

Report on the Custody Evaluation of vs And the Minor Child(ren)

Itemization of hours				
	Type of activity and date		Attended by	Hours
	Individual meeting			
	Total Hours			
Date:				
Introduction and Study Organization				
<p>As the legal presumptions governing child custody have evolved and changed over time so have conceptual ideas about how a custody study should be done. My studies are guided by the belief that these evaluations should be focused on how families systemically interact and nurture the children as opposed to more traditional assessments of strengths and weaknesses of the parents (historically referred to as psychological evaluations of the parents).</p> <p>Assuring the fair balance of representation is paramount and I make every effort to arrange for a F-M-C-HVF-HVM-Ffo-Mfo, with interchangeable F/M timing depending on availability. The F (Father) and M (Mother) meeting is followed by meeting the child or</p>				

children (C) The home visits with the parents (HVF and HVM) take place in the residence where the parent has the children when they are with them (which could be different than their home) . I do expect that all family members who customarily are home when the child stays/visit, will also be present. The following Father follow up (Ffo) and Mother follow up (Mfo) meetings are with the parents and their new partners or spouses, if indeed they are part of the new household.

Also in context of a systems approach, psychological testing is not a standard procedure, but I will choose to bring in testing if I believe the information can, uniquely, answer a critical question or concern. The validity of test results in the pursuit of seeking Best Interest conclusions is currently under great scrutiny and often referred to as Instrumental Bias. In the language of my custody contracts I inform the parties that I may or may not elect to use psychological testing to add to the interviews. I am aware that this is not a common decision; most evaluators do test the parties. Perhaps, if one looks at these reports as “psychological evaluations,” the expectation is that an evaluation is not complete without tests.

Because of the likelihood of wanting to look good during the study, I have lost confidence in the use of many “tests” one often sees in custody reports. Psychological tests are known to have various forms of “validity.” One category is known as “face validity.” It means that a test has face validity when the respondent clearly understands why the items are what they are and what direction the findings will yield based on their choices. A test without face validity is ambiguous to the taker and it will not be obvious what the purpose of a question or item is.

All tests with high face validity, in my opinion, are not very useful in a custody study. The parent will simply try to project strengths. Most parenting questionnaires, popular in use in custody studies, have that high face validity and I choose not to use them. In contrast, a test like the Minnesota Multiphasic Personality Inventory does not have the face validity allowing recognition of its purpose and it remains among the very best assessment of possible mental illness and personality disturbance. However, the MMPI is a clinical test and is more appropriate to use when mental illness is a stated concern. The same is true for the Millon Multiaxial Comprehensive Interview.

My report format is an effort to present the data with facts and clinical impressions to support my response to the parent arguments made in the Motion or in absence thereof, the dispute positions.

I am aware that the courts generally dislike extensive reports. In an effort to be succinct, I present one of the larger portions (the parent history) as an addendum, especially useful if some readers are already familiar with these details.

Mother and Father's position on the Motion/Dispute
Recommendation
Legal Custody

Physical Placement
The Study
Information from parents
Interview with Children
Collateral Information
Home Visits
Test results
Observations (factual and impressions)
The custody Narrative In each custody dispute the parties involved have their ideas about what is factual and what matters. There is an eagerness to convince the evaluator about what they see as "the truth." This narrative section is a summary of my impressions which form the foundation of my recommendation.
Limitations The state of Wisconsin joins most American states in defining "Best Interest" as the child standard in custody. Unfortunately, what is best for a child is often speculative or indeterminate. Long term predictions are beyond the capacity of the behavioral sciences (we cannot predict the future). In addition, there is just insufficient consensus about what values should guide our recommendations. It is unfortunate, but quite true, that the complexity of a custody dispute is juxtaposed to the simplicity of the real answer to what is the best interest of the child. There is a critical mass of research evidence that the best predictor of positive outcomes for children is the expectation that mom and dad get along with each other. If every parent was able to recognize that reality and need, there probably would be very few custody battles. Be that as it may, this does not alter the fact that a recommendation that has the best chance for a dispute resolution is to be preferred. Recommendations may be made on a number of very solid grounds, but if they will result in more anger and more battle, they do not serve the child. In my opinion, a custody evaluator must try to anticipate if his or her recommendation would lead to a reasonable settlement.

Respectfully submitted, on this, theday of
Anton C. Smets, Ph.D. Psy.D.
Licensed Psychologist