

BOOK REVIEW

CHILD CUSTODY EVALUATION: NEW THEORETICAL APPLICATIONS AND RESEARCH

Hynan, D. (2014). *Child Custody Evaluation: New Theoretical Applications of Research*. Illinois: Charles C. Thomas. 254 pages. ISBN-13: 978-0398080945

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I have added a number of child-custody evaluation books to my library, since I conduct these evaluations, as well as parental-fitness examinations, in my forensic practice. Fortunately, all the books I have reviewed have assisted my practice in one way or another. Dr. Hynan's book, *Child Custody Evaluation: New Theoretical Applications and Research*, is consistent with my prior experience. Dr. Hynan has a solid history and career in examining child-custody cases and eventually started writing articles focused on integrating science and his professional experience. After a number of articles, he forged his way into writing a book. His objective was to study psychological tests that did not have prior publications in the area of child-custody evaluation. Prior to writing this book, he utilized the *Open Access Journal of Forensic Psychology* to submit some of his research on the Personality Assessment Inventory and the Parent/Child Relationship Inventory.

Dr. Hynan starts off the book by providing a checklist of importance pertaining to good practice in the field of child-custody evaluation. For example, he emphasizes that child-custody experts should have a good grasp of the research on child-custody matters. He cites literature describing the negative impact of divorce on children. He shares valuable information describing how divorce is a process rather than a discrete event. Research concerning children living in single-parent divorced families versus intact families is presented. He also addresses research focusing on the identification of parenting behaviors that place offspring at risk for personality disorders during adulthood.

In addition to looking at psychological variables in child-custody evaluations, Dr. Hynan emphasizes the importance for the examiner to consider legal statutes and professional and ethical practice guidelines regarding child custody, visitation, and related matters. For example, he discusses The Uniform Marriage and Divorce Act, which identifies that custody and visitation need to focus on the best interest of the child, and lists factors to be considered. He refers to the concept of *goodness of fit* between a child and a parent and its recognition by the American Psychological Association Guidelines for Child Custody Evaluations in Family Law Proceedings (2010). Hynan also discusses the different types of custody relevant to joint legal custody and how these types are often

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confusing because they sometimes refer to the amount of time a child spends with each parent rather than the ability of each parent to make or contribute to major child-rearing decisions.

Hynan discusses new theoretical applications in child custody, including game theory, which is a study of strategies used by rational agents' interactions and reactions toward one another. He talks about how individuals deal with conflict and decision making, and how individuals pursue their own self interests in conflict-laden situations such as child custody. Further, neuroscience researchers have also shed light on some of the brain mechanisms involved in both the rational and emotional processes that influence decision making and he notes that a combination of rational and emotional factors contribute to each divorcing parent's experience of trusting the other parent.

Hynan presents information about alternatives to the traditional best-interest standard. He offers information and resources about proposed changes regarding time sharing and decision making. He said the flaw of the American Law Institute Principles (ALI) is that it does not include consideration of parental psychological functioning in determining the best interest of the child. He presents information about the Parenting Functions Questionnaire, including tasks such as making meals for children and other parental activities and duties, and how these tasks are quite similar to what the ALI describe as child caretaking functions.

He presents valuable research on parental agreement or disagreement, especially relevant to their perceptions of their own duties versus the other spouse's duties as a parent. Hynan presents research on changes and inter-parental conflict and empirical investigations of the patterns of conflict between parents during such disputes. He discusses the unfortunate consequence of requiring cooperation between some couples who are simply not able to carry it out. The negative impact on the legal system is that such uncooperative individuals are often the same ones who repeatedly return to court to litigate about children. Hynan devotes a good part of the second chapter to attachment research. He states that the amount of past caretaking does not correlate well with attachment security, which conflicts with the ALI view that the amount of time a parent spent with a child in the past is a good proxy for the emotional attachment between parent and child. He cites that other areas that the child experiences, including home environment, parental support, and peer confidence, predict a larger proportion of later life functioning than is predicted by attachment security alone. He states, "Clearly, the efforts by a number of individuals in the legal profession to decide what is in children's best interest by the quantity of past time spent with parents are not supported by scientific evidence." Hynan shrewdly makes the comment that there is an important distinction between intuition and judgment, which is highly relevant for custody evaluators. In brief, intuition is defined as a type of thinking that is fast, automatic, and relatively effortless, while judgment is described as relatively slow, deliberate, and requiring conscious effort. Similarly he states, "One of the main tasks for evaluators is to distinguish the reality from the sales pitch." In fact the parental report in reality may have nothing or everything to do with the actual parenting functioning and the parent/child relationships. It is important for the evaluator to cut

through the smoke screen and shed light on what is taking place in real life relevant to the best interest of the child. He presents useful case examples and then cites relevant literature and practice tips. Hynan encourages examiners to perform child interviews, make parent/child observations, collect collateral data, and interview parents. He also encourages examiners to cite relevant evidence pursuant to issues such as children's exposure to conflict between parents and its negative impact.

Hynan correctly states that families get referred for child-custody evaluations precisely because there is uncertainty about what is best for the children. The focus on the child's best interest is represented by relevant legal factors integrated with scientific findings about the children of separation and divorce, and use of methods that have sound empirical conceptual foundations.

He states that there are no outcome data specifically focused on children who have gone through child-custody disputes. When considering an examiner's decision making in child-custody evaluations relevant to intuition versus reasoning and judgment, he does support the use of checklists to improve an examiner's judgment.

Hynan presents a chapter on time sharing, which is a difficult chore that evaluators are confronted with related to making recommendations about when children should be with each parent. Time-sharing plans need to consider any special needs of the children, particular parenting skills and deficits, parental psychological functioning, conflict between parents, distance between residences, histories of parental family structure instability, abilities of the parents to cooperate well about the children with each other, etc.

Hynan voices concerns about shared parenting for some parents as it may lead to reduced stability and increased stress, especially when children have to juggle the challenge of school and extracurricular activities and social lives. He cites some studies and empirical evidence regarding frequency of shared parenting and states that the data sources that are present indicate that it occurs infrequently. He cites a concern that it seems reasonable to conclude that it may be even more difficult to sustain an equally shared parenting residential arrangement and therefore residential instability might be even greater in such circumstances.

Hynan notably discusses a number of factors found to affect children of divorce as well as statutes that identify legal criteria to be considered in evaluations. He distinguishes well-adjusted versus high-conflict parents and addresses issues of transitions that include inter-parental conflict, which can unfortunately expose children to those conflicts and consequently contribute to the child's stress. He cites the importance of considering a broad array of parent characteristics and child needs and visitation planning. Hynan discusses visitation recommendations for different scenarios such as a child who is inattentive and disorganized versus a sensitive child prone to emotional distress who may benefit from relatively frequent contact with a non-custodial parent who is especially emotionally available and communicative. He discusses the issues of parental availability and competency relevant to visitation schedules.

The time-sharing chapter includes considerations for very young children. The author discusses issues related to dysfunctional attachment to parents associated with high levels of conflict and relatively poor communication between parents and children. He spent some time applying research to individual cases. He states that there is no empirical evidence to support or refute the hypothesis that parental characteristics and child care histories play a major role in the impact of overnight visits on children. A combination of research-based information and practical experiences indicate that, to promote positive attachment, young children should have contact with a parent at least three times each week without any very extended times away from either parent.

The time-sharing chapter also includes information on inter-parental conflicting parenting plans. The author describes numerous negative effects on children with exposure to inter-parental conflict, including problems with emotional regulation and inaccurate learning of appropriate social skills. He cites literature and meta-analyses showing that children in joint physical or legal custody have often manifested better adjustment in a number of arrangements than in sole custody. Time sharing and time spent with fathers after divorce is related to better relationships with fathers and better health status. It is important to note that recent research has indicated that there is a significant positive correlation between the percent of time children spend with their fathers and the emotional security experienced with them. Hynan emphasizes that evaluators should consider that possible visitation restrictions need to be well informed by relevant scientific and professional information and apply to the specific circumstances of each case.

Hynan provides a useful practice checklist relevant to collecting information from parents and collateral sources. Structured clinical interviews of parents are important to examine psychological functioning and resources, substance abuse, and domestic violence. The main focus of the custody evaluation is to determine the child's best interests, which are most accurately and productively represented by research findings about children of divorce. Hynan cites that one of the most common criticisms that attorneys hear from parent clients is that the evaluator did not pay attention to or include in the report what parents felt to be important in the examination.

Hynan also talks about the importance of parent/child interactions in the evaluation by the custody examiner. In parent/child observations, the goal is to obtain a reasonable sample of a number of important parent/child interaction dimensions. Parents also may have limited insight about their own interaction patterns of the child and may be motivated to report on them inaccurately when other methods are used. There is no good substitute for observing children and parents together. He also supports a joint parental interview to assess the likely success of future joint parenting. Hynan again shares information about the Parenting Functions Questionnaire that he created which stems from his experience in that he routinely found it very difficult for parents to productively describe what had been the characteristic division of labor in terms of interacting with their children.

Hynan stresses that evaluators only share information about what they have observed directly, in terms of interactions between children and each parent. When reviewing documents provided by the parents, Hynan asked the parents to make sure that the information contained in such documents potentially sheds light on what is in the child's best interest.

Dr. Hynan provides a chapter on the interviewing of children. He focuses on the use of open-ended questions as much as possible. He provides information regarding research on interviewing children relevant to factors of age, memory, consideration of lying and suggestibility, developmental factors relevant to language, and the importance of building a rapport with the child. Helpful tips include the usefulness of gathering information about a child's view regarding how the parent tries to manage him/her, how parents handle conflict, whether the child has observed domestic violence, and allowing children ways that they can express their feelings and thoughts about expectations regarding living with each parent.

Hynan spends a chapter on use of the Personality Assessment Inventory in child-custody cases. He has researched evidence of positive-impression management and clinical scale scores that were generally below average as being prevalent in the assessment profiles of parents involved in custody cases. Important findings of the PAI with regard to custody cases include considerations of the positive-impression-management scale. This finding is consistent with research that he cites pertaining to validity scale assessment on the MMPI-2. He cautions the examiner to not rely too much on computerized test interpretation and emphasizes the importance of more specialized interpretation by the expert.

Dr. Hynan adds a chapter on the Parent Child Relationship Inventory (PCRI) with expanded research. He emphasizes that psychological testing is often used to provide information on parent/child interactions from an objective standpoint. The statutes also stress the importance between the relationship of the child and a parent as a factor to be considered in custody determination. The PCRI is a parental self-report measure that covers a number of important aspects of parenting. Hynan presents information about the psychometric properties of the PCRI as well as expanded data for evaluators. He investigated score differences between pre-decree and post-decree parents, examining presence or absence of substance abuse, domestic violence, or child abuse, and how they influence PCRI scores. He acknowledges that, while the PCRI covers important content in areas of parenting and has comparison data specific to custody evaluation, it does not cover all relevant aspects of parenting and would benefit from more extensive reliable validity data.

Hynan adds a chapter on the MMPI-2, focusing primarily on elevations on the L and K scales; he notes that a high score on either scale does not necessarily mean that the respondent is hiding psychopathology. In fact, the MMPI-2 is the only psychological test that previously has been used in multiple independent research studies with custody evaluation samples. The greater comprehensiveness of the MMPI-2 data, specific to custody evaluation context, leads to the greater confidence evaluators can have that

such reference data are applicable to their own cases. Hynan presents a brief review of prior MMPI-2 research and child-custody evaluation. The research is focused primarily on defensive responding by parents in custody evaluation. Hynan presents his own research project regarding the MMPI-2 and child-custody litigants. Overall he found the results of the current study support the hypothesis that gender differences would be small or nonexistent. He found that women are more likely to endorse high scores in the F and SC scales and that women admit highly unusual experiences more so than men. However, the child-custody evaluation context leads parents, overall, to generally decrease the extent to which they disclose highly unusual experiences, which is understandable, given the context of the evaluation. Hynan presents information from the current research project on the examination of the MMPI-2 scores in terms of whether or not substance usage, domestic violence, and/or child abuse are identified and are areas of concern within the family. Furthermore, he looked at pre-decree versus post-decree litigants' MMPI-2 scores and found that individuals who go through custody evaluations prior to a decree generally experience modestly more distress and greater defensiveness as compared to parents in post-decree litigation, though there were no clinically significant differences. As noted, the most distinct finding of Hynan's research and other MMPI-2 research in custody evaluation is moderate elevation on the scales of defensiveness.

Hynan adds another chapter on other psychological measures used in child-custody evaluations. The Parenting Stress Index - 4th Edition may be useful in identifying potential parenting problems, but most of the research is relevant to women examinees. The Child Abuse Potential Inventory (CAPI) is useful if there is a reason for a specific concern about the presence or potential for moderate or severe child physical abuse. He provides useful information on the advantages and disadvantages of using the Rorschach when assessing adult personality and psychopathology in forensic cases. He cites research relevant to the MCMI-III as the second most widely used personality, behind the MMPI-2, in custody research samples. Some research indicates that many more women than men had elevated scores at the levels of personality disorders and dysfunctional personality traits. However, new research refutes these gender differences. The Conners 3 is focused primarily on common child behavioral problems such as ADHD and learning disorders and is useful for obtaining information from parents and teachers about a child's functioning. Both the Child Behavioral Checklist and the Conners 3 have useful scales that are designed to measure problem areas that fit diagnostic categories of DSM-IV. The Bricklin measures, in contrast, were designed specifically for use in child-custody evaluations. The goal of these measures is to provide information about a child's largely unconscious experience with each parent so as to determine which would be best for primary residential custody. While many of the questions pertain to relevant aspects of parenting, this measure manifests numerous deficits, especially relevant to lack of test reliability and validity data.

Dr. Hynan has a chapter on Difficult Evaluation Challenges and focuses on domestic violence, child abuse, substance abuse, and relocation issues. He reviews research on professional perspectives of domestic violence and takes a look at rates of substantiation, gender factors, and typologies. He points out that allegations of

domestic violence occur in a substantial proportion of separation and divorce cases. Obviously, there is a likelihood of disagreement about domestic violence in contested divorce cases. He also discusses typologies that have contributed to the understanding of domestic violence relevant to aggressive behaviors, emotional/interpersonal experiences, and situational factors. Assessment instruments include the Conflict Tactics Scales and the Spousal Assault Risk Assessment. He also highlights the importance of gathering collateral information such as protective orders information, police reports, medical records, and other sources of objective information about allegations of intimate partner violence. He discusses childhood abuse as relevant to child-custody evaluations. Evaluators need to have adequate training in the area of assessing child abuse in child-custody cases. Knowledge of the research regarding false allegations and child abuse as well as child interview methods in assessing abuse are critical for custody evaluators. Dr. Hynan describes assessment tools such as the CAPI, which may be appropriate to administer to the person alleged to have carried out the abuse. Substance-abuse issues are also very important to investigate in child-custody cases. Substance-abuse assessment and psychological testing relative to the MMPI-2 may be considered. Finally, he discusses relocation issues and concerns about the research that indicates that relocation generally leads to worse outcomes for children.

Dr. Hynan also has a chapter on Parental Alienation and Gatekeeping. He notes that parental alienation has been perhaps the most heated controversial issue in the child-custody field. He discusses the prevalence of alienation among mothers versus fathers and the reasons, other than parental alienation, that can lead children to avoid or resist visitation with the other parent. He cites a number of factors that contribute to alienation such as intense marital conflict, high conflict litigation, and the alienated parent experiencing humiliation associated with the divorce, etc. He describes other behaviors by the rejected parent that inadvertently contribute toward alienation in a child. He overviews research of parental alienation focusing on collecting information from individuals who reportedly have experienced parental alienation. The survey response indicated the alienated parents frequently made negative statements about the other parent to the children, restricted visits and phone contacts, and engaged in numerous types of emotional manipulation of the children.

Dr. Hynan also has a chapter on Report Writing, emphasizing a report format that is organized logically, is useful for consumers, and meets the needs of both lawyers and judges. He emphasizes that the forensic report include a well-described forensic purpose of the evaluation that is clearly and accurately stated as well as opinions that have been stated with adequate explanations based in data and/or logic.

Finally, Dr. Hynan offers a chapter of the Ethics, Guidelines, Risk Management, and Improving Practice in Child Custody Assessment. He cites the importance of considering the ethical principles of psychologists in the code of conduct (APA, 2002), the specialty guidelines for forensic psychology (APA, 2013), and the most specifically applicable APA document, the Aspirational Guidelines for Child Custody Evaluations and Family Law Proceedings (APA, 2010). He focuses on the importance of informed

consent among all parties. He cites the model standards of practice for child-custody evaluation (AFCC, 2006), which encourage evaluators to use references to peer-reviewed published materials in their evaluation reports.

In summary, Dr. Hynan's book on Child Custody Evaluation emphasizes new theoretical applications in research. He does a solid job of providing an in-depth analysis of especially important current research in a number of different areas of child-custody assessment. He covers different niche issues such as the methodology of interviewing children, parental alienation, and psychological assessment research in child-custody cases focusing on the Personality Assessment Inventory, the MMPI-2, and specific child-custody psychological protocols. This is a very practical book that is a good resource for a beginning forensic psychologist practicing in the child-custody family litigation field, or for a more seasoned expert witness who could utilize this empirically grounded resource as an excellent reference.