

Starting a Custody Evaluation Practice

by Philip M. Stahl, Ph.D.¹

Many psychologists are frustrated by changes in the field and difficulties with managed-care. There is encouragement for psychologists to diversify their work. Many psychologists are returning to a primarily fee-for-service therapy practice, some are moving into a sport psychology practice, and others are moving into the field of executive coaching. A more natural transition for many family psychologists is into the field of child custody. Most psychologists have been trained in performing evaluations, and most therapists have worked with divorced families. Psychologists are used to assessing family dynamics in order to help the restructuring family adjust. It is natural to assume that a transition into the field of child custody evaluations should be easy. The purpose of this brief blog is to suggest some ethical considerations, training suggestions, and reading that will assist the family psychologist who wants to get more involved in this burgeoning field.

The Ethical Principles for Psychologists (American Psychological Association, 2002) clearly state that, when a psychologist moves into a new specialized area of work, the psychologist will get specialized training and consultation upon embarking in the new area. Child custody evaluation work is significantly different than other forms of psychological testing and evaluation. It requires an understanding of the complex issues related to divorce and child custody that the psychological evaluation of adults or children for treatment issues (or neuropsychology or ADHD, for example)

¹ Philip M. Stahl, Ph.D., the Director of Forensic Programs for the Steve Frankel Group is a licensed psychologist in private practice living in Maricopa County AZ. He is the author of the forthcoming book *Conducting Child Custody Evaluations: From Basic to Advanced Issues* (Sage, 2010) and *Parenting After Divorce* (Impact Publishers, 2007). He is a frequent presenter and trainer at conferences of the Association of Family and Conciliation Courts, and teaches judges all over the country. If you have questions about this article, Dr. Stahl can be reached @ 602-235-0946 or by email at pstahl@earthlink.net.

doesn't require. Child custody evaluations are certainly different than therapeutic work, in that the treating psychologist's primary task is to assist his/her client (which may be the family) in understanding individual and family dynamics and improving the life of the individual or system. Therapy is largely confidential and one in which a therapist is only likely to make recommendations to the client about that client's functioning and personal (or family) goals.

In contrast, a child custody evaluation is non-confidential and requires an analysis of family dynamics in order to make a recommendation to the court about the best interests of the child, according to the laws of one's state. Child custody evaluations fall within the specialty guidelines for forensic psychologists and the American Psychological Association has published guidelines for child custody evaluations (APA, 2007). The psychologist who embarks in this field needs to develop a thorough understanding of child custody evaluation practices, including interviewing adults and children, the forensic use of psychological tests, understanding legal documents and other paperwork, interviewing collateral sources, and writing thorough, concise reports to the court. The child custody evaluator needs to have a thorough understanding of the laws of his/her state that pertain to child custody evaluations and family law, as well as local court rules and the legal / psychological "culture" in which the evaluator practices. Many states have specific rules or guidelines about child custody evaluations, such as California Rule of Court 5.220, which describes specific procedures and requirements for child custody evaluators in California. Make sure you learn about all of this before undertaking child custody work.

Child custody evaluators need to be comfortable making specific recommendations to families and the court in most cases. Typically, recommendations will fall in several categories,

including but not limited to: custody / visitation recommendations; a parenting plan that outlines the time-share between and responsibilities of the parents and how parents might deal with future conflicts; and therapy recommendations for parents and/or children. Child custody evaluators need to understand special problems, such as domestic violence, substance abuse problems, alienation of children, and relocation, and many families will require special recommendations focusing on those special issues. New child custody evaluators will need to understand each of these issues, the research that supports various recommendations, and the developmental or other psychological basis for making such recommendations.

Before doing child custody evaluations, you will likely need additional training. There are several good places to acquire training in child custody evaluation work. Division 41 of the American Psychological Association (Psychology and Law) has biennial meetings which often include workshops around child custody work. The Annual meeting of the American Psychological Association usually has continuing education workshops on introductory or advanced child custody evaluation issues. The Association of Family and Conciliation Courts (AFCC) (608-251-4001 - <http://www.afccnet.org/>) has two meetings per year with workshops or institutes pertaining to child custody evaluations. Every two years, AFCC has a custody evaluation symposia at which training in child custody evaluations is provided. AFCC's next child custody symposium will be in Boston in November, 2000. The American Academy of Forensic Psychology (AAFP) (914-693-4859 - www.abfp.com) provides ongoing training seminars for a variety of forensic issues, including child custody evaluations. In many communities, you may find other child custody evaluation trainings, including periodic continuing education workshops by this author.

In addition to training, there are a number of other resources available to new child custody evaluators. It is important for child custody evaluators to have a firm understanding of the dynamics of divorce, child development, domestic violence, alienation, and a very good understanding of high conflict and custody and visitation issues. I will provide some important references in a future blog and more extensive resources are usually available in the various trainings.

Once you've taken some training and done some extensive reading, it is important to work with a consultant when you begin this specialized work. If you live in a larger community, you might contact your local court, family law section of the bar association, and Family Court Services (if one exists in your community) for possible resources. This will also start the process of your marketing, which is also important. When you are ready to do your first evaluation, you might consider donating your time to do a few low fee evaluation, even while you pay for consultation. Many communities are in dire need of low-fee evaluations and this is often a good way to begin your marketing in this field. It may be unrealistic for you to charge your full fee while gaining the necessary experience. Doing low fee evaluations during your first year of work provides you an opportunity to gain this experience while providing a service to the legal community and the families which it serves.

Finally, you need to know that child custody work is considered by many to be the most challenging of all psychological work. The issues are extremely complex, and the tension is usually high. Most psychologists don't like conflict, yet you will be working with some of the most intense conflict you've ever seen. (Consider the impact of a divorce between a narcissistic, rigid parent and a histrionic, enmeshed parent and you can imagine how the sparks might fly.) When you complete

an evaluation, you are likely to make at least one parent angry (sometimes both) and you may frequently get challenged in court. You can expect to be on the hot seat as cross-examining attorneys question your procedures, your data, and your conclusions. Evidence in all 50 states suggests that you can expect an increased risk of lawsuits or licensing complaints, as unhappiness about child custody evaluations and allegations of ethical violations have surpassed all other issues (including sex with a patient) to become the leading cause of licensing board complaints. Stress is typically high for those involved in family law work.

Yet, if you are thorough, ethical, and careful, and receive good consultation and mentoring, you can become a skilled child custody evaluator. You will take pride in your work, and acquire gratification by knowing that you have helped the overburdened courts and the vulnerable children of the divorcing family by providing valuable input to the long-term resolution of divorce conflict. Finally, if you develop inter-disciplinary networks, you can enjoy a full and interesting practice which may include child custody evaluations, therapy, and consultation in your work with families of divorce.

References

- American Psychological Association (2002). Ethical Principles for Psychologists.
- American Psychological Association (2007). Guidelines for Child Custody Evaluations in Divorce Proceedings.