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## Ask the Experts

### Ten Tips for Writing High Quality and Helpful Custody Evaluation Reports

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The preparation of a child custody evaluation (CCE) report is the culmination of a lengthy, often intense, stressful, and intrusive process for parents and children. Unless there is a trial in which the evaluator testifies, the CCE report may be the only means by which the parents, judge, and attorneys have to understand the evaluator's thinking. Despite the importance of CCE reports, little has been written about how to craft a high quality report that responds to the needs of this multi-client system. It is estimated that between 80-90% of cases in which a CCE has been conducted settle either outside of court or without a trial. Thus, in the day-to-day world of family law, custody reports most frequently serve a settlement function. Our work focuses on integrating forensic and clinical approaches to guide report writing that supports families resolving disputes and moving forward in the interests of their children.

#### **1. Be helpful to the court by offering *additive or incremental* input**

Custody evaluators should not only understand the foundations of forensic evaluations and how they differ from purely clinical assessments, but also demonstrate that understanding in their reports. Apart from offering a recommended timeshare, be sure the report defines and responds to the psycho-legal issues of the specific case. Reports that are helpful to the court are those that synthesize current empirically based research in the field with the fact pattern and evidence of the case and well-informed clinical understanding of individuals and family dynamics.

#### **2. Readability of the report**

CCE reports should be written at a reading level that the average reader can understand. Jargon should be avoided and multiple subheadings should be utilized to improve organization and readability.

#### **3. Presentation of psychological test results**

Evaluators should not rely heavily on computer-generated test report interpretive statements, which, among other things, often emphasize pathology. Clinical judgment and skill are necessary when deciding what to include and not include from such computer-based reports. Evaluators who utilize psychological tests should be trained in independent interpretation of scores. Attempts should be made to frame interpretive statements of test findings in a useful and beneficial manner to maintain the humanity

and integrity of the parent being described. In addition to highlighting problematic aspects of psychological functioning which could negatively impact parenting, reports should also describe the strengths in a parent's psychological make-up and functioning which positively impact parenting.

#### **4. Denote parental strengths as well as weaknesses**

Reports should not only attempt to specify areas of parental weakness needing improvement, but also clearly highlight parental strengths for both parents. When describing parental weaknesses, evaluators should use appropriate clinical judgment (i.e., forensic empathy) and carefully attend to the manner in which such weaknesses are described, seeking to present such concerns in a non-judgmental manner. Sensitive feedback should be written in such a way to enhance a parents' ability to receive the information in a non-defensive manner.

#### **5. Avoiding bias in reports**

Evaluators should carefully review their reports prior to final submission to self-screen for various kinds of bias (i.e., confirmatory, countertransference bias). Such biases may be evident when parents are presented in a polarized fashion (one parent is "all good" while the other is "all bad"). However, other forms of bias are more subtle. Evaluators should seek consultation, if necessary, to control for biases.

#### **6. Maintain a "settlement" mindset**

Report writing should be approached with a mindset and awareness that a CCE report most often serves as a "settlement tool" rather than a "litigation tool." Though the custody report is an advisory report to the court and must meet the standards of forensic evaluations, it is most helpful when it includes information and recommendations that can be pragmatically applied by the family.

#### **7. Presentation of recommendations for parents**

Recognize that most parents want to do what is best for their children, even if it means taking steps to improve their parenting skills. Provide report recommendations for enhancement of parenting or co-parenting skills in a manner that increases hope. This can be accomplished by generating specific strategies and pathways for improvement, and noting the advantages not only to the child, but also to the parent, of improving ineffective parenting and co-parenting approaches.

#### **8. Incorporate the "voice of the child" into reports**

CCE reports should present information regarding children's stated or inferred custody preferences. If child custody plan recommendations drastically differ from a child's stated preferences (especially for a teenager), clearly articulated reasoning should be contained in a report noting that a child's input and preferences were carefully considered, but the evaluator deemed their stated wishes were not in their best interests. Where appropriate, include children's actual words in a report. Clinical judgment is crucial, however, in making decisions regarding what to include and not include about a child's concerns about a parent. Evaluators must be attentive to how

such child-generated information is described in the report, due to its potential to impact the child's future relationship with each parent.

### **9. Demonstrate careful, fair-minded weighing of the data**

Evaluators should pay particular attention to how their analysis of the case is presented. It is important to discuss various hypotheses and parenting plans that were under consideration. Not only should evaluators discuss limitations of their assessments, but they should also reveal data that did not support their conclusions and the present reasoning for rejecting some hypotheses, but adopting others. Among other things, this demonstrates fair-mindedness.

### **10. Presentation of recommendations regarding post-evaluation services by divorce professionals**

CCE reports need to be useful not only to the courts and to parents, but also to professionals (i.e., child's or parent's therapist, co-parenting therapist, parent coordinators, guardians ad litem) providing services to the family as part of a comprehensive parenting plan. Thus, reports should clearly articulate the purpose of each recommended intervention, while enumerating the stepwise goals for the manner in which these various services should be provided to the family.

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