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Guidelines for Child Custody Evaluations in Family Law Proceedings

DRAFT

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11 Purpose

12 The overarching purpose of these guidelines is to promote ethically informed practice in the conduct of
13 what are commonly termed *child custody* evaluations, involving disputes over decision making,
14 parenting time, and access in the wake of relationship dissolution. Two previous Guidelines for Child
15 Custody Evaluations (APA, 1994, 2010), have endeavored to keep pace with research and legal
16 developments in an expanding range of evaluation questions. Some factors to consider in these
17 determinations include relocation, interference with access, allegations of domestic violence and child
18 abuse, and the child’s own perspective. As assessment techniques and the professional literature
19 evolve, so do court decisions and legislative mandates. In keeping with previous iterations, these
20 guidelines continue to acknowledge a clear distinction between the forensic custody evaluations
21 described in this document and the advice and support that psychologists provide to families, children,
22 and adults in the normal course of psychological treatment and other interventions (e.g., psychotherapy
23 and counseling).

24 Terminology

25 Relevant terminology may be defined and operationalized by state law, regulations, and the court. Some
26 states have begun to favor use of such terms as *parenting plan* or *parental rights and responsibilities*
27 instead of *custody*, in part as a means to shift parties from a focus on “litigating custody” (DiFonzo, 2014,
28 p. 213) and “winning custody” (Langan, 2016, p. 473). These terms are neither fully synonymous nor
29 mutually exclusive, e.g. a “parenting plan” can be a central component of a “custody” arrangement that
30 delineates “parental rights and responsibilities.” The Supreme Court of the United States has long
31 recognized the distinction between “custody” of children and such ancillary considerations as “control”

32 or “management” of children in home or institutional settings (*Troxel v. Granville*, 2000, p. 66). The
33 majority of legal authorities and scientific treatises still refer to *custody* when addressing the resolution
34 of the right to make decisions about custodial placement and access disputes regarding children. In
35 order to avoid confusion and to ensure that these guidelines are accessed and utilized as widely as
36 possible by evaluators, judges, lawyers, guardians, parenting coordinators, treatment providers,
37 litigants, and members of the general public, the current guidelines apply the term *custody* to these
38 ideas generally, unless otherwise specified.

39 Child custody proceedings may involve parents who were never married, grandparents, stepparents,
40 and guardians. These guidelines apply the term *parents* generically when referring to persons who seek
41 legal recognition as sole or shared custodians. Many states recognize some form of joint or shared
42 custody that affirms the decision-making and caregiving status of more than one adult, so the previous
43 paradigm of sole custodian and visiting parent is no longer assumed. As noted above, the legal system
44 also recognizes that disputes in question are not exclusively marital, and therefore, may not involve
45 “divorce” per se. Some parents may never have been married, may never have lived together, or may
46 never have sustained any long-term relationship. Disputes regarding children may occur after years of
47 cooperative parenting, potentially with changes in circumstances of the children or of the parents.

48 Many child custody evaluation orders from the court contain specific referral questions whereas others
49 may designate the scope or focus of the evaluation. Different jurisdictions may prefer one denotation
50 over another, and psychologists need to be aware of their jurisdiction’s practices. For the purposes of
51 these Guidelines, the term *referral question* will also include scope or focus as designated in the court
52 order.

53 **“Best Interests of the Child”**

54 Parents may have numerous resources available to help them resolve their conflict, including
55 psychotherapy, counseling, consultation, mediation, parenting coordination, and other forms of conflict
56 resolution. However, if parties are unable to reach an agreement, courts must intervene to allocate
57 decision-making, physical residence of the children, and parental access, applying a “best interests of
58 the child” standard in determining this restructuring of rights and responsibilities. Most child custody
59 disputes are settled without the need for a court-ordered evaluation (Lund, 2015). When disputes have
60 not been resolved, psychologists render a valuable service when they provide competent, impartial and
61 adequately supported opinions with direct relevance to the “best interests of the child” (Symons, 2010).
62 “Best interests of the child” is defined in many state statutes. The standard generally reflects criteria
63 “related to the child’s circumstances and the parent or caregiver’s circumstances and capacity to parent
64 with the child’s ultimate safety and well-being the paramount concern” (Child Information Gateway,
65 Department of Health and Human Services, 2018, p. 2). A custody evaluation generally involves relevant
66 facets of the child’s needs as well as the parenting qualities and capacities of each of the adult parties.

67 **Scope**

68 These Guidelines provide general recommendations for psychologists who seek to increase their
69 awareness, knowledge, and skills in performing child custody evaluations. Psychologists are sometimes
70 asked to perform a “brief focused evaluation” (Deutsch, 2008, p. 45) that targets well-defined questions
71 in family matters. Although such evaluations often address issues relevant to child custody, they are
72 beyond the scope of these Guidelines. These Guidelines are not intended for psychologists functioning
73 either in a consultant role or as a non-evaluating investigator in child custody litigation. Child protection
74 evaluations are separate and distinct from child custody evaluations. For professional resources on
75 child protection, see “Guidelines for Psychological Evaluations in Child Protection Matters” (APA, 2013a).

76 **Users**

77 These guidelines are intended for use by psychologists and as a reference point for those with an
78 interest in child custody evaluation services, such as other mental health providers, attorneys, judges,

79 and consumers. The guidelines address ethical and aspirational aspects of child custody evaluations and
80 may be informative to anyone with a professional interest in such procedures.

81 **Documentation of Need**

82 The last Guidelines for Child Custody Evaluations in Family Law Proceedings were published in 2010.
83 Since that time, there have been changes in state laws (e.g., regarding same-sex marriage) as well as a
84 growth in research relevant to this field, such as implicit bias, subspecialty areas in child custody
85 evaluation (e.g., child maltreatment, relocation, and parent-child contact problems), culture, trauma-
86 informed practice, and psychological testing (Neal et al., 2020). Many training programs offer at least
87 limited forensic exposure to family law, and psychologists are asked to perform child custody
88 evaluations with varying levels of supervised experience in this area. These guidelines endeavor to
89 provide aspirational direction to those psychologists who are asked to perform child custody
90 evaluations.

91 **Development Process**

92 The last Guidelines for Child Custody Evaluations in Family Law Proceeding (APA, 2010) were reviewed,
93 found in need of revision, and sent out for public comment to solicit further evaluation of the 2010
94 Guidelines, all in accordance with Association Rules 30.8 and APA policy on guidelines. In the spring of
95 2018, a Working Group was formed under the auspices of the Committee of Professional Practice and
96 Standards (COPPS), in consultation with the Board of Professional Affairs, with the charge to revise the
97 Guidelines for Child Custody Evaluations in Family Law Proceedings (APA, 2010). Six members of the
98 Working Group were selected with different areas of expertise and levels of experience in conducting
99 child custody evaluations.

100 The Working Group began meeting the summer of 2018, initially using approximately monthly
101 conference calls as their communication means. In the spring of 2020, weekly and biweekly calls were
102 initiated, and two-day, face-to-face meetings were conducted in April 2019 and January 2020. Various
103 suggestions were proffered by individual members, after which the Working Group as a whole refined
104 these suggestions with an eye toward maintaining requisite guidelines format and content. The Office
105 of Legal and Regulatory Affairs of APA provided information regarding jurisdictional differences in laws.

106 In the summer of 2020, the proposed revision document was submitted for legal review. Thereafter, the
107 document underwent review by APA Boards and Committees, and was submitted for a 60 day public
108 comment period. All steps were conducted in accordance with policies and procedures per Association
109 Rules 30.8 and APA policy on guidelines. The document was revised in response to comments received,
110 and a final revision was submitted for risk management review by APA Board of Directors and a
111 substantive review by the APA Council Leadership Team in December 2020/January 2021, and to Council
112 of Representatives for review and adoption as Association Policy at its meeting in February 2021. Once
113 approved, the document was submitted for posting on the APA website and disseminated through
114 official APA communications channels. The document was also submitted for consideration for
115 publication in the American Psychologist.

116 **Selection of Evidence**

117 The Working Group conducted a broad review of the literature through their own study and discussion
118 of professional and scholarly resources and via the public comment process. In addition, it received
119 suggestions on additional citations and references throughout the development process. As such, the
120 literature reviewed and cited in the text of this guidelines document is considered to be
121 inclusive, representative, seminal, relevant, empirically based, and current. The introductory and
122 guidelines sections are informed by the APA Ethical Code of Conduct (APA, 2017) (hereafter referred to
123 as the "APA Ethics Code"; APA, 2017), APA guidelines and reports, and scientific literature from peer

124 reviewed sources. Books and book chapters were selected for their relevance and scientific support.

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127 **Distinction between Standards and Guidelines / Compatibility with APA Ethics Code**

128 As noted above, these guidelines are informed by the American Psychological Association's (APA's)

129 "Ethical Principles of Psychologists and Code of Conduct". The term *guidelines* refers to statements that

130 suggest or recommend specific professional behavior, endeavors, or conduct for psychologists (APA,

131 2015). Guidelines differ from standards in that standards are mandatory and may be accompanied by an

132 enforcement mechanism. Guidelines are aspirational in intent. They are intended to facilitate the

133 continued development of the profession and to help facilitate a high level of practice by psychologists.

134 Guidelines are not intended to be mandatory or exhaustive and may not be applicable to every

135 professional situation. They are not definitive, and they are not intended to take precedence over the

136 measured, independent judgment of psychologists (APA, 2015).

137 It is not possible for these guidelines to identify every course of action that a child custody evaluator

138 might be encouraged to pursue or avoid. For these reasons, it would not be accurate for legal and other

139 advocates to assume that these guidelines offer a comprehensive and definitive overview of all relevant

140 issues. In addition, psychologists should refrain from using these guidelines as an exclusive blueprint for

141 conducting child custody evaluations, rather than acquiring from other sources the requisite knowledge,

142 skill, education, experience, and training for doing so.

143 **Conflict of Interest**

144 The guidelines developers did not receive external support for this project. No funding was received to

145 assist with the preparation of these guidelines or for conducting this literature review. No funds, grants,

146 or other support was received in support of this project other than what was allocated in support of APA

147 boards and committees to meet and develop guidance. The guidelines developers were compliant with
148 APA policy on conflicts of interest.

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Expiration

152 These guidelines are scheduled to expire 10 years from 2021 [the date of adoption by APA Council of
153 Representatives]. After that date, users are encouraged to contact the APA Practice Directorate to
154 determine whether this document remains in effect.

GUIDELINES STATEMENTS

I. Scope of the Child Custody Evaluation

Guideline 1. The purpose of the child custody evaluation is to assist in identifying the best interests of the child, in recognition that the child's welfare is paramount.

Rationale. Psychologists with appropriate clinical and forensic training are able to investigate the needs, conditions, and capacities of all family members. Courts rely on this input when crafting a legal decision that identifies and promotes the best interests of the child.

Application. Psychologists are encouraged to weigh and incorporate many factors sufficient to identify the best interests of the child. Parental factors may include parenting style and practices; ability to co-parent; family interactions; interpersonal support; cultural and environmental variables; relevant challenges; and functioning and aptitudes for all examined parties. Factors concerning children may include their developmental, educational, physical, social, recreational, cultural, and psychological needs, as well as the child's wishes. Psychologists are aware that considerations of the children's wishes are often regulated by law, and that children's expressed preferences may be influenced by several factors, including traumatic bonding with an abusive parent (Reid et al., 2013). Psychologists may include assessment of the children's vulnerabilities and special needs, including any disabilities, as well as the strength of the children's bond to the parents and other family members, detrimental effects of separation, and the health of the parent-child relationship.

In addition, foci of a child custody evaluation may encompass, among other factors, threats to the child's safety and well-being such as abuse, neglect, coercion, addictive behavior, exposure to parental conflict, and antagonistic interactions between extended family members. Psychologists endeavor to assess risk of family physical, psychological, and/or sexual violence and to understand child protection laws, research, and guidelines in child protection matters (APA, 2013a). Child custody evaluators understand that the custody evaluations can be exploited as a tool for further control and harassment

179 after separation. Children may be affected negatively by the child custody evaluation process (Turkat,
180 2018), as well as by the dissolution of the parenting unit. Parents who are undergoing an evaluation
181 may advance their concerns in a forceful and contentious manner, drawing children into their conflicts.
182 Psychologists strive to demonstrate and inform parents about appropriate boundaries at the beginning
183 of the evaluation to protect the children.

184 **Guideline 2. The evaluation focuses upon parenting abilities, the children’s needs, and the resulting**
185 **fit.**

186 **Rationale.** From the court’s perspective, the most valuable contributions by psychologists reflect a
187 clinically astute and scientifically sound approach to legally relevant issues. Issues that are central to the
188 court’s ultimate decision-making obligations in child custody matters include parenting abilities, the
189 child’s needs, and the resulting fit (Waller & Daniel, 2004).

190 **Application.** The most useful evaluations generally focus on assessment of the needs of the children and
191 on parenting dimensions in order to compare parents between each other and with normative groups.
192 Comparatively little weight may be afforded to evaluations that offer a general personality assessment
193 that fails to address parenting capacities and the child’s needs. The custody evaluation strives to
194 address issues of central importance to custody and the psycho-legal constructs relevant to the matters
195 before the court. Psychologists aspire to contextualize the evaluation data within relevant theory and to
196 use scientific data to help the court understand the best interest of the child. Psychologists endeavor to
197 provide the court with information specifically germane to its role in apportioning decision making,
198 caregiving, and access.

199 “Parent-child fit” refers to the nexus between the parent’s characteristics, strengths, and weaknesses,
200 and the child’s developmental, emotional, physical, and psychological needs. Psychologists seek to
201 assess these needs through observation of the children, developmentally appropriate interviewing,

202 psychological testing, record review, and collateral interviewing (see Guideline 13). Psychologists strive
203 to identify each parent's capacity and functioning through the use of an evidence-based, multimethod,
204 and multitrait assessment approach (see Guideline 10). Assessment of the goodness of fit between the
205 child's needs and parental capabilities is further enhanced by observation of parent-child interactions.

206 **Guideline 3. Psychologists endeavor to identify the child custody evaluation's stated purpose,**
207 **anticipated use, specific scope, and agreed-upon time frame before accepting referrals.**

208 **Rationale.** The scope, purpose, and anticipated use of the child custody evaluation clarify what is being
209 expected and how psychologists can assist the court, if at all. This understanding also helps psychologists
210 to decide when communication is needed concerning their continued services, new information, the
211 evaluation's status and so forth, and to confirm with whom such communication will take place.

212 Depending upon the requirements of the child custody evaluation, the referral could call for services
213 that the psychologist is not competent to provide or cannot deliver in a timely manner. For example, the
214 psychologist may lack suitable familiarity with the only language spoken by members of the family in
215 question, or may have a schedule already so full as to make meeting the Court's stated deadline
216 impossible.

217 **Application.** Child custody evaluation referrals may differ in scope, such as when relocation questions,
218 substance abuse concerns, child abuse issues, and parent-child access problems are specified (See
219 Guideline 5). Before agreeing to conduct a child custody evaluation, psychologists seek to clarify the
220 referral question, the specific scope of the evaluation, and who will receive the final report. They also
221 endeavor to determine whether they are expected to provide recommendations, and if they can
222 potentially provide opinions or recommendations with a scientific basis, which are accurate, impartial,
223 fair, and independent in response to the referral questions (APA, 2013b, Guideline 1.02). It may be
224 helpful to have the psychologist's understanding of the specific scope of the evaluation confirmed in a

225 court order or by stipulation of all parties and their legal representatives. Psychologists strive to ensure
226 that the time frame is reasonable in light of both the evaluator's and the parties' schedules. Lengthy
227 delays have the potential to increase anxiety and exacerbate other mental health conditions in ways
228 harmful to adults and children alike. Should new information arise, psychologists endeavor to
229 communicate promptly, to clarify, and to adhere to any revised agreements governing the evaluation's
230 purpose, scope, or time frame.

231 Psychologists strive to remain alert not only to the original referral questions, but also to emerging
232 issues and unanticipated developments during the course of the evaluations. As these concerns arise,
233 psychologists may seek appropriate consultation with counsel and the courts for any modifications to
234 the referral questions or to the course of the evaluation that may be necessary.

235 **II. Competence**

236 **Guideline 4. Psychologists aspire to provide child custody evaluations consistent with the highest**
237 **standards of their profession, and to obtain and maintain the necessary competencies.**

238 **Rationale.** Child custody evaluations are a domain of forensic psychology that requires skills, training,
239 knowledge, and competence in the forensic assessment of children, adults, and families. Child custody
240 evaluations have a significant impact on people's lives and involve public scrutiny and trust.

241 **Application.** Psychologists continuously strive to update and augment their existing skills and abilities,
242 consistent with a career-long dedication to professional development. They recognize that there has
243 been debate in the literature whether psychologists have an objective basis for determining what
244 factors to evaluate in a best interests of the child determination or even whether such ultimate issue
245 opinions about best interests should be offered (e.g. Melton et al, 2018). The child custody evaluator
246 seeks to maintain familiarity with the empirical social science research regarding children's psychological
247 and developmental needs, including health impairments, educational needs, cultural or linguistic

248 concerns, other case-specific issues, and the child's best interests. Psychologists strive to gain an
249 evolving and up-to-date understanding of the following: parenting; child and family psychopathology;
250 separation and divorce stress; impact of relationship dissolution and inter-parental conflict and abuse on
251 children; adult development and pathology; forensic psychological assessment; relevant laws and
252 regulations; and the specialized child custody literature (as addressed in Guideline 5). In addition, when
253 making recommendations, psychologists endeavor to remain current and knowledgeable about
254 treatments, interventions, and resources to address different dysfunctions as well as the types of
255 custody arrangements that promote healthy patterns. Psychologists strive to update routinely their
256 child custody evaluation practices in accordance with developments in the peer-reviewed literature.
257 When the specifics of a case are such that the psychologist does not possess the requisite competency
258 to conduct the custody evaluation, this situation provides psychologists with an important opportunity
259 to decline involvement and suggest a more suitable evaluator. Exceptions to this guidance may exist
260 when the custody evaluation takes place where no other more appropriate referral source is available or
261 when there are distinctive attributes or qualities of an individual or family (e.g., uncommon culture,
262 clinical condition). In such situations, rather than withdrawing from the case, the psychologist might
263 consider obtaining the appropriate consultation or supervision so that the custody evaluation can
264 proceed where otherwise it could not.

265 **Guideline 5. Psychologists endeavor to acquire and maintain specialized competencies to address**
266 **complex issues in child custody evaluations.**

267 **Rationale.** Families requiring custody evaluations are complex and are often characterized by special
268 situations and difficult experiences (Drozd et al., 2016). Some specialized areas of child custody
269 evaluations are well grounded in scientific literature, while other areas are not as well informed. For
270 example, a child may experience physical challenges requiring unique support services, a parent may be

271 diagnosed with a communication disorder necessitating specialized assessment techniques, or parent-
272 child bonds may reflect a highly atypical interpersonal history.

273 **Application.** Complex issues in child custody evaluations may include, but are not limited to: relocation,
274 attachment, parent-child contact problems, intimate partner violence, child maltreatment (See
275 Guideline 15), effects of substance abuse (See Guideline 16), and mental health. Psychologists strive to
276 understand and evaluate factors affecting the child's adaptation to relocation, that include, but are not
277 limited to, loss of contact with one parent, level of parental conflict, and difficulty of travel (Austin et al.,
278 2016; Stevenson et al., 2018).

279 Attachment issues with parents (Schore & McIntosh, 2011) and with siblings (Shumaker et al., 2011) are
280 important complex issues for child custody evaluations, with effort being made to optimize the bond
281 with both parents, particularly with young children. Psychologists strive to understand and evaluate
282 issues of bonding within the existing family dynamics.

283 Parent-child access problems are a complex area of study such that psychologists seek to obtain
284 knowledge of the state-of-the art literature in this topic. The employment of such terms as "parental
285 alienation syndrome" and "alienating behaviors" (e.g., Warshak, 2015) to address parent-child contact
286 problems has engendered considerable controversy and confusion, because these terms do not convey
287 the full complexity of these problems. Psychologists strive to understand parent-child contact problems
288 through a suitably thorough investigation of all potential causes, including vulnerabilities of the children
289 and evidence of behavior, vulnerabilities of the parents including healthy and unhealthy attachments of
290 parents and children, and other family dynamics. Competencies may be enhanced by participation in
291 case supervision, peer consultation, and continuing education, particularly when complex issues
292 unexpectedly arise that are outside the psychologist's scope of expertise when conducting child custody
293 evaluations.

294 **Guideline 6. Psychologists conducting child custody evaluations strive to engage in culturally**
295 **competent practice.**

296 **Rationale.** Psychologists encounter unique issues and special considerations when evaluating persons of
297 diverse backgrounds. These issues often reflect such overlapping elements as gender, gender identity,
298 sexual orientation, culture, racial and ethnic minority status, socioeconomic status, ability status,
299 immigration status, religion and spirituality, language diversity, relative assimilation with the dominant
300 culture, and age (Howard & Renfrow, 2014).

301 **Application.** Psychologists consider how culture, broadly defined, influences children and parents and
302 the evaluator's own values and expectations (Gallardo, 2014). In particular, psychologists strive to
303 understand the challenges, strengths, and diverse issues that impact co-parenting, family dynamics, and
304 child adjustment, and that are based in frameworks different from an evaluator's own background.
305 One approach to working with diverse individuals is to consider that a person's identity is shaped by
306 multiple social and cultural contexts or viewed in biosociocultural contexts (APA, 2017a and Principle E;
307 APA, 2017b). Psychologists aspire to assess and understand how diversity issues impact the balance of
308 status, power, and equality between the parents in multiethnic families and families with diverse
309 identities. In particular, when conducting examinations, interpreting data, and formulating opinions,
310 psychologists consider how the structure and functions of diverse families may differ from cultural
311 stereotypes, especially in areas such as attachment, parenting attitudes, child development, child and
312 partner abuse, family functioning, childrearing practices, gender role including caregiving roles, and
313 disability in children (Saini & Ma, 2012). Psychologists remain aware of their need to relate and work
314 effectively across cultures, bearing in mind that their own explicit and implicit biases could compromise
315 data collection, its interpretation, and the subsequent development of valid opinions and
316 recommendations (APA, 2017b).

317 Cultural considerations may require changes in customary procedures, such as the use of interpreters
318 and test translations. Psychologists strive to be aware of how these changes may affect the evaluation
319 data they collect.

320 III. Preparing for the Child Custody Evaluation

321 **Guideline 7. Psychologists strive to obtain informed consent when indicated.**

322 **Rationale.** Providing informed consent in written form as “an explanation of the nature and purpose of
323 the assessment, fees, involvement of third parties, and limits of confidentiality” and allowing
324 opportunity to “ask questions and receive answers” (APA Ethics Code, Standard 9.03) enhances valid
325 participation and supports shared legal and ethical goals of fundamental fairness.

326 **Application.** Psychologists endeavor to have all capable adults participating in the evaluation sign an
327 informed consent form (APA Ethics Code, Standard 3.10). If the adult is not capable of giving consent,
328 then consent is sought from an appropriate legal representative. A full explanation of procedures,
329 specific referral questions, policies, timelines, interpretive sessions, fees, release of records, and
330 consideration of publicly available social media activity allow persons to raise questions before the
331 evaluation is initiated. When a custody evaluation is court ordered, informed consent may not be
332 necessary (APA Ethics Code, Standard 3.01; APA 2013b), although the same information, such as
333 purpose, fees, and involvement of the court, may be offered to the examinee.

334 Psychologists attempt to document all efforts to obtain informed consent, and if informed consent is
335 not obtained (e.g., the parent does not understand the purpose of the evaluation, or is unwilling to
336 consent to the parameters of the custody evaluation), the psychologist strives to notify the referral
337 source. The evaluator strives to ensure that all parties understand with whom information may be
338 shared and any other limits of confidentiality. There is generally no privileged information or
339 communication in a child custody evaluation.

340 In the process of obtaining informed consent, psychologists endeavor to advise the parties that written
341 or oral communications germane to the child custody evaluation will be sent to the court and counsel
342 for each party, unless such communications address administrative or procedural matters that call for
343 more limited distribution. For example, court appointed psychologists may find it prudent to raise
344 payment issues or potential withdrawal from an evaluation due to personal conflicts directly with the
345 court; while, in some instances, privately retained psychologists may appropriately raise similar or other
346 concerns directly with the attorneys who hire them. It is worth bearing in mind that communications
347 intended to be exclusive may subsequently be ordered by the court to be disclosed to all parties or are
348 sometimes shared by attorneys on their own initiative.

349 Explanations of how findings of the evaluation will be communicated, and to whom, may be included in
350 the informed consent. For example, the informed consent may describe if and how the psychologist will
351 explain assessment findings to examinees. Psychologists also endeavor to make clear how
352 communication will take place regarding the status of the evaluation (APA, 2013b).

353 Clarification about who owns the report may be useful to the litigants in the informed consent. For
354 example, court-ordered evaluations are owned by the court, which, in addition to other sources of law,
355 may control further distribution. Non-court ordered evaluations may be owned by the examinees.

356 Psychologists endeavor to include in the informed consent an explanation of mandatory obligations,
357 such as those triggered by child abuse, elder abuse, or other legally defined circumstances.

358 Psychologists strive to give children an age-appropriate explanation of the purpose of the evaluation,
359 consistent with each child's cognitive abilities and verbal skills, in order that assent may be obtained
360 (Calloway & Lee, 2017). Consent for children must be provided by the legal guardian(s) unless the court
361 has ordered it. Psychologists also strive to provide collateral sources, whether the evaluation is court-
362 ordered or not, with "information that might reasonably be expected to inform their decisions about

363 participating” (APA, 2013b; p. 13). Such information may include who has retained the psychologist, the
364 nature, purpose, and intended use of the information they provide, and the limits of confidentiality and
365 privacy regarding the information they offer (APA, 2013b).

366 **Guideline 8. Psychologists endeavor to identify, request, and review relevant records.**

367 **Rationale.** Background and historical information obtained from relevant records improves
368 psychologists’ ability to obtain a fuller sense of the family’s functioning and dynamics. Records also
369 assist in understanding the chronology of the challenges the family has encountered over the course of
370 their development. Information from children’s medical, educational, and other relevant records is
371 useful for understanding children’s challenges, resilience, family relationships, and current and future
372 needs.

373 **Application.** Psychologists strive to identify in a timely manner which records should be reviewed. To
374 facilitate collection of particularly sensitive information, such as child protective service documentation,
375 psychologists may request that permission to obtain particular records is incorporated into the court
376 order for the evaluation. Psychologists endeavor to consider the content of obtained records when
377 organizing interview questions and testing protocols, which can inform efforts to gather further
378 information regarding such issues as school performance as well as document review, parent and child
379 interviews, parent-child interactions, psychological testing, collateral (e.g., teachers, physicians, and
380 therapists) interviews, substance abuse and family violence screenings, and legal histories (Geffner et
381 al., 2009). When psychologists identify a potential delay in the receipt of some records, they may find it
382 prudent to begin conducting initial examinations in order to ensure that the overall evaluation is
383 completed in a timely fashion.

384 **Guideline 9. Psychologists endeavor to structure child custody evaluations in accordance with**
385 **psychological science and evolving practice standards.**

386 **Rationale.** Each case presents its own set of demands. Codes and guidelines are continually updated,
387 and psychological tests are periodically revised. Interview procedures, informed by analyses reflected in
388 the professional literature, improve with the psychologist's increased experience and with the
389 availability of ongoing peer supervision. Psychological science contributes to the development and
390 refinement of each of these components and enriches the plan that would guide the implementation of
391 the evaluation and outcomes. Child custody opinions that reflect the psychologist's familiarity with such
392 considerations and that best fit the case are the most valid, accurate, and appropriately persuasive.

393 **Application.** Psychologists endeavor to structure child custody evaluations in case-specific ways, and to
394 update templates regularly. In accordance with evolving practice standards and psychological science,
395 psychologists strive to include such components as conducting parent interviews, observing parent-child
396 and caregiver-child interactions, reviewing documents, interviewing and/or observing each child,
397 administering psychological testing to parents and children, interviewing cohabitating partners,
398 interviewing and obtaining materials from collateral sources (e.g., teachers, physicians, and therapists),
399 and screening for substance abuse and family violence (including intimate partner violence and child
400 maltreatment) (Geffner et al., 2009). The planful inclusion of specific steps and tasks provides the
401 structure that guides an evaluation to its final product.

402 Psychologists endeavor to make informed decisions that enable the most appropriate and timely
403 execution of the evaluation. Relevant issues include time management, compensation and financial
404 arrangements, external consultations that may be needed, order of assessment instruments,
405 instruments and methods to utilize, collateral information to review, and necessary adaptations to the
406 particulars of the family. Psychologists strive to ensure that decisions about these issues are based on
407 the referral question and consistent with psychological science and evolving practice standards.
408 Psychologists attempt to anticipate challenges, reduce risks and obstacles, and build reasonable

409 flexibility into the structure of the evaluation. Evaluation methodologies may change based on the court
410 order and the issues of the case. Psychologists strive to understand how psychological science and
411 practice standards inform any procedural changes that may occur, as well as the limitations that those
412 changes may place on the conclusions of the evaluation.

413 **Guideline 10. Psychologists strive to construct an evidence-based, multimethod, and multitrait**
414 **assessment format that reflects valid and reliable methods of data gathering.**

415 **Rationale.** Evidence-based multimethod assessment practices include the selection of assessment
416 instruments with sound psychometric properties that draw upon complementary data sources (Mihura,
417 2012). Multitrait and multitrait assessments help balance the limitations on reliability and validity of
418 single measures by deliberately selecting data sources with contrasting strengths and weaknesses.
419 Similarly, when integrating data from different modalities and convergences and divergences are
420 assessed, multitrait assessment allows relevant aspects of an examinee’s functioning to be analyzed
421 directly (Hopwood & Bornstein, 2014). Unreliable, invalid, and scientifically unsupported or otherwise
422 poorly chosen methods may be harmful to the parties as well as to the process in which these persons
423 are engaged.

424 **Application.** Psychologists strive to create an assessment battery that employs scientifically valid and
425 reliable methods that are relevant to the issues being assessed. Psychologists are mindful that courts
426 often confuse these two notions by mentioning only “reliability” when addressing the sufficiency of
427 forensic mental health assessment techniques. It may be helpful for psychologists to find a way to
428 convey that “validity” refers to whether a test or other measure assesses what it is meant to measure,
429 and that “reliability” refers to the consistency of the obtained results.

430 Multitrait assessment practices yield stronger, more clinically useful data (Hopwood & Bornstein, 2014;
431 AERA et al., 2014). Psychologists attempt to develop an assessment battery consisting of psychological
432 tests, instruments, techniques, and other data gathering sources that are suited to the characteristics of
433 the case. This battery takes into account specific family members’ cultural and demographic

434 characteristics and addresses the referral questions. Direct methods of data gathering typically include
435 psychological testing, forensic interviews, and behavioral observations (Ackerman & Pritzl, 2011).
436 Person-focused rather than test focused evaluations are described in the empirical literature as
437 providing more individualized, context-relevant, and reliable findings (Groth-Marnat & Wright, 2016).
438 Psychologists recognize the importance of utilizing pertinent evidence-based theoretical frameworks
439 when appropriate. One example is the interpretation of data through a trauma informed lens when
440 traits and symptoms may be better explained as evidence of trauma from abuse inside or outside the
441 family, while another example is the adoption of culturally informed perspectives on interpretation of
442 psychological test outcomes (Chiu, 2014). Psychologists are also encouraged to access documentation
443 from a variety of sources (e.g., schools, health care providers, childcare providers, agencies, and other
444 institutions) and to contact members of the extended family, friends, acquaintances, and other
445 collateral sources when the resulting information is likely to be relevant, while bearing in mind the
446 potential biases of such informants.

447

448 **IV. Conducting a Child Custody Evaluation**

449 **Relationships**

450 **Guideline 11. Psychologists strive to function as fair and impartial evaluators.**

451 **Rationale.** Child custody evaluations address complex and emotionally charged disputes over highly
452 personal matters, and the parties are usually deeply invested in a specific outcome. The volatility of this
453 situation is often exacerbated by a growing realization that there may be no resolution that will satisfy
454 every person involved. In this contentious atmosphere, cognitive, confirmatory, implicit, or other biases
455 may compromise a custody evaluation (APA Ethics Code, Principles D and E).

456 **Application.** Psychologists are encouraged to monitor actively their own values, perceptions, and
457 reactions, and to seek peer consultation and education in the face of threats to impartiality, fairness, or

458 integrity. In particular, psychologists are mindful about implicit biases, which are attitudes and
459 stereotypes that are not consciously accessible through introspection. These biases influence decisions
460 that may not comport with the psychologist's avowed or endorsed beliefs or principles, and may signal
461 impaired neutrality. Implicit biases may predispose the psychologist to make premature decisions and
462 to construe the merits of the data accordingly. Psychologists consider how the language they employ in
463 reports, testimony, and communications with counsel and others may inadvertently suggest bias. For
464 example, gratuitous criticism of one of the parties, or sweeping baseless generalizations with respect to
465 such factors as single-parenting, low-income parents, or parenting by fathers or grandparents may
466 erode credibility and undercut the weight otherwise afforded a forensic psychological opinion.
467 Psychologists remain aware that perceptions of fairness and impartiality can be enhanced when
468 evaluators utilize the same assessment techniques for all parties whenever possible, in terms of the
469 selection of psychological tests, the length and scope of interviews and observations, and the pursuit of
470 collateral sources of information.

471 **Guideline 12. Psychologists strive to avoid conflicts of interest and multiple relationships.**

472 **Rationale.** The presence of real or apparent conflicts of interest may increase the likelihood of
473 unfairness, undermine the court's confidence in psychologists' opinions and recommendations, and
474 potentially harm all parties involved. Engaging in roles other than evaluator with family members has
475 the potential to place psychologists in conflict with ethical standards regarding multiple relationships
476 (APA Ethics Code, 3.05).

477 **Application.** Psychologists refrain from serving as a child custody evaluator "when personal, scientific,
478 professional, legal, financial, or other interests or relationships could reasonably be expected to result in
479 (1) impaired objectivity, competence, or effectiveness, or (2) expose the person or organization with
480 whom the relationship exists to harm or exploitation" (APA Ethics Code, Standard 3.06). Multiple
481 relationships, which may or may not rise to the level of conflict of interest, are subject to similar

482 analysis. Multiple relationships exist when “psychologists are in a professional role with someone and
483 are (1) at the same time in another role with that person, (2) at the same time is in a relationship with
484 another individual closely associated with or related to that person..., or (3) promises to enter into
485 another future relationship with the person or with another individual closely associated with or related
486 to that person” (APA Ethics Code, Standard 3.05). Conducting child custody evaluations with their
487 current or prior psychotherapy clients/patients, and conducting psychotherapy with their current or
488 prior child custody examinees are both examples of multiple relationships. When serving in more than
489 one role is unavoidable, psychologists endeavor to disclose their dual roles, clarify role expectations, and
490 explain how confidentiality may be affected (APA Ethics Code, Standard 3.05).

491 **Methodology of Conducting Evaluations**

492 **Guideline 13. When evaluating children, psychologists strive to select and utilize developmentally**
493 **appropriate and empirically supported evaluation techniques, and to interpret the results in a way**
494 **that facilitates understanding of the best interests of the child.**

495 **Rationale.** The purpose of the child custody evaluation is to assist the court’s determination of the
496 child’s best interests. Children mature with age, so it is critically important that psychologists employ a
497 developmentally appropriate, multimethod approach to assessment. The most effective and persuasive
498 evaluations reliably and validly ascertain not only children’s individual needs but also the best fit
499 between the parents and children (see Guideline 1).

500 **Application.** Methods of child assessment generally include, but are not limited to, observation of the
501 child, observation of parent-child interactions (see Guideline 18), developmentally appropriate
502 interviewing, psychological testing (see Guideline 17), record review (see Guideline 20), and collateral
503 interviewing. Each of these approaches depends on such factors as the age and maturity of the child
504 and the defined scope of the evaluation.

505 Psychologists remain aware that interviewing children requires specific knowledge and skills (see
506 Guidelines 18). They strive to utilize approaches consistent with each child's age, language ability, and
507 developmental level. Psychologists endeavor to be aware of the concerns that may be engendered by
508 such factors as repeated questioning or subtle suggestibility, which may influence children's responses.
509 Psychologists seek to avoid exacerbating a child's distress during this process, and they endeavor to
510 remain sensitive to any inadvertent risk of harm that may be occasioned by the evaluation process itself.

511 Psychologists strive to understand that the use of psychological tests with children in child custody
512 evaluations may not be necessary or appropriate if such testing does not help elucidate the best
513 interests of the child (see Guideline17). When using psychological tests with children, psychologists
514 remain aware of such test-specific factors as reliability, validity, potential admissibility, and overall
515 appropriateness for child custody evaluations, as well as such child-specific factors as age,
516 developmental level, and reading ability.

517 Psychologists strive to identify and interview collateral sources who can best help them understand the
518 child's needs. Such sources may include teachers, pediatricians, extended family members, childcare
519 providers, and other adults with whom the child interacts on a regular basis. When conducting these
520 interviews, psychologists endeavor to focus on the collateral source's direct observations and the factual
521 basis for any opinions expressed.

522 When there are special issues, including but not limited to domestic violence, parent-child access,
523 mental health, physical health, developmental concerns, mixed religious or immigration statuses, and
524 high conflict, psychologists aspire to augment their evaluations with pertinent assessment techniques,
525 informed by the most current scientific studies relevant to these concerns. Psychologists remain aware
526 of children's mental and physical health concerns, the potential need for clinical interventions, and the
527 impact of these on children's welfare.

528 **Guideline 14. When interviewing parents, psychologists strive to collect and assess information**
529 **relevant to parenting strengths and weaknesses, in an attempt to ascertain the best interests of the**
530 **child.**

531 **Rationale.** Parent interviews are sources of information for understanding parents' concerns, self-
532 perceptions, experience, and wishes regarding parental competence. The information obtained from
533 these interviews provides a context for the overall evaluation data collected. Such interviews assist in
534 identifying best interest factors with regards to the child and the co-parenting relationship, both during
535 the course of the relationship and after relationship dissolution. The quality of the co-parenting
536 relationship has been found to be a determinant of children's well-being, their adjustment to the new
537 circumstances, and their parent-child relationships (Emery, 2011).

538 **Application.** Psychologists strive to interview the parents in order to assess functional parenting
539 strengths, weaknesses, skills, and other information relevant to the best interest of the child. While the
540 approach may be structured or unstructured, psychologists endeavor to avoid pursuing irrelevant
541 information. They also seek to go beyond a cursory assessment of information that is relevant (e.g.,
542 domestic violence and substance abuse, among other factors). Psychologists endeavor to address a
543 number of specific issues. Such issues may include, but need not be limited to, the parent's childhood
544 experiences, culture, educational history, social life, vocational/financial history, recreational interests,
545 legal history, child protection history, support system, substance use history, current health status and
546 medical history, mental health history and current functioning. In addition, relationship history,
547 parenting history, parenting competencies (Johnson et al., 2014), psychological functioning, and the
548 parent's view of their child's needs and functioning are part of an overarching multimethod approach.
549 The assessment of the parents' ability to co-parent is also of concern. Psychologists seek to understand
550 the parents' struggle to resolve disagreements and their commitment to facilitating the child's

551 relationship with the other parent. Psychologists try to be aware of parental impression management
552 during interviews, which may require confirmation of their perceptions by other sources of information.
553 Psychologists endeavor take into account recency versus primacy effects when assessing parents (Drozd
554 et al, 2013).

555 Contextual complexities (e.g., military families, relocation cases) may make in-person interviewing
556 impractical or even impossible. Psychologists may endeavor to use alternatives to in-person
557 interviewing if a participant would otherwise be unable to participate or when participation is unduly
558 burdensome (APA Ethics Code, 2010, Principle D). Whether necessitated by crisis conditions, financial
559 constraints, looming deadlines, or insurmountable distances, telepsychology is an increasingly common
560 mode for interviewing that can make a significant contribution when utilized responsibly (McCord et al.,
561 2020; APA 2013c). Psychologists strive to consider how the use of this technology may affect the
562 reliability of obtained results, and to explain any resulting limitations on their professional opinions, just
563 as they would when departing from established child custody evaluation practices (APA 2013c).

564 **Guideline 15. Psychologists endeavor to conduct appropriate screening for family violence, child**
565 **maltreatment, intimate partner violence, and resultant trauma.**

566 **Rationale.** Renewed parent-child contact may pose risks of renewed violence and child abuse, and
567 parenting skills may become compromised in an environment of intimidation and fear. An extensive
568 literature links violence and other forms of maltreatment to relationship dissolution and to problems
569 with custody and post-separation co-parenting (Austin & Drozd, 2012).

570 **Application.** With respect to the screening process, psychologists are endeavoring to preserve, protect,
571 and promote safe, healthy and functional relationships and living arrangements. Psychologists strive to
572 identify potential physical or sexual abuse, child abuse, or coercion and control behaviors on the part of
573 family members or caregivers, and to utilize these findings, as appropriate, in their assessment

574 processes and recommendations. A rigorous multimethod and multitrait approach seeks to anticipate
575 lack of disclosure and other challenges associated with investigating these risk factors.

576 Psychologists strive to maintain an in-depth knowledge of abuse dynamics in order to screen
577 appropriately for abuse and coercive behaviors, including their nature, impact, and known indicators of
578 risk and danger (such as lethality, stalking, and abduction). Psychologists consider that a thorough
579 screening would optimally include both parents and any other individuals (such as step-parents,
580 partners, grandparents, siblings, and extended family members) who have significant contact with the
581 children. Such screening contributes to the identification of information, behaviors, or disclosures
582 indicating that violence, abuse, coercion, or intimidation is or may become an issue. Screening is ideally
583 an ongoing process throughout the custody evaluation, rather than a one-time event. Psychologists
584 strive to implement screening across all types of cases, including those in which no allegations or
585 judicial findings of intimate partner violence have been made.

586 Psychologists consider how the methods of assessment and communication to the parties may impact
587 safety to the parties, and they are prepared to seek court guidance as needed. When making parenting
588 recommendations concerning parental decision-making and child access, psychologists endeavor to
589 ensure that these recommendations explicitly link and account for the effect of intimate partner
590 violence, if any, on children, parenting, and co-parenting. Psychologists inform the appropriate
591 authorities of new uncovered incidents that meet mandatory reporting obligations in the jurisdiction in
592 question. These obligations to report typically remain in place regardless of the forensic nature of the
593 evaluation.

594 **Guideline 16. Psychologists endeavor to screen examinees for substance abuse.**

595 **Rationale.** With the stress of relationship dissolution and custody disputes, individuals who did not
596 previously abuse substances may begin to do so. Excessive use of alcohol, cannabis, opioids,

597 prescription medications, and other substances can have a significantly negative impact on parenting
598 capacity, including the ability to ensure the safety of the child and to engage effectively in co-parenting.
599 Substance abuse may also increase the risk of committing interpersonal violence (Boles & Miotto, 2003;
600 Soper, 2014).

601 **Application.** Psychologists endeavor to address the potential effects of various forms of substance
602 abuse, whether the substances in question are legally or illegally obtained. When undertaking to
603 differentiate between substance abuse and non-problematic substance use, psychologists remain aware
604 that some allegations made by one party against another may be false or exaggerated. Psychologists
605 are encouraged to consider whether inquiries into possible substance abuse might extend beyond adults
606 to children, given the recognized potential for such difficulties across the lifespan (Bracken et al., 2013;
607 Tucker et al., 2013).

608 Numerous instruments exist to support this type of screening (National Institute on Drug Abuse, 2018;
609 Substance Abuse and Mental Health Services Administration, n.d.). Psychologists are aware of the
610 importance of multimethod, multitrait approaches when conducting substance abuse assessments,
611 especially since self-report measures that directly inquire into the extent of substance use may not
612 always be the most accurate method—particularly when considered in isolation—for determining
613 whether abuse is present (Ondersma et al., 2019). In some cases, it may be appropriate to inform the
614 court or retaining counsel that referral for a separate, more specialized evaluation of these issues may
615 be indicated.

616 When substance abuse appears to be present in one or more family members, psychologists strive to
617 determine how this abuse may impair parenting and co-parenting capacity in a variety of ways that
618 could include, but would not necessarily be limited to (1) the physical safety of children (e.g., driving
619 while intoxicated); (2) the ability to attend to the children’s emotional, physical, and cognitive needs; (3)

620 the ability to interact appropriately with the other parent; (4) the ability to fulfill responsibilities and
621 obligations on a consistent basis; (5) the ability to abstain from substance use while caring for children
622 at home; and (6) the risk of engaging in interpersonal violence.

623 **Guideline 17. Psychologists strive to utilize robust and informative psychological tests that are**
624 **administered in a standardized and methodologically sound fashion.**

625 **Rationale.** Due to the scientifically informed, robust, and evidence-based nature of their development
626 and the seeming objectivity of their results when properly applied, psychological tests may be weighted
627 heavily in child custody proceedings. Psychological testing is typically recognized as the purview of
628 appropriately trained, duly licensed psychologists.

629 **Application.** Psychologists strive to obtain appropriate working knowledge of the psychological tests
630 they employ, and to understand the strengths and weaknesses of those tests for custody cases. Most
631 psychological tests have not been developed specifically for use in custody evaluations. As a result, it
632 should be considered how the tests functionally inform the pertinent psycholegal constructs to be
633 considered, such as parenting capacities or the best interests of the child. Psychologists aspire to
634 maintain familiarity with current research that augments the information contained in the test manual.
635 As uniformity in assessment measures across parties is usually the custom, when parties are
636 administered different tests due to accessibility issues or court questions, such decisions should be
637 clinically and empirically supportable. If a test needs to be adapted in some fashion, such as with
638 language translations or special accommodations in test administration, psychologists endeavor to take
639 into consideration the impact on the reliability and validity of the data obtained through such
640 adaptations (APA, in press).

641 Prior to administration, psychologists seek to analyze critically the tests that may be employed, in terms
642 of the potential admissibility of results, and with due attention to such factors as a test's general

643 acceptance in the field, history of peer review, and known error rates. Proper attention to these factors
644 may augment the court's ability to arrive at a scientifically informed legal opinion. Psychologists strive to
645 be aware of normative data for divorced parents, and they endeavor to base their test data
646 interpretations upon standardized scoring where indicated, and to take into account the context of the
647 evaluation as well as the characteristics of individual family members. For instance, it is important to
648 consider is how test results may be influenced by such relevant factors as religion, ethnicity, country of
649 origin, age, gender, sexual orientation, language, acculturation and the like (APA, in print).

650 When appropriately delegating others (e.g., assistants, students) within the boundaries of applicable law
651 and ethics to administer and/or score psychological tests, psychologists seek to ensure that these
652 persons are adequately trained and supervised. Psychologists try to authorize only persons who may
653 competently perform these services either independently or with the level of supervision provided (APA
654 Ethics Code, Standard 2.05; 9.97).

655 Psychologists consider the benefits and challenges regarding the presence of recording devices or third-
656 party observers (APA, 2013a; APA, 2013c; APA, 2007) and the impact these may have on the validity and
657 reliability of assessment results.

658 Psychologists strive to be aware of the distinction between computerized scoring of tests and computer-
659 generated, interpretive reports. Computerized scoring of a test may be a useful tool for reducing
660 scoring errors and producing a richer set of interpretive data. While computer-generated interpretive
661 reports may generate helpful hypotheses, they need to be evaluated regarding their relative potential
662 contributions to the psychologist's interpretive process and are not meant to supplant the psychologist's
663 clinical and forensic judgment. Psychologists who make use of any computer-generated interpretive
664 statement strive to understand its empirical and/or theoretical bases and how its interpretive
665 statements apply to the specific person evaluated (APA Ethics Code, Standard 9.09).

666 A number of forensic tests and procedures have been developed specifically for use in child custody
667 evaluations. As with any form of testing, psychologists endeavor to remain suitably aware of the
668 normative groups on which these tests were standardized, as well as whether tests are appropriately
669 reliable and valid for their intended use. Psychologists also try to avoid employing assessment measures
670 that introduce, perpetuate, or otherwise contribute to bias of any sort. Psychologists strive to report
671 test results in a full, accurate, and fair fashion, and to afford test data and test materials alike the
672 protections described in the APA's Ethics Code (2017), Specialty Guidelines for Forensic Practitioners
673 (APA, 2013c), and Record Keeping Guidelines (APA, 2007), consistent with applicable state and federal
674 laws.

675 **Guideline 18. Psychologists strive to include an observation of parent-child interactions when**
676 **conducting child custody evaluations.**

677 **Rationale.** Observing parent-child interactions often provides highly relevant information for
678 determining the best interests of the child, and can increase the ecological validity and scientific rigor of
679 the overall assessment process (Saini & Polak, 2014). This approach may offer a valuable opportunity to
680 assess the statements that were made by parents and children when those parties were interviewed
681 separately, and to assist in the formulation of questions for follow-up interviews.

682 **Application.** Psychologists endeavor to understand the importance of prioritizing the child's safety and
683 well-being when gauging the appropriateness of observing parent-child interactions. In child custody
684 evaluations, observation techniques generally focus on developmentally and scientifically informed
685 parent and child variables that may have particular meaning to the court and that can serve to clarify
686 the fit between a child's needs and an adult's parenting attributes. Observations can occur in a variety
687 of settings, such as the home or clinical office. When observations are slated to occur in public or quasi-
688 public settings—such as an airport, school, or waiting room—psychologists strive to consider with

689 especial care the confidentiality and informed consent ramifications (see Guideline 7) of these
690 arrangements.

691 When observing parent-child interactions, psychologists seek to focus on elements that may include—
692 but need not be limited to—the nature of the parent’s guidance, the limit-setting reflected in the
693 parent’s attempts to redirect the child, the supportive aspect of the parent’s role in collaborative
694 undertakings, the parent’s evident affection for and sensitivity to the child, the extent to which the
695 child heeds the parent’s guidance and redirection, the child’s willingness to collaborate affirmatively
696 with the parent, and the child’s evident affection for and search for reassurance by the parent.
697 Psychologists take into consideration cultural factors that may influence the manner in which parents
698 demonstrate these aspects. Psychologists strive to report these interactions as behavioral observations,
699 and to take care that methods of recording and documenting these interactions are both valid and
700 reliable. Psychologists remain aware that some behaviors may reflect an acute awareness of being
701 observed (Henry et al., 2015; Goodwin, et al., 2017).

702 Suitably familiar with the professional literature on different approaches to observation, psychologists
703 endeavor to explain why parent-child interactions were arranged in a particular fashion (e.g., structured,
704 unstructured, with siblings present, with both parents present, with the psychologist physically in the
705 room). Psychologists may postpone or opt against observing parent-child interactions in order to protect
706 the child’s safety, based upon such factors as the parent’s problematic presentation, the child’s
707 expressed wishes, or situations in which the child has never met or has no recollection of the parent.
708 Psychologists strive to understand the impact of such factors on the resulting opinions.

709 Observations of parent-child interactions are not in and of themselves “attachment” (i.e., the quality of
710 the organization of the parent-child relationship) evaluations, which require special training and settings
711 (Schore & McIntosh, 2011). When the situation requires a formal attachment evaluation, psychologists
712 endeavor to effectuate a referral for this type of procedure if they do not have the formal training to
713 conduct one themselves.

714 **Guideline 19. Psychologists strive to collect sufficient data to address the scope of the evaluation and**
715 **to support their conclusions with an appropriate combination of examinations.**

716 **Rationale.** Poorly conceived and cursory examinations erode the confidence of courts and other
717 concerned parties in the evaluation process and its results. Child custody opinions are most valid and
718 effective when they reflect thorough examinations of each parent and child, in order to address
719 parenting abilities, children's needs, and the resulting fit.

720 **Application.** Psychologists strive to remain aware that opinions regarding the best interests of the child
721 are optimally based on an appropriate evaluation of all relevant parties, including the parents, the
722 children, and other persons (e.g. stepparents, stepsiblings) who reside in the home. Psychologists may
723 consider obtaining a court order to encourage relevant parties to participate in the child custody
724 evaluation process. If a desired examination cannot be arranged, due to unwillingness to participate,
725 scheduling problems, or financial concerns, psychologists endeavor to notify the referring party of the
726 limitations imposed by such circumstances. If the evaluation proceeds, psychologists strive to document
727 their reasonable efforts and the result of those efforts, and then to clarify the probable impact on the
728 reliability and validity of their opinions, limiting their conclusions and recommendations appropriately
729 (APA Ethics Code, Standard 9.01). They provide opinions about individuals' psychological characteristics
730 only after they have conducted an examination adequate to support their statements and conclusions
731 (APA Ethics Code, Standard 9.01(b)). Although the court may ultimately be required to render an
732 opinion regarding persons who are unable or unwilling to participate, psychologists have no
733 corresponding obligation.

734 Psychologists strive to remain aware of the scope and limitations of the specialized roles to which they
735 may occasionally be assigned. For example, psychologists may be asked to evaluate only one parent, or
736 to evaluate only the children. In such cases, psychologists endeavor to refrain from comparing the
737 parents and offering recommendations on decision-making, caregiving, or access. In other cases, courts
738 may ask psychologists to share their general expertise on issues relevant to child custody, but not to
739 conduct a child custody evaluation per se (testifying instead, for example, on child development, family

740 dynamics, effects of various parenting arrangements, relevant parenting and co-parenting issues
741 pertaining to culture or diversity). In the latter circumstance, psychologists strive to refrain from relating
742 their conclusions to specific parties in the case at hand (APA, 2013, 9.03). Finally, treating psychologists,
743 whose roles differ from those of custody evaluators, endeavor to refrain from offering
744 recommendations regarding child custody, visitation, or decision making.

745

746 **Guideline 20. Psychologists strive to create, develop, maintain, convey, and dispose of records in**
747 **accordance with legal, regulatory, institutional, and ethical obligations.**

748 **Rationale.** Psychologists have a professional and ethical responsibility to develop and maintain paper,
749 video, and other electronic records for several reasons, including to facilitate provision of services and to
750 ensure compliance with law (APA Ethics Code, Standard 6.01). Given the breadth and complexity of child
751 custody evaluations, thorough documentation allows the psychologist to better organize and interpret
752 the data obtained thereby ensuring greater accuracy of and support for the psychologist's opinions. In
753 addition, the documentation created during the evaluation process may be used as evidence in legal
754 proceedings, and, as such, is subject to legal requirements regarding the preservation of evidence.

755 **Application.** Psychologists strive to maintain records developed or obtained in the course of child
756 custody evaluations with appropriate awareness of applicable legal mandates, with the APA's "Record
757 Keeping Guidelines" (APA, 2007), and with other relevant sources of professional guidance.

758 Psychologists attempt to identify optimal procedures for respecting the privacy and confidentiality of all
759 parties (APA, 2007), in due compliance with applicable laws and regulations regarding security and
760 retention of records, including copyrighted tests materials. Such records—preserved in either paper or
761 electronic formats—may include, but are not limited to, test data, interview notes, interview recordings,
762 correspondence, legal records, clinical records, occupational records, and educational records.

763 Psychologists are encouraged to remain aware of the complex and evolving nature of records created

764 and preserved in electronic form. Evaluators aspire to present an accurate and complete description of
765 the data upon which they rely, which can be facilitated by monitoring trends and adopting professional
766 practices concerning technological recording (APA, 2013c). Psychologists are encouraged to follow legal,
767 ethical and licensing board guidance regarding how long they are expected and/or required to retain
768 records, and are advised to develop a uniform and readily trackable system for managing retention.
769 Psychologists remain suitably aware of the legal obligations and restrictions regarding the release of
770 records (APA, 2007).

771

772 **V. Interpreting and Communicating the Results of the Child Custody Evaluation**

773 **Guideline 21. Psychologists strive to integrate and analyze evaluation data in a contextually informed**
774 **fashion that is based on psychological science and referral questions.**

775 **Rationale.** Integration and analysis of evaluation data are guided by identified referral questions, and
776 incorporate case-specific factors as well as information derived from psychological science. Evaluation
777 data reflect the evolving contexts and situational factors that are unique to each family. The use of
778 psychological science may be helpful in identifying potential risk factors and other relevant variables.
779 Integration and analysis that incorporate these factors are demonstrably more fair, accurate, and useful.

780 **Application.** When integrating and analyzing data, psychologists strive to consider the importance of
781 situational factors, such as the ways in which involvement in a child custody dispute may impact the
782 behavior of persons from whom evaluation data are collected. Psychologists endeavor to remain aware,
783 for example, that relationship dissolution as well as the evaluation process itself can be exceptionally
784 stressful for one or more of the parties. These issues may lead to assessment results that reflect
785 temporary, situationally-determined states.

786 Psychologists remain mindful of contextual and cultural issues (Guideline 6) when integrating and analyzing
787 the evaluation data. As part of this process, psychologists endeavor to consider the likely effects of any

788 changes that were made to such customary evaluation procedures as conducting interviews (Guideline
789 14), administering testing (Guideline 17), or observing parent-child interactions (Guideline 18).

790 Psychologists strive to account for the implications of these circumstances when attempting to understand
791 and describe family members and family dynamics. Psychologists aspire to be aware of their own inherent
792 biases when integrating and analyzing evaluation data.

793 Psychologists endeavor to remain current with developments in psychological science (Guideline 4), and
794 are encouraged to consider such information when integrating and analyzing evaluation data.

795 Awareness of current developments can be particularly important when attempting to identify potential
796 risk factors, and when responding to specific and complex referral questions that address compound
797 issues (e.g., relocation, parent-child access problems, and domestic violence).

798 **Guideline 22. Psychologists endeavor to ensure that their recommendations address and support the**
799 **best interests of the child.**

800 **Rationale.** Courts and retaining counsel may or may not solicit recommendations when commissioning
801 child custody evaluations. Several factors determine the usefulness of recommendations, such as the
802 analyses from which they are derived, the availability of empirical support, and the psychologist's
803 objectivity, evaluation data, and methods. Such recommendations, if provided, commonly address
804 physical custody, legal custody, visitation, parenting resources, clinical services, and other custody-
805 related matters. Maintaining a primary focus on the best interests of the child enables psychologists to
806 support the court's essential function, while minimizing allegations of partisanship and avoiding
807 enmeshment in secondary, competitive disputes between the parties.

808 **Application.** If offering recommendations, psychologists strive to ensure that these opinions reflect an
809 identified referral question, a careful review of evaluation data, a solid grasp of relevant psychological
810 science, and a keenness to avoid foreseeable harm. Psychologists endeavor to refrain from providing

811 recommendations that have not been requested, as well as recommendations that are not adequately
812 supported by case-specific assessment results and psychological science (Amundson & Lux, 2019).
813 Psychologists attempt to convey their recommendations in a respectful and logical fashion, reflecting
814 articulated assumptions, detailed interpretations, and acknowledged inferences that are consistent with
815 established professional and scientific standards. Although the profession has not reached consensus
816 about whether psychologists should make “ultimate issue” recommendations concerning the final child
817 custody determination, psychologists seek to remain aware of the arguments on both sides of this issue
818 (Melton et al., 2018), and are prepared to substantiate their own perspectives in this regard.
819 Psychologists endeavor to anticipate and address the viability of potential recommendations that might
820 differ from their own. When formulating recommendations, psychologists strive to employ a systematic
821 approach that is designed to avoid biased and inadequately supported decision making, and they
822 attempt to become familiar with approaches already described in the specialized child custody
823 evaluation literature (e.g., Davis, 2015; Austin, Bow, Knoll, & Ellens, 2016).

824 **Guideline 23. When generating written reports and testifying about child custody evaluations,**
825 **psychologists strive to convey their findings in a manner that is clear, accurate, and objective.**

826 **Rationale.** Written reports are likely to be entered into evidence in the course of child custody
827 proceedings, and testimony may occur during hearings and trials. Reports and testimony are the most
828 tangible documentation of the custody evaluation and the information and recommendations received
829 by referral sources.

830 **Application.** Psychologists remain mindful of the weight that may be placed on their reports and
831 testimony, and they endeavor to provide a transparent, fair and accurate depiction of each aspect of the
832 evaluation. Psychologists strive to ensure that their written reports and testimony accurately depict the
833 complete evaluation by attempting to identifying data sources, tests, and procedures, to present data in

834 a complete fashion, and to include data necessary to support the opinions expressed. Psychologists
835 remain aware of the importance of including relevant data—even data that could be perceived as
836 contradicting their opinions—and strive to explain the contributions of that data to the final opinion.
837 Psychologists endeavor to avoid choosing data to confirm a particular position while ignoring
838 contradictory information. Psychologists strive to acknowledge significant limitations to the available
839 data (e.g., missing or uncorroborated information or adaptations related to contextual or situational
840 factors).

841 Psychologists attempt to create written reports that are well-organized, easy to follow, appropriately
842 succinct, and readable, with appropriate grammar and spelling. They endeavor to avoid the use of
843 jargon that may confuse the reader and lead to misunderstanding or eventual misrepresentation of their
844 opinions. Psychologists remain aware that readability, and thus understanding, may be enhanced when
845 data and opinions are described in separate sections of a written report, and they strive to note when
846 data obtained from one source could not be corroborated by other sources. Psychologists aspire to
847 present their findings in a transparent manner that allows others to understand how they arrived at the
848 opinions in question.

849 Psychologists attempt to ensure that their reports and testimony are objective and unbiased with
850 respect to all parties. They endeavor to describe persons who have been evaluated or consulted, and
851 the work of other professionals, in a respectful and appropriate manner. Psychologists remain aware of
852 the extent to which the privacy of individuals being evaluated or consulted must be respected, and they
853 strive to include in their written reports “only information germane to the purpose” of the evaluation
854 [APA Ethics Code, 2010, Standard 4.04].

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