

CRITIQUE OF CHILD CUSTODY EVALUATIONS BY THE LEGAL PROFESSION

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This study explored the congruency between child custody evaluations and the needs of the legal profession. One hundred twenty-one judges and attorneys were surveyed. In general, both groups expressed similar attitudes and beliefs. Findings indicated that court-ordered evaluations were most useful, and objectivity was paramount. Judges and attorneys also expressed a need for improvements in child custody reports, particularly greater child focus, provision of custody and visitation recommendations, discussion of legal criteria, and timely completion of evaluations. It is hoped that the findings will inform professional practice and help evaluators better serve the needs of the family court.

Keywords: forensic; child custody reports; family law; child custody evaluations; forensic reports; legal

How well do mental health professionals serve the family court? This is a fundamental issue that requires close examination due to the increased reliance on mental health expertise in the family court system (Mason & Quirk, 1997). Because mental health professionals have different training, expertise, and roles than legal professionals, it is imperative to examine the congruency between the needs and desires of the legal profession and what mental health professionals are seen as providing in child custody evaluations and reports. Furthermore, within the legal profession, judges and attorneys may have varying views of such evaluations because of their particular roles in the court system. Consequently, it is also critical to explore any possible discrepant views among these legal groups. Through analyzing the beliefs and attitudes of judges and attorneys about child custody evaluations and reports, it is hoped that mental health professionals will better understand and serve the family court.

Past research has focused on the practices and procedures used by child custody evaluators (Ackerman & Ackerman, 1996; Bow & Quinnell, 2001; Keilin & Bloom, 1986; LaFortune & Carpenter, 1998). Bow and Quinnell (2001) studied 198 psychologists from 38 states and found improvements in the quality of child custody evaluations conducted by psychologists over the past 15 years. Overall, the evaluations were more comprehensive and closely followed custody evaluation guidelines established by the American Psychological Association (1994). Nevertheless, the extent to which these practices and procedures are congruent with the needs of the legal profession is debatable.

Furthermore, among mental health professionals, there is ongoing argument over the role of the evaluator, the appropriateness of addressing the ultimate issue, and the sufficiency of research supporting child custody determination (Melton, Petrila, Poythress, & Slobogin, 1997; O'Donohue & Bradley, 1999; Weisz, 1999). All of these issues play a critical role in the evaluation process and directly impact the court's perception of mental health professionals.

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Past research has shown some agreement between legal and mental health professionals relative to the importance of decision-making criteria in custody matters (Ackerman & Steffen, 2000; Lowery, 1984; Reidy, Silver, & Carlson, 1989). Also, the importance of various types of evidence in judicial decision making has been examined (Reidy et al., 1989), with court-appointed psychologists being rated fourth among 11 criteria. The desire of the child, custody investigation reports performed by the court, and testimony of the parties were all rated higher.

Felner, Rowlison, Farber, Primavera, and Bishop (1987) studied judges ($N = 43$) and attorneys ($N = 74$) in a northeastern state and found that they most commonly recommended child custody evaluations through court-affiliated evaluation and mediation services. Attorneys were particularly reluctant to request involvement of outside mental health professionals. When attorneys sought such services, it was most often because the professionals had past involvement with the family, or the report from the court-affiliated evaluation and mediation service did not support their client's position. For attorneys, the most valued characteristics among professionals were the willingness to testify in court, prior or current involvement with the family, and the ability to testify well. About 20% of attorneys but only 2% of judges rated mental health professionals' recommendations as one of the top five factors in custody determination. Overall, outside mental health expertise was not highly valued among the participants in this study.

Another study done around the same time by Melton, Weithorn, and Slobogin (1985) came to a similar conclusion. They surveyed a national sample of 53 judges and found that only 37.5% of them rated mental health input in child custody cases as useful most of the time or essential. Also, for the vast majority of the judges (75%), the testimony of mental health professionals occurred in less than 25% of the child custody cases. In comparison to other forensic specialties, child custody work was one of the least valued by judges.

LaFortune (1997) studied attorneys' satisfaction with child custody evaluations by surveying 162 members of the Family Law Section of the Oklahoma Bar Association. Findings indicated that only 29% of the respondents thought mental health experts should be used frequently or routinely. However, when a mental health expert was needed, 67% of the respondents thought the court should appoint one. The respondents' perception of the quality of child custody evaluations and reports provided by mental health experts was rated as moderately high. The most valued characteristics of a child custody expert were being unbiased and competent at providing an accurate picture while staying within the limits of scientific procedure, whereas the least valued were conducting research or publishing in the custody area and taking a strong advocacy stance. Fifty-one percent of the respondents agreed that experts should be allowed to answer the ultimate legal question (i.e., explicit recommendations about custody and visitation), but 27% strongly disagreed with this position.

It appears that some improvements have occurred over the past 20 years in regard to the legal profession's view of child custody evaluations. However, none of the studies has examined the specific factors valued by judges and attorneys in child custody evaluations and reports, along with the degree of congruency in this area between the two legal professions. It is hoped the present study will inform professional practice about the relevance of different aspects of child custody evaluations and reports, along with ways of better serving the family court.

METHOD

PARTICIPANTS

A Yellow Pages Internet search was done to randomly select a sample of family law attorneys according to the 16 Michigan congressional districts. A total of 300 surveys were sent out, 120 were returned (40%), and 89 were usable, that is, those who were practicing family law and completed the survey. This sample of 89 attorneys had practiced law an average of 17.81 years, with an emphasis in family law for an average of 15.87 years. The gender ratio was almost equal (52% male, 48% female).

Names of family law judges and referees were obtained from the Michigan Bar Directory. Because judges in populous counties in Michigan are presently assigned to one of three courts (e.g., criminal, civil, or family), the number of potential participants was greatly reduced, compared to past years in which all judges heard custody cases. A total of 124 family judges/referees were listed; all were sent surveys, and 37 (30%) were returned. A total of 32 judges and 3 referees completed the surveys, and 2 surveys were returned because the judges/referees were no longer on the bench. Due to the small number of surveys returned by referees, only judges were included in the analysis. This sample of judges ($N = 32$) had been on the bench an average of 9.25 years, with a range from 1 to 28 years. The median was also 9 years. The gender ratio was overwhelmingly male (88%) but closely reflected the gender composition (87% male) of the bench.

INSTRUMENT

Separate surveys were developed for attorneys and judges; however, the surveys were very similar in content to allow direct comparisons. Input for item selection was gathered from psychologists, an attorney, a former judge, and a former Friend of the Court supervisor, along with the first author's experience in the child custody field and a review of past custody research and literature. Major areas assessed in the survey included demographic information, reasons for child custody evaluation referrals, importance and quality of child custody reports, usefulness of different types of evidence, appropriateness of mental health professionals addressing the ultimate issue, and ways of improving child custody evaluations. Attorneys were also asked to rate the most important characteristics in selecting an expert witness.

PROCEDURE

Judges/referees were sent an introductory letter informing them of the study. About 2 weeks later, they were sent a letter outlining the nature and purpose of the study, a consent form, a blank survey, and a preaddressed, stamped envelope. The letter and consent form explained that all information would be analyzed on a group basis to protect confidentiality. The judges/referees were asked to complete and return the survey. Approximately 3 weeks after the initial mailing, a reminder postcard was sent to all judges/referees requesting they complete and return the survey if they had not done so.

Attorneys were sent a letter explaining the purpose of the study, a consent form, a blank survey, and a preaddressed, stamped envelope. They were asked to complete and return the

survey, and were informed that all information would be analyzed on a group basis to protect confidentiality. Return envelopes were numerically coded to facilitate a second mailing. Approximately 4 weeks after the initial mailing, a second letter, a consent form, and a survey were sent to those who failed to return the initial survey.

RESULTS

REFERRAL PATTERNS

On average, attorneys and judges referred 16% of child custody cases to outside mental health experts. Twenty-eight percent of judges reported an increase in the number of referrals to outside experts in 2000 compared to the year before, whereas 66% indicated that there was no change. Attorneys reported great variation in the percentage of cases in which a child custody evaluation is court ordered ($M = 35$, $SD = 36$, range 0 to 100), with 15% of attorneys never obtaining a court order and 10% always obtaining one. Likewise, attorneys also reported a very similar pattern for evaluations ordered by stipulation of the parties ($M = 38$, $SD = 37$, range 0 to 100). Sixty percent of attorneys reported that the cost significantly influenced the type of outside mental health expert retained. In the vast majority of cases (71%), attorneys indicated the parties shared the cost of the evaluation (i.e., equally split or proportionate to income).

In terms of the percentage of cases referred to various mental health professions, attorneys and judges showed a similar pattern, with the following distribution of combined weighted means: doctoral-level psychologists (51%), master's-level psychologists (26%), master's-level social workers (16%), and psychiatrists (7%).

REASONS FOR CHILD CUSTODY EVALUATIONS

Judges and attorneys were asked to rate the frequency for initiating a child custody referral to an outside expert on a 5-point scale ranging from 1 (*never*) to 5 (*very often*). A multivariate analysis of variance (MANOVA) (Legal Group 3 Referral Reason) with repeated measures on the second factor was performed. There was no main effect for legal group, suggesting that judges and attorneys have similar views regarding referral frequency. Given this finding and the absence of a significant interaction effect, data for attorneys and judges were combined. A significant main effect was obtained for referral problems, $F(19, 78) = 26.95$, $p < .001$, indicating significant differences in the frequency of referrals to outside experts. As displayed in Table 1, the top reasons for child custody referrals were parental conflict, mental instability, allegations of physical or sexual abuse, and alcohol abuse.

Judges and attorneys were also asked to independently list the three main reasons for recommending a comprehensive child custody evaluation. The first and second reasons were the same for both groups: allegations of physical/sexual abuse or neglect (50.1% of judges, 45.6% of attorneys) and mental instability of a parent (36% of judges, 43.9% of attorneys). The groups differed on the third most important reason for recommending an evaluation, with 35.4% of judges selecting parental conflict and 33.85% of attorneys choosing negotiating/resolving the dispute.

Table 1
Reasons the Legal Profession Initiates Custody Evaluation Referrals

Referral Reason	Rating	
	<i>M</i>	<i>SD</i>
Parental conflict	3.71	1.11
Mental problems of parent	3.39	1.14
Allegation of sexual abuse	3.16	1.13
Parental alcohol usage	3.16	1.04
Allegation of physical abuse	3.11	1.03
Failure to facilitate child's relationship with other parent	3.10	1.04
Allegations of neglect	3.09	1.02
Domestic violence	3.05	1.01
Parental use of other drugs	2.93	1.04
Impaired parenting skills	2.91	1.04
Child's preference	2.54	1.04
Criminal behavior by parent	2.51	0.96
Potential relocation out of state	2.28	1.06
Threats of kidnapping	2.06	1.03
Cohabiting	1.96	0.91
Mental retardation of parent	1.95	1.22
Geographic distance	1.88	0.82
Physical problem of parent	1.84	0.77
Sexual orientation	1.74	0.83

NOTE: Referral reasons were rated on a 5-point scale ranging from 1 (*never*) to 5 (*very often*). Means represent the average rating for each referral problem. Means reported were weighted by group *n*, which ranged from 110 to 116 as a function of missing data.

IMPORTANCE OF COMPONENTS IN A CHILD CUSTODY REPORT

The major components of a child custody report were rated for importance by judges and attorneys on a 5-point scale ranging from 1 (*unimportant*) to 5 (*very important*). A MANOVA (Legal Group \times Custody Components) with repeated measures on the second factor was used. No significant main effect for legal group or interaction effect was observed. A significant main effect was found for child custody report components, $F(14, 92) = 6.24$, $p < .001$, suggesting significant variation in the importance of the components. Data for judges and attorneys were combined (see Table 2). Eight of the 15 components received an average rating of 4.0 or higher, which indicates they are seen as important components. The most important components were the strengths and weaknesses of the parents, child information (interview and history), and recommendation for custody and visitation. The lowest rated items included the list of documents reviewed, family and parental histories, psychological testing of the child, and recommendations for other services (e.g., therapy, Guardian Ad Litem, or parenting classes).

QUALITY OF COMPONENTS IN A CHILD CUSTODY REPORT

The quality of report components was rated on a 5-point scale ranging from 1 (*poor*) to 5 (*excellent*). A MANOVA (Legal Group \times Report Components) with repeated measures on

Table 2
Mean Ratings for Importance of Child Custody Report Components

Component in Report	Rating	
	<i>M</i>	<i>SD</i>
Strengths and weaknesses of parents	4.31	0.79
Child interview	4.23	0.86
Recommendation for custody	4.23	0.99
Children's history	4.23	0.78
Recommendation for visitation	4.18	0.97
Comparison of parents on legal criteria	4.13	1.10
Parent-child observation	4.01	0.93
Psychological testing of parents	4.00	0.88
Parents' history	3.96	0.92
Procedures used during evaluation	3.90	0.91
Recommendations—other services	3.88	0.91
Clearly identified reason for referral	3.83	1.09
Psychological testing of children	3.80	0.95
Listing of documents reviewed	3.69	0.96
Family history	3.68	0.95

NOTE: Importance was rated on a 5-point scale ranging from 1 (*unimportant*) to 5 (*very important*). Mean represents the average rating of the combined groups for each report component. Means were weighted by group *n*, which ranged from 102 to 115 as a function of missing data.

the second factor revealed a significant main effect for components in a child custody report, $F(14, 82) = 2.87, p < .001$, suggesting variability in the quality of report components. No significant interaction effect or main effect for legal group was found. Therefore, data for attorneys and judges were combined. As displayed in Table 3, quality ratings for all report components were in the "good" range, with means ranging from 2.98 to 3.57. The highest ratings were given to psychological testing of the parents and children, child interview, and parents' history. Interestingly, some of the lowest ratings were assigned to strengths and weaknesses of parents, recommendations for visitation, and comparison of parents on legal criteria (e.g., best interests factors), areas that received high ratings in importance.

OTHER REPORT ISSUES TO CONSIDER

Judges and attorneys were asked the number of weeks that should be allocated for a typical child custody evaluation and report. The means for judges and attorneys were 6.10 and 5.28 weeks, respectively. There was no significant difference between the means. The optimum length of a comprehensive child custody report averaged 10 pages for judges and 12 pages for attorneys, which was a nonsignificant difference. However, 14% of attorneys stated there was no optimum length, explaining that report length was dependent on the type and complexity of the case.

CHILD PREFERENCE

Judges and attorneys were also asked at what age a child's custodial preference should be considered. The mean age was 7.47 years for judges, with a range of 3 to 16 years, whereas the mean age for attorneys was 8.97 years, with a range of 1 to 16 years. The difference

Table 3
Mean Ratings for Quality of Child Custody Report Components

Component in Report	Rating	
	<i>M</i>	<i>SD</i>
Psychological testing of parents	3.57	1.03
Psychological testing of children	3.41	0.99
Parents' history	3.40	0.99
Child interview	3.39	1.03
Family history	3.35	0.96
Children's history	3.33	1.00
Recommendation for custody	3.31	1.04
Clearly identified reason for referral	3.31	1.07
Strengths and weaknesses of parents	3.26	0.97
Procedures used during evaluation	3.25	0.99
Parent-child observation	3.19	1.05
Recommendation for visitation	3.19	1.01
Comparison of parents on legal criteria	3.15	1.03
Listing of documents reviewed	3.15	1.01
Recommendations—other services	2.98	0.92

NOTE: Quality was rated on a 5-point scale ranging from 1 (*poor*) to 5 (*excellent*). Mean represents the average rating of the combined groups for each report component. Means were weighted by group *n*, which ranged from 102 to 115 as a function of missing data.

between the groups was significant, $t(105) = 2.08, p < .05$. The most common comment, provided by 35% of judges and 53% of attorneys, was that more weight is accorded to the child's preference as a function of the maturity of the child. The second most common comment was that the preference of an older child was given greater weight than that of a young child (17.6% of judges and 16.3% of attorneys).

ADDRESSING ULTIMATE ISSUE

When asked if evaluators should provide recommendations about custody, the overwhelming majority of judges (84%) and attorneys (86%) answered "yes." With respect to the provision of recommendations for visitation, 91% of judges and 90% of attorneys also responded affirmatively.

USEFULNESS OF EVIDENCE

Judges and attorneys were requested to rate the usefulness of evidence presented in child custody cases on a 5-point scale ranging from 1 (*not helpful*) to 5 (*extremely helpful*). Repeated measures MANOVA (Legal Group \times Usefulness of Evidence) indicated a significant main effect for the types of evidence obtained, $F(6, 105) = 78.99, p < .001$, suggesting significant differences in the usefulness of evidence in child custody cases. A significant Legal Group 3 Usefulness of Evidence interaction was found as well, $F(6, 105) = 3.86, p < .001$. This finding suggests that attorneys and judges varied in their ratings of the usefulness of different types of evidence (see Table 4). Both attorneys and judges gave court-ordered evaluations by an outside expert the highest mean rating, with 71% of judges and attorneys rating such evaluations as very helpful or extremely helpful. Friend of the Court evaluations/

Table 4
Usefulness of Evidence in Child Custody Cases

Type of Evidence	Rating				
	Judges		Attorneys		<i>t</i>
	<i>M</i>	<i>SD</i>	<i>M</i>	<i>SD</i>	
Court-ordered evaluation by outside expert	3.90	0.77	3.73	0.94	0.93
Friend of the Court recommendation	3.69	1.00	3.08	1.06	2.99*
Letters from teachers	2.69	0.81	2.76	1.07	0.21
Letters from children's therapists	2.66	0.81	2.83	1.06	0.72
Non-court-ordered evaluations by outside expert	2.59	0.73	3.25	1.24	2.75*
Letters from parents' therapists	2.55	0.87	2.58	1.12	0.04
Letters from friends	1.31	0.47	1.77	0.83	3.15*

NOTE: Usefulness of evidence was rated on a 5-point scale ranging from 1 (*not helpful*) to 5 (*extremely helpful*). Mean represents the average rating of usefulness for each type of evidence.

* $p < .01$.

recommendations received the second highest mean rating from judges; however, for attorneys, non-court-ordered evaluations by an outside expert rated second in usefulness. In addition, judges perceived Friend of the Court evaluations/recommendations as significantly more useful than did attorneys, $t(116) = 2.99$, $p = .01$. Likewise, attorneys saw non-court-ordered evaluations as significantly more useful than did judges, $t(116) = 2.75$, $p = .01$. On average, letters from teachers, children's therapists, and parents' therapists were rated as sometimes important. Letters from friends were not valued by either group, with judges viewing such letters as significantly less useful than did attorneys: $t(117) = 3.15$, $p = .01$.

SELECTING AN EXPERT WITNESS

Attorneys were requested to rate a number of factors typically considered in the selection of expert witnesses in child custody cases according to a 5-point scale ranging from 1 (*not important*) to 5 (*extremely important*). As displayed in Table 5, three distinct groups emerged: *very important*, *important*, and *slightly important*. The factors rated as very important (4.0 or higher) included the following: objectivity, experience conducting custody evaluations, communication and presentation skills, and years of professional experience. Interestingly, the lowest rated factors were professional membership, diplomate or fellow status, and general/custody professional publications, factors often valued by mental health professionals.

COMPLAINTS ABOUT CHILD CUSTODY EVALUATIONS

Attorneys and judges were asked to provide their greatest complaint about child custody evaluations. The number one complaint for both groups, reported by 26% of judges and 22% of attorneys, was the length of time it takes to complete the evaluation. Fifteen percent of judges also complained about each of the following: evaluators' lack of objectivity, lack of knowledge of legal criteria (e.g., "best interests of the child" statute), and conclusions lacking supporting data. The latter was also a complaint of 19% of attorneys. In addition, 15% of attorneys complained about evaluators' lack of objectivity.

Table 5
Attorneys' Evaluation of Factors Used in Selecting Expert Witnesses

Factor in Selecting an Expert Witness	<i>M</i>	<i>SD</i>
Very important factors (rating > 4.0)		
Objectivity/unbiased	4.66	0.61
Experience conducting child custody evaluations	4.45	0.64
Communication skills (e.g., written and verbal)	4.33	0.79
Professional presentation on witness stand	4.23	0.77
Years of professional experience	4.14	0.78
Important factors (rating of 3.0 to 3.9)		
Educational background	3.84	1.00
Professional reputation	3.76	1.16
Specialized assessment skills (e.g., sexual abuse, domestic violence, or substance abuse)	3.71	0.94
Cost	3.46	1.13
Knowledge of legal system	3.39	1.06
Slightly important factors (rating of 2.0 to 2.9)		
Publications in child custody field	2.49	1.10
Diplomate or fellow status in professional organization	2.39	1.02
Membership in professional organizations	2.39	0.98
Professional publications in general	2.18	1.05

NOTE: Factors were rated on a 5-point scale ranging from 1 (*not important*) to 5 (*extremely important*).

SUGGESTIONS FOR IMPROVEMENT

Attorneys and judges were also asked for suggestions for improving child custody evaluations. For judges, the most common suggestion, given by 15% of respondents, was that evaluation reports needed to be more complete, with all sources of information included. Attorneys offered three major suggestions for improving evaluations: avoid bias (16.3%), provide data that logically supports the conclusions (14.3%), and include specific, detailed recommendations (10.2%).

DISCUSSION

Findings from the present study indicate that significant changes have occurred over the past 20 years regarding the role and usefulness of child custody evaluations performed by outside mental health experts. During the 1980s, the legal profession often preferred or selected evaluators based on their prior therapeutic relationship with families (Felner et al., 1987). However, the present findings indicate that legal professionals have become more concerned with dual relationships and biased attitudes. Attorneys and judges complained about the lack of objectivity among evaluators when queried about their biggest complaint about child custody evaluations. In selecting an expert witness, attorneys rated objectivity as the number one factor. Both groups saw court-ordered custody evaluations as the most useful, whereas input from therapists was seen as much less useful; a significant change since Felner et al. (1987) findings. This trend was further reflected by attorneys reporting that more than 70% of evaluations were court ordered or stipulated by the parties (i.e., where both parties agree to the evaluators). These methods best reduce perceived bias and partiality.

During the 1990s, mental health professional associations also expressed increased concern about dual relationships (i.e., therapists acting as evaluators), evaluators functioning in a perceived biased role (e.g., hired by only one party) or displaying biased attitudes, and the lack of professional practice parameters. As a result, professional associations developed child custody guidelines to address these issues:

- “Guidelines for Child Custody Evaluations in Divorce Proceedings” (American Psychological Association, 1994),
- “Practice Parameters for Child Custody Evaluation” (American Academy of Child and Adolescent Psychiatry, 1997), and
- “Model Standards of Practice for Child Custody Evaluation” (Association of Family and Conciliation Courts, 1994).

However, even with these guidelines, the present study indicates that the legal profession continues to have some concerns about biased attitudes and the lack of impartiality. Nevertheless, the overall quality and usefulness of custody reports to the legal profession has improved since the Melton et al. (1985) and Felner et al. (1987) studies, which may be at least partially due to the guidelines.

One potential avenue for reducing bias attitudes is for evaluators to seek out consultation or supervision. Unfortunately, evaluators commonly resist such assistance for a variety of reasons, including personal pride, confidentiality/liability issues, and licensure status (i.e., most evaluators function at the independent practice level, which does not require supervision). Custody evaluations involve emotionally charged issues that sometimes interact with evaluators’ personal issues and, thereby, influence and impact their relationships and ensuing opinions. They may become aligned with one party and unconsciously screen out information that does not fit their preconceived notions (Feinberg & Greene, 1995). Supervision or consultation provides a reality check, along with a check and balance in dealing with transference and countertransference issues.

Judges and attorneys had general agreement about critical issues that commonly face the court and often result in referrals to outside mental health experts. The top reasons, based on ratings of importance, were allegations of physical/sexual abuse or neglect, mental stability of a parent, parental conflict, and alcohol abuse, which closely corresponds to factors previously identified by mental health professionals as reasons for recommending sole custody (Ackerman & Ackerman, 1997; Bow & Quinnell, 2001; Keilin & Bloom, 1986). These findings are expected, given that judges and attorneys often lack sufficient knowledge in these areas and, therefore, rely on the expertise of mental health professionals in dealing with such matters.

In terms of child custody reports, the legal profession rated the strengths and weaknesses of the parents and information regarding the child as highly important. An appeal for child information is not surprising, considering the primary issue before the court is the best interest of the child. Child custody evaluators need to be cognizant of this issue and respond accordingly by applying a child focus to the report and addressing statutory criteria for determining the best interests of the child.

Recommendations regarding custody and visitation were also rated as important components in custody reports. Attorneys wanted such recommendations to be specific and detailed. Furthermore, the overwhelming majority of judges and attorneys supported evaluators making recommendations regarding these issues. These findings may be surprising, considering the ongoing controversy over evaluators addressing the ultimate issue (Melton

et al., 1997; O'Donohue & Bradley, 1999; Weisz, 1999). However, Bow and Quinnell (2001) found that 94.4% of psychologists conducting child custody evaluations made recommendations regarding custody and visitation, which is a dramatic increase from Ackerman and Ackerman's (1996) figure of 65%. This suggests that evaluators are increasingly responding to this issue, regardless of the criticism and controversy.

In terms of the quality of report components, ratings were generally in the "good" range. Although more than adequate, it suggests room for improvement. Nevertheless, it counters some of the past criticism of report quality.

The number one complaint of attorneys and judges about child custody evaluations was the length of time it took to complete them. Respondents indicated that the optimum length of time was 5 to 6 weeks, a considerably shorter period than the average time of 9.7 weeks reported by psychologists in Bow and Quinnell's (2001) study. The court is commonly faced with legal deadlines. Furthermore, custody disputes create emotional turmoil and a speedy resolution of the matter is needed for closure. On the other hand, custody evaluations are often complex and time consuming. Even so, the request of the court is to expedite the process, and child custody evaluators need to meet this challenge whenever possible.

Although judges and attorneys requested relatively short reports (10 to 12 pages), they complained that conclusions lacked supporting data. Also, judges wanted custody reports to be more comprehensive, with all sources of information furnished, whereas attorneys wanted reports to logically support the conclusions and provide specific, detailed recommendations. Ironically, incorporation of these complaints and suggestions will take additional time and increase the length of the report. In Bow and Quinnell's (2001) study, psychologists reported their custody reports averaged 21 pages, which is considerably longer than the optimum number of pages identified by the legal profession. Ways of addressing these differences in report length may lie in tailoring reports to the specific needs of the legal profession as identified in this study.

Some factors that attorneys considered important in selecting an expert witness revealed interesting findings. Factors often valued by mental health professionals, such as professional publications, membership in professional organizations, and diplomate or fellow status in a professional organization, received the lowest average ratings and were considered only slightly important. Attorneys, who are often viewed as primarily interested in winning or gaining an advantage for their clients, rated objectivity/unbiased attitude as the most important characteristic, which was also most valued by attorneys in LaFortune's (1997) study. This may be due to the vast majority of evaluations being court ordered or stipulated by the parties, thereby, highlighting the need for neutrality.

Overall, judges and attorneys in the present study had very similar views regarding their attitudes and beliefs about child custody evaluations, with few significant differences. Also, the differences between the groups were somewhat expected. For example, judges rated Friend of the Court evaluations as significantly more useful than attorneys did, whereas attorneys rated non-court-ordered evaluations as significantly more useful than judges did. The latter may be due to judges viewing non-court-ordered evaluations as less objective, whereas attorneys may prefer such evaluations as a way of advocating for their clients. A similar pattern was shown when judges and attorneys were asked to list the top three reasons custody cases are referred for outside evaluations. The groups differed in one area, with attorneys making referrals for negotiation and resolution purposes and judges to address parental conflict. The only other significant difference between the two groups involved child preference, with judges exploring this issue at a younger age than attorneys. This is an

expected finding, given that judges in Michigan must address child preference as part of their legal opinion pursuant to the requirements by the Michigan Child Custody Act (1970).

Although this study focused solely on judges and attorneys in Michigan, there is no reason to believe that the findings would be discrepant with samples from other states. Even though laws vary from jurisdiction to jurisdiction, decision making is based on the best interests of the child, which is the major thrust of custody laws in all 50 states.

In conclusion, the present study provided valuable insight into the legal professions' view of child custody evaluations and ways of improving the process. In general, judges and attorneys had similar views. Custody evaluation practice can be improved by (a) increasing evaluator's objectivity and impartiality, (b) making child custody reports child focused and relatively succinct, (c) increasing the amount of supporting data for the conclusions drawn, (d) providing specific recommendations about custody and visitation, and (e) decreasing the length of time to complete the evaluation. It is hoped that this information will help mental health professionals better understand and serve the needs of the family court.

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