

# ON BEING A CHILD CUSTODY EVALUATOR: PROFESSIONAL AND PERSONAL CHALLENGES, RISKS, AND REWARDS

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Conducting child custody evaluations is one of the most complex, challenging, and sometimes risky professional endeavors that a mental health professional can perform. This article examines the professional and personal challenges which may be encountered by the evaluator. In addition to discussing the role requirements and need to maintain awareness of bias and countertransference, challenges such as coping with state board or ethics complaints and possible risks to personal safety are also addressed. Suggestions for risk management and coping with the demands of these assessments are offered, as well as the benefits and rewards of engaging in this important work.

**Keywords:** *child custody evaluations; forensic; psychological evaluation; divorce; family law; risk management*

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Among the various roles played by mental health professionals (MHPs) in both the clinical and forensic arenas, conducting child custody evaluations must certainly rank as one of the most complex, challenging, risky, and stressful endeavors that one can undertake. While there has been an increasing number of published articles and books on ethical and scientific approaches to conducting child custody evaluations (Kuehnle, Greenberg, & Gottlieb, 2004; Martindale & Gould, 2004; Medoff, 2003), little if anything has been written about some of the personal and experiential components and challenges of conducting this most important but arduous task. For the vast majority of MHPs, involvement in forensic work in general, and the child custody arena in particular, is one of the least desired areas of professional practice. The possibility of a state board or ethics complaint is also higher in this work than in any other subspecialty of clinical or forensic practice. As Kirkland (2002) noted, the great likelihood of encountering a board complaint when conducting child custody evaluations “may keep many of psychology’s best practitioners from ever entering the (mine)field of [child custody evaluation]” (p. 185).

Just as Kottler (1993) examined the occupational hazards, experiences, and rewards of psychotherapists in his book, *On Being a Therapist*, this article examines professional and personal challenges for child custody evaluators. This article will focus on some of the role requirements of being a child custody evaluator, as well as discuss the importance of maintaining awareness of potential bias and countertransference. State board or ethics complaints and threats to personal safety which may be encountered by the forensic MHP working in this area will also be addressed. Suggestions for reducing the risk of an ethics or board complaint, as well as ideas for custody evaluators to consider when coping with the challenges of this most difficult task, will also be presented. Hopefully, the professional and personal issues highlighted will not only resonate with the seasoned evaluator, but will also provide others considering entering the field with an understanding of the complexities, challenges, and benefits of doing this important work.

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## MAINTAINING THE FORENSIC ROLE

There is a world of difference between serving in a therapeutic versus a forensic role. MHPs who become child custody evaluators are entering the foreign land of the legal system, which is not supportive, but rather, adversarial in nature. Almost all MHPs who perform child custody evaluations (CCEs) have originally been trained as psychotherapists. Most who enter the field have done so with a sincere desire to help people and alleviate their pain and suffering. Psychotherapists train for years to develop the necessary skills to empathically respond and form good treatment alliances with patients, as well as to make interventions that will assist patients in overcoming their symptoms or conflicts. While it is important to retain a sense of compassion when conducting a CCE, neutrality and detachment must also be maintained, even when faced with strong expressions of anger and despair, disavowal of responsibility, and projection of blame. In addition to suppressing outward expressions of empathy, custody evaluators must also resist the therapeutic and even human urge to be confrontational when we see harmful behavior being directed by parents toward children or outrageous or sadistic behavior being directed by one parent against the other. Being overly empathic or confrontational will take custody evaluators out of their neutral role and may compromise objectivity, as well as compromise parents' or attorneys' views of the impartiality of the evaluator.

Greenberg and Shuman (1997) described some of the irreconcilable conflicts between therapeutic and forensic roles. In CCEs in particular, the goal is not to be helpful in a therapeutic sense. Rather, the purpose is to gather information as objectively as possible, so as to provide information to the court to aid in the determination of a legal question, namely, a custody plan which is in the child's best interests. Custody evaluators must be able to live without the gratification frequently experienced in a therapy relationship, such as the feedback that patients value the efforts being made to try to help them. The role of evaluator is more similar to a detective than a therapist or may be viewed as akin to a professional poker player who keeps his cards close to his vest, carefully not revealing his hand until the end of the game. Kuehnle (1996) has described the custody evaluator role as being like an "impartial scientist." We must, by necessity, be skeptical and questioning about any information provided, as it is not unusual for parents (and sometimes children) to deny problems, as well as exaggerate, distort, or fabricate information. For example, custody litigants' defensiveness and tendency to be nondisclosing about their problems has been well-documented (Bathurst, Gottfried, & Gottfried, 1997).

Maintaining this forensic stance is often quite difficult. During the evaluation process, custody evaluators are consistently exposed to parents who are often still experiencing great turmoil, sadness, or rage about the breakup of their marriage and loss of the family unit, and many of these parents are in the throes of depression and anxiety about the present state of their lives. The blurring of boundaries between the forensic and therapeutic roles, as illustrated by the following example, needs to be avoided.

Mr. B and Ms. B separated after 12 years of marriage and had two elementary school age children. Ms. B began sobbing as she described to the female evaluator her shock at learning her husband had been having an affair for the past year and his sudden decision to separate. The evaluator felt much empathy toward this distressed mother as she continued crying, and then intervened by trying to reassure her that "you will get through this," while also providing her with suggestions about how to cope with her grief and move on with life. The evaluator, who had previously taken this mother's family history, also attempted to help this woman by pointing out that her present divorce is probably harder for her, because she

was reexperiencing the same sense of abandonment she felt when her father suddenly left her mother. Fortunately, this evaluator was receiving consultation, and the consultant pointed out that the evaluator was acting more like a therapist than an evaluator. The consultant suggested that, in this instance, the child custody evaluator should have only provided a brief compassionate response, and if the parent was not able to stop crying and continue with the evaluation at that moment, a short break could have been offered before moving on with the rest of the evaluation.

### **BIAS IN THE CUSTODY EVALUATOR**

A recent survey conducted by Bow and Quinnell (2004) revealed that, when attorneys and judges were asked to critique CCE reports, their primary concern was the lack of objectivity or bias among evaluators. One potential source of real or perceived bias is an evaluator who has had a previous relationship with a custody litigant or member of their immediate family. Multiple relationships must be avoided, as even when the evaluator may truly believe they are not biased due to a previous contact with one of the litigants, they may be perceived as biased by one of the parents. Another potential area of bias, which may especially occur in the novice evaluator, is being inadvertently influenced by a desire to please the attorney who may be the best source of future referrals. The evaluator must always be sure to recommend what is best for the children, regardless of who made the initial referral.

Experienced evaluators must also be aware of confirmatory bias, that is, the tendency to overvalue evidence that supports one's hypotheses and a tendency to ignore non-confirmatory evidence. This may happen when the evaluator, based upon initial impressions of the parents, comes to conclusions too quickly in the process and then looks only to data which confirm these initial impressions. The evaluator must remain open-minded throughout the process and even aggressively search for data which is disparate from predominant analyses of the case.

The American Psychological Association CCE guidelines (APA, 1994) require that psychologists not only maintain awareness of personal and societal biases, but must also strive to overcome them or withdraw from the evaluation. In reality, however, most custody evaluators do have biases, some of which they may be cognizant and others not. Some evaluators may have preferred custody arrangements they typically recommend. Some may have a bias toward mothers or fathers, while others may have a bias regarding religious participation or concerns about homosexual parents. For example, with respect to gender bias, Bradshaw and Hinds (1997), in a study in Australia, found that, when 51 CCEs were analyzed for evidence of sex-role and sex-trait stereotyping, male and female evaluators significantly favored the parent of their own gender in their categorization of various dimensions of parenting behavior.

Thus, a major challenge for child custody evaluators is to be self-inspecting enough to realize when a particular bias may interfere with an objective evaluation. If an evaluator is aware from the outset of a potential bias, he or she must determine whether they can do a fair evaluation, so the bias does not influence or shape their conclusions and recommendations. In most instances, having awareness of one's tendency to be biased in a particular direction can assist the evaluator in taking steps, either through critical self-examination or through consultation with other professionals, to provide impartial conclusions which truly focus on the best interests of children.

## COUNTERTRANSFERENCE IN THE CUSTODY EVALUATOR

Another source of bias can arise from countertransference reactions the evaluator may have to a parent involved in a CCE. Countertransference is a psychoanalytic term primarily applied to psychotherapy relationships, but the concept is applicable and helpful when applied to evaluative (Freedman, Rosenberg, Gettman-Felzien, & Van Scoyk, 1993; Sugarman, 1981) and other professional roles (Feinberg & Greene, 1995). In classical psychoanalytic theory, countertransference was viewed as the analyst's reactions, thoughts, or feelings about their patients, based upon their own neurotic or unconscious conflicts. The contemporary, and far more broadened, view is that countertransference encompasses the therapist's entire response toward the patient and not just those that stem from neurotic conflict. Countertransference reactions are not always a hindrance to the therapist or evaluator, but can help provide an understanding of the adults and children being evaluated. However, countertransference can lead to bias in a child custody evaluator when either the difficult circumstances of a case or the personal presentation of a parent or child elicit an unconsciously strong negative or positive reaction in the evaluator. Such reactions may distort one's perception, possibly leading to inappropriate or nonobjective recommendations.

With the exception of one published article over 10 years ago (Freedman et al., 1993), there has been nothing written about the evaluator's countertransference reactions in CCEs. Countertransference may be given limited mention in custody writings because it is associated with psychodynamic theory. Additionally, considering one's countertransference reactions may be experienced as antithetical to the evaluator who sees themselves as being objective and scientific.

Parents undergoing CCEs frequently display intense anger, despair, helplessness, rage, and disavowal of responsibility, and the expression of such emotionally charged issues is bound to affect the evaluator. Custody evaluators are most vulnerable to countertransference if the CCE process elicits feelings about events from one's past or present, which may cloud judgment with respect to the current situation. Such personal events might include the evaluator's experience with their parents or their own marital conflicts or divorce or the evaluator's history of childhood physical or sexual abuse, pregnancy, or domestic violence. An example of a negative countertransference is described below.

Mr. W presented as very angry during the course of the CCE, feeling deeply resentful that he even had to undergo an evaluation. He had only alternate Friday and Saturday overnights with his 10- and 13-year-old children, and believed it was ridiculous that Ms. W would not agree to him having additional custody periods, even though both parents agreed that the children were requesting more time with their father. Mr. W dealt with his anger and frustration by devaluing the CCE process and was challenging toward the evaluator. The evaluator was taken aback by this parent's criticalness and developed a very negative impression of the father. In his consultation group, the evaluator presented his negative impressions of this father and hesitation to recommend increased paternal custody periods. His consultation group pointed out that, while this man was angry and difficult, other data from the evaluation revealed a very good relationship with his children, with no evidence of the father's anger being expressed in inappropriate ways with them. Upon reflection, the evaluator came to the realization that Mr. W made him feel similar to the way his very hostile, negative, and demeaning father made him feel during much of his childhood. Once the evaluator understood this countertransference reaction, he was then better able to appreciate the father's strengths and more objectively analyze the data and formulate recommendations.

Concordant countertransference (Freedman et al., 1993) is a positive form of countertransference that may occur when the evaluator overidentifies with a parent whom they see as similar in parenting approach or as having common interests, resulting in a more negative perception of the other parent. Another countertransference pitfall may be found in the evaluator with an excessive need to be liked or to please others. Many psychotherapists have entered the field of mental health because they served as mediators or helpers in their families of origin. The excessive need to please, or even a mediational approach, could lead to evaluation reports which are so even-handed that they do not provide well-supported and definitive conclusions and recommendations. Such reports will not only fail to help settle a custody dispute, but moreover, may lead to a custody trial, as both parties will view the report as supporting their custody positions.

### **TIPS FOR AVOIDING BIAS AND COUNTERTRANSFERENCE**

Child custody evaluators are working with highly charged, emotional material which may interact with their personal issues or past. It is important to acknowledge that countertransference does exist and that it may influence the evaluator in such a way that compromises one's objectivity. The evaluator must maintain awareness of these reactions and seek appropriate consultation or supervision if it appears that such countertransference reactions might compromise the evaluator's objectivity in providing recommendations that are in the child's best interests. It is important to identify when a countertransference reaction may be affecting the evaluator's perception of the parents. Barsky and Gould (2002) recommend maintaining a personal log or self-check questionnaire to raise the evaluator's awareness of how a particular case is affecting them.

Freedman et al. (1993) described one key to recognizing countertransference as noticing when the evaluator starts to act atypically during an evaluation. Every evaluator has developed a particular style of working with parents and children. When there is a change in this characteristic approach, the possible contribution of countertransference should be considered. Sarcastic remarks to colleagues, defensive statements, unusually strong positive or negative feelings toward a parent, or dismissal of data may all reflect countertransference.

Questions for the evaluator to consider in every case are: (1) Does this case evoke any feelings in the evaluator related to their personal history which might lead them to over-identify with one parent or perhaps be biased against one of the parents?; (2) Is the parent attempting to create a particular reaction in the evaluator, and how can this reaction or experience of the parent be used to learn about this parent's capacity for relationships, their personality dynamics, or their experience in coping with their ex-spouse or the divorce?; (3) Does the evaluator feel a special desire to please one of the attorneys more than the other and might this affect the recommendations?; and (4) Might the evaluator have a potential gender, religious, or sex-role bias which could lead to a nonobjective recommendation?

### **STATE BOARD OR ETHICS COMMITTEE COMPLAINTS AND MALPRACTICE SUITS**

Gardner (1989) discussed the multiple reasons why he quit the field of CCE. Among others, his reasons included dealing with complaints to ethics committees, malpractice suits,

and concern about client rage and personal harm. Although his sentiments were described 15 years ago, most seasoned evaluators would certainly agree that his concerns are still relevant to the custody evaluator working today. The Ethics Committee of the APA summarizes its activities each year (APA, 2002), and complaints about CCEs rank second only to complaints about sexual misconduct. Kirkland and Kirkland (2001) conducted a survey of 61 board members of the Association of State and Provincial Psychology Boards, and their study revealed a total of 2,413 complaints against psychologists performing CCEs among 34 licensure boards between 1990 and 1999. While the psychology boards they studied only issued discipline in one percent of the cases, nonetheless, they conclude:

Practitioners who work in the area of child custody evaluation should expect to encounter a formal board complaint. Most practitioners describe this as a thoroughly harrowing experience, even if the complaint is patently vengeful and frivolous. Clearly, many practitioners will avoid the area simply to eliminate the anguish and trouble of responding to and defending board complaints (p. 173).

It is not only the parent who views the evaluator's report as not favoring them who may become enraged and file a complaint, but even the parent for whom the recommendations were favorable may file a complaint, as they may be angry that the recommendations did not go far enough. Dealing with licensing board complaints typically requires hiring an attorney and providing written responses to the specific grievances. If the complaint is not dismissed after the evaluator's response, then a board hearing is usually required, with the possible result of sanctions or removal of licensure. While some board complaints regarding CCEs are legitimate, the majority are typically dismissed, but the stress of having to respond to such complaints has led many fine evaluators to withdraw from doing professional work in the child custody arena.

Parents may also threaten to bring malpractice suits against child custody evaluators. In many states, evaluators are considered protected from such threats when CCEs are conducted under the auspices of a court order, as evaluators receive quasi-judicial immunity when an appointment to perform a CCE is specified in a court order. This mostly protects against civil lawsuits from a disgruntled parent. However, such immunity does not always guarantee that evaluators may not have to defend themselves against a malpractice lawsuit, as a judge still needs to make the determination that the malpractice claim should not go forward. For example, two psychologists in one California jurisdiction were recently sued in small claims court by custody litigants, who wanted all fees returned because the parent claimed the evaluator did an incompetent job. Both of these psychologists were required to appear in small claims court to respond to the complaint, in spite of the fact that they were appointed by the court to conduct the evaluation.

On a positive note, there is some movement within particular states to gain greater protections for child custody evaluators against state board or malpractice complaints (Greer, 2004). For example, West Virginia and Florida now have immunity laws which allow licensed psychologists to provide good faith custody evaluations during divorce proceedings, without fear of being wrongly sued by parents who are disgruntled about the custody recommendations. In West Virginia (Bradshaw, 2004), any licensed psychologist who is named in a civil action as a defendant because of their performance as a court-appointed child custody evaluator, and who prevails due to a finding that they acted consistently with the APA Custody Guidelines, shall be entitled to reimbursement of all reasonable costs and attorney fees. Hopefully, other states will adopt similar laws to

discourage frivolous complaints by disgruntled parents who are unhappy with custody recommendations.

### **THREATS TO PERSONAL SAFETY AND CONCERN ABOUT PERSONAL HARM**

CCEs are not for the thin-skinned or faint of heart. When professionals have been doing these evaluations as part of their regular practice, they are eventually bound to encounter threats to their personal safety. Nothing evokes more passion or rage in a parent than to feel they have been unfairly restricted in their contact with their child. Additionally, the stresses of divorce and litigation can often lead to significant regression in a parent's psychological functioning and behavior. Client rage following submission of a CCE report can sometimes reach violent, psychotic, and even murderous proportions. In spite of the fact that most parents have signed an informed consent agreement restricting them from having ex parte communication with the psychologist following the submission of a report, it is not unusual to receive angry, threatening, and harassing phone messages from parents after a report is completed. While most angry phone calls will arrive within the first few months after an evaluation is completed, some may come many years later.

Many child custody evaluators will experience even more serious threats to their sense of safety than angry phone calls. For example, child custody evaluators, in the course of their careers, may encounter direct physical threats by parents, death threats by mail, or even office vandalization by an angry parent following a CCE. While these experiences would certainly evoke a considerable degree of anxiety, fear, and anger for any evaluator, the type of incidents just described only occurs in a small minority of cases. However, the child custody evaluator is not immune from the occupational stresses and personal threats sometimes encountered by law enforcement officers, attorneys, and even judges. Over time, the experienced child custody evaluator hopefully develops the necessary psychological defenses and thickness of skin to successfully cope with these types of incidents and threats.

### **RECOMMENDATIONS FOR TRAINING, RISK MANAGEMENT, AND COPING WITH THE CHALLENGES OF BEING A CHILD CUSTODY EVALUATOR**

#### **PROFESSIONAL AND TRAINING REQUIREMENTS**

To perform a CCE, an MHP must have expertise in a very broad range of skills, including training and expertise in both child and adult mental health, as well as thorough knowledge of psychological testing, child development, family systems theory, and the impact of divorce on children. Psychologists and other MHPs must also be familiar with the applicable legal standards and procedures, including the laws which govern custody determinations in their particular state or jurisdiction (APA, 1994). Many other serious issues which affect the health, welfare, and safety of children frequently arise in conducting CCEs, requiring the MHP to have specialized knowledge in the areas of child sexual abuse (Hewitt, 1999; Kuehnle, 1996), domestic violence (Bow & Boxer, 2003; Johnston & Roseby, 1997), child or parental alienation (Gardner, 1992; Kelly & Johnston, 2001), and substance abuse (Schleuderer & Campagna, 2004). While there are very few formal training programs in performing CCEs,

the novice evaluator should certainly seek specific training through local or national workshops, as well as consider having several of their initial CCEs be supervised by a senior child custody evaluator. Some states, such as California, have now adopted a series of court rules which not only set standards for CCEs, but also set forth required prerequisite training and mandated continuing education for child custody evaluators.

### **RISK MANAGEMENT CONSIDERATIONS**

Glassman (1998) has provided several useful suggestions for reducing risk in the area of conducting CCEs. There are several steps that child custody evaluators can take to protect themselves from board complaints and malpractice suits. First, conduct only court-appointed CCEs. In many state jurisdictions, a court appointment provides the evaluator with quasi-judicial immunity against the subsequent filing of a malpractice suit that is based upon the CCE. Second, ensure your work reflects a thorough compliance with all specific state and national guidelines for conducting CCEs, such as the APA (1994) or the Association of Family and Conciliation Courts Guidelines (2006). Third, avoid *ex parte* communication, that is, the exchange of information, either orally or in writing, to only one party, both before, during, and after an evaluation. It is best to adopt a procedural policy that the evaluator only have telephone calls with both attorneys at the same time, and all parties must be provided copies of any information received by or sent to the evaluator.

Fourth, evaluators should have parents sign a thorough disclosure statement prior to beginning the evaluation, insuring informed consent, as well as indicating procedures for the evaluation, fee arrangements, confidentiality limitations, and rules against *ex parte* communication. A fine example of a disclosure statement is contained in Barsky and Gould (2002, pp. 234–242). Fifth, the CCE should avoid any dual-role conflicts or other perceived sources of bias. The best scenario is an evaluator who has never had contact with either parent or other immediate family members who will be involved in the evaluation. Sixth, it is crucial in a child custody evaluator to maintain the highest standards of documentation, not only with respect to clinical interviews and observations, but also in regard to maintaining a written record of telephone contacts with collateral sources of information and the parties. Seventh, in writing a report, it is wise to base conclusions on multiple sources of data (i.e., clinical interviews, observations, psychological test results, collateral contacts) and not on information from only one source.

Lastly, it is best to remember that child custody evaluators do not decide custody arrangements. Rather, the evaluator's role is to provide information and recommendations to the judge, who ultimately determines what custody plan is in the child's best interests.

### **COPING WITH THE CHALLENGES OF BEING A CUSTODY EVALUATOR**

As will be described shortly, performing CCEs can be rewarding work. However, it is also a highly complex, remarkably demanding, and frequently quite a stressful endeavor. There is a high risk for burnout in this area of professional practice (Stahl, 1994). As is the case for the psychotherapist, the custody evaluator is not immune to the influence of prolonged exposure to human despair, anger, conflict, and suffering. Writing a CCE report is also one of the most challenging tasks of analysis and synthesis that an MHP can undertake. These reports are not only time consuming to complete, but the evaluator faces the great likelihood that no matter how astute a job is done in summarizing and analyzing a complex array of data to arrive at carefully thought-out custody recommendations, someone is going

to be quite dissatisfied with the report. While the majority of CCE reports do lead to a custody settlement without a trial, evaluators still face the distinct possibility of being deposed or subpoenaed, and having the results and conclusions challenged in court. Even when skilled, confident, and objective, evaluators may still harbor doubts about their conclusions when testifying before judges and attorneys.

Child custody evaluators also face the challenge of reconciling current controversies in the field regarding whether it is proper and ethical for the evaluator to address the ultimate question by providing recommendations regarding specific custody arrangements and schedules. For example, Tippins and Wittmann (2005) recently argued that there is no empirical foundation as yet for evaluators to reliably predict child adjustment to different access plans. Thus, they conclude that it is unethical for evaluators to make specific custody recommendations. However, these authors still view the CCE as being helpful to the court with respect to providing input about parenting skills and deficits, the child's developmental needs and preferences, as well as the potential psychological risks associated with various custody arrangements.

Kelly and Johnston (2005) counter the stance taken by Tippins and Wittmann, by maintaining that when valid and reliable testing instruments are used and empirical research is cited to support conclusions, it is ethical to make custody recommendations or present options for parenting plans to the court. Bala (2005) strongly argues against the notion that there should be a moratorium on evaluators making recommendations about best interest decisions, noting:

If their [i.e., Tippins and Wittmann] proposals are adopted by the family courts, there is no assurance that there will be better resolution of cases and there will be significantly greater financial and human costs involved in resolving family law disputes, with negative effects for the court system, parents, and children (p. 554).

Most family courts are requesting that child custody evaluators make specific recommendations regarding custody plans. As this has been the predominant professional practice, and there are no guidelines which declare it unethical to do so, evaluators must decide for themselves how to cope with such controversies in the field as applied to their particular forensic practice.

There are several important steps child custody evaluators can take in trying to support and improve their work in this arena. First, it is crucial to regularly consult with a colleague or supervisor about custody evaluation cases. This should routinely take place and not only when a concern arises about bias or countertransference reactions. Participating in a consultation group, involving regular meetings with other professionals who perform CCEs or serve as special masters or parent coordinators, can provide a forum for the evaluator to discuss discrepancies in the data, to share feelings and experiences in working with difficult cases, and to obtain validation or have questioned the perceptions that have served to guide the recommendations. If a consultation group is not an available option, having even one colleague for regular consultation will be helpful.

Second, not exclusively performing CCEs, but engaging in other types of clinical or consultative work, may also lead to greater longevity in this difficult area of professional practice. For example, when conducting psychotherapy, clients most frequently highly value the therapist's involvement with them. This is a far different experience from serving in the King Solomon role, in which custody litigants are often quite angry and accusatory, even when the evaluator has done nothing wrong.

Third, maintaining a developmental perspective is important. As is the case with psychotherapists (Kottler, 1993), most custody evaluators begin their work in this field from the point of idealism. However, a loss of innocence often follows, which may progress to cynicism and a diminishment of enthusiasm. As the evaluator obtains greater experience, however, pragmatism and realistic expectations take hold, allowing the evaluator to more confidently and excitedly approach their task.

Finally, rely on the wisdom of others. There is a rapidly emerging research base regarding children's adjustment to divorce (Hetherington & Kelly, 2002; Kelly & Emery, 2003) and developmentally appropriate parenting plans (Bauserman, 2002; Kelly & Lamb, 2000; Pruett, Ebling, & Insabella, 2004) which can assist the evaluator in formulating appropriate custody recommendations. Also, the MHP entering the field of CCEs today will benefit from the ever-expanding knowledge base regarding ways to conduct ethically informed and scientifically sound CCEs (Ackerman, 2001; Gould, 1998; Stahl, 1994). Take advantage of this knowledge by regularly reviewing the literature in this area. Attending professional meetings and educational seminars, where new research on children's adjustment to divorce and state-of-the-art approaches to CCEs are presented, will often inject a new sense of enthusiasm, purpose, and hopefulness into the evaluator's work.

### **REWARDS AND BENEFITS OF BEING A CHILD CUSTODY EVALUATOR**

After reading about the professional and personal challenges just described, one might ask, "So why would anyone want to become a child custody evaluator?" There are several excellent reasons for engaging in this type of work. By far, the most compelling and rewarding reason is the opportunity to have a major positive impact on the lives of children in the midst of very difficult family circumstances. The vast majority of divorcing families are able to settle upon a custody arrangement either by themselves or with the assistance of family law attorneys and/or mediators. However, the families referred for CCEs are frequently those where issues such as domestic violence, high conflict, child alienation, suspicions of sexual abuse, and substance abuse are involved (Stahl, 1999). The parental tug-of-war over the children is all-consuming for many parents, an often destructive process which leads to diminished parental and personal functioning, with reduced emotional resources available to meet the needs of their children.

In a CCE, the needs and best interests of the children can take center stage again, and the evaluator can be the child's voice. This does not necessarily mean that a custody recommendation to the court is always consistent with a child's custody preferences. Warshak (2003) aptly noted that children do not always know what is best for them and may be subject to loyalty conflicts. Thus, representing a child's voice also entails using the collective voice of children, as revealed in developmental research on children's adjustment to various custody arrangements. Representing a child's voice also entails utilizing all of the evaluator's clinical and observational skills to understand a family's unique dynamics. When this is combined with the evaluator's knowledge from both past experience and currently available research, MHPs can assist the court by providing a recommended direction for the family, so hopefully children can progress and thrive again in spite of parental divorce. Thus, there is no doubt that this is a most important and honorable task.

The experience of testifying in court can also be highly rewarding. Brodsky (1991) described some of the positive professional aspects to becoming involved in forensic practice

and expert witness testimony in general, many of which apply to CCEs. Because it is a public presentation, providing expert witness testimony validates the evaluator's personal and professional self. Testifying in court is an intellectual challenge, in which the evaluator must use quick thinking and mental flexibility in responding to cross examination. At its best, testifying in court can be a time of exhilaration at meeting this intellectual and professional challenge. For MHPs working in the legal system, it is very satisfying to feel a sense of competence and effectiveness in the foreign land of the courtroom. Although the CCE report may generate criticisms from some parents and attorneys, the evaluator does hear positive feedback from some parents, as well as from attorneys who appreciate our work, in spite of the fact that the recommendations may not have supported their client's position in the litigation.

Conducting a CCE also provides the rare opportunity to engage in an intensive case study of a family undergoing a crisis, while also being an opportunity to utilize a wide array of clinical skills in a single endeavor. Add to this the fact that the role of child custody evaluator is somewhat akin to being a sleuth, and you have a task which is rich in complexity.

Lastly, even though the need to maintain the forensic, as opposed to the therapeutic role was previously emphasized, the experience of performing a CCE is frequently one in which the evaluator develops a deepening of compassion for the human suffering of parents and children embroiled in extremely trying life circumstances. While some parents involved in custody disputes are dealing with their situation in an unfortunate manner, the custody evaluator also encounters parents making positive efforts to assist their children through this most difficult time.

## NOTE

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