

PREFACE

In order to assist families embroiled in child custody disputes, the courts order thousands of child custody evaluations each year. Some of these evaluations are brief, problem-focused assessments aimed at quickly resolving a specific area of dispute. Other evaluations are more comprehensive, covering all aspects of family functioning in complex cases. The process of ordering, conducting, or assessing either type of child custody evaluation requires a clear understanding of how legal and psychological issues are intertwined in each case.

This book is designed to meet this need for a comprehensive guide that combines legal information and forensic procedures with the social science research that must be the basis for all custody recommendations and decisions. The book should be helpful to three separate but related groups of experienced professionals: (a) family and probate judges, (b) family practice attorneys, and (c) forensic mental health professionals.

Before they can order a custody evaluation and use the information it provides, judges must have a clear understanding of how to integrate clinical information about each family with the related social science research. This book will also enable judges to assess each custody report in terms of (a) the professional and legal guidelines for conducting custody evaluations, and (b) research-based criteria in each area of family functioning. The text and CD also offer examples of how best to write orders for custody evaluations, and detailed parenting plans that address the issues in each family.

As attorneys think about how to approach each child custody case, they need to consider whether the parents are good candidates for mediation or collaborative law. In cases that require

litigation, attorneys must consider whether to request a court-ordered custody evaluation, and what kind of evaluation that should be. Once the custody evaluation is done, attorneys have to know how to evaluate it before they can decide how best to approach the rest of the litigation. The text and CD contain information needed for all of these processes.

In order to conduct a child custody evaluation, all mental health professionals must have a clear grasp of the relevant social science research, legal issues, and forensic procedures. The interdisciplinary approach of this book is designed to provide this information in a clear, concise format. The accompanying CD also provides examples of materials that can be adapted to each evaluator's practice at every phase of the evaluation.

All professionals who are involved in a child custody dispute – regardless of professional background and role in the dispute – should ensure that the families being evaluated do not become lost in the mechanics of the evaluation and the related litigation. Every custody evaluator must collect and present the information in a way that preserves each family member's dignity and conveys their particular characteristics clearly, without becoming caught up in the custody battle itself. Impartiality is essential to a good evaluation; without this, even sophisticated assessment methods can be ineffective or harmful.

The book is organized into four parts. *Part I* covers the general issues and controversies about the role of the Child Custody Evaluator, including state variations, ethical issues, legal rules in the family court, and relationships among all of the professionals working on a given custody dispute. *Part I* also summarizes the current standards and guidelines for child custody evaluations and discusses the on-going controversy about whether evaluators should make custody recommendations.

Part II summarizes the social science research about the developmental needs of children and families, and then considers what this information suggests about parenting plans, family interventions, and parent/child contact in abusive families.

Part III focuses on how to conduct and how to critique a custody evaluation. Chapter 11 presents the complex issues

surrounding the use of psychological tests in custody evaluations. Then Chapters 12, 13, and 14 provide detailed information about the steps involved in the evaluation, assessment techniques, data-organizing tools, and approaches to writing the report. Chapter 15 discusses how to evaluate a completed report.

Part IV covers the special issues that may arise during child custody evaluations, such as alternative family structures, third-party visitation, relocation, alienation and estrangement, parental abduction, medical problems, mental illness, substance abuse, domestic violence, child abuse and neglect, and child sexual abuse. Each chapter in *Part IV* contains information about: (1) legal issues and standards involved in that area, (2) social science research, and (3) procedures and factors that must be included in the evaluation.

This book aims to provide a thorough, concise summary of the current information available on each topic. Readers who want to explore a topic in more depth should consult the list of *References* and the section on *Resources*. The *Glossary* defines legal and social science terms used in the discussion, and the *Index* allows readers to go directly to any topic. All of the forms and other materials in the CD enclosed with the book are downloadable, making it simple to edit and print the material for individual use. In this way, professionals can increase their efficiency and thoroughness, freeing them to concentrate on the families who should be the true focus of every evaluation.

A Comprehensive Guide to Child Custody Evaluations:
Mental Health and Legal Perspectives

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