as observations of interactions between
279 them, the scope of the assessment in a particular case may be limited to evaluating the
280 parental capacity of one parent without attempting to compare the parents or to make
281 recommendations. Likewise, the scope may be limited to evaluating the child, or
282 psychologists may be asked to critique the assumptions and methodology of the assessment
283 of another mental health professional. For example, a psychologist also might serve as an
284 expert witness in the area of child development, providing expertise to the court, without
285 relating it specifically to any of the parties involved in the case.

286 **9. Psychologists remain aware of the process of informed consent as it applies to**
287 **all participants or their representatives, including notification of purpose of the**
288 **evaluation and the limits of confidentiality.**

289 *Rationale.* Consistent with ethical standards and guidelines (Ethics Code 3.10 and 9.03),
290 psychologists seek to obtain informed consent prior to conducting an evaluation from all

291 participants or their representatives, including from those that provide collateral information
292 (e.g., relatives, teachers, friends, and employers).

293 Informed consent may enable individuals to avoid unintended disclosures that could
294 be damaging in other contexts. For persons who are legally incapable of giving informed
295 consent or for whom the evaluation is legally mandated, consistent with ethical standards
296 and guidelines, psychologists seek to provide an appropriate explanation and to gain the
297 individual's assent.

298 *Application.* In undertaking parenting time and responsibility evaluations, the psychologist
299 seeks to ensure that each adult participant is aware of the purpose, nature, and method of
300 the evaluation; who has requested the psychologist's services; who will be paying the fees,
301 and the limits of confidentiality. Regarding the latter, the psychologist may inform
302 participants that in consenting to the evaluation, they are consenting to disclosure of the
303 evaluation's findings in the context of the forthcoming litigation and in any other
304 proceedings deemed necessary by the courts. Efforts are made to use clear language and to
305 provide sufficient opportunity for the individual to ask questions and receive answers. For
306 children and those not capable of giving consent, psychologists strive to provide a clear
307 explanation of the evaluation and the limits of confidentiality in language that reflects the
308 individual's cognitive and developmental capabilities. Psychologists strive to inform
309 individuals providing collateral information of the potential uses of the information that they
310 are providing.

311 **10. Psychologists seek to employ multiple methods of data gathering.**

312 *Rationale.* Psychologists strive to use appropriate and accurate methods for addressing the
313 questions raised in a specific parenting time and responsibility evaluation. The use of
314 multiple methods of data gathering is intended to increase the reliability and validity of data
315 obtained.

316 *Application.* Methods of data gathering may include, but are not limited to, clinical
317 interviews, observation, collateral contacts, and psychological testing. In deciding whether

318 or not to employ a specific assessment instrument, psychologists are encouraged to
319 consider its relevance to the purpose of the evaluation, its reliability and validity, and the
320 availability of appropriate normative data.

321 The psychologist may review potentially relevant reports (e.g., from schools, health
322 care providers, child care providers, agencies, and institutions). Psychologists may also
323 interview extended family, friends, and other individuals on occasions when the information
324 is likely to be useful. Psychologists consider seeking corroboration of information gathered
325 from third parties and strive to document the bases of their conclusions in their reports.

326 **11. Psychologists consider the context in which parenting time and responsibility**
327 **evaluations occur to ensure that assessment data are appropriately interpreted.**

328 *Rationale.* The context in which parenting time and responsibility evaluations occur may
329 affect the behavior of persons from whom data are collected and so alter both interview and
330 psychological test data. If the context is not taken into account erroneous conclusions
331 potentially can be drawn.

332 *Applications.* Psychologists consider the ways in which involvement in a custody dispute
333 may impact the behavior of persons from whom data are collected. Psychologists are
334 sensitive to contextual factors that may impact the accuracy of assessment data obtained in
335 parenting time and responsibility evaluations. Psychologists base the opinions contained in
336 their recommendations, reports, and diagnostic or evaluative statements, including forensic
337 testimony, on information and techniques sufficient to substantiate their findings (See APA
338 Ethics Code, 9.01(a) Bases for Assessments.) For example, psychologists might routinely
339 acknowledge in reporting MMPI-2 results that in this context, validity scale interpretation
340 takes into account research demonstrating that litigants in parenting evaluations have
341 increased elevations, and may even cite the relevant studies.

342 **12. Psychologists make evaluative statements about individuals only when they**
343 **have obtained sufficient information and used appropriate techniques to**
344 **substantiate such opinions.**

345 *Rationale.* Generally, psychologists provide opinions of the psychological characteristics of
346 individuals only after they have conducted an examination of the individuals. When direct
347 evaluation has not occurred, psychologists document the reasons, clarify the probable
348 impact of their limited information on the reliability and validity of their opinions, and
349 appropriately limit the nature and extent of their conclusions or recommendations (APA
350 Ethics Code 9.01).

351 *Applications.* Psychologists are often asked to render opinions about individuals seeking
352 parenting time and responsibility who are either unable or unwilling to participate in an
353 evaluation. The psychologist in this case would not have adequate information on which to
354 base an opinion. However, the psychologist may report, noting the source, what another
355 individual (such as the parent or child) who has been evaluated has stated. Similarly, the
356 psychologist may address theoretical issues or hypothetical questions, provided that the
357 limited basis of the information is acknowledged.

358 **13. Recommendations, if any, are based on what is in the best interests of the**
359 **child.**

360 *Rationale.* When making recommendations in parenting time and responsibility evaluations
361 psychologists provide information relevant to the prevailing legal standard—the best
362 interests of the child.

363 *Applications.* Recommendations are derived from sound psychological data and address the
364 best interests of the child in the particular case. When making recommendations,
365 psychologists guard against relying on their own biases or unsupported beliefs.
366 Recommendations are based on articulated assumptions, data, interpretations, and
367 inferences consistent with established professional and scientific standards, as well as
368 available empirical research.

369 Although the profession has not reached consensus about whether psychologists
370 ought to make recommendations to the courts about the final custody determination (i.e.,
371 ultimate opinion testimony), psychologists strive to remain aware of the arguments on both

372 sides of this issue (Bala, 2006; Erard, 2006; Grisso, 2003; Heilbrun, 2001; Tippins and
373 Wittman, 2006) and to be able to explain the logic of their position concerning their own
374 practice.

375 **14. Psychologists create and maintain professional records in accordance with**
376 **ethical and legal obligations.**

377 *Rationale.* Records are necessary in order to comply with the ethical standards and legal
378 and regulatory requirements. When working in a judicial forum, psychologists are typically
379 expected to preserve evidence that underlies opinions. This allows other parties (for
380 example, attorneys or other experts) to review the data so as to understand or challenge
381 the bases of the conclusions. Additionally, if a dispute is reopened at a later time, accurate
382 and comprehensive records of an earlier evaluation may facilitate the resolution of the later
383 conflict.

384 *Application.* All records obtained in the process of conducting a parenting time and
385 responsibility evaluation are properly maintained and filed in accord with the APA Record
386 Keeping Guidelines (APA, 2007) and relevant legal and regulatory requirements. Data and
387 interview information are recorded with an eye toward their possible review by other
388 professionals and the court.

389

390 **References and Pertinent Literature**

391 Ackerman, M., & Ackerman, M. (1997). Custody evaluation practices: A survey of
392 experienced professionals (Revisited). *Professional Psychology: Research and*
393 *Practice, 28*, 137-145.

394 Amato, P. R. (2000). The consequences of divorce for adults and children. *Journal of*
395 *Marriage and the Family, 62*, 1269-1287.

396 Amato, P. R., & Booth, A. (1996). A prospective study of divorce and parent-child
397 relationships. *Journal of Marriage and the Family, 58*, 356-365.

- 398 Amato, P. R., & Gilbreth, J. G. (1999). Nonresident fathers and children's well-being: A
399 meta-analysis. *Journal of Marriage and the Family*, 61, 557-573.
- 400 American Academy of Matrimonial Lawyers. (1998). American Academy of Matrimonial
401 Lawyers proposed model relocation act: An act relating to the relocation of the
402 principal residence of the child. *Journal of the American Academy of Matrimonial*
403 *Lawyers*, 15, 1-24.
- 404 American Educational Research Association, American Psychological Association, & National
405 Council on Measurement in Education. (1999). *Standards for educational and*
406 *psychological testing* (3rd ed.). Washington, DC: American Educational Research
407 Association.
- 408 American Law Institute. (2000). *Principles of the law of family dissolution: Analysis and*
409 *recommendations*. Newark, NJ: Mathew Bender & Co.
- 410 American Psychological Association. (1994). Guidelines for child custody evaluations in
411 divorce proceedings. *American Psychologist*, 49, 677-680.
- 412 American Psychological Association. (2002). Ethical principles of psychologists and code of
413 conduct. *American Psychologist*, 57, 1060-1073.
- 414 American Psychological Association. (In press). Record keeping guidelines. *American*
415 *Psychologist*.
- 416 American Psychological Association. (1999). Guidelines for psychological evaluations in
417 child protection matters.
- 418 American Psychological Association. (2003). Guidelines on multicultural education, training,
419 research, practice, and organizational change for psychologists. *American*
420 *Psychologist*, 58, 377-401.
- 421 Association of Family and Conciliation Courts. (2007). Model standards of practice for child
422 custody evaluation. *Family Court Review*, 45, 70-91.
- 423 Austin, W. G. (2000a). A forensic psychology model of risk assessment for child custody
424 relocation law. *Family and Conciliation Courts Review*, 38, 192-207.

- 425 Austin, W. G. (2000b). Relocation law and the threshold of harm: Integrating legal and
426 behavioral perspectives. *Family Law Quarterly*, 34, 63-82.
- 427 Bahr, S., Howe, J., Mann, M. M., & Bahr, M. (1994). Trends in child custody awards: Has
428 the removal of the maternal preference made a difference? *Family Law Quarterly*,
429 28, 247-260.
- 430 Bala, N. (2006). Tippins and Wittman asked the wrong questions: Evaluators may not be
431 "Experts," but they can express best interests opinions. *Family Court Review*, 43,
432 554-562.
- 433 Bauserman, R. (2002). Child adjustment in joint-custody versus sole-custody
434 arrangements: A meta-analytic review. *Journal of Family Psychology*, 16, 91-102.
- 435 Beitchman, J. H., Zucker, K. J., Hood, J. E., DaCosta, G. A., & Akman, D. (1991). A review
436 of the short-term effects of child sexual abuse. *Child Abuse Neglect*, 15, 537-556.
- 437 Bottoms, B. L., Kovera, M. B., & McAuliff, B. D. (Eds.). (2002). *Children, social science and*
438 *the U.S. law*. New York: Cambridge University Press.
- 439 Bow, J. N., & Quinell F. A. (2001). Psychologists' current practices and procedures in child
440 custody evaluations: Five years after the American Psychological Association
441 guidelines. *Professional Psychology: Research and Practice*, 32, 261-268.
- 442 Bow, J. N., & Quinell, F. A. (2004). A critical review of child custody evaluation reports.
443 *Family Court Review*, 42, 115-127.
- 444 Bow, J. N., Quinell, F. A., Zaroff, M., & Assemany, A. (2002). Assessment of sexual abuse
445 allegations in child custody cases. *Professional Psychology: Research and Practice*,
446 33, 566-575.
- 447 Braver, S. L., & O'Connell, E. (1998). *Divorced dads: Shattering the myths*. New York:
448 Tarcher/Putnam.
- 449 Braver, S. L., Fabricius, W. V., Ellman, I. M., & Sandler, I. N. (2003). Relocation of children
450 after divorce and children's best interests: New evidence and legal considerations.
451 *Journal of Family Psychology*, 17, 206-219.

- 452 Brodzinski, D. (1993). The use and misuse of psychological testing in child custody
453 evaluation. *Professional Psychology: Research and Practice*, 24, 213-218.
- 454 Bruch, C. S., & Bowermaster, J. M. (1996). The relocation of children and custodial parents:
455 Public policy, past and present. *Family Law Quarterly*, 30, 245-303.
- 456 Bush, S., Connell, M. A., & Denny, R. (2006). *Ethical issues in forensic psychology: Key*
457 *concepts and resources*. Washington, DC: American Psychological Association.
- 458 Butcher, J. N., & Pope, K. S. (1993). Seven issues in conducting forensic assessments:
459 Ethical responsibilities in light of new standards and new tests. *Ethics and Behavior*,
460 3, 267-288.
- 461 Ceci, S. J., & Bruck, M. (1995). *Jeopardy in the courtroom: A scientific analysis of children's*
462 *testimony*. Washington, DC: American Psychological Association.
- 463 Ceci, S. J., & Hembrooke, H. (Eds.). (1998). *Expert witnesses in child abuse cases: What*
464 *can and should be said in court*. Washington, DC: American Psychological
465 Association.
- 466 Child Custody Act of 1970, MCL 722.23.
- 467 Clark, B. K. (2003). Case 2: Avoid dual roles of therapist and forensic evaluator. In K.
468 Heilbrun, G. R. Marczyk, & D. DeMatteo (Eds.), *Forensic mental health assessment:*
469 *A casebook* (pp. 307-319). New York: Oxford University Press.
- 470 Committee on Ethical Guidelines for Forensic Psychologists (1991). Specialty guidelines for
471 forensic psychologists. *Law and Human Behavior*, 15, 655-665.
- 472 Committee on Professional Practice and Standards, American Psychological Association.
473 (1999). Guidelines for psychological evaluations in child protection matters.
474 *American Psychologist*, 54, 586-593.
- 475 Connell, M. A. (2006). Notification of purpose in custody evaluation: Informing the parties
476 and their counsel. *Professional Psychology: Research and Practice*, 37, 446-451.
- 477 Connell, M. A., & Koocher, G. P. (2003). HIPAA in forensic practice. *AP-LS News*, 23, 16-19.
- 478 *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993).

- 479 Doris, J. (Ed.). (1991). *The suggestibility of children's recollection: Implications for*
480 *eyewitness testimony*. Washington, DC: American Psychological Association.
- 481 Emery, R., & Laumann-Billings, L. (1998). An overview of the nature, causes, and
482 consequences of abusive family relationships: Toward differentiating maltreatment
483 and violence. *American Psychologist, 53*, 121-135.
- 484 Emery, R. E. Otto, R. K., & O'Donohue, W. T. (2005). Critical assessment of child custody
485 evaluations: Limited science and a flawed system. *Psychological Science in the Public*
486 *Interest, 6*, 1-29.
- 487 Erard, R. E. (2006). Tell it to the judge: A reply to Wittman & Tippins. *National Psychologist,*
488 *15*, 1.
- 489 Fabricius, W. V., & Hall, J. (2000). Young adults' perspectives on divorce: Living
490 arrangements. *Family and Conciliation Courts Review, 38*, 446-461.
- 491 Fabricius, W. V., Braver, S. L., & Deneau, K. (2003). Divorced parents' financial support of
492 their children's college expenses. *Family Court Review, 41*, 224-241.
- 493 Faller, K. C. (1991). Possible explanations for child sexual abuse allegations in divorce.
494 *American Journal of Orthopsychiatry, 61*, 86-91.
- 495 Faller, K. C., & Everson, M. D. (Eds.). (1996). Child interviewing, Part I. *Child Maltreatment,*
496 *1*, 83-175.
- 497 Faller, K. C., & Everson, M. D. (Eds.). (1996). Child interviewing, Part II. *Child*
498 *Maltreatment, 1*, 187-212.
- 499 Flens, J. R. (2005). Introduction to the volume on psychological testing in child custody
500 evaluations. *Journal of Child Custody, 2*, 1-2.
- 501 Friedreich, W. N. (1990). *Psychotherapy of sexually abused children and their families*. New
502 York: Norton.
- 503 Friedreich, W. N., Grambsch, P., Broughton, D., Kuiper, J., & Beilke, R. L. (1991).
504 Normative sexual behavior in children. *Pediatrics, 88*, 456-464.
- 505 Frye v. United States, 54 App. D. C. 46, 47, 293 F. 1013, 1014 (1923).

- 506 Garb, H. N., Wood, J. M. Lilienfeld, S. O., & Nezworski, M. T. (2002). Effective use of
507 projective techniques in clinical practice: Let the data help with selection and
508 interpretation. *Professional Psychology: Research & Practice, 33*, 454-463.
- 509 Gindes, M. (1995). Guidelines for child custody evaluation for psychologists: An overview
510 and commentary. *Family Law Quarterly, 29*, 39-50.
- 511 Gindes, M. (1998). The psychological effects of relocation for children of divorce. *Journal of*
512 *the American Academy of Matrimonial Lawyers, 15*, 119-148.
- 513 Goldstein, J., Freud A., & Solnit A. J. (1979). *Beyond the best interests of the child*. New
514 York: Free Press.
- 515 Goldstein, J., Solnit A.J., Goldstein, S., & Freud A. (1996). *The best interests of the child:*
516 *The least detrimental alternative*. New York: Free Press.
- 517 Greenberg, S., & Shuman, D. W. (1997). Irreconcilable conflict between therapeutic and
518 forensic roles. *Professional Psychology: Research and Practice, 28*, 50-57.
- 519 Grisso, T. (1990). Evolving guidelines for divorce/custody evaluations. *Family and*
520 *Conciliation Courts Review, 28*, 35-41.
- 521 Grisso, T. (2003). *Evaluating competencies: Forensic assessments and instruments*, (2nd
522 ed.). New York: Kluwer/Plenum.
- 523 Grisso, T. (2005). Commentary on "Empirical and ethical problems with custody
524 recommendations:" What now? *Family Court Review, 43*, 223-228.
- 525 Gunnoe, M. L., & Braver, S. L. (2001). The effects of joint legal custody on mothers,
526 fathers, and children controlling for factors that predispose a sole maternal versus
527 joint legal award. *Law and Human Behavior, 25*, 25-43.
- 528 Hagan, L. D. (2003). Case 3: Base testimony on the results of the properly performed
529 forensic mental health assessment. In K. Heilbrun, G. R. Marczyk, & D. DeMatteo
530 (Eds.), *Forensic mental health assessment: A casebook* (pp. 319-335). New York:
531 Oxford University Press.

- 532 Hagen, M. A., & Castagna, N. (2001). The real numbers: Psychological testing in custody
533 evaluations. *Professional Psychology: Research and Practice*, 32, 269-271.
- 534 Heilbrun, K. (1992). The role of psychological testing in forensic assessment. *Law & Human*
535 *Behavior*, 16, 257-272.
- 536 Heilbrun, K. (2001). *Principles of forensic mental health assessment*. New York: Kluwer
537 Academic/Plenum Publishers.
- 538 Heilbrun, K., Marczyk, G. R., & DeMatteo, D. (2002). Child custody. In K. Heilbrun, G. R.
539 Marczyk, & D. DeMatteo (Eds.), *Forensic mental health assessment: A casebook* (pp.
540 299-348). New York: Oxford University Press.
- 541 Heilbrun, K., Warren, J., & Picarello, K. (2003). Third party information in forensic
542 assessment. In A. M. Goldstein (Ed.), *Comprehensive handbook of psychology*,
543 *Volume 11: Forensic psychology* (pp. 69-86). New York: Wiley and Sons.
- 544 Heinze, M. C., & Grisso, T. (1996). Review of instruments assessing parenting competencies
545 used in child custody evaluations. *Behavioral Sciences and the Law*, 14, 293-313.
- 546 Helfar, R. E., & Kempe, R. S. (Eds.), (1987). *The battered child* (4th ed.). Chicago:
547 University of Chicago Press.
- 548 Hetherington, E. M., Bridges, M., & Insabella, G. M. (1998). What matters? What does not?
549 Five perspectives on the association between marital transitions and children's
550 adjustment. *American Psychologist*, 53, 167-184.
- 551 Horvath, L. S., Logan, T. K., & Walker, R. (2002). Child custody cases: A content analysis of
552 evaluations in practice. *Professional Psychology: Research and Practice*, 33, 557-565.
- 553 Humke, C., & Schaeffer, C. (1995). Relocation: A review of the effects of residential mobility
554 on children and adolescents. *Psychology: A Journal of Human Behavior*, 32, 16-24.
- 555 Johnston, J. R. (1995). Research update: Children's adjustment in sole custody compared to
556 joint custody families and principles for custody decision making. *Family and*
557 *Conciliation Courts Review*, 33, 415-425.

- 558 Keilin, W. G., & Bloom, L. J. (1986). Child custody evaluation practices: A survey of
559 experienced professionals. *Professional Psychology: Research and Practice*, *17*, 338-
560 346.
- 561 Kelly, J. B. (2000). Children's adjustment in conflicted marriage and divorce: A decade of
562 research. *Journal of the American Academy of Child and Adolescent Psychiatry*, *39*,
563 963-973.
- 564 Kelly, J. B., & Johnston, J. R. (2001). The alienated child: A reformulation of parental
565 alienation syndrome. *Family Court Review*, *39*, 249-266.
- 566 Kelly, J. B., & Lamb, M. E. (2003). Developmental issues in relocation cases involving young
567 children: When, whether, and how? *Journal of Family Psychology*, *17*, 193-205.
- 568 Kendall-Tackett, K. A., Williams, L. M., & Finkelhor, D. (1993). Impact of sexual abuse on
569 children: A review and synthesis of recent empirical studies. *Psychological Bulletin*,
570 *113*, 164-180.
- 571 Kline, M., Johnston, J. R., & Tschann, J. M. (1991). The long shadow of marital conflict: A
572 model of children's postdivorce adjustment. *Journal of Marriage and the Family*, *53*,
573 297-309.
- 574 Koocher, G. P., & Keith-Spiegel, P. (1998). *Ethics in psychology: Professional standards and*
575 *cases* (2nd ed.) New York: Oxford.
- 576 Koocher, G. P., & Keith-Spiegel, P. C. (1990). *Children, ethics, and the law: Professional*
577 *issues and cases*. Lincoln: University of Nebraska Press.
- 578 Krauss, D. A., & Sales, B. (1999). The problem of "helpfulness" in applying Daubert to
579 expert testimony: Child custody determinations in family law as an exemplar.
580 *Psychology, Public Policy, and Law*, *5*, 78-99.
- 581 Krauss, D. A., & Sales, B. D. (2000). Legal standards, expertise, and experts in the
582 resolution of contested child custody cases. *Psychology, Public Policy, and Law*, *6*,
583 843-879.

- 584 Kuehnle, K. (1996). *Assessing allegations of child sexual abuse*. Sarasota, FL: Professional
585 Resource Exchange.
- 586 Kuehnle, K. (2003). Child sexual abuse evaluations. In A. M. Goldstein & I. B. Weiner (Eds.)
587 *Comprehensive handbook of psychology, Volume 11: Forensic Psychology*. New York:
588 Wiley & Sons.
- 589 Lamb, M. (1999). Noncustodial fathers and their impact on the children of divorce. In R. A.
590 Thompson & P. R. Amato (Eds.), *The postdivorce family: Children, parenting, and*
591 *society* (pp. 105-125). Thousand Oaks, CA: Sage.
- 592 Lamb, M. E. (Ed.). (1999). *Parenting and child development in "nontraditional" families*.
593 Mahwah, NJ: Erlbaum.
- 594 Laumann-Billings, L., & Emery, R. E. (2000). Distress among young adults from divorced
595 families. *Journal of Family Psychology, 14*, 671-687.
- 596 Lee, S. M., & Olesen, N. W. (2001). Assessing for alienation in child custody and access
597 evaluations. *Family Court Review, 39*, 282-298.
- 598 Maccoby, E. E. (2005). A cogent case for a new child custody standard. *Psychological*
599 *Science in the Public Interest, 6*, i-ii.
- 600 Maccoby, E. E., Buchanan, C. M., Mnookin, R. H., & Dornbusch, S. M (1993). Postdivorce
601 roles of mothers and fathers in the lives of their children. *Journal of Family*
602 *Psychology, 7*, 24-38.
- 603 Marsiglio, W., Amato, P. R., Day, R. D., & Lamb, M. E. (2000). Scholarship on fatherhood in
604 the 1990s and beyond. *Journal of Marriage and the Family, 62*, 1173-1191.
- 605 Martindale, D. A., & Gould, J. W. (2004). The forensic model: Ethics and scientific
606 methodology applied to custody evaluations. *Journal of Child Custody, 2*, 1-22.
- 607 Melton, G., Petrila, J., Poythress, N., & Slobogin, C. (1997). *Psychological evaluations for*
608 *the courts: A handbook for mental health professionals and lawyers* (2nd ed.). New
609 York: Guilford.

- 610 Montgomery, L. M., Cupit, B. E., & Wimberly, T. K. (1999). Complaints, malpractice, and
611 management: Professional issues and personal experiences. *Professional Psychology:
612 Research and Practice, 30*, 402-410.
- 613 Myers, J. E. B. (1997). *Evidence in child abuse and neglect cases* (Vols. 1-2). New York:
614 John Wiley & Sons.
- 615 Nord, C. W., & Zill, N. (1997). Non-custodial parents' participation in their children's lives.
616 *Child Support Report, 19*, 1-2.
- 617 Oberlander, L. B. (2003). Case 1: Principle: Obtain appropriate authorization. In K.
618 Heilbrun, G. R. Marczyk, & D. DeMatteo (Eds.), *Forensic mental health assessment:
619 A casebook* (pp. 350-375). New York: Oxford University Press.
- 620 Office of Ethnic Minority Affairs. (1993). Guidelines for providers of psychological services to
621 ethnic, linguistic, and culturally diverse populations. *American Psychologist, 48*, 45-
622 48.
- 623 Otto, R. K., & Butcher, J. N. (1995). Computer-assisted psychological assessment in child
624 custody evaluations. *Family Law Quarterly, 29*, 79-96.
- 625 Otto, R. K., & Collins, R. P. (1995). Use of the MMPI-2/MMPI-A in child custody evaluations.
626 In Y. S. Ben-Porath, J. Graham, G. Hall, R. Hirschman, & M. Zaragosa (Eds.),
627 *Forensic applications of the MMPI-2* (pp. 222-252). New York: John Wiley & Sons.
- 628 Otto, R. K., & Edens, J. F. (2003). Parenting capacity. In T. Grisso (Ed.), *Evaluating
629 competencies: Forensic assessments and instruments* (2nd ed., pp. 229-307). New
630 York: Kluwer Academic/Plenum.
- 631 Otto, R. K., Buffington-Vollum, J. K., & Edens, J. F. (2003). Child custody evaluation. In A.
632 M. Goldstein (Volume Ed.), & I. B. Weiner (Series Ed.), *Handbook of psychology:
633 Volume 11, Forensic psychology* (pp. 179-208). New York: John Wiley & Sons.
- 634 Otto, R. K., Edens, J. F., & Barcus, E. H. (2000). The use of psychological testing in child
635 custody evaluations. *Family and Conciliation Courts Review, 38*, 312-340.

- 636 Pruet, K. D. (2000). *Fatherneed: Why father care is as essential as mother care for your*
637 *child*. New York: Free Press.
- 638 Pruet, M. K., Williams, T. Y., Insabella, G., & Little, T. D. (2003). Family and legal
639 indicators of child adjustment to divorce among families with young children. *Journal*
640 *of Family Psychology, 17*, 169-180.
- 641 Rand, D. C. (1997a). The spectrum of parental alienation syndrome (Part I). *American*
642 *Journal of Forensic Psychology, 15*, 23-52.
- 643 Rand, D. C. (1997b). *The spectrum of parental alienation syndrome (Part II)*. *American*
644 *Journal of Forensic Psychology, 15*, 39-92.
- 645 Reppucci, N. D. (1984). *Children, mental health, and the law*. Beverly Hills: Sage.
- 646 Rotman, A. S., Tompkins, R., Schwartz, L. L., & Samuels, M. D. (2000). Reconciling parents'
647 and children's interests in relocation: In whose best interest? *Family and Conciliation*
648 *Courts Review, 38*, 341-367.
- 649 Sample, T., & Reiger, T. (1998). Relocation standards and constitutional considerations.
650 *Journal of the American Academy of Matrimonial Lawyers, 15*, 229-241.
- 651 Santosky v. Kramer, 455 U.S. 745 (1982).
- 652 Saywitz, K. J., & Snyder, L. (1996). Narrative elaboration: Test of a new procedure for
653 interviewing children. *Journal of Consulting and Clinical Psychology, 64*, 1347-1357.
- 654 Shear, L. E. (1996). Life stories, doctrines, and decision making: Three high courts decide
655 the move-away dilemma. *Family and Conciliation Courts Review, 34*, 439-458.
- 656 Siegel, J. C., & Langford, J. S. (1998). MMPI-2 scales and suspected parental alienation
657 syndrome. *American Journal of Forensic Psychology, 16*, 5-14.
- 658 Sparta, S. N., & Koocher, G. P. (Eds.). (2006). *Forensic mental health assessment of*
659 *children and adolescents*. New York: Oxford.
- 660 Sparta, S. N. (2003). Assessment of childhood trauma. In A. M. Goldstein (Ed.),
661 *Comprehensive handbook of psychology, Volume 11: Forensic psychology* (pp. 209-
662 231). New York: Wiley and Sons.

- 663 Sullivan, M. J., & Kelly, J. B. (2001). Legal and psychological management of cases with an
664 alienated child. *Family Court Review*, 39, 299-315.
- 665 Thoennes, N., & Tjaden, P. G. (1990). The extent, nature and validity of sexual abuse
666 allegations in custody/visitation disputes. *Child Abuse and Neglect*, 14, 151-163.
- 667 Tippins, T. M., & Wittman, J. P. (2005). Empirical and ethical problems with custody
668 recommendations: A call for clinical humility and judicial vigilance. *Family Court*
669 *Review*, 43, 193-222.
- 670 Warshak, R. A. (2001). *Divorce poison: Protecting the parent-child bond from a vindictive*
671 *ex.* New York: HarperCollins Publishers.
- 672 Weissman, H. (1991). Forensic psychological examination of the child witness in cases of
673 alleged sexual abuse. *American Journal of Orthopsychiatry*, 61, 48-58.
- 674 Whiteside, M. F., & Becker, B. J. (2000). Parental factors and the young child's postdivorce
675 adjustment: A meta-analysis with implications for parenting arrangements. *Journal*
676 *of Family Psychology*, 14, 5-26.
- 677 Wood, J. M., Lilienfeld, S. O., Garb, H. N., & Nezworski, M. T. (2000). The Rorschach Test in
678 clinical diagnosis: A critical review, with a backward look at Garfield (1947). *Journal*
679 *of Clinical Psychology*, 56, 395-430.