

# The Newsletter

Fall 2006



## Beyond Licensure: Requisite Training for Child Custody Evaluators

David Weinstock, Ph.D.

In recent years, several advocacy groups have questioned the qualifications of Child Custody Evaluators. A few years ago, the Domestic

Violence Coalition spearheaded legislation to ensure training in domestic violence and child abuse for Evaluators. Even during the 2006 legislative session, similar groups questioned legislators about the training of these court-appointed professionals. It is essential that individual practitioners heed the warning of these outside groups and begin to develop minimal standards for themselves.

Violence Coalition spearheaded legislation to ensure training in domestic violence and child abuse for Evaluators. Even during the 2006 legislative session, similar groups questioned legislators about the training of these court-appointed professionals. It is essential that individual practitioners heed the warning of these outside groups and begin to develop minimal standards for themselves.

Guidance from the AFCC and APA has been somewhat limited as to what qualifies a professional to administer a Child Custody Evaluation. Both are in the process of revising guidelines, but to date, the direction has been very unclear. There is also little in the way of empirical data to support any specific requisite training.

There are a few avenues for addressing the training of Child Custody Evaluators. Traditionally, practitioners have been deemed no different from any other "expert" and thus, had to be qualified as such to testify in court. More recently, however, Maricopa County developed a family court roster, which requires 1) licensure, presumably in a mental health area or law; 2) malpractice insurance; and 3) attending the annual mental health training. However, the roster is not a certification of one's ability to participate in forensic work, but simply recognition of these minimal requirements. Accordingly, it is up to each individual practitioner to ensure an understanding of the legal and ethical requirements for practicing in the area of family law psychology.

A review of state laws, ethics codes, and guidelines as well as peer-reviewed articles suggests that there are some minimal training guidelines which should be observed. Unfortunately, much of what professionals learn in graduate school is only peripherally related to what is necessary as a family

law practitioner. The first area of relevant training acquired in graduate training is in areas related to children, such as child development and child psychopathology. There should be a similar focus on adult development and psychopathology as well as family dynamics and psychological testing.

Both within and beyond graduate school, other areas which should be emphasized are interview techniques, understanding parent-child interactions, assessing parental competency, and divorce dynamics. There are other important areas that may not be emphasized in the current guild guidelines, but they appear to be areas that should be considered. These include domestic violence, risk management, and understanding community resources.

Finally, choosing to work in forensics suggests a need to understand the specifics of the applicable law. A family law practitioner should have knowledge of statutes, case law, local rules, legal standards, court procedures and an understanding of legal concepts such as the best interest of the child.

Ultimately, family law practitioners need to be more diligent about their individual deficits. Gathering a clear understanding of what training is required-training beyond graduate school and court rosters is essential to ethically practice in this area. Until practitioners take the initiative to ensure their own qualifications, family law professionals will continue to be regulated by outside advocacy groups.

*This is a summary of an article that was printed in the Journal of Child Custody, Vol. 3, No. 2, 2006.*

### **New! AFCC Parenting Coordinator Network**

The AFCC PC Network is a group e-mail networking list for professionals from around the world who serve as parenting coordinators or are interested in this role. Check in the Member Center on the AFCC website at [www.afccnet.org](http://www.afccnet.org).

**Arizona  
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# AFCC Re-Writing Model Standards of Practice for Child Custody Evaluations

John A. Moran, Ph.D.

AFCC is revising its 1994 Standards of Practice for Child Custody Evaluations. The Task Force on Model Standards of Practice for Child Custody Evaluations included: Co-chairs William Austin and Lorraine Martin; Reporter, David Martindale, members Deb Kulak, Arnold Shienvold, Diana Gould-Saltzman, Hon. Denise McColley, Jeff Siegel, Phil Stahl, Dee Kirkpatrick, Leslie Drozd, and Kathryn Kuehnle. Leslye Hunter appointed and worked closely with the Task Force.

Eight drafts of the standards have been penned. More than 600 comments about the drafts were offered as a result of two public posting periods, and another 200 plus people attended three open meetings at AFCC conferences in Nashville, Seattle and Breckenridge. The review period is complete and the standards are expected to go to the AFCC Board for action during the Tampa meeting.

The revised standards renew emphasis on the scientific basis of custody evaluations. Definitions of processes and content areas are offered throughout the standards. Evaluation is approached as hypothesis testing, using empirically based technique to gather and analyze data. Where formal or empirical techniques are not available it is incumbent on the evaluator to describe limits in the assessment methods and how these affect the weight given to conclusions drawn.

The proposed standards are comprehensive. They encompass 225 provisions covering 12 domains. Some evaluators will have new practices to incorporate. Examples drawn from the 7<sup>th</sup> draft include:

#### RE: COMMUNICATION WITH LITIGANTS, ATTORNEYS, & COURTS

**[4-1]** Even when litigants are submitting to an evaluation in response to a directive from the court, evaluators shall provide detailed written information concerning their policies, procedures, and fees.

**[4-3a]** The descriptive document provided by the evaluator shall specify the intended uses of the information obtained during the evaluation, shall include a list of those to whom the evaluator's report will be made available and the manner in which the report will be released, and shall provide information concerning laws, court rules, and evaluator polices concerning the release of the items in the case file.

**[4-3b]** This information shall be provided to the litigants and to their attorneys in advance of the first scheduled session, so that litigants may obtain advice of counsel and be able to examine the document in an unhurried manner and in an atmosphere that is free of coercive influences.

**[4-10]** Evaluators shall refrain from negotiating settlements with the parties and/or with their attorneys.

**[4-11]** Evaluators shall refrain from offering interim recommendations or treatment interventions pertaining to custodial placement, visitation, or related issues.

#### RE: MULTI-METHOD APPROACH

**[5-A2b]** In their forensic reports, evaluators shall make known to the court when there are incomplete, unreliable, or missing data.

**[5-A2c]** Where data are incomplete, unreliable or missing, evaluators shall identify the incomplete or missing data, shall offer an explanation if doing so is possible, and shall articulate the implications of the incomplete, unreliable, or missing data upon any opinions communicated in reports or testimony.

**[5-C2]** In the interests of fairness and sound methodology, evaluators shall ensure that those being

evaluated are made aware of any allegations registered against them and are afforded an opportunity to respond.

#### RE: FACTORS TO MEASURE

**[5-E3a]** Except where contraindicated by special circumstances (i.e., a non-party declines to participate; a caretaker is deemed acceptable by both parties) evaluators shall assess each parent and any other adults who are currently living in a residence with the child(ren) and performing a caretaking role.

**[5-E3b]** Additionally, except where contraindicated by special circumstances, evaluators shall assess any other adults who are likely to be living in a residence with the child(ren) and performing a caretaking role.

**[5-E4c]** Evaluators shall describe the manner in which information concerning children's stated perceptions and/or sentiments was obtained and shall specify the weight given by the evaluator to the children's stated perceptions and/or sentiments.

**[5-E6a]** Evaluators shall utilize a generally recognized and systematic approach to the assessment of such issues as child maltreatment, alienation, domestic violence, and relocation.

#### RE: USE OF FORMAL ASSESSMENT INSTRUMENTS

**[6-3D]** Evaluators shall be mindful of issues pertaining to the applicability of psychometric test data to the matters before the court and shall be familiar with published normative data applicable to custody litigants.

**[6-3e]** Evaluators shall carefully examine the available written documentation on the reliability and validity of assessment instruments, data gathering techniques, and tests under consideration for use in an evaluation.

**[6-9]** In reporting information gathered, data obtained, and clinical impressions formed and in explaining the bases for their opinions, evaluators shall accurately portray the relevance of each assessment instrument to the evaluative task and to the decision-making process.

#### RE: ROLE CONFLICT AND DUAL ROLE ISSUES

**[8-3A]** Practitioners shall consider the importance of role delineation in undertaking reviews of the work of evaluators and shall avoid multiple relationships.

**[8-3b]** Reviewers shall not meet with litigants, family members, or allies of litigants (other than counsel).

#### RE: OBSERVATION - INTERACTIONAL ASSESSMENT

**[10-2B]** In the course of such observations, evaluators shall be attentive to (1) signs of reciprocal connection and attention; (2) communication skills; (3) methods by which parents maintain control, where doing so is appropriate; (4) parental expectations; and (5) the appropriateness of materials brought by parents for use during the interactive session.

#### RE: USE OF COLLATERAL COURSE INFORMATION

**[11-A-2a]** Evaluators shall acknowledge the limits in the ability to discern the truthfulness of oral reports from the primary parties and so shall seek from collateral sources information that may serve either to confirm or to disconfirm oral reports, assertions, and allegations.

**[11-A-2d]** Evaluators shall clearly acknowledge, within the body of their written reports, statements that are not adequately corroborated and why it may or may not be appropriate to give weight to such data.

**[11-A-4a]** Decisions made by evaluators concerning the weight assigned by them to information from participants in the evaluation and from collateral sources shall be articulated in the evaluators' reports.

**[11-A4-b]** In utilizing collateral sources, evaluators shall seek information that will facilitate the confirmation or disconfirmation of hypothesis under consideration.

## Arizona Association of Family and Conciliation Courts



## Re-Writing Model Standards continued

**[11-A-5b]** Where unsuccessful attempts have been made to contact collaterals, those collaterals shall be identified and an appropriate notation shall be made.

**[11-A-6]** All collateral sources who, in the judgment of the evaluator, have access to the salient and critical data shall be interviewed.

**[11-A-7]** When collateral and documentary data are not available, then this limitation shall be made known to the court in the forensic report.

RE: DATE INTERPRETATION AND  
ACKNOWLEDGEMENT OF LIMITS

**[12-3]** In their reports and in their testimony, evaluators shall be careful to differentiate among information gathered, observations made, data collected, inferences made, and opinions formulated.

The standards are aspirational and voluntary. In the introduction to the standards it states, "[1-1e] AFCC does not have and does not intend to establish an enforcement mechanism." And, "[1-1f] We believe it to be advisable that our members conform their practices to the standards articulated here, but membership in AFCC does not compel them to do so."

Nonetheless, the revised standards raise the bar for evaluators. There will be lively discussion about what the standards mean and how to apply them. ■

## PRESIDENT'S LETTER

Following in the footsteps of the International Association of Family & Conciliation Court, the Arizona Chapter strives to provide educational programs for all practitioners involved in the field of family law. We are an inter-disciplinary organization dedicated to helping judges and other court professionals, attorneys, mediators and mental health professionals with their important work with the families and children in this state. This systems approach helps ensure that all pieces of the puzzle are known and considered, which ultimately results in providing better services to those we serve.

This year we invite you to a new year-long series of seminars for those offering evaluation and treatment services to parties in Family Court. You won't want to miss this exciting opportunity (see ad above). And, as always, our annual conference (see ad below) is packed with timely and relevant information from world-renowned speakers giving you the tools to better serve children and families.

We value your membership in our organization and welcome your comments and suggestions to help improve our services. Please let us know what type of training would best match your needs.

Take care,  
Megan Hunter  
President

## Don't Forget To Mark Your Calendar !!!

**Arizona Association of Family and Conciliation Courts**  
**"AzAFCC Rolls Out the Red Carpet"**  
**Hilton Sedona Resort and Spa**  
**February 2-4, 2007**

Watch your mail and e-mail in November for Registration Materials or check our website at [www.azafcc.org](http://www.azafcc.org). For more information, please contact Megan Hunter, President, at 480.840.0400 or [megan-hunter@cox.net](mailto:megan-hunter@cox.net).

## SEMINAR SERIES

You still have time to register for our new seminar series, "Basic Skills for Mental Health Professionals in Family Court". This seminar is designed for mental health professionals, attorneys and mediators and covers:

- the elements of a well-crafted custody study
- how a data-based evaluation can help the court resolve family crisis
- major problem areas in custody work and identifies solutions
- writing effective parenting recommendation to the court

Remaining dates are:  
November 15, 2006  
January 1, 2007  
March 14, 2007  
May 17, 2007

For more information, please contact  
Dr. John Moran at 480-946-0801 or  
[JM@moranvigil.com](mailto:JM@moranvigil.com) or check our  
website at [www.azafcc.org](http://www.azafcc.org).



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**Arizona  
Association  
of Family and  
Conciliation  
Courts**

The Arizona Chapter of the Association of Family and Conciliation Courts (AzAFCC) is requesting your help.

AFCC is a non-profit, international, multi-disciplinary organization. Our membership includes judges, mediators, psychologists, attorneys, court personnel and counselors who tackle the challenging task of resolving parental and family disputes over child custody.

The Arizona Chapter of AFCC is the second largest in the country. Thus far, AFCC has been the leader in providing specialized education and training by sponsoring conferences to enhance the skills of the judiciary, family court staff, custody evaluators, lawyers and mediators. Unfortunately, given the current economic climate, our financial abilities to continue our mission have been compromised. Like so many "non-profits", our budget is strained. This directly impacts our ability to provide scholarships, improve our educational programming or waive membership dues to those of modest means. Consequently, we are in dire need of assistance from other professionals and the business community. Donations to our chapter are fully tax deductible as charitable contributions under Internal Revenue Code 501C(3). All donors will be sent receipts for their records.

All contributions to AzAFCC go directly to meeting the chapter's financial obligations. Our Board of Directors do not receive compensation. We all volunteer our time and effort because we believe in the good works of our organization.

We truly hope you will contribute to AzAFCC. Your time and generosity are greatly appreciated. ■

**DONATIONS**

PLEASE MAKE CHECKS PAYABLE TO  
AzAFCC

Name: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

Platinum Level	\$1,000.00	_____
Gold Level	\$ 500.00	_____
Silver Level	\$ 250.00	_____
Copper Level	\$ 150.00	_____
Patron	\$ 100.00	_____
Friend	\$ _____	_____

Please return to: Phillip Knox  
Maricopa County Superior Court  
125 W. Washington  
Phoenix, AZ 85003

WE THANK YOU FOR YOUR GENEROSITY !!!

**Be sure to mark your calendar  
and register for the AzAFCC  
Annual Conference February 2-4,  
2007 in Sedona, Arizona.**



**AzAFCC  
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