

Clinical Psychology Insights

Applications For Legal Practice

Winter, 2005

Volume 5, Issue 1

ALTERNATIVES TO CUSTODY EVALUATIONS

Michelle F. Eabon, Ph.D.
Clinical Psychologist

Issues warranting psychological evaluation come before the court many times in domestic relations litigation. The appropriate evaluation can only be developed after consultation with a psychologist, but before a court order is written. On occasion, concerns about cost deter judges from ordering full custody evaluations, but this can lead to testimony about the parties' mental health being offered by persons whose information is not suitable for use in a custody decision.

In these cases opinions are then sought from therapists, or separate experts retained by each litigant, who may not have evaluated any of the parties. Dueling experts or misused and inapplicable information from therapists results in protracted litigation, damages the co-parenting relationship and harms children's adjustment. Sometimes costs actually exceed those that would have been incurred if a full custody evaluation had been requested.

A full custody evaluation may not always be necessary when assessment is important. The following are examples of evaluations which can be considered in some custody and visitation conflicts, depending upon the complexity of the cases and the types of dispositions being sought.

Custody Evaluation: When the matter before the court is legal or physical custody or a visitation conflict is complex, a comprehensive custody evaluation is most likely the best choice for these purposes. Each clinician works differently and there is no proscribed format within the profession of clinical psychology for conducting custody evaluations. Some evaluations are brief and involve only structured interviews; others are more extensive and include psychometric testing. Parties to the litigation benefit the most when a written report is produced although not all evaluators produce one. Generally, these evaluations are *adult-centered or child-centered*, depending upon the clinical psychologist's training. A child centered evaluation is the best approach when the children involved are under 8 years of age or have other kinds of special needs.

Family Study: This type of evaluation approach might be used in situations where there is post-divorce or repeat litigation due to unresolved conflict between the parents and where the children are showing adjustment problems. This approach includes detailed interviewing and could potentially be appropriate for first time litigants who, with some guidance, could reach an out of court resolution.

Parent-child evaluations are involved and psychometric testing might be undertaken. Grandparents or care givers could be interviewed. Subsets of these approaches include:

•**Parent Study:** When it seems apparent to the court that the problem is solely related to an impaired relationship between the parents, due to interpersonal conflict or psychological disorder, this approach would be applicable, but both parents must be assessed by the same examiner. Many methods are appropriately used here such as interviews, testing, and other forms of assessment.

•**Child Study:** This approach would be suitable where a practical and conciliatory custody or visitation arrangement is in place, but the child continues to demonstrate adjustment difficulties. This approach is most similar to a child guidance evaluation and would be undertaken to fine tune a process where there is little conflict or the parental relationship, while negative, is well understood.

Psychological Evaluation: An individual psychological evaluation has limited utility in domestic relations litigation although it is frequently, but inappropriately, requested. The

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Michelle F. Eabon, Ph.D.
Clinical Psychologist
11244 Waples Mill Rd., Suite G-1
Fairfax, VA 22030

Alternatives to Custody Evaluations

Dr. Eabon is a clinical psychologist licensed by the Virginia and D.C. Boards of Psychology. In practice since 1987, she specializes in psychological evaluations for custody and visitation issues, juvenile offenders, educational litigation, learning disabilities, psychological problems, disability determination, and some toddler or young child personal injury. Although her practice is primarily consultation and evaluation, she does have a small psychotherapy practice for older adolescent and adult clients struggling with maturity or phase of life issues, depression, anxiety, or parent-child conflict. She also provides supportive therapy for clients of all ages who have siblings with special needs, including disability and illness. Ψ

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Michelle F. Eabon, Ph.D.
11244 Waples Mill Rd., Ste. G-1
Fairfax, VA 22030
(703) 691-4204
(703) 691-3595 (fax)

DrEabon@waplesmill.vacoxmail.com

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data collected in this kind of evaluation results in a report which has information about mental status, emotional stability, diagnosis, treatment progress to date and implications for future treatment. Unless a mental impairment is so severe as to require hospitalization or severely handicaps the daily life of a parent, an evaluator can only speculate when asked to describe a person's capacity to parent or co-parent.

Individuals with psychiatric diagnoses are frequently regarded prejudicially by the court and discriminated against solely on the basis of the presence of a disorder. A diagnosis itself carries no information about an individual's parenting capabilities. It is not unusual for a person with a well controlled psychiatric disorder to parent just as competently as one without a diagnosis. Describing functional impairment regarding parenting, which is the relevant question, must come from data from a custody evaluation or family study.

Psychological evaluations and therapist testimony are frequently misused in litigation. Psychologists in the role of custody evaluators serve several masters: professional ethics; the pressure from malpractice carriers who scrutinize the practices of forensic psychologists more closely than other types of practices and from Boards of Psychology who receive many complaints against psychologists in this role. In addition, psychologists must respond to the needs of the court, even when those needs are not articulated in a manner which best protects the individuals coming forward for an evaluation.