

Review of Empirical Research on Child Custody Practice

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ABSTRACT. This article reviews the current state of child custody practice and its significant changes over the past 20 years. Three types of research methodology are reviewed regarding child custody practice: survey research with child custody evaluators, survey research with judges and attorneys, and content analysis of child custody reports. The assessment of specialized issues in child custody evaluations, such as sexual abuse and domestic violence, are addressed as well. Factors promoting change in child custody practice over the years are discussed, along with areas needing further improvement and research. *[Article copies available for a fee from The Haworth Document Delivery Service: 1-800-HAWORTH. E-mail address: <docdelivery@haworthpress.com> Website: <http://www.HaworthPress.com> © 2006 by The Haworth Press, Inc. All rights reserved.]*

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Over the past twenty years, interest in child custody practice has increased. Numerous books and articles have been published on the topic, along with a journal devoted solely to child custody (viz., *Journal of Child Custody*). Conferences related to this issue have proliferated.

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This is probably a function of the increased number of cases referred for such evaluations, more mental health professionals conducting such evaluations, and the publication of child custody guidelines/parameters by professional organizations (American Academy of Child and Adolescent Psychiatry, 1997; American Psychological Association (APA), 1994; Association of Family and Conciliation Courts, 1994). Further, the high numbers of board and ethics complaints, and malpractice suits involving child custody cases have forced evaluators to examine their practices and procedures (Bow & Quinnell, 2001).

In the mid-1990s a number of professional organizations developed child custody guidelines/parameters (American Academy of Child and Adolescent Psychiatry, 1997; American Psychological Association, 1994; Association of Family and Conciliation Courts, 1994). It is important to note that these guidelines/parameters were developed to be aspirational rather than mandatory; they outline important areas to consider in child custody practice. Such guidelines/parameters have provided direction for child custody evaluators, particularly psychologists (Bow & Quinnell, 2001). Although aspirational, it is important for evaluators to realize that the APA guidelines have been codified in some states (Florida Statutes Annotated, 2003; Florida Administrative Code Annotated, 2004; *Grossman vs. Pennsylvania State Board of Psychology*, 2003). Consequently, evaluators need to be aware of their state statutes and administrative codes regarding this issue.

The litigious and adversarial nature of child custody cases creates concern for evaluators as well. Bow and Quinnell's (2001) survey of 198 psychologists conducting child custody evaluations found that 35% had experienced at least one board or ethics complaint, 10% had at least two complaints, and 10% had experienced a malpractice suit pertaining to child custody work. Also, Gourley and Stolberg (2000) found that one-third of respondents in their study had been accused of ethics violations. Further, respondents in the LaFortune and Carpenter's (1998) study rated the increased risk of malpractice or lawsuits as the most disliked aspect of the present procedural system. Consequently, some psychologists avoid such evaluations. In Bow and Quinnell's study published in 2001, approximately 10% of the sample of possible participants indicated they no longer performed child custody evaluations.

Mental health professionals and attorneys have also criticized child custody practice, which has fueled the debate about the usefulness of such evaluations (Melton, Petrila, Poythress, & Slobogin, 1997; O'Donohue & Bradley, 1999; Tippins & Wittman, 2004; Weisz, 1999). These professionals have seriously questioned the adequacy of research

supporting child custody determinations, the role of the evaluator, and the appropriateness of addressing the ultimate issue.

The present article reviews the empirical research concerning child custody practice, including the following studies: Ackerman and Ackerman (1997); Ackerman, Ackerman, Steffen, and Kelley-Poulos (2004); Bow and Quinnell (2001, 2002, 2004); Bow, Quinnell, Zaroff, and Assemany (2002); Bow and Boxer (2003); Gourley and Stolberg (2000); Horvath, Logan, and Walker (2002); Keilin and Bloom (1986); LaFortune (1997); LaFortune and Carpenter (1998); and Quinnell and Bow (2001).

Three types of studies have been used to explore child custody practice: (1) surveys of child custody evaluators, (2) surveys of judges and attorneys about child custody practices, and (3) content analysis of reports done by child custody evaluators. The advantages and disadvantages of each method are briefly discussed below.

REVIEW OF RESEARCH METHODS

Survey research with child custody evaluators is the most commonly used method. It is relatively easy to do and provides general information about practice. However, one of the pitfalls of survey research is that reported practice might differ from actual practice. Survey research is also based on retrospective estimates, which require participants to accurately estimate requested information. Furthermore, this method's frequent usage does not imply best practice (Flens, 2005).

Survey research with the legal profession concerning child custody practice is another avenue. It is important for child custody evaluators to understand the needs and desires of the legal profession in this area. However, judicial systems and legal statutes vary from state to state; consequently, what applies in North Carolina might not apply in Florida or California. Therefore, it is difficult to generalize the findings of this research. Another problem is that the return rate for judges and attorneys tends to be low. This might be due to the difference in training compared with other professions (e.g., psychology), with little emphasis on research methodology and the importance of quantitative research. Another factor is that judges are reluctant to complete such surveys because of anonymity concerns, that is, fear that disclosure of their responses may indicate biases that could compromise their ability to serve on the bench (Ackerman & Kane, 2001). Finally, retrospective estimates are relied upon here as well to provide requested information.

A review of child custody evaluation reports provides the best analysis of child custody practice. This method allows for the actual review of content and procedures. Also, in most cases actual data are available for analysis. However, this approach has its disadvantages as well. Accessing reports can be difficult. Evaluators are reluctant to share their reports, and if they do so, they will most likely provide a favorable, not necessarily representative, sample. Also, deleting confidential information is another issue in sharing reports; it takes considerable time to eliminate such data. Moreover, some studies have focused on samples from a particular county or region. These findings are hard to generalize since reports are often written for a particular court system and/or judge and, as a result, might not reflect the evaluators' preferred style or format. Thus, what is reported might not actually reflect general child custody practice/procedures.

Regardless of the type of research methods used, a number of factors need to be considered in analyzing such studies. Sample size, geographic distribution of participants (i.e., county, state, or national sample), the specific professional group(s) sampled (e.g., psychologists, social workers, psychiatrists, attorneys, and/or judges), the level of training and experience in the child custody area, and the specific questions asked or analyzed, should all be taken into account. All of these have a direct impact on the findings.

SURVEY RESEARCH ON GENERAL CHILD CUSTODY PRACTICE

Demographics

Keilin and Bloom (1986) conducted the first major survey on child custody practice. Their study involved 82 mental health professionals (78% of whom were doctoral-level psychologists), who averaged 16 years of clinical experience and an estimated average of 156.5 child custody evaluations over their career. The mean age of respondents was 47.7 years, 78% were male, primarily employed in private practice. Respondents were from 23 states and Canada.

Ackerman and Ackerman (1996, 1997) replicated Keilin and Bloom's study about ten years later, but involved a national sample of doctoral psychologists in 39 states. They were also more experienced, with an average of 19 years of practice and an estimated average of 214.9

evaluations. They were primarily employed in private practice. The average age of respondents was 49.1 years; 69% were male.

LaFortune and Carpenter (1998) surveyed 165 mental health professionals (89% were psychologists) in only five states. The vast majority (75%) worked primarily in private practice. The sample averaged 17.9 years of experience, with an estimated mean of 98 child custody evaluations in their career; 58% were male.

A less-cited survey study was conducted by Gourley and Stolberg (2000). This is probably due to the survey participants being solely from the Commonwealth of Virginia and the relatively small sample size. The sample involved 65 psychologists randomly selected from Board of Psychology licensees (identified as the “broad” group) and 21 licensed psychologists nominated by attorneys (identified as the “credible” group). The experience of the latter group was not identified nor was the criteria used by attorneys in nominating these “very credible” child custody evaluators. Also, the response rate (10%) from attorneys was very low. Consequently, these factors may have a bearing on the results. The experience of the broad group was limited, with an estimated average of 2.47 evaluations per year and 9.8 years of experience in the field. This group appears to be very inexperienced compared with other survey studies. Overall, the findings of this study need to be interpreted with great caution, and may not be generalized to other settings.

Bow and Quinnell (2001) surveyed child custody practice five years after the publication of the APA (1994) Guidelines on Child Custody Evaluations in Divorce Proceedings. The national sample involved 198 psychologists from 38 states, with an average of 23 years of professional experience and an estimated total of 245 evaluations; 52% were male. Ninety-six percent of respondents were doctoral-level psychologists and 14% were board certified (e.g., diplomates) from the American Board of Forensic Psychology. Almost all were in private practice. The testing portion of the study was published in Quinnell and Bow (2001). Findings from these studies are reviewed below.

Training in Child Custody Evaluations

Bow and Quinnell (2001) found that the vast majority of child custody evaluators had no graduate school or internship/post-doctoral training in the child custody area, with only 18% and 39% receiving training in these settings, respectively. The most common training method reported by 87% of the participants was seminar attendance, with a mean of 8.7 seminars attended. Seminar attendance was followed

by supervision (44%), with a mean of 241 hours. Sixteen percent of the professionals surveyed identified other forms of training, such as reading books and articles.

Among Gourley and Stolberg's (2000) survey groups, about three-quarters indicated that their primary child custody training method was reading books and journal articles. About half of them had attended seminars or workshops, although this number was greater for the credible group. Also, only 37% of the broad group and 29% of the credible group had received post-doctoral supervision in the child custody area. Further, only 14% of the broad group and 33% of the credible group had received training during graduate school.

LaFortune and Carpenter (1998) found that only 21% of their participants had taken forensic courses in graduate school, but 72% had engaged in a practicum in child/family/forensic assessment (300+ hours) and 90% had received specialized training in child/family assessment.

Overall, these findings are not surprising as most child custody evaluators attended graduate school several decades earlier when less emphasis was placed on forensic course work. It also indicated that most child custody evaluators have gained their knowledge through informal means (e.g., conferences, books/articles), which does not ensure an organized, comprehensive study of the field, nor does it provide any measure of competency.

Practice Issues

Bow and Quinnell (2001) found that the overwhelming majority (84%) of child custody evaluations were court-ordered, which was a vast increase from the 26% found in the Keilin and Bloom (1986) study. Further, almost all the respondents in the Ackerman and Ackerman (1997) study expressed a preference to serve in an impartial capacity. Bow and Quinnell (2001) found that almost all evaluators obtained written informed consent (88%); in addition, 99% of respondents reported that they informed the examinees of the limits of confidentiality.

The cost of a child custody evaluation has steadily increased over the years. The average rate in the Keilin and Bloom (1986) study was \$965. This cost had climbed to \$2,646 and \$3,335 in the Ackerman and Ackerman (1997) and Bow and Quinnell (2001) studies, respectively. This appeared to be a function of the greater time spent on the evaluation (18.8 hours in Keilin & Bloom, 26.4 hours in Ackerman & Ackerman, and 24.5 to 28.5 hours in Bow & Quinnell), along with the increase in the hourly rate from \$88, to \$121, and to \$144, for these

studies. Bow and Quinnell (2001) found that 65% of evaluators charged per hour, 33% charged on a per case basis, and the remaining evaluators charged per individual. Payment plans differed as well. Thirty-one percent of respondents required half payment at the first appointment and 29% required full payment at that time. In contrast, Ackerman and Ackerman's (1997) study found that 50% of respondents required full payment in advance. Sadly, the high costs of child custody evaluations limit their availability for many families.

The mean time frame for completion of child custody evaluations was found to be 9.27 weeks (Bow & Quinnell, 2001). Almost all respondents (96%) in Bow and Quinnell's study (2001) wrote a report, which averaged to 21 pages, ranging from 4 to 80 pages. In LaFortune and Carpenter's survey, a slightly lower percentage (85%) of cases included a written report.

PROCEDURES

Table 1 displays the most commonly used procedures and the mean amount of time spent on each procedure per study. It is noteworthy that parent and child interview times have significantly increased, along with the review of documentation and report writing. Both Bow and Quinnell (2001) and LaFortune and Carpenter (1998) compared the perceived importance of individual procedures and found that the ranking and contribution of outcome was the greatest for the parent interview, child interview, and parent-child observation. Psychological testing was only seen as moderately important.

As displayed in Table 2, the most frequently used test for adults in all studies was the Minnesota Multiphasic Personality Inventory-2 (MMPI-2). Usage of the Millon Multiaxial Personality Inventory II/III (MCMI-III) has increased over the years, and it is presently the second most commonly administered test. Parenting inventories (e.g., Parent-Child Relationship Inventory and Parenting Stress Index) have gained popularity as well. The Rorschach Method continues to be the most popular projective technique and its use has remained consistent over the years.

Among children and adolescents, all tests or techniques were used by less than 50% of the respondents (see Table 3). Most interesting, the Family Drawing or Kinetic Family Drawing has become the most widely used test/technique. The use of such techniques in a forensic setting has been harshly criticized (Lilienfield, Wood, & Garb, 2000;

TABLE 1. Procedures Used in Child Custody Evaluations

Procedure	Mean Hours Involved				
	Keilin and Bloom (1986)	Ackerman and Ackerman (1997)	LaFortune and Carpenter (1998)	Gourley and Stolberg ^a (2000)	Bow and Quinnett (2001)
Parent interviews	4.1	4.7	4.8	5.3	7.0+
Interview with child(ren)	1.6	2.7	1.4-1.6 ^b	3.5	1.8 ^b
Testing parents and children	5.2	5.2	–	4.0	5.0
Parent-child observation	1.9	2.6	2.5	2.6	1.6
Interviewing significant others	1.3	1.8	1.4	2.1	1.5
Reviewing documents	–	2.6	1.1 ^c	2.4	3.0
Writing report	2.8	5.3	–	4.3	7.3

Note. Dashes indicate that data were not obtained.

^a Credible sample, ^b Per child, ^c Limited to review of school records.

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Medoff, 2003). It is important to note that the usage of the Minnesota Multiphasic Personality Inventory-Adolescent Version (MMPI-A) and Millon Adolescent Clinical Inventory (MCMI) has doubled in frequency. Specific custody tests, such as the Bricklin Perceptual Scales (BPS) and Perception of Relationships Test (PORT), have consistently been used by one-fourth to one-third of respondents, while the Ackerman-Schoendorf Scales for Parent Evaluation of Custody (ASPECT) was used by 11% (Ackerman & Ackerman, 1997) to 16%

TABLE 2. Psychological Testing of Adults

Test/Technique	Quinnell and Bow (2001)		Ackerman and Ackerman (1997)		Keilin and Bloom (1986)	
	% used	Ave. time used	% used	Ave. time used	% used	Ave. time used
Wechsler Adult Intelligence Scale	47	31	43	49	29	67
Wide Range Achievement Test	10	42	10	78	–	–
Minnesota Multiphasic Personality Inventory-2	94	88	92	91	71	88
Millon Multiaxial Personality Inventory-II/III	52	73	34	73	–	–
Rorschach Ink Blots	44	64	48	64	42	67
Parent-Child Relationship Inventory	44	72	11	73	–	–
Parenting Stress Index	41	67	9	39	–	–
Sentence Completion	26	89	22	88	12	76
Thematic Apperception Test	24	55	29	56	38	67
House-Tree-Person Projective Drawings	10	80	6	85	4	47

Note. Dashes indicate that data were not obtained.
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(Quinnell & Bow, 2001) of respondents. These instruments have faced much criticism as well (Connell, 2005; Heinze & Grisso, 1996; Otto & Eden, 2003). It is noteworthy that the usage of parent rating scales has increased significantly, with the Child Behavior Checklist and Conner's Parent Rating Scale most frequently used.

Other procedural findings were noted as well. Bow and Quinnell (2001) found that about one-third of respondents typically used home visits to assess parent-child interaction; this finding is commensurate with Keilin and Bloom's (1986) data. Gourley and Stolberg (2000) found that 24% of their respondents always conducted a home visit and

TABLE 3. Psychological Testing with Children and Custody Specific Tests

Test/Technique	Quinnell and Bow (2001)		Ackerman and Ackerman (1997)		Keilin and Bloom (1986)	
	% used	Ave. time used	% used	Ave. time used	% used	Ave. time used
<i>Self-Report</i>						
Minnesota Multiphasic Personality Inventory—Adolescent Version	43	42	20	49	—	—
Millon Adolescent Clinical Inventory	21	36	11	41	—	—
Family Drawing or Kinetic Family Drawing	45	76	18	87	9	94
Thematic or Children's Apperception Test	35	48	37	53	39	75
Draw-a-Person or Human Figure Drawing	33	75	—	—	20	79
Sentence Completion	30	73	29	76	12	71
House-Tree-Person Projective Drawings	29	70	19	76	10	83
Rorschach Ink Blots	23	64	27	48	29	78
<i>Custody Tests</i>						
Bricklin Perceptual Scales	28	63	35	66	—	—
Perception of Relationships Test	23	66	16	64	—	—
Ackerman Schoendorf Scale for Parent Evaluation of Custody (ASPECT)	16	74	11	89	—	—
<i>Parent Report</i>						
Child Behavior Checklist	31	70	4	86	—	—
Conner's Parent Rating Scale	26	43	3	40	—	—

Note. Dashes indicate that data were not obtained.

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29% of the respondents sometimes did so. Bow and Quinnell (2001) also found that 31% of respondents had an initial conjoint session with both parents, in contrast to Keilin and Bloom's (1986) statistic of 50% for a conjoint session during the evaluation process. This decline might stem from the increased awareness of the forensic versus therapeutic

roles, along with greater concern about domestic violence and safety issues in high conflict divorces.

Custody Issues

Ninety-four percent of the respondents in Bow and Quinnell's (2001) study offered explicit recommendations about custody and visitation. This was an increase from 65% in the Ackerman and Ackerman (1997) study. LaFortune and Carpenter (1998) also found that only 14% of respondents never submitted written recommendations regarding custody. The issue of evaluators making recommendations in child custody evaluations has been a hotly debated issue (Tippins & Wittmann, 2005; Bala, 2005; O'Donohue & Bradley, 1999).

Respondents in Bow and Quinnell's (2001) study reported that they recommended joint legal custody 73% of the time and sole legal custody 27% of the time. When sole legal custody was recommended, the three main reasons were inability to co-parent, severe mental illness of a parent, and issues of abuse and neglect, which mirrored the top three reasons reported in the Ackerman and Ackerman (1997) study. The respondents in LaFortune and Carpenter's (1998) study identified the following as critical in custody decision-making: one parent's actively disparaging the other to the child, alcohol/substance abuse by a parent, and special needs of the child.

Decision-making factors that received little weight among respondents included a parent's remarrying or cohabiting with a significant other, parent's homosexuality, and gender of the child (Ackerman & Ackerman, 1997; LaFortune & Carpenter, 1998). Judges' responses were similar (Ackerman et al., 2004).

Physical custody recommendations varied as well. Thirty-four percent of respondents in Bow and Quinnell's (2001) study recommended joint physical custody, a twofold increase over Ackerman and Ackerman's (1997) findings. The majority of respondents (54%) in Bow and Quinnell's (2001) study recommended physical custody for one parent with parenting time for the other parent. Thirty-four percent and 21% of respondents recommended physical custody for the mother and father, respectively. Supervised visitation was recommended in 10% of cases, with no visitation or third-party custody each recommended in 1% of cases; these visitation arrangements were rare in Ackerman and Ackerman's (1997) study as well.

The frequency of supplementary interventions was reviewed as well. Ackerman and Ackerman (1997) found that mediation was recom-

mended in 49% of cases, a significantly higher rate than the 24% found by Bow and Quinnell (2001). The latter authors found individual therapy for the parent and child was most commonly recommended, with 41% for the parent and 36% for the child. A special master was recommended in only 18% of the cases.

SURVEY RESEARCH ON CHILD CUSTODY EVALUATIONS WITH SPECIAL ISSUES

Only a handful of studies have focused on child custody practices and procedures involving special concerns, such as allegations of sexual abuse and domestic violence. Bow et al. (2002) surveyed 84 psychologists from 28 states on child custody practices involving sexual abuse allegations (SAA). The respondents averaged 22 years of professional experience, with an estimated mean of 331 child custody evaluations during their careers.

Findings indicated that SAA evaluations were almost always court-ordered, comprehensive, and used multiple sources of data collection. Increased time was spent reviewing records (mean = 5.36 hours), interviewing parents (mean = 8.78 hours), and testing the parents (mean \geq 3.96). The tests most commonly administered to parents were the MMPI-2, MCMI-II/III, and Rorschach. The overall evaluation time took considerably longer (mean = 32 hours). Further, the reports were longer, averaging to 25 pages.

Respondents rated the interview with the alleged victim as the most important procedure, followed by the interview with the alleged perpetrator and review of records. In rating the value of specific data, medical evidence ranked the highest, followed by Protective Services documents and police reports. On average, respondents reported that they supported allegations of sexual abuse in about 30% of child custody cases.

Some significant concerns surfaced in the evaluation procedures used by respondents in this study. Only about one-third of the respondents reported using sexual abuse or sex offender protocols during the evaluation process. Of those who used such protocols, one-third developed their own rather than using a well-established sexual abuse protocol. Further, less than a third of the respondents reported audiotaping or videotaping the interviews with the alleged victim. In addition, during the interview with the alleged victim 67.5% of respondents reported us-

ing projective drawings and 47.5% of them used play therapy as part of the diagnostic process, which is contrary to recommended practice (Kuehnle, 1996; Poole & Lamb, 1998). Finally, scales and inventories focusing on sexually inappropriate attitudes, beliefs, and behavior were infrequently (21%) given to the alleged perpetrator and some inventories (e.g., Psychopathology Checklist-Revised and Multiphasic Sex Inventory-1) might have been administered to examinees who were unrepresented in the normative sample.

Another study done by Bow et al. (2003) surveyed 115 mental health professionals (84% psychologists and 16% social workers) from 33 states regarding domestic violence (DV). Respondents averaged 22 years of professional experience, with an estimated mean of 150 child custody evaluations. The vast majority (68%) had received no training in graduate school about DV, but reported they had attended numerous seminars and done much reading on the topic.

Respondents reported that 93% of the evaluations were court-ordered and that 37% of their child custody evaluations involved allegations of domestic violence. They identified the three most common types of DV allegations as involving emotional/verbal abuse, physical aggression, and coercion/threats. The most common perpetrator was the male instigator (51%), with female instigators and bidirectional, mostly female categories comprising 18%.

Respondents reported using multiple methods of data collection. Parent interview time (mean = 7.0 hours) was commensurate with general child custody evaluations, but less than that reported for a child custody case involving SAA (mean = 8.78 hours). The review of police and medical records took an average of 2.8 hours. More time was spent conducting psychological testing of the parents, with an average of 6.5 hours. The most commonly used tests were the MMPI-2, MCMI-III, and Rorschach; however, their weight in the decision-making process was relatively low.

Only 30% of respondents reported using specialized questionnaires, instruments, or tests pertaining to DV. Of those who used such techniques, 29% reported developing their own. The most frequently used instrument (20%) was the Spousal Assault Risk Assessment Guide. Overall, the evaluation procedures appeared comprehensive and time-intensive, with respondents reporting an average of 35.4 hours for the evaluation and report.

On average, respondents reported that they supported a contention of DV in 57% of cases. In those cases, 76% of respondents claimed that the suspected DV greatly or extremely influenced their recommendations. In

cases with a single perpetrator, 89% of respondents reported recommending physical custody to the victim. Furthermore, respondents reported having recommended that the perpetrator's visitation be supervised, limited, or terminated in 69% of cases.

CRITICAL REVIEW OF CHILD CUSTODY REPORTS

Bow and Quinnell (2002) reviewed 52 child custody reports by doctoral-level psychologists from 23 states who voluntarily provided such reports upon request. These professionals averaged 22 years of mental health experience and 13 years in the child custody field. The vast majority of participants were employed in private practice and 14% were board certified (e.g., diplomates) in forensic psychology from the American Board of Professional Psychology. The estimated average number of evaluations was 215, with an estimated average of 22 per year. Although these reports were drawn from a national sample, the relatively small sample size, high level of experience of the evaluators, and voluntary submission of reports may limit generalizing the findings.

A review of the reports indicated that the overwhelming majority (83%) used a classic report format, with almost all the remaining participants using a letter format. Eighty-eight percent of the evaluations were court-ordered, which is commensurate with survey research (Ackerman & Ackerman, 1997; Bow & Quinnell, 2001). The reports were comprehensive and used multiple sources of data collection. Typical procedures involved parent interviews, child interviews, testing of the parents, parent-child observations, collateral contacts, and a review of records.

The most frequently used adult personality tests/instruments were the MMPI-2 (93%), Rorschach Method (50%), Sentence Completion (40%), and MCMI-II/III (33%), while the most frequently used parenting measures were the Parenting Stress Index (59%) and Parent-Child Relationship Inventory (55%). IQ and achievement tests were infrequently used with parents or children. Children were only tested by 39% of the participants, a significantly lower figure than the 61% and 92% found in survey research by Bow and Quinnell (2001) and Ackerman and Ackerman (1997), respectively. With children, projective and objective personality instruments and specific child custody instruments (BPS and PORT) were each used by about one-fifth of participants.

Interestingly, the number of participants conducting home visits (35%) was commensurate with findings of survey research (33%; Bow

& Quinnell, 2001). However, only 15% of participants used an initial conjoint session with both parents, which is lower than the 31% found in survey research (Bow & Quinnell, 2001).

Custody recommendations were made by 92% of participants, whereas 84% offered recommendations about parenting time. This is commensurate with Bow and Quinnell's (2001) survey findings, but much higher than Ackerman and Ackerman's (1997) survey data.

A number of problem areas were evident in these reports as well. Only 25% of participants documented a statement of understanding about the evaluation (e.g., informed consent), along with having informed the examinees about the limits of confidentiality. Only 54% of participants provided a clinical description of the parents, which is surprising considering that the vast majority of participants were clinical psychologists and the parents' mental status at the time of the evaluation is critical. Although survey research indicated that respondents almost universally reviewed records, this analysis of actual reports indicated that only 79% reviewed documents and only 63% of those participants listed the documents reviewed. Further, less than 50% of participants provided a child history which raises concern because the evaluation focus is on the best interests of the child. Finally, half of the reports indicated that a parent-child observation had occurred, but did not provide any information about the observation.

Horvath, Logan, and Walker (2002) also conducted an analysis of child custody reports, reviewing 82 cases. However, the sample only involved cases from one Circuit Court in a Midwestern state, which represented a middle-class, urban, mostly Caucasian population. One-hundred-and-two reports were available concerning these cases, with about 20% of the cases having more than one evaluation report. The vast majority (65%) involved Friend of the Court (FOC) evaluators (all social workers), 31% were performed by private evaluators, and 4% by Protective Services employees. Of the private evaluators, 66% had doctorates in clinical or counseling psychology (PhD), 25% were master's level social workers (MSW), and 9% had doctorates in educational psychology (EdD). No information was provided about the experience level of the evaluators. It also appears that some of these cases focused on issues narrower (e.g., abuse) than custody and parenting time. It is important to note that this sample varies dramatically from Bow and Quinnell's (2002) sample, and notably from samples used in survey research (Ackerman & Ackerman, 1997; Bow & Quinnell, 2001; Keilin & Bloom, 1986). This is critical to consider in interpreting and generalizing the findings.

Horvath et al. (2002) developed a standard protocol for analyzing each record, which was modeled after the APA (1994) child custody guidelines and Clark's (1995) article on child custody evaluations. The findings indicated that 84% of the sample gave evidence of at least two different methods of data collection, with 59% and 33% using three and four methods, respectively. In the majority of evaluations, the same procedures were used for both parties. It is remarkable that a greater percentage of evaluators did not use multiple methods of data collections (i.e., four or more methods), and that only the majority of evaluators used the same procedures with both parties.

Specific evaluation procedures included assessment of mothers and fathers in 90% of the case samples, with parent-child observations occurring in slightly more than 60% of the samples. It is astonishing that all parents were not assessed, and that parent-child observations were not used more frequently. Psychological testing of the parents occurred in 19% of the samples, but it is important to note that FOC and/or social workers made up a good portion of the evaluators. Children were assessed in only 70% of the samples and tested in 12% of the case samples. Again, it is remarkable that a greater percentage of children were not assessed. Overall, these figures are lower than those found in survey research or the previously discussed report analysis.

The use of procedures varied with evaluators' training. FOC evaluators were significantly ($p < .05$) more likely than private evaluators to assess the mother (97% vs. 78%), gather a personal history on the mother (76% vs. 50%), assess parenting skills (85% vs. 56%), assess the parents' ability to meet the child's needs (82% vs. 56%), interview other relatives (55% vs. 25%), interview teachers (33% vs. 9%), assess stability of the current living situation (82% vs. 66%), and provide home visits (39% vs. 12.5%). These percentages do not reflect well on private evaluators in this study, and raise serious questions about their methodology.

In contrast, private evaluators were significantly ($p < .05$) more likely than the FOC evaluators to use psychological tests with adults (53% vs. 3%) and children (34% vs. 2%). This difference between private evaluators and FOC personnel is somewhat expected, considering that all FOC personnel were social workers. The unanticipated finding was that private evaluators did not test more, considering that 75% were psychologists.

The private evaluator group was further analyzed regarding their training and procedures. PhD evaluators were significantly more likely than MSW or EdD evaluators to assess the mother, observe the mother

and child, and gather a bio-psychosocial history. This finding is surprising since social work training usually has a strong family and psychosocial orientation. MSW evaluators were significantly more likely than PhD or EdD evaluators to perform home visits, with none of the latter groups conducting such visits; this probably reflects the training focus of the respective professional programs.

Some inconsistencies were noted with regard to assessing critical problem areas such as DV, child abuse, substance abuse, and mental health problems. Child abuse and DV were often documented in the court record but not addressed in the evaluation report. The latter has been an area of concern in child custody cases (Bancroft & Silverman, 2002; Walker & Edwall, 1987). In contrast, Horvath et al. (2002) found the opposite trend for substance abuse and mental health problems (i.e., more commonly documented in the evaluation report than in the court record). Furthermore, these differences did not appear to be a function of evaluators' training.

Ninety-two percent of evaluators made recommendations about custody and visitation, which reflects recent research (Bow & Quinnell, 2001). In those cases, the exact recommendations were instituted in the final court decision 27% of the time, and in 64% of the cases there was a similarity between the evaluators' recommendations and the final court decision. It was noteworthy that in only 9% of the cases was the final decision completely contrary to the evaluators' recommendations. These findings support Ash and Guyer's (1984) research that showed a concordance between custody/visiting time recommendations and the final court decision.

SURVEY RESEARCH WITH LEGAL PROFESSION

Three major studies have focused on the legal profession's view of child custody evaluations. Bow and Quinnell (2004) surveyed 121 judges and attorneys from Michigan. The attorneys averaged 15.87 years of family law practice, while the judges averaged 9.25 years on the bench. The judges were predominantly male (88%), while attorneys were almost equally divided (48% female, 52% male). LaFortune (1997) surveyed 162 members of the Family Law Section of the Oklahoma Bar, averaging 13.5 years of family law practice. Ackerman and Steffen surveyed 159 family law judges, and Ackerman and Kelley surveyed 153 family attorneys; it is important to highlight that both these groups involved national samples. The findings from these two

studies, along with Ackerman and Ackerman's (1997) study on psychologists were reviewed and compared in Ackerman et al. (2004). The findings from all these studies are summarized below.

Bow and Quinnell (2004) found that judges and attorneys had similar views about child custody matters, with few significant differences. They found that 16% of child custody cases were referred to outside mental health experts. These cases were most commonly referred to doctoral-level psychologists (51%), followed by master's level psychologists (26%), master's level social workers (16%), and psychiatrists (7%). LaFortune also found that psychologists were strongly preferred as child custody evaluators, with 82% of attorneys giving psychologists a rating of 4 or 5 on a Likert scale (1 = Strongly dislike to 5 = Strongly prefer). This was followed by psychiatrists (49%) and licensed clinical social workers (19%) with these same ratings.

In selecting an expert, Bow and Quinnell (2004) found that attorneys rated the following characteristics of an expert as very important: objective/unbiased, experience in conducting child custody evaluations, communication skills, professional presentation, and years of experience. Similar findings were reported in the LaFortune (1997) study. The following were rated as highly important: an unbiased approach, competence and fairness, good credentials, licensed/board certified, good witness, and timely, cooperative, and flexible. Factors considered only slightly important according to Bow and Quinnell's (2004) study were publications in the child custody field, diplomate or fellowship status, membership in professional organizations, and publications in general. LaFortune (1997) also found that research or publications in the custody area was rated in the lower tier, along with taking an advocacy position.

The relative usefulness of evidence in child custody cases was assessed. Bow and Quinnell's (2004) study found that a court-ordered evaluation was rated most useful by attorneys and judges, followed by Friend of the Court recommendations. Non-court-ordered evaluations were viewed as more useful by attorneys than by judges. Neither group valued letters from parents' therapists. LaFortune (1997) also found that attorneys strongly favored court-appointed, independent experts. They were less inclined to favor frequent or routine use of experts and were firmly against the use of multiple experts. Further, Ackerman et al. (2004) found that attorneys and judges showed a much higher preference for court-appointed, mutually agreed upon, or guardian ad litem psychologists. Second-opinion and rebuttal witnesses received much lower ratings.

LaFortune (1997) asked attorneys to rate the characteristics of the most helpful evaluations on a Likert scale (1 = Not important to 5 = Very important). Those characteristics that received the highest ratings were expert is unbiased ($M = 4.73$), expert is cautious and stays within limitations ($M = 4.50$), and evaluation is especially thorough ($M = 4.49$). Further, attorneys were asked to rate ways in which custody evaluations typically aid the legal proceedings. The highest ratings were given to the following: helping the attorney prepare his/her case ($M = 3.73$), helping the attorney better understand the situation ($M = 3.60$), and persuading the court in favor of his/her client ($M = 3.60$).

In Bow and Quinnell's (2004) study, attorneys and judges rated the following as the top reasons for making a child custody evaluation referral: parental conflict, mental problem of a parent, allegations of sexual abuse, alleged alcohol abuse, and allegations of physical abuse. These reasons closely mirror the reasons given by child custody evaluators for recommending sole custody (Bow & Quinnell, 2001; Ackerman & Ackerman, 1997).

Ackerman et al. (2004) found that over 85% of the attorneys and judges expected psychologists in child custody cases to interview the parents, interview the children, observe parents and children (ages < 12) interacting, review mental health records, and write a report. About three-quarters of the judges and attorneys thought parents and children should be psychologically tested, significant others should be interviewed, and children's school records reviewed.

Ackerman et al. (2004) found that attorneys and judges lacked knowledge about specific psychological tests. They were most familiar with the MMPI-2. Among custody-related instruments the BPS was the most widely recognized, but percentages were relatively small (27% of judges and 38% of attorneys). The ASPECT was the second most widely recognized instrument. Interestingly, in LaFortune's (1997) survey, attorneys rated types of tests and procedures used in child custody evaluations as their highest preference for education on mental health topics.

Judges and attorneys in Bow and Quinnell's (2004) study rated the following report components as most important: strengths and weaknesses of the parents, child interview, recommendations for custody, child's history, and recommendation for visitation. However, respondents gave lukewarm ratings to the perceived quality of these report components, with a mean rating from 3.26 to 3.39 on a Likert scale of 1 (Poor) to 5 (Excellent). Clearly, improvements are needed in conveying the requested information.

LaFortune (1997) also had attorneys rate the perceived quality of expert work product on a Likert scale from 1 (Not important) to 5 (Very important). The mean rating for each area ranged from a low of 3.51 (quality of report) to a high of 4.11 (knowledge of relevant areas). The quality of evaluations and professional behavior both received mean ratings of 3.89, while the quality of in-court testimony had a mean rating of 3.72. Overall, these ratings were moderately high and convey much satisfaction with the work product.

Interestingly, almost 60% of these attorneys indicated that the fee received by experts was too costly relative to the services provided. Almost two-thirds of the attorneys estimated that the total evaluation time would be less than 18 hours, below the typical time required. Most attorneys believed that the hourly rate should be approximately one hundred dollars ($M = \$102.30$), but 40% of attorneys indicated it should be \$85.00 or less. Both figures are well below the mean hourly rate charged by psychologists in child custody cases (Ackerman & Ackerman, 1997; Bow & Quinnell, 2001).

Bow and Quinnell (2004) asked Michigan judges and attorneys at what age a child's preference should be considered. Judges gave a mean response of 7.47 years, while attorneys gave a mean response of 8.97 years; both of these figures were considerably lower than the average of 11.6 years given by a national group of child custody evaluators (Bow & Quinnell, 2001). However, this discrepancy may be partly due to Michigan judges having to address this factor in the Michigan's Child Custody Statute for determining the best interests of the child.

Ackerman et al. (2004) explored with judges, attorneys, and psychologists the following two issues: (1) Age children should be able to determine who they live with, and (2) age children should be able to choose to visit the other parent. The mean age for the former was 15.17 years, and 15.95 years for the latter.

Interestingly, Garrison (1991) empirically investigated the competency of children, ages 9-14, to state a custodial preference in a divorce dispute. She found that 14-year-olds were as competent as a control group of 18-year-olds. She thought this provided empirical support for granting considerable, if not controlling, weight to the custodial preference of this group. Furthermore, even the 9- and 10-year-olds performed as well as the 14- and 18-year-olds in some areas. Garrison argued that this lends support for the involvement of this younger group in the custody decision-making process. She also noted that age would not be the sole factor; preference would be weighed on a case-by-case basis concerning age and reasoning ability.

Bow and Quinnell (2004) found that a high percentage of judges (84%) and attorneys (86%) thought that child custody evaluators should make recommendations about custody. Interestingly, an even higher percentage (91% of judges and 90% of attorneys) felt that recommendations should be made regarding visitation. LaFortune (1997) found that attorneys were relatively less favorable toward experts addressing the ultimate issue, with 37% disagreeing or strongly disagreeing with experts making such recommendations. However, they strongly supported experts addressing sexual/physical abuse and special needs of the child. As previously mentioned, child custody evaluators addressing the ultimate issue has been an area of much controversy and debate.

Ackerman et al. (2004) found that judges, attorneys, and psychologists favored joint legal custody with primary placement with one parent about fifty percent of the time. Further, sole custody without visitation, splitting the children, and placing the children in foster care placement was rarely (< 7%) supported or ordered by attorneys, judges, or psychologists. The most preferred visitation schedule for judges was every other weekend without a midweek dinner (39%), followed by every other weekend with a midweek dinner (30%). The most common response for attorneys was that they had no favorite visitation schedule (21%), followed closely by a 9/5 schedule (20%).

Judges and attorneys in Bow and Quinnell's (2004) study identified the ideal report length as ten and twelve pages, respectively, which is considerably shorter than the mean of 21 pages given by child custody evaluators (Bow & Quinnell, 2001). This was also true for the duration of the evaluation. Judges and attorneys requested that the evaluation/report be completed within approximately six weeks, which is much shorter than the nine-week time frame identified by child custody evaluators (Bow & Quinnell, 2001).

The main complaints expressed about child custody evaluations by attorneys and judges in Bow and Quinnell's (2004) study were the length of time used to complete the child custody evaluation/report, lack of objectivity, evaluators' lack of knowledge about the legal criteria, and conclusions lacking supportive data. Attorneys in LaFortune's (1997) study rated an expert's strong advocacy stance as least helpful.

SUMMARY AND IMPLICATIONS FOR PRACTICE

During the last twenty years, a number of studies have focused on child custody practice. Three methods have been used to study this area: survey research with child custody evaluators, survey research with the

legal profession, and content analysis of actual child custody reports. A comparison of findings from these studies reveals some interesting similarities and trends. These findings are highlighted below.

There is a very strong preference among both the legal profession and evaluators for child custody evaluations to be court-ordered, and for evaluators to function in a neutral, unbiased role (Ackerman & Ackerman, 1997; Bow & Quinnell, 2001, 2002, 2004; LaFortune & Carpenter, 1998). Evaluators should avoid an advocacy role and/or being hired by one side (Bow & Quinnell, 2004; LaFortune & Carpenter, 1998). Further, among the legal profession, psychologists were the most commonly used evaluators (Bow & Quinnell, 2004; LaFortune & Carpenter, 1998).

Child custody evaluations have become more comprehensive and thorough over the last twenty years. These evaluations routinely include the following procedures: review of statement of understanding and limits of confidentiality (e.g., informed consent), interview(s) with each parent, interview with each child, parent-child observations, psychological testing of the parents, collateral contacts, review of records, and written report. Legal professionals also expect these procedures. Hence, evaluators' failure to follow these procedures could seriously jeopardize the integrity of their evaluations in the eyes of the court. The average time involved for all these procedures is around 26 hours. The average length of the custody report is 21 pages, although the legal profession would prefer shorter reports. Also, the length of time to complete an evaluation is nine weeks, which is three weeks longer than the duration preferred by the legal profession. It is important that child custody evaluators attempt to meet the demands of the court in these areas.

Adults are routinely psychologically tested, which is expected by the legal profession. However, child custody evaluators place only moderate value/weight on testing compared with other procedures. The major focus of testing is on personality functioning, most frequently utilizing the MMPI-2. Although legal professionals lack knowledge about psychological tests, they are most familiar with the MMPI-2. Other personality tests commonly administered to adults included the MCMI-II/III and Rorschach. Recently, concerns have been raised about the MCMI-III being gender biased in general, and potentially over pathologizing female custody litigants on specific scales in particular (Hynan, 2004). Therefore, evaluators should be aware of these issues in using the MCMI-III. Parenting scales, such as the PSI and PCRI, are increasingly used by evaluators. This might be a function of evaluators' increased interest in parenting attitudes, beliefs, and satisfaction. However, the

psychometric properties of these inventories raise some concerns as well (Bow, Gould, Flens, & Greenhut, 2006).

Children are psychologically tested much less frequently than are adults, but with a greater assortment of tests. Intelligence and academic tests are not widely used with adults or children.

Among children, the Family Drawing or Kinetic Family Drawing was the most widely used test/technique (Quinnell & Bow, 2001); such projective techniques in a forensic setting have been harshly criticized (Lilienfield, Wood, & Garb, 2000; Medoff, 2003). Specific child custody tests (e.g., ASPECT, BPS, & PORT) are used by 11% to 33% of evaluators; however, these tests have been criticized for their psychometric properties (Connell, 2005; Heinze & Grisso, 1996; Otto & Eden, 2003; Otto, Edens, & Barucs, 2000).

In selecting tests, child custody evaluators should consider the model developed by Otto et al. (2000). This model involves seven components: (1) Is the test commercially published? (2) Is a comprehensive test manual available? (3) Are adequate levels of reliability demonstrated? (4) Have adequate levels of validity been established? (5) Is the test valid for the purposes in which it will be used? (6) What are the qualifications necessary to use this instrument? (7) Has the instrument been peer reviewed? Through using this model, psychologists will be better able to defend their testing practices.

Flens (2005) provides an excellent review of test usage issues. He discusses the importance of child custody evaluators understanding legal admissibility issues, particularly their state's rules of evidence, case law, and best interest of the child statute. He points out that the selection of tests must be reasonably linked to the psycho-legal issue, along with psychometric qualities of the particular test. Selecting tests solely on usage rates is ill advised.

Furthermore, it is important that psychologists use testing in child custody evaluations to generate and test hypotheses. Failing to do so creates potential for confirmatory biases and confirmatory distortion (Bow, Gould, Flens, & Greenhut, 2006).

Child custody evaluations involving DV and/or sexual abuse allegations generally require increased interview time, testing time, record review, and report length. Of major concern was the lack of use of specialized assessment instruments or protocols in these evaluations. Also, audio/videotaping was not commonly used in those cases involving sexual abuse allegations, contrary to recommendations by most experts in the field (Kuehnle, 1996; Poole & Lamb, 1998). In conducting

such evaluations, it is critical that child custody evaluators have specialized expertise, along with using the above-mentioned procedures.

The legal professionals and child custody evaluators in these studies almost universally endorsed a preference for evaluators to make custody and parenting time recommendations. This has been an area of ongoing debate, with many vocal opponents of this position (Melton, Petrila, Poythress, & Slobogin, 1997; Tippins & Wittmann, 2005). As noted by Gould and Martindale (2005), such debate stimulates professional inquiry, along with closer examination of limitations in child custody practice. Further, it is hoped this will lead to expanded knowledge and skills, which will better serve the court.

Findings indicated that the most commonly recommended custody/parenting time arrangement was joint legal custody with one parent as the primary custodial parent. The inability to co-parent, mental illness of a parent, and abuse/neglect were important factors in determining sole custody. These factors were also the primary reasons that the legal profession referred many cases for child custody evaluations. Factors considered unimportant in the decision-making process by psychologists and judges included the parent's sexual orientation, cohabiting with a significant other, and the gender of the child. Custody arrangements that disallowed visitation, split the children among the parents, or foster care placement were rarely recommended. It is important to note that outcome research on child custody arrangements is truly lacking.

The degree of emphasis placed on the children did not reflect the evaluation's necessary focus on the best interests of the child. Reports should include clinical, historical, and interview information about the minor children, as requested by the legal profession.

Most of the child custody evaluators studied have received their training through informal methods (e.g., reading, workshops) rather than graduate course work, internship experience, or supervision. This is not surprising considering that most evaluators attended graduate school over 20 years ago when less emphasis was placed on forensic work. Nevertheless, it raises concern about the adequacy and quality of the training in an extremely complex area, along with the level of competency attained by evaluators. Due to concerns in this area, the State of California has instituted mandatory training for child custody evaluators. Evaluators are required to receive 40 hours of initial training and education, followed by eight hours of annual training in the field. In light of the ongoing concerns about child custody evaluations, it is very likely that other states will follow California's lead.

FUTURE RESEARCH

There is a need for ongoing research in the child custody field. One of the most pressing areas is outcome research. However, this research is difficult to conduct because of the uniqueness of each child custody case and the many factors that impact families' post-divorce. It would involve much follow-up and a great deal of time, and probably require considerable funding. Nevertheless, this type of research is critical because it would provide a better understanding of what works and what does not work, which would afford a greater theoretical foundation to child custody work.

The impact of child custody recommendations on legal decision-making is another important area to explore. Such research would involve comparing report recommendations to judges' decisions, but would also require input from judges regarding the amount of weight they gave each report. Scant research has focused on this area.

Only a few recent studies have explored report quality. As previously discussed, this is a difficult area to assess because many barriers are involved. Nevertheless, it is the best means of analyzing practice issues. The optimum way to conduct such research would be to have samples from multiple county court systems, but this would involve much coordination of personnel and a great deal of time.

The training of child custody evaluators at the graduate and internship levels also needs study. Even though there has been an increased emphasis on forensic issues during the last decade, confusion about the differences between therapeutic and forensic roles remains a concern. Too many uninitiated evaluators find themselves in the middle of custody battles without the expertise to competently and ethically conduct the evaluations. It is important to note that most of the studies reviewed in this article focused on a highly experienced group of evaluators and the findings probably reflect the best rather than the worst side of child custody practice. It would be interesting to survey graduate schools and internship sites about the actual training they provide in the child custody field.

The practice and procedures used in custody cases involving allegations of alienation deserves scrutiny as well. This is a much-debated area, and diverse views abound in the profession. This type of research could be conducted in a survey format.

CONCLUSIONS

According to the studies reviewed in this article, the views of evaluators and the legal profession about child custody practice are more simi-

lar than different. Findings indicate that child custody evaluations have become more thorough and comprehensive over the past twenty years. Significant advances have been made in the role assumed by evaluators (i.e., independent, neutral, and court-appointed), use of multiple sources of data collection, (e.g., parent and child interviews, testing, parent-child observations, collateral contacts, and review of records), and factors considered important in decision-making. Nevertheless, improvements are needed in many areas, including a greater focus on the child, improved training of evaluators, and the use of standardized inventories and/or protocols for assessing special issues (e.g., sexual abuse and domestic violence). It is critical that such improvement occur so that more relevant, reliable, valid, and helpful evidence is provided to the court. Otherwise, child custody evaluators are failing to fulfill their professional duty and ethical obligation to the court and families they serve.

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