

## Child Custody Cases: A Content Analysis of Evaluations in Practice

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Guidelines for custody evaluations recommend multiple ways for assessing the parent-child relationship and outline appropriate means of assessing special issues such as domestic violence, child abuse, and substance use. However, little is known about the implementation of these guidelines in practice. This study examines 60% of custody evaluations in one circuit court over a 2-year period. Custody evaluations were examined for adherence to guidelines and for differences based on evaluator training. This analysis suggests much variety in techniques used and a lack of consistency between guidelines and clinical practice. The findings suggest a need for more standardized approaches to conducting custody evaluations as well as the assessment of domestic violence, child abuse, and substance abuse.

Child abuse, domestic violence, substance abuse, emotional instability—these seem like clear warning signs in a custody evaluation. But there is limited research on whether custody evaluations contain such critical information. It is likely that many custody cases involve parents who are both equally qualified and who both greatly want to keep their children with them, despite their failing marriage. How do custody evaluators make recommendations in these cases? Professionals likely seek to serve the best interests of the child, but what does this mean? How do evaluators ensure that their techniques are in fact serving the child's best interests? The American Psychological Association (APA; 1994) provides recommendations for best practices in child custody evaluations, but it is unknown to what extent professionals use these guidelines, what factors evaluators use to make their recommendations, and how we can be sure that these techniques really do serve the needs of children and their families. It is also largely unknown how evaluators deal with issues such as domestic violence, child abuse, mental illness, and substance abuse.

The answers to these questions become very important when issues of child custody arise. In approximately 40% of divorce cases, children are involved (Logan, Walker, Horvath, & Leukefeld, in press). When family members cannot agree to a custody arrangement in a divorce or other legal matter, there are several ways custody disputes are resolved. One involves a mental health professional conducting a custody evaluation. Custody evaluations typically include a professional assessment of "individual and family factors that affect the best psychological interests of the child" (APA, 1994, p. 677). These evaluations attempt to determine the best parenting arrangement by creating a comprehensive plan that minimizes parenting weaknesses and provides custody and visitation arrangements to best serve the needs of the child (Hysjulien, Wood, & Benjamin, 1994). Custody evaluations can be conducted by a variety of mental health professionals, and it is expected that these individuals follow the ethical guidelines of their respective organizations or the recommendations in the research and clinical literature (Mills, 1984). In 1994 the APA published a list of recommended ethical guidelines for custody evaluations that is considered the standard for competent practice.

The typical custody evaluation conducted by a private practitioner is often expensive. On average, psychologists in private practice charge \$3,335 for an evaluation, though some charge considerably more (Bow & Quinnell, 2001). Consequently, many divorcing parents cannot afford to hire a private evaluator. Recognizing these costs, judicial systems employ mental health professionals who provide public sector services to the court. In this project, the circuit court employs social workers through the office of the Friend of the Court (FOC), a social service component of the court, to conduct custody evaluations at little or no cost to the clients. Although FOC evaluations are less costly than a typical private evaluation, they serve a similar purpose. Just as it is expected that private evaluators will abide by reasonable guidelines for an evaluation, FOC social workers are also expected to follow standards for conducting custody evaluations (Association of Family and Conciliation Courts, 1994).

In addition to the ethical guidelines, there are many instructional guidelines and suggestions for how best to conduct a custody evaluation (APA, 1994; Association of Family and Conciliation Courts, 1994; Clark, 1995; Gardner, 1999a, 1999b; Gindes, 1995; Gould, 1998; Heilbrun, 1995; Heinze & Grisso, 1996; Hysjulien et

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THIS STUDY WAS POSSIBLE due to the willingness and openness of one circuit court in Kentucky. Each of the eight circuit judges gave consent to allow open as well as sealed records from his or her division to be examined. No judge asked for editorial review of findings before publication of the data. An executive summary was prepared for the judges upon completion of the study.

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al., 1994; Otto & Butcher, 1995). Most evaluators conduct an evaluation to serve the best interests of the children (Gindes, 1995; Hysjulien et al., 1994), and all 50 states mandate that the child's best interests be the primary consideration (Keilin & Bloom, 1986). However, the term "child's best interests" is vague and does not define specific evaluation approaches or techniques. Additionally, opinions vary widely as to which methods are necessary to meet the goal of "the child's best interests" (Keilin & Bloom, 1986).

One way to determine common practices among custody evaluators is to ask practitioners to describe their approaches and methods for evaluating custody (Ackerman & Ackerman, 1996, 1997; Bow, 2000; Bow & Quinnell, 2001; Keilin & Bloom, 1986; LaFortune & Carpenter, 1998). Keilin and Bloom were among the first researchers to empirically address practices of custody evaluators. In their self-report study of 82 evaluators of varying disciplines, the authors learned that, at the time of data collection, there was a great emphasis on interviews, but less importance was placed on other methods of information gathering. Ackerman and Ackerman (1996, 1997) reported on data from 201 psychologists in a study designed to replicate and expand on that of Keilin and Bloom. On the basis of self-report survey data, the authors concluded that psychologists' evaluation practices appeared to follow APA guidelines (1994) for custody evaluations (Ackerman & Ackerman, 1997, 1996). Similar findings were obtained by Bow and Quinnell (Bow, 2000; Bow & Quinnell, 2001), who presented data on 198 psychologists' self-reported use of evaluation techniques, and by LaFortune and Carpenter (1998), who collected self-report data from 165 custody evaluators. Results from both studies indicated that evaluators reported using almost all recommended APA procedures (Bow, 2000; Bow & Quinnell, 2001; LaFortune & Carpenter, 1998).

Although findings from prior self-report studies provide some preliminary information on mental health workers' adherence to custody evaluation guidelines, there are limitations to these studies. For example, self-report data are subjective and may provide an inflated sense of adherence to the guidelines. In addition, respondents may report on their ideal or best practices, whereas actual practice may vary from case to case. Furthermore, the majority of the evaluators included in the studies were doctoral-level psychologists in independent practice (Ackerman & Ackerman, 1996, 1997; Bow, 2000; Bow & Quinnell, 2001; Keilin & Bloom, 1986). However, PhD psychologists are not the only practitioners conducting custody evaluations, and Keilin and Bloom acknowledged that custody evaluations performed by community or governmental agencies are underrepresented in their sample. Thus, to gain an accurate picture of methods commonly used in custody evaluations, it is important that all types of evaluators be included and that measurements in addition to self-report be used.

Furthermore, little research has focused on how final custody arrangements align with the recommendations of evaluators. Thus, although it is assumed that evaluator recommendations play an important role in the custody decision process, there is little data to support this assumption. One exception is a study by Ackerman and Steffen (2000), which noted that judges' preferences for custody evaluation practices were similar to custody evaluation preferences obtained from psychologists in a 1996 study (Ackerman & Ackerman, 1996). However, knowing judges' assessment prefer-

ences is not enough to understand the extent to which judges' decisions rely on and are in agreement with evaluators' recommendations.

Based on limitations in earlier studies and unresolved questions about custody reports, it seems critical that research examine actual practices of custody evaluators. This study addresses limitations of earlier studies by directly examining court records and custody reports. To eliminate bias in the data due to a restricted type of evaluator, we included custody evaluations from clinical and counseling psychologists, educational psychologists, master's-level social workers, child protective services investigators, and social workers serving as court-appointed FOC evaluators. The study also eliminates distortions resulting from self-report by directly examining the custody reports. More specifically, the purposes of this study were to (a) analyze the content of a sample of child custody evaluations in one jurisdiction, (b) compare practices used in evaluations to practices recommended in the literature, (c) compare differences in evaluation practices based on evaluator training, and (d) compare evaluators' recommendations with judges' findings on those cases. This content analysis of evaluation practices provides an important contribution to the literature on child custody, as it is one of the first to empirically examine the extent to which guidelines for custody evaluations are followed.

## The Custody Evaluation Analysis Project

### Participants

This study consisted of a content analysis of custody evaluations included in official court records in one jurisdiction of a midwestern state. Each case in the sample included at least one custody evaluation or an evaluation from the FOC in the circuit court during fiscal years 1997 and 1998. Over these 2 years, there were 135 cases involving custody or FOC evaluations. The length of time for a thorough content analysis limited the number of cases that could be examined. Thus, 61% (82 cases) of the 135 cases were randomly selected for inclusion in the study. Several of the court records had multiple evaluations, leading to a total of 102 evaluation reports, with 79.3% of the court cases having one evaluation report, 17.1% containing two evaluation reports, and 3.6% containing three or more custody reports.

The urban county selected for the study had a population of approximately 260,000 individuals. The population is predominantly middle-class, White, suburban individuals, although there is a small percentage of African Americans and Latinos (Walter & Miller, 1997). About 80% of the population of the county had a high school education, the reported unemployment rate in 1997 was 2.4%, and in 1993, a reported 16% of the population was living below poverty level (Zimmerman & Samson, 1998).

### Procedure

This study was made possible through the cooperation of the judges and court personnel who gave permission to examine court records that are normally kept sealed and confidential. We developed a standard protocol that we used to analyze each record. The protocol was based on a review of clinical and research literature on child custody evaluation practice standards, a preliminary anal-

ysis of test cases, and consultation with the clerk of the circuit court and three of the judges, including the chief circuit judge. A total of four researchers reviewed the cases (the first author analyzed two thirds of the cases). Each researcher received training in interpreting and searching the records from a circuit court judge and from the court clerk. Additionally, although traditional inter-rater reliability methods were not possible, a 20% random sample of cases were cross-analyzed for reliability, and major discrepancies were discussed for 100% agreement.

The data collection instrument for this project was developed on the basis of the child custody evaluation recommendations of APA (1994) and psychologist Beth Clark (1995). Originally, only the guidelines provided by APA were selected for the study. However, because adherence to many of these guidelines could not be determined by viewing only the written report, the recommendations of Clark were also included in the study. Her recommendations were chosen over others because they were comprehensive—that is, they included all aspects of the custody evaluation instead of focusing on only one or two areas. In addition, Clark is well published and much experienced in the area of custody evaluations. Her recommendations are drawn from extensive experience, literature reviews, and years of professional workshops that she has conducted on this topic.

By combining recommendations from these two sources, nine major practice guidelines were developed for examination in this study (see Table 1). Each evaluation was examined to determine the frequency with which practice standards were evidenced in the custody reports.

Although the review of the court records was used as a means to provide more objective information than could be obtained through self-report, there are limits as to what can be abstracted from a court record. Only information obtained by reading the records was included in the data set, with an assumption that

procedures not documented were not included in the evaluation. Further limitations of this study include the small sample size and the racial and ethnic distribution of the population, which may limit generalizability. Finally, it is important to note that these findings reflect what professionals in one area of the country are currently including in their custody evaluations, and the practices used by these professionals should not be regarded as a standard of acceptable practice.

### *Findings on Evaluation Practices*

Custody decisions that involve an evaluator can be conducted by a social worker employed by the FOC, a private evaluator (clinical/counseling or educational psychologists and social workers), or an employee of the state child protective services agency. Of the 102 evaluations in our sample, 64.7% of the mental health workers conducting the evaluations were FOC evaluators, 31.4% were private evaluators, and the remaining 3.9% were employees of the state child protective services agency. Of the private evaluators, 66% were PhD clinical or counseling psychologists, 25% were master's-level social workers, and 9% were educational psychologists. Evaluation data were first analyzed as one group, with no differentiations made on the basis of the type of evaluator. Follow-up analyses separated the data based on private evaluations versus FOC evaluations; state evaluations were excluded due to their limited number. A third round of analyses compared private evaluators on the basis of evaluator training (i.e., PhD psychologist, EdD psychologist, and MSW). We discuss these distinctions in private evaluators only when significant findings were present. Otherwise, we present the data only as private versus FOC. Chi-square tests were used to examine the significance of any differences between evaluator groups.

Table 1  
*Guidelines for Conducting a Custody Evaluation Included in the Record Review*

Guideline	Source
1. The psychologist uses multiple methods of gathering data.	APA, 1994
2. The focus of the evaluation is on parenting capacity, the psychological and developmental needs of the child, and the resulting fit.	APA, 1994
3. The same procedures are used for both parties.	Clark, 1995
4. The evaluator should conduct interviews with both parents, all children, any adults directly responsible for care of the children, and any party living in the custodial or visited home. If relevant, day-care providers, medical, psychotherapy and school personnel should also be interviewed.	Clark, 1995
5. Interviews with parents should be expected to last several hours and may involve individual and joint sessions. They should assess personal and legal history, drug and alcohol use, emotional problems, current living situation, health status, and employment status.	Clark, 1995
6. Formal psychological testing for adults is recommended.	Clark, 1995
7. Parents and children should be observed interacting with each other.	Clark, 1995
8. Children should be interviewed and assessed with psychological testing as is age appropriate.	Clark, 1995
9. Home or school visits may be conducted if further information is needed.	Clark, 1995

Note. APA = American Psychological Association.

A closer examination of the contents of the evaluation with regard to the custody guidelines put forth by APA (1994) and Clark (1995) follows. These analyses examined the extent to which the nine practice guidelines were evidenced in the evaluation reports, specifically focusing on areas needing improvement. The results of evidence used to document the nine guidelines are presented in Table 2, and significant differences between evaluator groups are presented in Tables 3 and 4.

Regarding the number of different methods used in the evaluations, the majority of the evaluations in this sample (84.3%) gave evidence of at least two different methods for gathering data. Additionally, more than one half (58.8%) had evidence of using at least three methods, and about one third (33.3%) used four or more methods for gathering data. There were no significant differences based on evaluator training.

Second, in accordance with the guidelines, the majority (80.4%) of the evaluations in this sample attempted to examine the psychological and developmental needs of the child across a variety of areas. There were no significant differences between groups in the assessment of the child's needs; however, there were differences in the assessment of the parents' ability to meet these needs. Although 81.8% of the FOC evaluators assessed the ability of the parent to meet the child's needs, only 56.3% of the private evaluators indicated that they had assessed this ability,  $\chi^2(2, N = 98) = 10.3, p < .01$ . Furthermore, 84.8% of the FOC evaluators assessed parenting skills in general, compared with 56.3% of the private evaluators,  $\chi^2(2, N = 98) = 9.8, p < .01$ .

Third, evaluators are advised to use the same procedures for both parties. This occurred in the majority of the evaluations, and any differences between the assessment of mother or father were not statistically significant. Although there were no significant differences in the assessment of the two parents, there was a significant difference between FOC and private evaluators in the assessment of the mother. Ninety-seven percent of the FOC evaluations included an assessment of the mother, whereas only 78.1% of the private evaluations included an assessment of the mother,  $\chi^2(1, N = 98) = 9.2, p < .01$ . However, further analyses indicated that of the three types of private evaluators, 95% of clinical/counseling psychologists included an assessment of the mother, compared with 62.5% of MSWs and none of the educational psychologists,  $\chi^2(1, N = 32) = 15.5, p < .01$ . Furthermore, 75.8% of the FOC evaluations included a personal history of the mother, compared with 50% of the private evaluations,  $\chi^2(1, N = 98) = 6.5, p = .01$ . Further analyses revealed that there were no differences in case type or parental involvement, which might have explained these differences.

Fourth, within the parent interview, it is recommended that evaluators assess personal, legal, and biopsychosocial history (substance use/emotional distress), current living situation, and health status. Analyses revealed significant differences between FOC and private evaluations in two areas: Private evaluators were more likely to include assessment of health (25% vs. 7.6%),  $\chi^2(1, N = 98) = 5.7, p < .01$ , whereas FOC evaluators were more likely to assess living situation (65.6% vs. 81.8%),  $\chi^2(1, N = 98) = 5.7,$

Table 2  
Percentages of Total Custody Evaluations That Included the Recommended Assessment

Recommendation	Evaluations following recommendation
Assessed parenting skills	87.2
Assessed psychological and developmental needs of the child	80.4
Assessed ability of parent to meet child's needs	72.5
Used at least two methods	84.3
Used at least three methods	58.8
Used four or more methods	33.3
Assessed mother	89.2
Assessed father	93.1
Mother's personal history	65.7
Father's personal history	71.6
Observed mother and child	62.7
Observed father and child	60.8
Interviewed other relatives	44.1
Interviewed father's new partner (when applicable)	95.8
Interviewed mother's new partner (when applicable)	88.2
Interviewed day-care providers	9.8
Interviewed medical personnel	8.8
Interviewed counselors	30.4
Interviewed teachers	24.5
Assessed legal history	25.5
Assessed biopsychosocial history (substance use, emotional problems)	43.2
Assessed stability (current living situation)	84.3
Assessed parental health status using medical records	12.7
Used psychological testing on adults	18.6
Assessed child	69.6
Asked child's preferences	44.1
Used psychological testing on child	11.8
Visited home	32.4

Table 3  
Significant Differences in Evaluation Practices Between Private and FOC Evaluators

Recommendation	% of evaluations following recommendation		$\chi^2(N = 98)$	df
	Private	FOC		
Assessed parenting skills	56.3	84.8	9.8*	2
Assessed ability of parent to meet child's needs	56.3	81.8	10.3*	2
Assessed mother	78.1	97.0	9.2*	1
Mother's personal history	50.0	75.8	6.5*	1
Interviewed other relatives	25.0	54.5	7.6*	1
Interviewed teachers	9.4	33.3	6.5*	1
Assessed stability (current living situation)	65.6	81.8	5.7*	2
Assessed health status	25.0	7.6	5.7*	1
Used psychological testing on adults	53.1	3.0	34.6*	1
Used psychological testing on child	34.4	1.5	21.6*	1
Visited home	12.5	39.4	7.3*	1

Note. Chi-square calculations with 1 degree of freedom (*df*) are based on a strict present/absent comparison. Calculations with 2 *df* are based on a present for both parents/present for one parent/absent comparison. FOC = Friend of the Court.

\*  $p < .05$ .

$p < .05$ . Additionally, among private evaluators, PhD psychologists (57.1%) were significantly more likely than EdD psychologists (0%) and MSWs (25%) to assess biopsychosocial history,  $\chi^2(1, N = 32) = 13.4, p < .01$ .

Furthermore, within the process of interviewing and observing family members, it is expected that the evaluators will assess critical problem areas such as domestic violence, child abuse, substance use, and mental health problems. Although it is not necessarily possible to determine if each of the evaluators assessed

Table 4  
Significant Differences in Evaluation Practices of PhD, EdD, and MSW Evaluators

Recommendation	% of evaluations following recommendation			$\chi^2(N = 32)$	df
	PhD	EdD	MSW		
Assessed mother	95.2	00.0	62.5	15.5*	2
Observed mother and child	76.2	00.0	62.5	6.8*	2
Assessed biopsychosocial history	57.1	00.0	25.0	13.4*	4
Used psychological testing on adults	71.4	66.7	12.5	8.3*	2
Used psychological testing on child	47.6	66.7	00.0	6.8*	2
Visited home	00.0	00.0	37.5	9.9*	2

Note. Chi-square calculations with 2 degrees of freedom (*df*) are based on a strict present/absent comparison. Calculations with 4 *df* are based on a present for both parents/present for one parent/absent comparison.

\*  $p < .05$ .

these crucial areas (because some may include this information in the report only if there is a problem), it was possible to compare the rate at which these problems were noted in the evaluation to the rate at which they were documented elsewhere in the court record. Analyses revealed no significant differences based on evaluator training. For both domestic violence and child abuse, there was a higher rate of documentation in the court record than in the custody evaluation. Domestic violence was documented in 60 of the court records (73.2%) and in 47 of the custody evaluations (46.1%). Similarly, child abuse was noted in 46 of the court records (56.1%) and in 38 of the evaluations (37.3%). The opposite trend in documentation was found for substance use and mental health issues, with greater rates of documentation in the evaluation reports than in the court records. Substance use was noted in 43 of the evaluations (42.2%) and in only 30 (36.6%) of the court records, whereas mental health issues were documented in 27 of the custody evaluations (26.5%) and in only 21 of the court records (25.6%). The reasons for the discrepancy between the reporting of these incidents are unknown. Perhaps this indicates that evaluators are not asking enough direct questions about domestic violence and child abuse, and perhaps family members are overreporting problems in the "other parent," such as substance use and mental illness, in an attempt to win custody of the child.

Fifth, in addition to interviews with parents and children, the guidelines recommend that evaluations include psychological assessment of parents and children, interviews with other relevant parties, observations of parents and children, and home or school visits as needed. There were no significant differences between private and FOC evaluators noted in parent-child observations (approximately 61%), though there was a difference among private evaluators. None of the educational psychologists included obser-

vations of the mother and child, compared with 62.5% of the MSWs and 76.2% of the PhD psychologists,  $\chi^2(1, N = 98) = 6.8, p < .05$ . With the additional interviews, FOC evaluations were more likely to include interviews with teachers (33.3% vs. 9.4%),  $\chi^2(1, N = 98) = 6.5, p < .01$ , and with other relatives (54.5% vs. 25%),  $\chi^2(1, N = 98) = 7.6, p < .01$ , and to include home visits (39.4% vs. 12.5%),  $\chi^2(1, N = 98) = 7.3, p < .01$ . Regarding private evaluators, MSWs were the only ones to include home visits,  $\chi^2(2, N = 98) = 9.9, p < .01$ . In contrast, private evaluators were more likely to include formal psychological testing of both parents and children (parent: 3% vs. 53.1%,  $\chi^2[1, N = 98] = 34.6, p < .01$ ; child: 1.5% vs. 34.4%,  $\chi^2[1, N = 98] = 21.6, p < .01$ ). Regarding private evaluators, both groups of psychologists were more likely to use psychological testing of both parents and children (parent:  $\chi^2[2, N = 98] = 8.3, p < .01$ ; child:  $\chi^2[2, N = 98] = 6.8, p < .05$ ).

### *Findings on Recommendations*

In addition to examining the components of the custody evaluation itself, we explored the extent to which final custody decisions aligned with recommendations of the custody evaluator. It should be noted that in 8 of the 102 evaluations, the evaluator did not make recommendations regarding custody and visitation. In 27.3% of the cases, the final decision for custody and visitation (as ordered by the judge or settled through the attorneys) was exactly as the evaluator had recommended. However, final custody decisions were most likely to reflect arrangements similar to those recommended by the evaluator, but with some modifications. This similarity between evaluator recommendations and final decisions occurred in 63.6% of the cases, with the final decisions including fewer details and stipulations about visitation than were recommended. Finally, in only 9.1% of the cases was the final decision completely counter to the evaluator's recommendation. This suggests that in the majority of the cases in this study, judges, parents, and attorneys rely heavily on evaluator recommendations when deciding arrangements for child custody.

### *Implications for Practice*

The findings indicate that there is considerable variability in the content and methods of child custody evaluations for this sample. Overall there are several areas that demand improvement. However, despite the variation in adherence to guidelines and content of the evaluation, study results suggest that judges and attorneys generally placed considerable importance on the custody evaluation recommendations.

It is important to note that findings from prior studies on practices of custody evaluators have shown very different results from those in this study (Ackerman & Ackerman, 1996, 1997; Bow & Quinnell, 2001; Keilin & Bloom, 1986; LaFortune & Carpenter, 1998). One possible explanation is that the self-report method, used by other investigators, may lead to exaggeration or overestimation of techniques used in the evaluation. Alternatively, when responding to surveys and questionnaires, evaluators may describe their best or ideal practice rather than their standard evaluation practices. Another possibility is that evaluators may not document everything they do in their report leading to an underestimate of actual techniques used. However, it is unlikely that this

nondocumentation would be occurring because there are ethical implications for nondocumentation of procedures used. Differences in the findings between this and earlier studies could also be attributed to the differences in evaluator type. Although prior research has focused only on psychologists, the current study included reports from evaluators with a wide variety of educational backgrounds. Finally, because this study included Clark's (1995) recommendations as well as the APA guidelines, it is possible that differences in findings are attributable to the more stringent requirements used in this study.

### *Guideline Adherence*

Within parent interviews, there was considerable variability for the frequency with which evaluations addressed critical variables for both private and FOC evaluations. In particular, evaluators frequently neglected assessment of domestic violence and child abuse, adequate assessment of parenting skills, assessment of health status, and formal psychological testing. This finding suggests that evaluators may need to be more comprehensive in the interview, or they may need to more clearly report the lack of positive findings. It is also noteworthy that approximately 40% of the evaluations relied on only two methods of assessment to determine a custody arrangement. Considering the impact this decision has on parents and children, it seems imperative that evaluators use as many methods as possible to gather relevant information. In adherence with APA guidelines, evaluators should include a variety of assessment techniques.

### *Differences Based on Evaluator Type*

One of the surprising findings of this study was the number of differences that appeared to be based on evaluator training. In general, FOC evaluations seemed to most closely adhere to custody guidelines. This could be due to the fact that FOC evaluators have a required evaluation format set by the Office of the Friend of the Court, whereas other evaluators have much more freedom to determine their own evaluation practices. FOC evaluators more frequently assessed parenting skills; the ability of the parent to meet the child's needs; the mother and the mother's personal history; other relatives; teachers; parental stability; and home environments (through visits). On the other hand, private evaluators as a single group more frequently assessed the parents' health status via an examination of medical records and more often used psychological testing on both the parents and the children. Among private evaluators, PhD psychologists generally tended to follow the guidelines most closely. Doctoral clinical/counseling psychologists were more likely than educational psychologists and social workers to include assessment of the mother, observation of mother and child, assessment of parents' biopsychosocial history, and psychological testing on adults. Educational psychologists were more likely than the other groups to use psychological testing on the children, whereas social workers were most likely to include home visits.

### *Custody Arrangements*

With regard to custody rulings, it appeared that judges and attorneys frequently considered recommendations of the evalua-

tors, as reflected in the similar rulings of the court; however, final custody arrangements were rarely exactly as recommended. In general, final arrangements regarding custody and visitation were less detailed than the recommendations, though they contained the evaluator's basic suggestions. This finding suggests that evaluator recommendations carry considerable weight with judges, attorneys, and parents, which further emphasizes the need for evaluators to conduct thorough and accurate assessments.

Additionally, although none of the evaluators in our study recommended them, special advocates can be assigned when there is considerable concern about the welfare of the child. Evaluators should consider recommending a special advocate when there is grave concern about physical and emotional needs of the child. A special advocate serves as an ongoing monitor of the child's welfare and thus has a role that extends beyond the role of the evaluator (Leung, 1996; Litzelfelner, 2000; Poertner & Press, 1990).

### *Recommendations*

The concerns raised about custody evaluations are serious issues and need to be addressed for the sake of protecting families and evaluators involved in the custody evaluation. Custody arrangements can have long-term positive and negative impacts on the parents and children; thus it is important that these decisions be based on the best evidence available. In addition, because there is a high rate of ethical charges brought against custody evaluators (compared with other mental health workers), it is important that custody evaluators use best practices to protect themselves (Mills, 1984). On the basis of this review of custody evaluations and others (Logan, Walker, Jordan, & Horvath, in press), we found that there are clearly a few areas frequently neglected by evaluators, including assessment of domestic violence and child abuse, adequate assessment of parenting skills, assessment of health status, formal psychological testing, and using multiple methods of information gathering.

The likelihood of facing legitimate ethical or legal charges may be reduced by adhering to the guidelines offered by professional organizations and experts in the field. Additionally, many of these recommendations are aligned with ethical practice, which suggests that those evaluators who choose not to follow these optional guidelines may be in violation of their respective ethical codes (Ackerman & Ackerman, 1996). Furthermore, some states have produced aspirational guidelines that are generated from the collective efforts of lawyers, judges and mental health experts. These guidelines may prove to be more helpful to custody evaluators, because they include recommendations of those in the legal professions as well.

One way for mental health workers to protect against ethical violations in custody evaluations is to use reliable and valid standardized approaches (Hysjulien et al., 1994). This may have already been provided to some extent by the recommendations of APA and other forensic psychologists, but perhaps these guidelines, although necessary, are not sufficient. As seen in the results of this study, evaluators do not adhere closely to all the recommendations. Reasons for this lack of adherence may be that the guidelines are too vague. For example, FOC evaluators have a standardized assessment package that they are expected to follow for each evaluation. Having such a format appears to be associated

with more thorough evaluations, as shown by the results of this study. Perhaps a better way to ensure a thorough assessment of all child and parent variables would be to require the use of a standardized evaluation package or semistructured interview for all custody evaluators. Currently available is the Best-Interests-of-the-Child Custody and Access Criterion (BICA; Jameson, Ehrenberg, & Hunter, 1997). This checklist describes 60 specific criteria to determine the best interests of the child. Requiring that mental health workers follow guidelines for conducting a custody evaluation, such as the BICA model, may encourage more thorough, less biased evaluations by ensuring that evaluators attend to all relevant issues.

In the absence of a standardized custody interview, however, mental health practitioners can turn to guidelines proposed by APA, state-level organizations, and experts in the field for the best techniques to use in child custody evaluations. In addition, there are a number of books, book chapters, and journal articles that can assist practitioners in preparing an evaluation (Ackerman, 2001; Blau, 1999; Gould, 1998; Gould & Stahl, 2000; Jaffe & Geffner, 1998; Mason, 2000; Stahl, 1999; Woody, 2000).

One necessary addition to the standard custody interview is assessment of child abuse, domestic violence, substance use, and mental illness. Although assessment of these variables was not included in the guidelines, it does seem to be a critical component of the parent interview given other literature on the prevalence of domestic violence and child abuse as well as the impact of both on a child. Though Bow and Quinnell (2001) indicated that respondents in their study placed an increased concern on issues of abuse and neglect, the present study noted a clear discrepancy between the reporting of these variables in the court record and in the custody report. The results of this review indicate that both domestic violence and child abuse were more often noted elsewhere in the court record than in the custody evaluation itself. This indicates that evaluators must directly inquire about these factors, as parents and children may not spontaneously report these incidences.

Furthermore, evaluators often seemed to neglect a direct assessment of parenting skills. Only 56.3% of the private and 84.8% of the FOC evaluations documented assessment of parenting ability for both parents. This appears to be an area much in need of improvement. The literature and the guidelines on evaluations have repeatedly stated that the best-interests-of-the-child criterion is the most important indicator for determining custody, which mandates an assessment of each parent's ability to care for the child. Evaluators need to ensure that they appropriately assess parenting skills (through interviews with parents and others, observations of parent and child, and behavioral assessment) and document their findings in their report.

In addition to the need for standardized interviews, it also appears that evaluators need to be encouraged to include psychological testing or behavioral assessment instruments in their evaluations. There is a substantial risk to the intended objectivity of child custody recommendations when there are no independent anchors for opinions such as those that can be obtained through the use of validated instruments. As Brodzinsky (1993) affirmed, "psychological testing has a very legitimate place in child custody evaluations" (p. 215). Psychological testing provides opportunities for hypothesis development (which can later be confirmed or disconfirmed through other assessment techniques), allows for

observation of individuals in controlled conditions, and offers unbiased data on each party's personal strengths and weaknesses (Bow & Quinnell, 2001; Brodzinsky, 1993). In addition, testing provides objective support for the expert's opinion (Gould, 1998).

As other researchers have noted, psychological testing should never be used as the sole basis for decision making and should always be used as part of a multimethod assessment (Brodzinsky, 1993). Many psychological tests have been developed specifically for use in custody cases and thus assess important constructs such as parenting skills and the parent-child bond (Quinnell & Bow, 2001). However, the tests used in a particular evaluation should be chosen based on two criteria: the relevancy of the underlying psychological constructs that are assessed and the reliability and validity of the test (Heilbrun, 1995). For a more thorough review of custody relevant tests, refer to Otto, Edens, and Barcus (2000), who provide clinically useful descriptions of strengths and weaknesses of a variety of available tests.

Our final recommendation is that evaluators use multiple methods of information gathering. Although interviews with parents and children are some of the most important methods in the evaluation, interviews alone are not sufficient evidence on which to base an important decision like custody. In addition to family interviews, evaluators should use psychological testing, observations of each parent and child, record reviews, interviews with other relevant persons, and home visits if needed. Multimethod evaluations are recommended because information that has been confirmed by multiple sources is considered more valid and is thus more useful in determining a custody agreement (Brodzinsky, 1993).

One further implication of the results is drawn from the comparison of evaluators on the basis of evaluator training. As already noted, FOC evaluators were most likely to adhere to the guidelines. This seems to suggest that having a standardized custody format increases custody adherence. However, among the private evaluators, counseling/clinical psychologists were most likely to adhere to the guidelines, which suggests that having more extensive and specific training in the areas of clinical/counseling psychology and custody evaluations improves the quality of the custody evaluation. Thus, the implications here seem to be that (a) all evaluators should use standardized custody assessments and (b) evaluators should receive extensive training in how to conduct an evaluation that best serves the needs of the family.

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