



## Ethical Standards in Custody Evaluations

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Providing services to the court as a child custody evaluator appeals to many psychologists. Although not every psychologist will be interested in providing custody evaluations, many will encounter patients and clients who are involved in the custody process. Understanding the guidelines and standards for court appointed custody evaluators will help those psychologists orient themselves and their clients within this environment.

Generally, custody evaluators are appointed by the court rather than engaged by either of the parties or their attorneys. Court-appointed evaluators are afforded quasi-judicial immunity, which is a significant protection against civil lawsuits, but not complaints with the Board of Psychology. Psychologists providing services as child custody evaluators must practice within the context established by the Ethics Code, adopted by the Board of Psychology as the standard of care for determining unprofessional conduct.

Although the current revision of the American Psychological Association Ethical Principles of Psychologists and Code of Conduct (2002) no longer has standards specific for forensic work, the Ethics Code does address the obligation of psychologists to maintain competence (2.03) and base work on the "established scientific and professional knowledge of the discipline" (2.04). Familiarity with the accepted guidelines and standards for child custody evaluators is a critical aspect of custody work.

The *California Rules of Court*<sup>1</sup> 5.220, 5.225, and 5.230, specify training requirements for custody evaluators. In addition to statewide Rules of Court, typically there are jurisdictional rules with which the custody evaluator must become familiar. The current training requirements are quite stringent. Prior to conducting a custody evaluation, the evaluator must have completed 40 hours of specialized training related to custody work as well as 12 hours of specialized training related to domestic violence. In addition, the evaluator must meet the annual continuing education requirements of four hours related to custody work and an additional four hours

related to domestic violence. These requirements are the minimum standards and underscore the importance as well as the substantial commitment of one's time and energy to engage in this work.

In addition to the Ethics Code, the American Psychological Association has published *Guidelines for Custody Evaluations in Divorce Proceedings*<sup>2</sup> and the *Specialty Guidelines for Forensic Psychologists*<sup>3</sup>. As psychological testing is typically utilized in custody evaluations, a psychologist providing a custody evaluation should also be familiar with the APA *Standards for Educational and Psychological Testing*<sup>4</sup>. Although all these guidelines are described as aspirational in intent, they have become a standard of practice in California. As noted above, the Ethics Code obligates psychologists to maintain competence and be familiar with established knowledge. The Board of Psychology in California expects our work to conform to these



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standards. All psychologists doing custody work must familiarize themselves with these guidelines.

The Association of Family and Conciliation Courts (AFCC), a professional organization for attorneys and mental health practitioners in family law, has published *Model Standards of Practice for Child Custody Evaluation*<sup>5</sup>. Although these are specifically applicable to AFCC members, they may be applied more generally to custody evaluators. In addition to the general obligation to maintain competence, the APA *Guidelines for Custody Evaluations* states that psychologists doing custody work must have special competencies and knowledge, avoiding taking on a custody evaluation after serving in a therapeutic role for a family member or after having any other involvement which may compromise one's objectivity, and do not give any opinions regarding the psychological functioning of any individual who has not been personally evaluated. Straying from these particular guidelines is a frequent rationale for a complaint being filed against a custody evaluator with the Board of Psychology.

It is worth noting that similar standards in the Ethics Code apply to psychologists providing other professional services. Psychologists working with children or parents involved in high conflict divorces are sometimes asked to offer an opinion to the court regarding custody. Although psychologists may have thoughts on these matters, the Ethics Code requires psychologists to base their opinions "on information and techniques sufficient to substantiate their findings" (9.01). As the standards above makes clear, the information and techniques required to offer opinions are complex. It would be unlikely that a treating psychologist would be able to gather sufficient data in an unbiased manner to offer the court an opinion consistent with the professional standards for doing so.

Conducting custody evaluations can be challenging, demanding, lucrative, but risky work for a psychologist. However the risks involved are significantly diminished by knowing the pertinent standards and guidelines and carefully conducting one's work consistent with these guidelines. □

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- 1 California Rules of Court, available at <http://www.courtinfo.ca.gov/rules/>
- 2 APA, February 1994. Available at <http://www.apa.org/practice/prof.html>
- 3 Division 41, APA, March 9, 1991. Available at <http://www.apls.org/links/professionalsgfp.html>
- 4 APA, 1999. Available at <http://www.apa.org/science/standards.html>
- 5 AFCC, 2006. Available at [http://www.afccnet.org/resources/standards\\_practice.asp](http://www.afccnet.org/resources/standards_practice.asp)

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