

# The Three Principles of Child Custody Recommendations

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**Principle 1 - Child Custody Evaluations:** There is no established validity for the conclusions and recommendations reached by child custody evaluations.

Child custody evaluations violate all of the professional standards of practice for the development of an assessment procedure.

- A. **Inter-Rater Reliability:** There is no established inter-rater reliability for the conclusions and recommendations of child custody evaluations. Two different evaluators can reach two entirely different sets of conclusions and recommendations based on the same data. If an assessment procedure is not reliable, then the assessment procedure cannot, by definition, be valid (the issue is not the collection of data, it is the interpretation of the data).
- B. **Validity:** There are no scientific studies that establish the construct validity, content validity, predictive validity, convergent validity, or discriminant validity of the conclusions and recommendations reached by child custody evaluations.
- C. **Operational Definitions:** There are no operational definitions for the key constructs of “parental capacity” and “best interests of the child.” Defining the key constructs to be assessed is foundational to the development of an assessment procedure. Without operational definitions for the key constructs of “parental capacity” and “best interests of the child,” individual child custody evaluators are free to arbitrarily apply, misapply, or not apply, any, some, or none of the established principles and constructs of professional psychology in any way the evaluator chooses in order to reach an arbitrary decision regarding child custody which is potentially biased by the evaluator’s own beliefs, prejudices, knowledge base, and personal family-of-origin history.

**Principle 2 – Custody Time-Share:** There is no scientific or theoretical foundation on which to base an opinion regarding the “best interests” of the child surrounding custody time-share decisions in any individual situation.

- A. **No Definition:** Without first defining the construct of “best interests of the child” there are no rational and standardized criteria to apply in determining the best interests of the child.
- B. **Complex Relationships:** Children benefit from complex relationships with both parents. The complexity of the parent-child relationship and the continual fluidity of personal, developmental, and family changes across time prevent any prediction regarding the long-term “best interests” of the child.
- C. **Standard Default Opinion:** In the absence of any scientifically or theoretically grounded foundation for deciding the “best interests of the child,” there is no basis

for forming or offering an opinion regarding alternative custody time-share options. Except in cases of child abuse (which would warrant a child protection response), the default recommendation from professional psychology in all cases regarding custody time-share should be for a shared 50-50% custody time-share between the parents. The parents may cooperatively decide on an alternative custody time-share schedule, and that is their right. However, the standard recommendation from professional psychology in all cases of child custody (except cases of child abuse that warrant a child protection response), should be for a 50-50% custody time-share between parents, based on the foundational premise that children benefit from a complex relationship with both parents.

**Principle 3 – Family Conflict:** Family conflict is a treatment-related issue, not a child custody issue.

- A. **Triangulation into the Inter-Spousal Conflict:** Mental health professionals should scrupulously avoid being triangulated into the inter-spousal conflict surrounding divorce when they accept the inappropriate professional role of determining which spouse is the “better parent” who should be awarded the “custody prize” of the child in the inter-spousal conflict surrounding divorce.
- B. **Family conflict:** Parent-child conflict and inter-spousal conflict are treatment-related issues, not child custody issues. If there is parent-child or family conflict surrounding a 50-50% child custody time-share schedule following divorce, then these family conflicts can be addressed and resolved in therapy. Modifications in the standard 50-50% child custody time-share should be based solely on child protection considerations (or through the mutual cooperative agreement of the parents).
- C. **Pathogenic Parenting:** Pathogenic parenting is the creation of significant pathology in the child through aberrant and distorted parenting practices (patho=pathology; genic=genesis, creation). Pathogenic parenting that is creating significant developmental and psychiatric pathology in the child may warrant the DSM-5 diagnosis of V995.51 Child Psychological Abuse and a child protection response. In all cases of child abuse (physical abuse, sexual abuse, and psychological abuse), the standard and appropriate mental health response is to protectively separate the child from the abusive parent, treat the impact of the abuse on the child and restore the child’s healthy development, and then to reintroduce the child to the formerly abusive parent with sufficient safeguards to ensure that the child is safe and that the abuse does not resume. During the protective separation period, the abusive parent is typically required to seek collateral individual therapy to gain insight into the cause of the prior abusive parenting practices.